

ANNUAL REPORT
FOR THE
TEXAS JUDICIARY



FISCAL YEAR 2011

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Published By

OFFICE OF COURT ADMINISTRATION
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OFFICE OF COURT ADMINISTRATION

A Message from the Administrative Director



Welcome to the Annual Report for the Texas Judiciary. Many of you have been contacting OCA to inquire about the apparent delay in this year's publication. Although the report was completed about three months later than what has been the usual in recent years, I am pleased to release the latest report. This year's report includes new information collected from the district, statutory county, and constitutional county courts of the state and reflects years of work by OCA staff and the considerable efforts of district and county clerks and judges, case management vendors, and local information technology staff to implement changes necessitated by new Texas Judicial Council reporting requirements. The Judicial Council hopes that you will find the new and significantly expanded information useful.

The most significant changes to the district and county-level court reporting are in the area of family, juvenile, and probate cases. In addition, information for statutory county courts (typically called county courts at law) has been separated from information for the constitutional county courts (typically called county courts) because the functions of and requirements for a statutory county court differ greatly from a constitutional county court.

In addition to the substantial changes in information collected from the district and county-level courts, the fiscal year ending August 31, 2011, included some significant changes for the Office of Court Administration in the aftermath of the 82nd Legislature, Regular and 1st Called Sessions. The Task Force on Indigent Defense became the Texas Indigent Defense Commission, but remained connected to OCA, which will continue the high-value collaboration for both agencies. OCA was given the responsibility to collect fees for the regulation of process servers, an important recognition of that program. OCA was also given the responsibility, formerly held by the Comptroller, to audit local collection improvement programs, along with a reaffirmation of the mandatory nature of that program. Furthermore, OCA was given several new responsibilities by the passage of H.B. 79 (1st C.S.), the court reorganization bill that has been endorsed by the Judicial Council for three legislative sessions. Overall, of the bills filed in response to Judicial Council resolutions, three-quarters achieved final passage.

Although OCA experienced large budget cuts in certain areas of the agency and significant, growing demands in all areas, we still had a very productive year. Details may be found in the annual report of the judicial agency, boards and commissions section of this report.

Our office is dedicated to providing resources and information for the efficient administration of the judicial branch of state government. Please contact us if there is anything we can do in furtherance of that mission. We also invite you to explore Texas Courts Online, <http://www.txcourts.gov>, for more information on the Texas judiciary.

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

Texas Courts: A Descriptive Summary

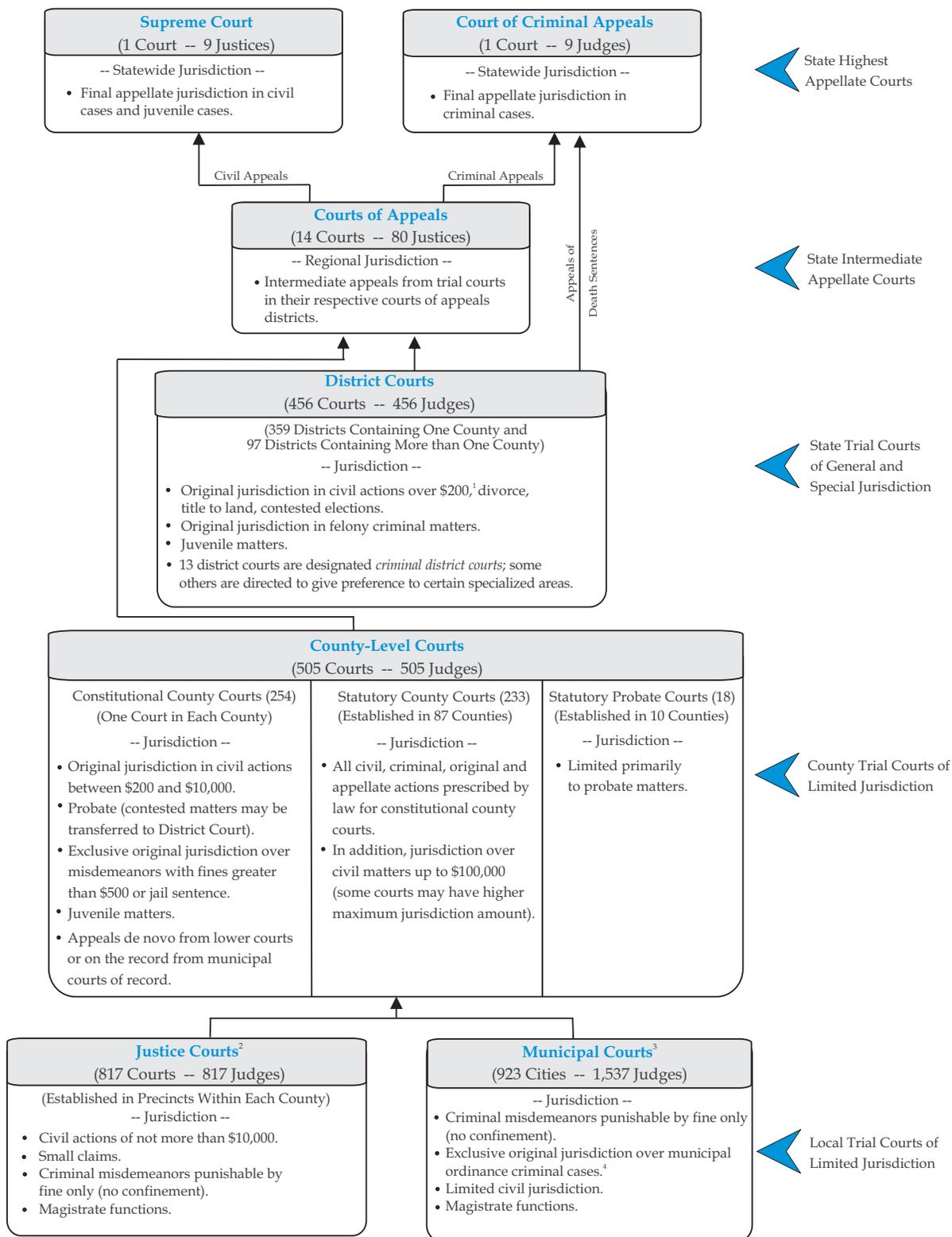


Photo courtesy of TexasCourthouses.com

Victoria County Courthouse - Victoria

COURT STRUCTURE OF TEXAS

SEPTEMBER 1, 2011



1. The dollar amount is currently unclear.

2. All justice 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.

3. Some municipal courts are courts of record -- appeals from those courts are taken on the record to the county-level courts.

4. An offense that arises under a municipal ordinance is punishable by a fine not to exceed: (1) \$2,000 for ordinances that govern fire safety, zoning, and public health or (2) \$500 for all others.

Introduction

As reflected on page 2, there were 3,415 elected (or appointed, in the case of most municipal judges) judicial positions in Texas as of September 1, 2011. In addition, there were more than 130 associate judges appointed to serve in district, county-level, child protection, and child support (Title IV-D) courts, as well as numerous magistrates, masters, referees and other officers supporting the judiciary. More than 300 retired and former judges were also eligible to serve for assignment.

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

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

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

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

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

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

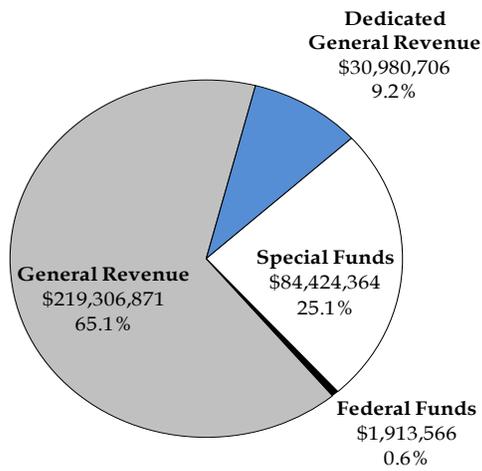
Funding of the Texas Judicial Branch

The State provides funding for salaries and operating costs of the Supreme Court, the Court of Criminal Appeals and the 14 intermediate appellate courts. The State funds a base salary for district judges and salary supplements for certain constitutional and statutory county court judges, as well as salaries, salary supplements, retirement and other payroll-related benefits for certain prosecutors. The State also pays for or supplements some other expenses of the judicial branch, including juror pay, basic civil legal services, indigent defense, and special prosecution units. Most counties supplement the base salary of judges of the intermediate appellate courts and district courts. Counties pay the operating costs of district courts, as well as the base salary of judges, full salaries of other staff, and operating costs for constitutional county courts, county courts at law, and justice courts. Cities finance all costs related to the operation of municipal courts, including judges’ salaries.

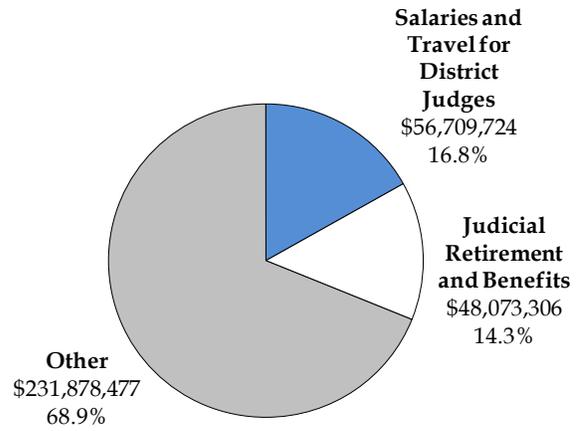
In FY 2011, original state appropriations for the Texas judicial system increased by 0.45 percent from the previous fiscal year and accounted for approximately 0.38 percent of all state appropriations (\$336,625,507 of the \$89,503,540,006 appropriated from all funds in FY 2011). In FY 2011, 65.1 percent of the financing for the judicial system came from General Revenue. Another 9.2 percent came from dedicated General Revenue funds, such as the Fair Defense Account, while the remaining 25.7 percent came from other funds, including federal funds, the Judicial Fund, and the Judicial and Court Personnel Training Fund. As the result of budgetary constraints, the judicial system saw a mid-year funding reduction of \$4.6 million, representing a decrease of 1.4 percent from the original FY 2011 appropriations.

In FY 2011, salaries for district judges and travel expenses for those district judges with jurisdiction in more than one county accounted for 16.4 percent of appropriations for the judicial system, and judicial retirement and benefits comprised another 11.7 percent.

State Judicial Branch Funding Sources FY 2011

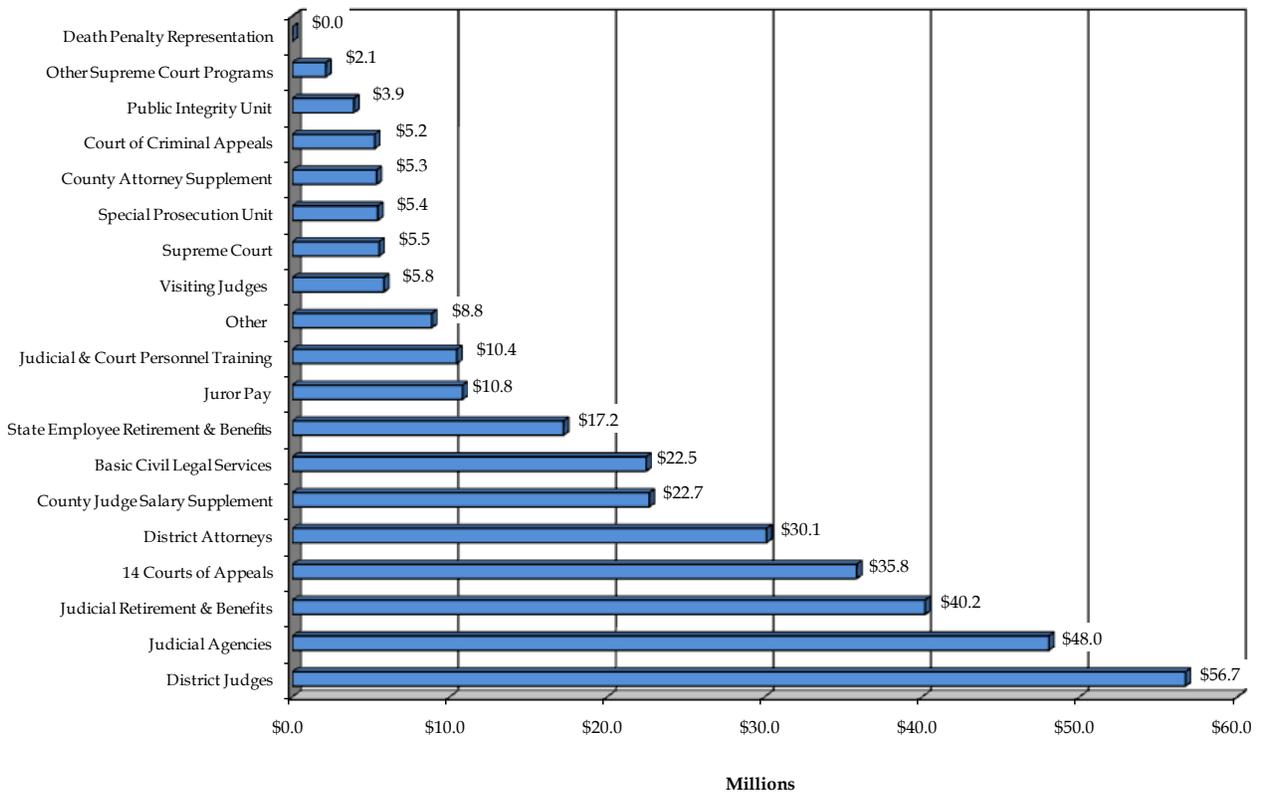


Judicial Compensation as Percentage of Total State Appropriations for the State Judicial Branch



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

State Judicial Branch Appropriations, FY 2011



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

Court Structure and Function

Appellate Courts

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

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

The Supreme Court

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

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

The Supreme Court’s caseload can be broken down into three broad categories: determining whether to grant review of the final judgment of a court of appeals (i.e., to grant or not grant a petition for review); disposition of regular causes³ (i.e., granted petitions for review, accepted petitions for writs of mandamus or habeas corpus, certified questions, accepted parental notification appeals, and direct appeals); and disposition of numerous motions related to petitions and regular causes.

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

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

In addition, the Court:

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

The Court of Criminal Appeals

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

The Court of Criminal Appeals is the highest state court for criminal appeals.⁸ Its caseload consists of both mandatory and discretionary matters. All cases that result in the death penalty are automatically directed to the Court of Criminal Appeals from the trial court level. A significant portion of the Court’s workload also involves the mandatory review of applications for post conviction habeas corpus relief in felony cases without a death penalty,⁹ over which the Court has sole authority. In addition, decisions made by the intermediate courts of appeals in criminal cases may be appealed to the Court of Criminal Appeals by petition for discretionary review, which may be filed by the State, the defendant, or both. However, the Court may also review a decision on its own motion.

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

The Courts of Appeals

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

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

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

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

Trial Courts

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

District Courts

District courts are the primary trial courts in Texas. The Constitution of the Republic provided for not less than three or more than eight district courts, each having a judge elected by a joint ballot of both houses of the Legislature for a term of four years. Most constitutions of the State continued the district courts but provided that the judges were to be elected by the qualified voters. (The exceptions were the Constitutions of 1845 and 1861 which provided for the appointment of judges by the Governor with confirmation by the Senate.) All constitutions have provided that the judges of these courts must be chosen from defined districts (as opposed to statewide election). In many locations, the geographical jurisdiction of two or more district courts is overlapping. As of September 1, 2011, there were 456 district courts in Texas.

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

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

The district courts also have jurisdiction in civil matters with a minimum monetary limit but no maximum limit. The amount of the lower limit is currently unclear. The courts of appeals have split opinions on whether the minimum amount in controversy must exceed \$200 or \$500.¹¹ In those counties having statutory county courts, the district courts generally have exclusive jurisdiction in civil cases where the amount in controversy is \$100,000 or more, and concurrent jurisdiction with the statutory county courts in cases where the amount in controversy exceeds \$500 but is less than \$100,000.

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

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

County-Level Courts

Constitutional County Courts

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

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

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

Statutory County Courts and Probate Courts

Under its constitutional authorization to "...establish such other courts as it may deem necessary...[and to] conform the jurisdiction of the district and other inferior courts thereto," the Legislature created the first statutory county court in 1907. As of September 1, 2011, 233 statutory county courts and 18 statutory probate courts were operating in 87 (primarily metropolitan) counties to relieve the county judge of some or all of the judicial duties of office. Statutory county courts include county courts at law, county civil courts at law, county criminal courts at law, county criminal courts, and county criminal courts of appeal.

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

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

Associate Judges

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

Judicial Officers Appointed under Government Code, Chapter 54

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

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

Associate Judges Appointed under Family Code, Chapter 201

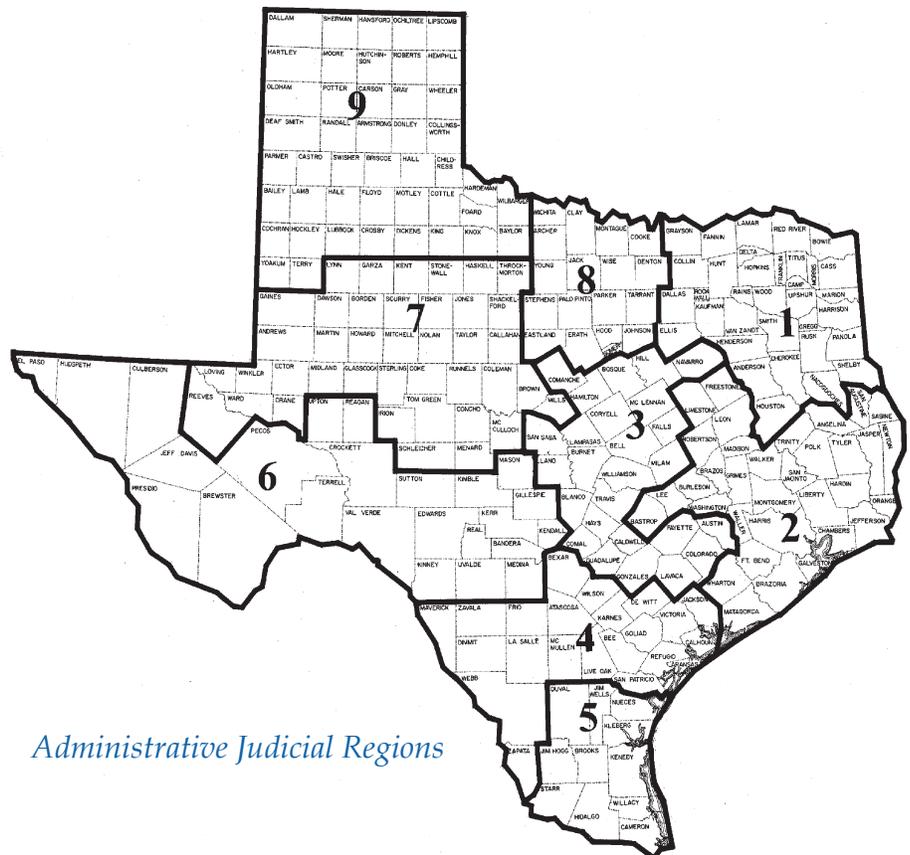
Like judicial officers appointed under Chapter 54 of the Government Code, district and county-level judges refer certain cases to associate judges appointed under Chapter 201 of the Family Code.

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

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

“Assigned” or “Visiting” Judges

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



Administrative Judicial Regions

Justice Courts

As amended in November 1983, the Texas Constitution provides that each county is to be divided, according to population, into at least one, and not more than eight, justice precincts, in each of which is to be elected one or more justices of the peace. As of September 1, 2011, 817 justice courts were in operation.

Justice courts have original jurisdiction in misdemeanor criminal cases where punishment upon conviction may be by fine only. These courts generally have exclusive jurisdiction of civil matters when the amount in controversy does not exceed \$200, and concurrent jurisdiction with the county courts when the amount in controversy exceeds \$200 but does not exceed \$10,000.¹² Justice courts also have jurisdiction over forcible entry and detainer cases and function as small claims courts. Trials in justice courts are not “of record.” Appeals from these courts are by trial *de novo* in the constitutional county court, the county court at law, or the district court.

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

Municipal Courts

Under its constitutional authority to create “such other courts as may be provided by law,” the Legislature has created municipal courts in each incorporated municipality in the State. In lieu of a municipal court created by the Legislature, municipalities may choose to establish municipal courts of record. As of September 1, 2011, municipal courts were operating in 923 cities.

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

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

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

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

Judicial Administration

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

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

The chief justice of the Supreme Court, presiding judge of the Court of Criminal Appeals, chief justices of each of the 14 courts of appeals, and judges of each of the trial courts are generally responsible for the administration of their respective courts. Furthermore, there is a local administrative district judge in each county, as well as a local administrative statutory county court judge in each county that has a statutory county court. In counties with two or more district courts, a local administrative district judge is elected by the district judges in the county for a term not to exceed two years.¹⁴ Similarly, in counties with two or more

statutory county courts, a local administrative statutory county court judge is elected by the statutory county court judges for a term not to exceed two years. The local administrative judge is charged with implementing the local rules of administration, supervising the expeditious movement of court caseloads, and other administrative duties.¹⁵

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

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

Court Reorganization Bill

In June 2011, the 82nd Legislature passed a “court reorganization” bill (H.B. 79, 82nd Legislature, 1st Called Session). The bill amended provisions of the Government Code, Property Code, Local Government Code, Civil Practice and Remedies Code, Code of Criminal Procedure, Penal Code, and Family Code relating to the operation and administration of the courts in the judicial branch of state government and the practice and procedures in those courts. In terms of court structure and function, the bill:

- Set the minimum jurisdictional amount of district courts at \$500;
- Raised the upper jurisdictional limit of statutory county courts to \$200,000, but preserved those with higher jurisdiction;
- Generated uniform provisions related to all statutory county courts and repealed many provisions specific to statutory county courts in certain counties;
- Created general provisions for the appointment, qualification, compensation, termination and powers of associate judges while repealing many individual statutes creating masters, referees and magistrates;
- Discontinued small claims courts as a separate docket for justices of the peace; directed justices of the peace to transfer all cases pending in the small claims court to the justice court; and called for justice courts to conduct justice court proceedings in small claims mode in accordance with new rules of civil procedure promulgated by the Supreme Court.

Most changes go into effect January 1, 2012. The provisions relating to small claims cases are effective May 1, 2013.

Notes

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

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

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

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

5. The Supreme Court has a rider in its appropriation pattern in the General Appropriations Act (H.B. 1, 82nd Leg., R.S., Art. IV, page IV-2, Rider 3) that states, “It is the intent of the Legislature that the Supreme Court use funds appropriated above to equalize the dockets of the 14 Courts of Appeals. For the purposes of this rider equalization shall be considered achieved if the new cases filed each year per justice are equalized by 10 percent or less among all the courts of appeals. Multi-district litigation cases are exempted from this provision.” Although the rider requiring the transfer of cases first appeared in fiscal year 2000 in the General Appropriations Act (H.B. 1, 76th Leg., R.S., Art. IV, page IV-1, Rider 3), the Supreme Court has transferred cases between the courts of appeals since 1895 (24th Leg., R.S., Ch. 53, 1895 Tex. Gen. Laws 79).

6. In 1997, the 75th Legislature enacted Chapter 51, Texas Government Code, Subchapter J, requiring the Supreme Court to administer funds for provision of basic civil legal services to the indigent. (In 1999, this was re-lettered as Subchapter L.)

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

8. A constitutional amendment adopted in 1980 provides that “The Court of Criminal Appeals shall have final appellate jurisdiction coextensive with the

limits of the State, and its determination shall be final, in all criminal cases of whatever grade, with such exceptions and under such regulations as may be provided in this Constitution or as prescribed by law.”

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

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

11. See *Arteaga v. Jackson*, 994 S.W.2d 342, 342 (Tex. App. - Texarkana 1999, pet. denied), *Arnold v. West Bend Co.*, 983 S.W.2d365, 366 n.1 (Tex. App. - Houston [1st Dist.] 1998, no pet.) and *Chapa v. Spivey*, 999 S.W.2d 833, 835-836 (Tex. App. - Tyler 1999, no pet.).

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

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

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

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



Photo courtesy of TexasCourthouses.com

McCulloch County Courthouse - Brady

Information About Texas Judges

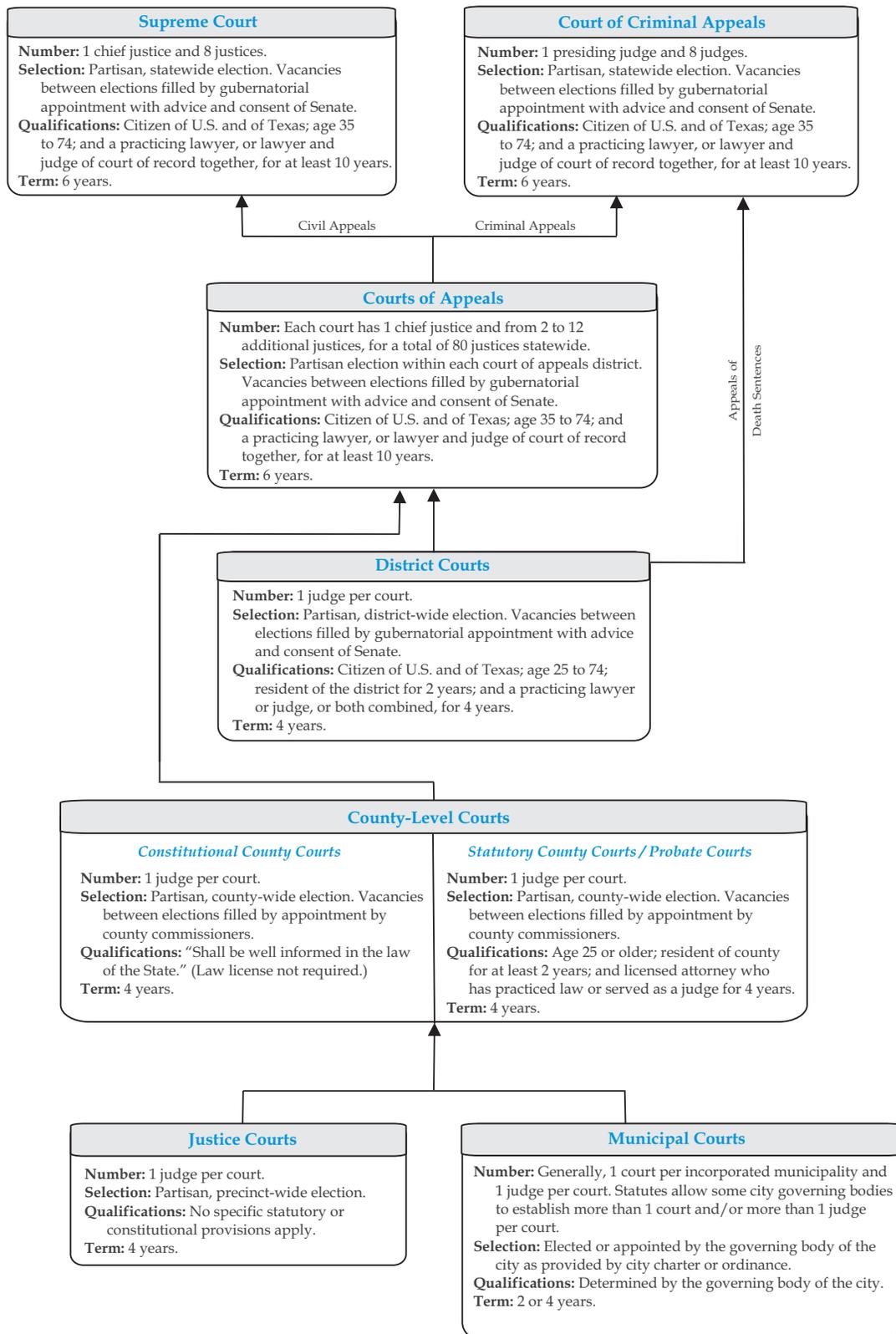
For the Fiscal Year
Ended August 31, 2011



Photo courtesy of TexasCourthouses.com

Parker County Courthouse - Weatherford

Judicial Qualifications and Selection in the State of Texas



Profile of Appellate and Trial Judges*

As of September 1, 2011

	Supreme Court	Court of Criminal Appeals	Court of Appeals	District Courts	Criminal District Courts	County Courts at Law	Probate Courts	County Courts	Justice Courts	Municipal Courts
NUMBER OF JUDGES:										
Number of Judge Positions	9	9	80	443	13	234	18	254	817	1,539
Number of Judges	9	9	80	442	13	234	18	254	817	1,532
Number of Vacant Positions	0	0	0	1	0	0	0	0	2	7
Number of Municipalities w/ Courts	--	--	--	--	--	--	--	--	--	924
Cities with No Courts	--	--	--	--	--	--	--	--	--	255
AGE OF JUDGES:										
	(n = 9)	(n = 9)	(n = 77)	(n = 436)	(n = 12)	(n = 183)	(n = 15)	(n = 186)	(n = 584)	(n = 1,239)
Mean	56	58	57	55	54	62	54	59	58	62
Oldest	67	69	74	75	67	87	67	83	88	93
Youngest	45	47	39	35	40	36	40	34	28	30
RANGE OF AGE:										
Under 25	0	0	0	0	0	0	0	0	0	0
25 through 34	0	0	0	0	0	0	0	1	6	17
35 through 44	0	0	5	54	1	24	2	13	34	134
45 through 54	6	1	14	131	3	75	0	33	125	292
55 through 64	2	4	46	199	7	59	11	81	251	428
65 through 74	1	4	12	51	1	21	2	51	133	267
Over 75	0	0	0	1	0	4	0	7	35	101
GENDER OF JUDGES:										
	(n = 9)	(n = 9)	(n = 80)	(n = 442)	(n = 13)	(n = 234)	(n = 18)	(n = 254)	(n = 815)	(n = 1,529)
Males	7	4	46	317	10	163	12	227	527	993
Females	2	5	34	125	3	71	6	27	288	536
ETHNICITY OF JUDGES:										
	(n = 9)	(n = 9)	(n = 75)	(n = 377)	(n = 11)	(n = 182)	(n = 14)	(n = 196)	(n = 550)	(n = 1,135)
African-American	2	0	1	18	3	7	0	2	19	61
American Indian or Alaska Native	0	0	0	1	0	0	0	0	0	12
Asian or Pacific Islander	0	0	1	2	0	0	0	0	0	9
Hispanic/Latino	2	1	7	60	0	41	2	13	107	173
White (Non-Hispanic)	5	8	66	293	8	133	12	181	424	871
Other	0	0	0	3	0	1	0	0	0	9
LENGTH OF SERVICE:										
	(n = 9)	(n = 9)	(n = 80)	(n = 442)	(n = 13)	(n = 234)	(n = 18)	(n = 253)	(n = 815)	(n = 1,493)
Average	7 Yr 11 Mo	11 Yr 5 Mo	7 Yr 2 Mo	8 Yr 0 Mo	7 Yr 11 Mo	8 Yr 11 Mo	10 Yr 6 Mo	6 Yr 3 Mo	9 Yr 8 Mo	8 Yr 2 Mo
Longest	22 Yr 9 Mo	18 Yr 9 Mo	19 Yr 9 Mo	30 Yr 9 Mo	21 Yr 5 Mo	35 Yr 6 Mo	30 Yr 1 Mo	32 Yr 9 Mo	48 Yr 6 Mo	46 Yr 11 Mo
RANGE OF SERVICE ON THIS COURT IN YEARS:										
Under 1 Year	0	1	9	54	1	50	7	68	130	92
1 through 4	2	0	21	131	7	50	2	74	194	475
5 through 9	5	0	20	83	2	48	1	46	163	397
10 through 14	1	6	18	78	0	39	1	25	140	233
15 through 19	0	2	12	55	1	21	3	22	96	146
20 through 24	1	0	0	27	2	20	2	15	56	63
25 through 29	0	0	0	11	0	4	1	1	22	47
30 through 34	0	0	0	3	0	1	1	1	9	23
35 through 39	0	0	0	0	0	1	0	0	4	11
Over 40	0	0	0	0	0	0	0	0	1	3
FIRST ASSUMED OFFICE BY:										
	(n = 9)	(n = 9)	(n = 80)	(n = 442)	(n = 13)	(n = 234)	(n = 18)	(n = 249)	(n = 815)	(n = 1,523)
Appointment	6 (67%)	2 (22%)	44 (55%)	167 (38%)	4 (31%)	55 (24%)	5 (28%)	35 (14%)	202 (25%)	1,508 (99%)
Election	3 (33%)	7 (78%)	36 (45%)	275 (62%)	9 (69%)	179 (76%)	13 (72%)	214 (86%)	613 (75%)	15 (1%)
EDUCATION:										
HIGH SCHOOL:										
Attended	0	0	1	2	0	1	0	6	30 (5%)	19 (1%)
Graduated	7 (78%)	9 (100%)	66 (83%)	369 (84%)	11 (85%)	158 (77%)	14 (82%)	184 (94%)	545 (93%)	1,216 (89%)
COLLEGE:										
Attended	0 (0%)	0 (0%)	1 (1%)	5 (1%)	0 (0%)	4 (2%)	1 (6%)	33 (17%)	139 (24%)	146 (11%)
Graduated	9 (100%)	9 (100%)	70 (88%)	367 (84%)	11 (85%)	164 (80%)	15 (88%)	127 (65%)	190 (32%)	857 (63%)
LAW SCHOOL:										
Attended	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (0%)	0 (0%)	1 (1%)	2 (0%)	0 (0%)
Graduated	9 (100%)	9 (100%)	80 (100%)	437 (100%)	13 (100%)	205 (100%)	17 (100%)	28 (14%)	60 (10%)	802 (59%)
LICENSED TO PRACTICE LAW:										
Number Licensed	9 (100%)	9 (100%)	80 (100%)	442 (100%)	13 (100%)	234 (100%)	18 (100%)	27 (11%)	59 (7%)	816 (53%)
Mean Year Licensed	1984	1977	1981	1983	1981	1985	1982	1983	1984	1984
YEARS LICENSED:										
4 Years or Less	0	0	0	0	0	0	0	0	2	4
5 to 9 Years	0	0	0	4	0	6	1	0	3	44
10 to 14 Years	0	0	2	30	0	25	2	4	5	76
15 to 19 Years	1	0	6	57	1	27	1	5	10	143
20 to 24 Years	4	1	13	75	2	54	0	2	7	117
25 to 29 Years	1	2	16	83	3	56	4	5	8	115
30 or More Years	3	6	43	193	7	66	10	33	42	366
ORIGINALLY CAME TO THIS COURT FROM:										
Attorney Private Practice	1 (11%)	2 (22%)	21 (26%)	--	--	--	--	--	--	--
Judge of Lower Court	6 (67%)	3 (33%)	14 (18%)	--	--	--	--	--	--	--
Legislative Service	0 (0%)	0 (0%)	0 (0%)	--	--	--	--	--	--	--
Other Governmental Service	2 (22%)	4 (44%)	3 (4%)	--	--	--	--	--	--	--
PREVIOUS EXPERIENCE:										
Prosecutor	1 (11%)	5 (56%)	13 (16%)	153 (35%)	4 (31%)	88 (38%)	4 (22%)	7 (3%)	--	--
Attorney Private Practice	9 (100%)	8 (89%)	46 (58%)	271 (61%)	11 (85%)	119 (51%)	15 (83%)	23 (9%)	--	--
Judge of Lower Court	7 (78%)	1 (11%)	18 (23%)	51 (12%)	2 (15%)	27 (12%)	3 (17%)	10 (4%)	--	--
County Commissioner	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	13 (5%)	--	--

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

Newly Elected State Judges

Elected November 2010

(Assumed Office January 1, 2011)

JUDGE	COURT	REPLACING	REASON
Melissa Goodwin	3rd Court of Appeals	Jan Patterson	Did not seek re-election
Martha Hill Jamison	14th Court of Appeals	Kent C. Sullivan	Did not seek re-election
Sharon McCally	14th Court of Appeals	Leslie Brock Yates	Defeated for re-election
Greg Perkes	13th Court of Appeals	Linda Yanez	Defeated for re-election
Al Scoggins	10th Court of Appeals	Felipe Reyna	Defeated for re-election
Denise Bradley	262nd District Court	Mike Anderson	Did not seek re-election
Lynn Bradshaw-Hull	280th District Court	Tony D. Lindsay	Did not seek re-election
Clifford A. Brown	147th District Court	Wilford Flowers	Did not seek re-election
Steve Burgess	158th District Court	Jake Collier	Defeated for re-election
Bob J. Carroll	40th District Court	Gene Knize	Did not seek re-election
Robb Catalano	Tarrant Crim. D.C. No. 3	Elizabeth Berry	Did not seek re-election
Amy Clark-Meachum	201st District Court	Suzanne Covington	Did not seek re-election
David Fischer Crain	331st District Court	Bob Perkins	Did not seek re-election
Glenn Devlin	313th District Court	Patrick Shelton	Did not seek re-election
John Donovan	113th District Court	Patricia Hancock	Did not seek re-election
David D. Farr	312th District Court	Arthur R. Hinojosa	Defeated for re-election
Ana Lisa Garza	229th District Court	Alex Gabert	Did not seek re-election
Teresa Hawthorne	203rd District Court	Jennifer Balido	Defeated for re-election
Angelica Hernandez	105th District Court	J. Manuel Banales	Defeated for re-election
Terri Holder	149th District Court	Robert E. May	Did not seek re-election
Marcos Lizarraga	168th District Court	Chris Antcliff	Defeated for re-election
Bobby Lockhart	102nd District Court	John F. Miller, Jr.	Did not seek re-election
James Lombardino	308th District Court	Georgia Dempster	Did not seek re-election
James Martin	254th District Court	David Hanschen	Defeated for re-election
John (Trey) McClendon	137th District Court	Cecil Puryear	Defeated for re-election
Angus K. McGinty	144th District Court	Catherine Torres-Stahl	Defeated for re-election
Roy L. Moore	245th District Court	Annette Kuntz	Did not seek re-election
Mark Morefield	75th District Court	C.T. Hight	Defeated for re-election
Martin B. Muncy	109th District Court	James L. Rex	Did not seek re-election
Monica Zapata Notzon	111th District Court	Raul Vasquez	Did not seek re-election
Tonya Parker	116th District Court	Bruce Priddy	Did not seek re-election
Andrea Plumlee	330th District Court	Marilea Lewis	Defeated for re-election
Denise Pratt	311th District Court	Doug Warne	Did not seek re-election
Richard Price	285th District Court	Michael Peden	Did not seek re-election
Phil Robertson	220th District Court	James Edward Morgan	Did not seek re-election
Robert M. Rolston	276th District Court	Bill R. Porter	Did not seek re-election
Karen Sage	299th District Court	Charlie Baird	Did not seek re-election
Jeff A. Shadwick	55th District Court	Dion Ramos	Defeated for re-election
Melisa Skinner	290th District Court	Sharon MacRae	Did not seek re-election
Jeff Steinhauser	155th District Court	Daniel R. Beck	Did not seek re-election
Cathy Stryker	224th District Court	Gloria Saldana	Defeated for re-election
Tim Sulak	353rd District Court	Jeff L. Rose	Defeated for re-election
Dale B. Tillery	134th District Court	James M. Stanton	Defeated for re-election
Steve Tittle	196th District Court	Joe M. Leonard	Defeated for re-election

Newly Elected State Judges (continued)

<i>JUDGE</i>	<i>COURT</i>	<i>REPLACING</i>	<i>REASON</i>
Philip Vanderpool	223rd District Court	Leland Waters	Did not seek re-election
Guy Williams	148th District Court	Marisela Saldana	Defeated for re-election
Tim Womack	307th District Court	Karen Sage	Did not seek re-election
Timothy Yeats	118th District Court	Robert H. Moore III	Did not seek re-election

State Judges Appointed

September 1, 2010 to August 31, 2011

<i>JUDGE</i>	<i>COURT</i>	<i>REPLACING</i>	<i>REASON</i>
Elsa Alcala	Court of Criminal Appeals	Charles Holcomb	Mandatory retirement age
Harvey Brown	1st Court of Appeals	George C. Hanks, Jr.	Resigned
Rebeca A. Huddle	1st Court of Appeals	Elsa Alcala	Appointed to Court of Criminal Appeals
Daniel Kalenak	11th Court of Appeals	Rick Strange	Resigned
Jeff L. Rose	3rd Court of Appeals	Alan Waldrop	Resigned
Courtney Arkeen	128th District Court	Patrick A. Clark	Resigned
Jonathan Mark Bailey	431st District Court	-----	Newly created court
Scott J. Becker	219th District Court	Curt Henderson	Retired
Sheri Y. Dean	309th District Court	Frank Rynd	Resigned
Joe F. Grubbs	378th District Court	Al Scoggins	Elected to 10th COA
Bill D. Hicks	243rd District Court	David C. Guaderrama	Resigned
Trey E. Loftin	43rd District Court	Don Chrestman	Resigned
Victor Negron, Jr.	438th District Court	-----	Newly created court
David Rakow	439th District Court	-----	Newly created court
James M. Rush	244th District Court	Stacy Trotter	Resigned
Steven Ray Thomas	356th District Court	Britton Plunk	Deceased
R.H. Wallace, Jr.	96th District Court	Jeff Walker	Retired
Ken Wise	334th District Court	Sharon McCally	Elected to 14th COA
Kerry D. Woodson	76th District Court	Jimmy L. White	Deceased
John W. Youngblood	20th District Court	Edward Magre	Retired

Salaries and Turnover of Elected State Judges

For the Fiscal Year
Ended August 31, 2011



Photo courtesy of TexasCourthouses.com

Lynn County Courthouse - Tahoka

Salaries of Elected State Judges

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

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

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

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

In June 2009, the 81st Legislature amended the statutes relating to longevity pay (S.B. 497, 81st Legislature, Regular Session). Effective September 1, 2009, judges became entitled to monthly longevity pay equal to 3.1 percent of their current monthly state salary, rather than \$20 a month, for each year of service credited in the retirement system after completing 16 years of service. In addition, the counties' commissioners courts were authorized to provide longevity pay calculated in accordance with these criteria to any active state judge who had previously served as a statutory county court judge in the county and would be entitled to longevity pay if the service credit the judge or justice earned as a statutory county court judge was established in the applicable retirement system.

Furthermore, this legislation clarified that longevity pay is not included as part of the judge's or justice's combined salary from state and county sources for purpose of the salary limitations provided by Section 659.012.

Judicial Salaries Compared with Salaries of Private Practitioners

In 2009, the State Bar of Texas conducted a survey of the salaries received by full-time attorneys in the state during the previous year.² Results of the survey showed the average income of private practitioners to be \$166,381, and the median income was \$120,324.

Salaries of State Judges in the Six Most Populous States

According to data obtained from the National Center for State Courts, the state salaries of state judges in Texas lagged behind the salaries of judges at corresponding levels in the five states closest to Texas in population. (See chart on next page.)

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

2. State Bar of Texas, *Private Practitioner 2009 Income Fact Sheet* (Austin: Department of Research and Analysis, State Bar of Texas).

Salary Summary for Elected State Judges as of September 1, 2011

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

Notes:

- Entitled to monthly longevity pay of 3.1 percent of current monthly state salary for each year of service credited in the retirement system after completing 16 years of service.
- Additional compensation provided by counties in judicial and appellate districts for extra judicial service performed by judges and justices. Government Code Secs. 31.001 and 32.001.
- The state salary of a district judge whose county supplement exceeds \$15,000, or appellate justice whose county supplement exceeds \$7,500, will be reduced by the amount of the excess so that the maximum salary the judge or justice receives from state and county sources is \$140,000 (district judge), \$145,000 (appellate justice), or \$147,500 (appellate chief justice). Government Code Secs. 659.012, 31.001 and 32.001.
- Presiding judges' salary set by Texas Judicial Council. Government Code Sec. 74.051(b). Paid by counties in administrative judicial region on a pro rata basis based on population.
- Presiding judges' salary based on number of courts and judges in region. Government Code Sec. 74.051(c). Paid by counties in administrative judicial region on a pro rata basis based on population.
- Government Code Sec. 659.012(d).
- Government Code Sec. 659.0125.

Salaries of State Judges in the Six Most Populous States as of July 1, 2011¹ Listed in Population Order

Judge	California	Texas	New York	Florida	Illinois	Pennsylvania
Chief Justice – Court of Last Resort	\$228,856	\$152,500	\$156,000	\$157,976	\$209,344	\$195,138
Associate Justice – Court of Last Resort	\$218,237	\$150,000	\$151,200	\$157,976	\$209,344	\$189,620
Chief – Intermediate Court of Appeals	\$204,599	\$140,000 ² \$147,190 ³	\$148,000	\$150,077	\$197,032	\$184,432
Justice – Intermediate Court of Appeals	\$204,599	\$137,500 ² \$144,817 ³	\$144,000	\$150,077	\$197,032	\$178,914
Judge – General Jurisdiction Trial Courts	\$178,789	\$125,000 ² \$138,427 ³	\$136,700	\$142,178	\$180,802	\$164,602

Notes:

- Source: Knowledge and Information Services Division, National Center for State Courts, survey of judicial salaries as of July 1, 2011. The National Center for State Courts attempts to use actual salaries whenever possible. Thus, the data for each state will include local supplements whenever relevant and feasible.
- Basic state salary. Does not include supplements paid by counties.
- Average salary statewide, including supplements paid by counties as of October 1, 2011.

Turnover of Elected State Judges

Extent of Turnover in the Judiciary

In FY 2011, 554 judges served in the state’s appellate and district courts.¹ During this period, 64 judges left their current positions, representing a turnover rate of 11.6 percent. However, two of these judges were appointed to a higher-level state court position, making the turnover rate for judges leaving the state judiciary 11.2 percent. Of the 62 judges leaving the state judiciary, 22 (35.5 percent) left involuntarily due to defeat for re-election, death or reaching mandatory retirement age.

As a result, the voluntary turnover rate was **7.2 percent** (40 judges, all of whom resigned or did not run for re-election).

Turnover of State Appellate and District Judges September 1, 2010 through August 31, 2011		
	Number of Judges	Percentage of All Judges
Total Number of Appellate and District Judge Positions	554	100.0%
Judges Leaving Current Office	64	11.6%
Judges Leaving State Judiciary	62	11.2%
Judges Leaving State Judiciary Voluntarily	40	7.2%

Manner in Which State Appellate and District Judges Left Office September 1, 2010 through August 31, 2011			
	Number	Percentage of All Judges Leaving Office	Percentage of All Judges
Did not seek re-election	29	45.3%	5.2%
Defeated in election	19	29.7%	3.4%
Resigned	11	17.2%	2.0%
Appointed/elected to higher state court	2	3.1%	0.4%
Deceased	2	3.1%	0.4%
Reached mandatory retirement age	1	1.6%	0.2%
Removed from office	0	0.0%	0.0%
Total	64	100.0%*	11.6%

* Does not total to 100.0% due to rounding.

Reasons for Voluntary Turnover

Twenty-one of the 40 judges who voluntarily left the state judiciary in FY 2011 responded to OCA’s judicial turnover survey. Respondents were asked to indicate which factor(s) influenced their decision to leave the state judiciary. Forty-three percent of respondents indicated that retirement was a significant contributor to their departures, 24 percent indicated that the judicial election process was a factor, 19 percent selected working conditions, and 14 percent named salary.

The survey also allowed respondents to note other factors that contributed to their decision. In FY 2011, respondents identified the following additional factors that influenced their decisions: “incredible caseload in family law courts of Harris County”; “meddlesome commissioners and county bureaucrats”; and “[I can] make more money by retiring.”

1. One judge served on each of the state’s 456 district courts, and a total of 98 judges served on the state’s 16 appellate courts during FY 2011.

Factors Influencing Respondents' Decision to Leave the State Judiciary September 1, 2010 through August 31, 2011					
	"To a Very Great Extent"	"To Some Extent"	"To a Small Extent"	"Not at All"	No Answer
Retirement	9 (43%)	3 (14%)	3 (14%)	6 (29%)	0 (0%)
Judicial Election Process	5 (24%)	7 (33%)	2 (10%)	7 (33%)	0 (0%)
Working Conditions/Environment	4 (19%)	5 (24%)	3 (14%)	9 (43%)	0 (0%)
Salary	3 (14%)	6 (29%)	4 (19%)	8 (38%)	0 (0%)
Personal	1 (5%)	7 (33%)	0 (0%)	13 (62%)	0 (0%)
Benefits	0 (0%)	6 (29%)	2 (10%)	13 (62%)	0 (0%)
Self-employment	0 (0%)	2 (10%)	2 (10%)	17 (81%)	0 (0%)
Advancement Opportunities	0 (0%)	1 (5%)	1 (5%)	19 (91%)	0 (0%)

Judges were asked if certain factors would compel them to continue service as a state judge. Nearly half of respondents indicated that a change in the judicial election process would be a factor, 43 percent indicated that a change in salary would be compelling, and 30 percent indicated that a change in retirement benefits or policies would affect their decisions.

Factors That Would Compel Judges to Continue Service as State Judge September 1, 2010 through August 31, 2011			
	Yes	No	No Answer
Change in Judicial Election Process	10 (48%)	11 (52%)	0 (0%)
Change in Salary	9 (43%)	12 (57%)	0 (0%)
Change in Retirement Benefits/Policies	6 (29%)	12 (57%)	3 (14%)

Next Steps for Judges after Resigning or Completing Their Terms

Of the 40 judges who voluntarily left office in FY 2011, more than a third retired but continued to work as a visiting judge. Approximately 18 percent obtained another position with better compensation, and another 18 percent retired but continued to work in the private sector and serve as a visiting judge.

Turnover of State Appellate and District Judges September 1, 2010 through August 31, 2011		
	Number of Judges	Percentage of Judges Leaving Voluntarily
Retire but continue to work as a visiting judge	14	35.0%
Obtain another position with higher salary and/or better benefits	7	17.5%
Retire but continue to work in the private sector and as a visiting judge	7	17.5%
Retire and not continue to work	3	7.5%
Retire but continue to work in the private sector	3	7.5%
Retire but continue to work in state or local government	2	5.0%
Unknown	2	5.0%
Obtain another position with comparable salary and/or benefits	1	2.5%
Other	1	2.5%

Activity of the Texas Courts



Photo courtesy of TexasCourthouses.com

Lavaca County Courthouse - Hallettsville

Cautionary Statement

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

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

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

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

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

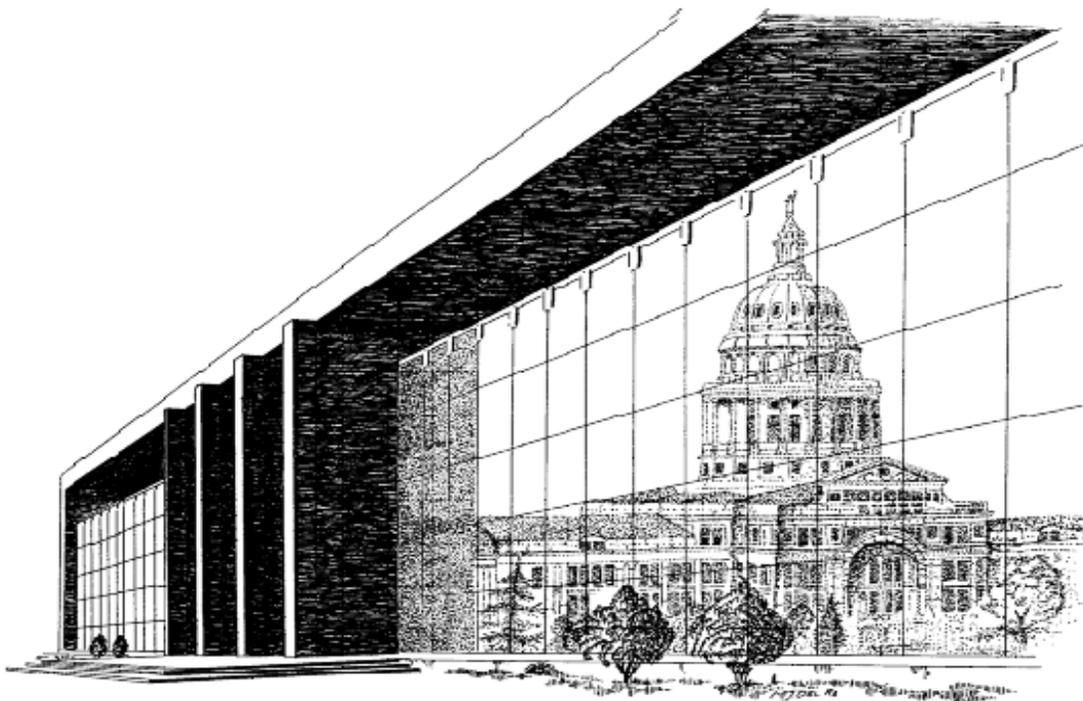
The court activity in this report contains the reported activity from: 1) all appellate courts as reported by the appellate clerks; 2) district and county-level courts as reported by the district and county clerks; and 3) justice and municipal courts as reported by these courts. **However, it should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

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

The latest trial court data are available from OCA's website at <http://card.txcourts.gov/>.

Caseload Trends in the Appellate Courts

Analysis of Activity for the Fiscal Year
Ended August 31, 2011

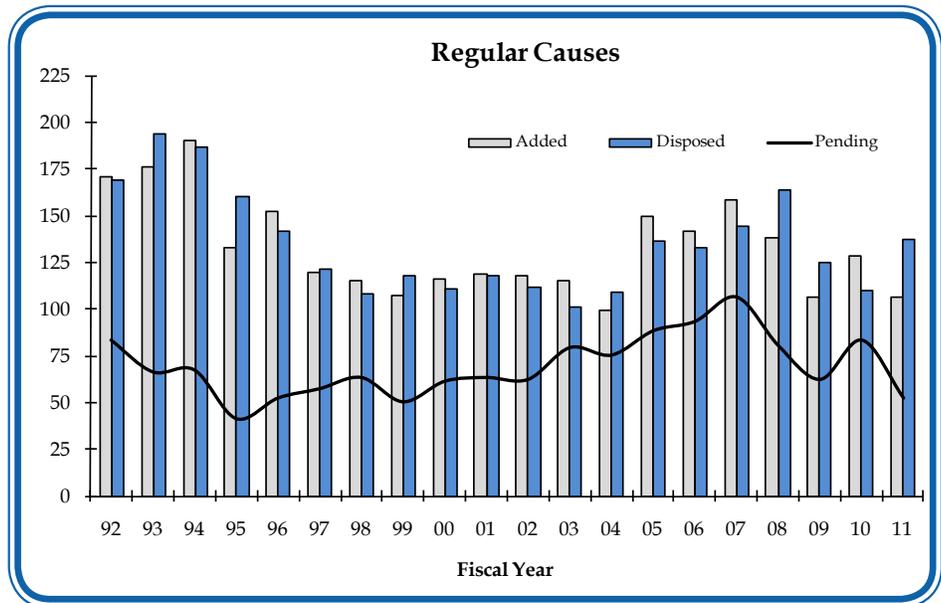


Reflection of State Capitol on Supreme Court Building

The Supreme Court

Regular Causes¹ - The 106 regular causes added to the court's docket in 2011 was 17.2 percent lower than the number added the year before (128 causes) and below the 10-year average of 126 causes added per year.

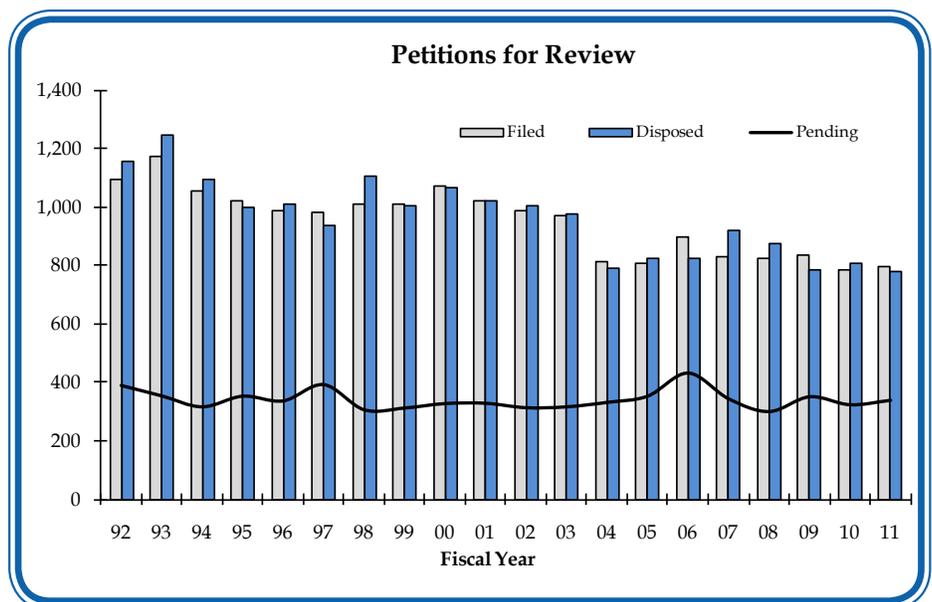
The court disposed of 137 causes in 2011, which was nearly 25 percent more than the number disposed of in the previous year. Because of the decrease in causes added and the increase in dispositions, the clearance rate rose to 129.2 percent. The number of causes pending at the end of the year decreased to 52.



In 2011, the Supreme Court reversed the decision of the intermediate appellate court in approximately 62 percent of cases in which it granted a petition for review. It affirmed a decision in 12 percent of cases.

Petitions for Review² - In 2011, 793 petitions for review were filed in the Supreme Court—an increase of 1.3 percent from the previous year and below the five-year average of 813 petitions filed per year.

Slightly more than half (50.6 percent) of the petitions for review filed during 2011 came from the five most populous counties – Harris, Dallas, Tarrant, Bexar and Travis. Harris County alone accounted for 21.2 percent of petitions filed. More than one-quarter (26.5 percent) of petitions for review were filed from the First and Fourteenth Courts of Appeals in Houston.



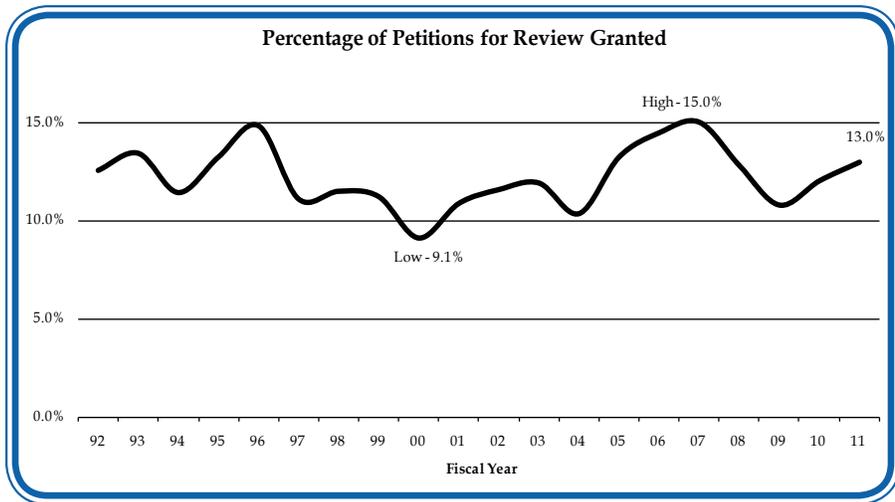
The Supreme Court disposed

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

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

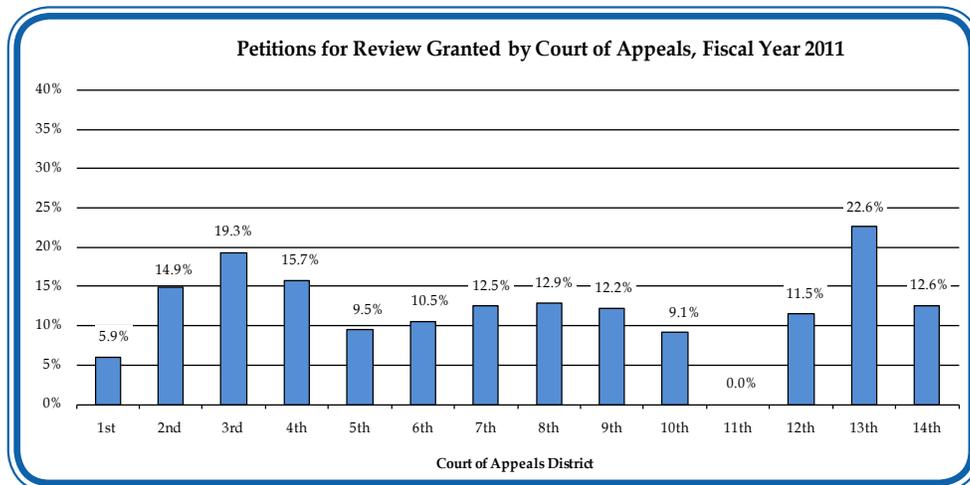
of 778 petitions for review in 2011, a decrease of 3.5 percent from the previous year (806 petitions). Since petition filings exceeded the number of petitions disposed, the clearance rate fell to 98.1 percent and the number of petitions pending at the end of the fiscal year increased 4.6 percent to 339.

Initial review was granted in 13.0 percent of the petitions for review disposed of in 2011. Initial review was granted most frequently (22.6 percent) in petitions filed from the Thirteenth Court of Appeals (Corpus Christi/Edinburg) and least frequently (0 percent) in petitions filed from the Eleventh Court of Appeals (Eastland).



Case Processing Times - The time from filing to disposition for all cases disposed of in 2011 averaged 175 days. The average time that an active case had been pending decreased from 180 to 168 days; the average time from date of oral argument to disposition increased from 297 to 346 days; and the average time from granting of a petition to oral argument decreased from 102 to 88 days.

Opinions Written - The justices of the Supreme Court issued 162 opinions in 2011, an increase of 37 percent from the number issued the previous year (118 opinions). Majority opinions accounted for 45.7 percent of the total, 23.5 percent were per curiam, 9.9 percent were concurring, and 17.3 percent were dissenting. Over the past 10 years, justices issued an average of 152 opinions per year.



Measure	Average Time
For cases disposed in FY 2011, time from filing to disposition	175 days
<i>For cases on docket in FY 2011:</i>	
For active cases, time from filing of case to end of reporting period (Aug. 31, 2011)	168 days
Time from filing to disposition of petition/motion	135 days
Time from granting of petition to oral argument	88 days
Time from filing of petition to release of per curiam opinion	466 days
Time from date of oral argument to date of disposition	346 days

Supreme Court Activity

Fiscal Years 2002 through 2011

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	10-Yr. Avg.
Regular Causes:¹											
Added to docket	118	115	99	150	142	158	138	106	128	106	126
Disposed	112	101	109	136	133	144	164	125	110	137	127
Pending at end of year	62	79	75	88	93	106	80	62	83	52	78
Clearance rate	94.9%	87.8%	110.1%	90.7%	93.7%	91.1%	118.8%	117.9%	85.9%	129.2%	100.9%
Petitions for Review:											
Filed	986	968	810	805	897	831	825	835	783	793	853
Disposed:											
<i>Granted</i>	116	98	82	109	119	138	112	85	97	101	106
<i>Other Dispositions</i>	885	875	709	714	703	781	762	702	709	677	752
Pending at end of year	314	317	332	353	431	344	301	351	324	339	341
Clearance rate	101.5%	100.5%	97.7%	102.2%	91.6%	110.6%	105.9%	94.3%	102.9%	98.1%	100.5%
Other Writs and Motions:											
Filed	309	306	302	280	270	255	266	304	426	336	305
Disposed	305	301	271	283	274	274	283	284	423	332	303
Pending at end of year	61	65	96	97	97	77	58	78	85	87	80
Clearance rate	98.7%	98.4%	89.7%	101.1%	101.5%	107.5%	106.4%	93.4%	93.4%	98.8%	99.2%
Opinions Written	165	128	122	136	145	170	212	165	118	162	152

NOTE:

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

Disposition of Petitions for Review by the Supreme Court September 1, 2010 through August 31, 2011

	Affirmed	Modified	Reversed	Dismissed	Other Disposition	Total	
Granted Petitions for Review	14	7	71	4	19	115	
% of Total Granted Petitions for Review	12.2%	6.1%	61.7%	3.5%	16.5%	100%	
	Initial Review Granted	Review Denied	Dismissed	Abated	Struck	Other Disposition	Total
Petitions for Review	101	615	27	4	30	1	778
% of Total Petitions for Review	13.0%	79.0%	3.5%	0.5%	3.9%	0.1%	100%

The Court of Criminal Appeals

Mandatory Caseload - The caseload of the Court of Criminal Appeals consists primarily of mandatory matters—review of applications for post conviction habeas corpus relief in felony cases, original proceedings, and direct appeals. In 2011, mandatory matters comprised approximately 75 percent of all cases added to the docket.

Filings of mandatory matters increased 1.2 percent from the previous year to 5,360 cases. In particular, direct appeals increased 6.0 percent to 213 cases, applications for writs of habeas corpus decreased 1.2 percent to 4,276 cases, and original proceedings increased 14.2 percent to 877 cases.

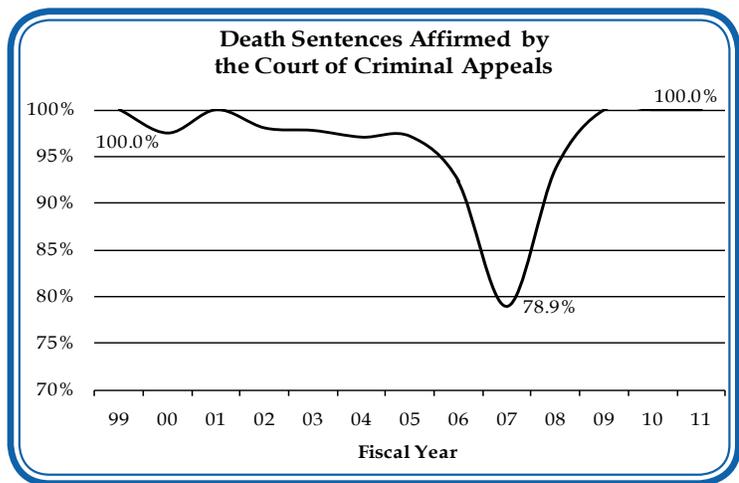
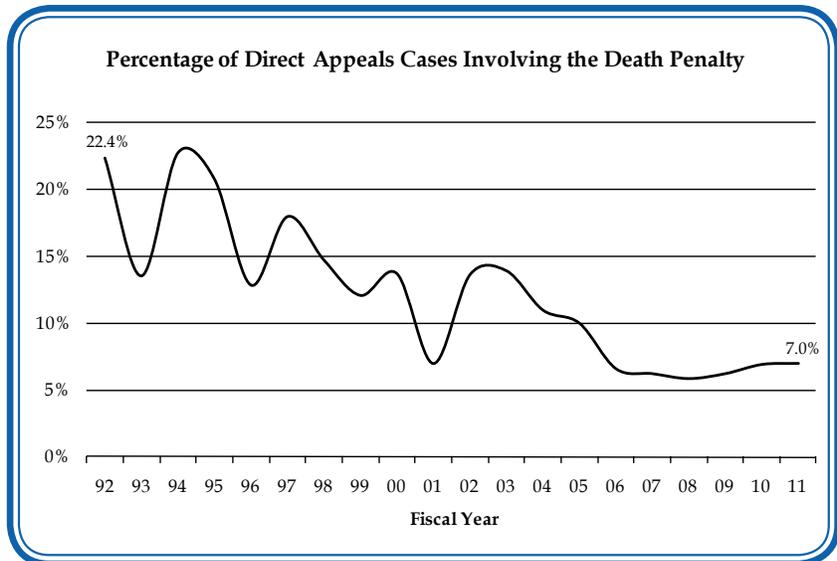
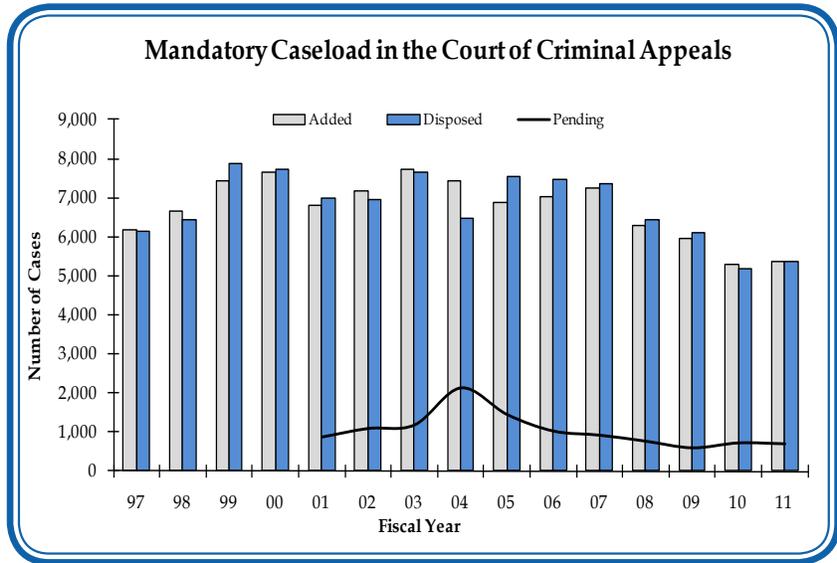
Overall, disposition of mandatory matters increased 4.1 percent from the previous year to 5,385 cases. Since the increase in dispositions was greater than the growth in cases added, the clearance rate increased to 100.5 percent.

The court denied 49.0 percent of applications for writs of habeas corpus (and dismissed another 38.4 percent) and denied 67.7 percent of original proceedings, compared to the denial of only 3.6 percent of direct appeals for habeas corpus and extraordinary matters.

Death Penalty Appeals

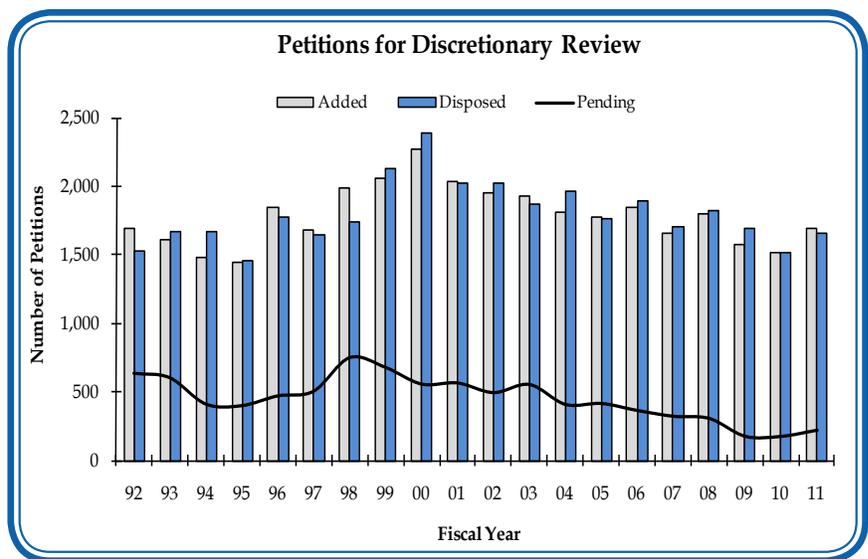
Of the direct appeal cases filed in 2011, 7.0 percent involved death penalty appeals, which is above the five-year average of 6.5 percent but below the 10-year average of 9.0 percent. The 20-year high of 22.8 percent occurred in 1994. In 2011, the court affirmed 19 death penalty cases and dismissed one death penalty appeal.

Discretionary Caseload - The number of petitions for discretionary review and redrawn petitions for discretionary review filed with the Court of Criminal Appeals increased 11.6

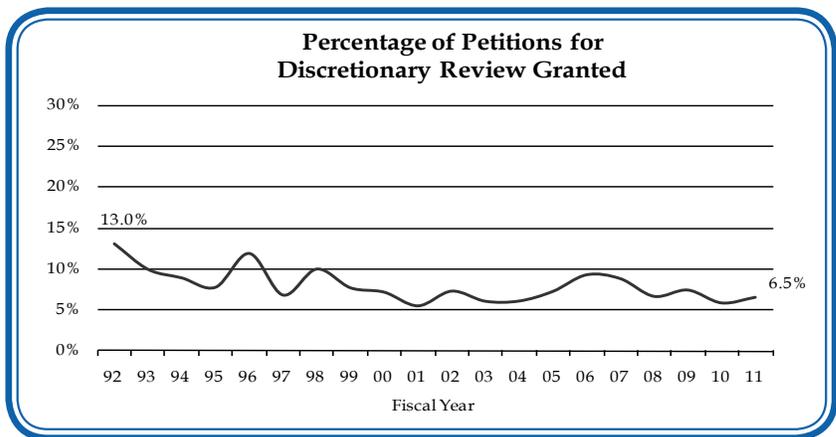


percent in 2011 to 1,696 cases.

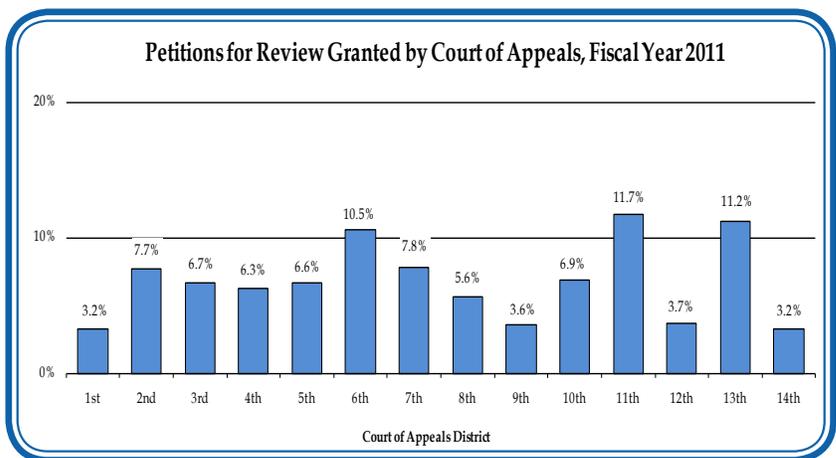
Petitions filed from the five most populous counties — Harris, Dallas, Tarrant, Bexar, and Travis — continued to decline (from 42.6 percent in 2010 to 42.5 percent in 2011). Petitions filed from the remaining counties in the state continued to grow, reaching a new high of 57.5 percent in 2011, which is well above the five-year average of 52.9 percent. Before 2005, these 249 counties had never accounted for more than 40 percent of petitions filed in any one fiscal year.



In 2011, dispositions of petitions for discretionary review and redrawn petitions for discretionary review increased to 1,652 cases — an increase of 8.7 percent from the previous year. Since the number of cases added slightly outpaced the number of cases disposed, the clearance rate for this portion of the court’s caseload was 97.4 percent. At the end of the fiscal year, 217 cases were pending — an increase from the 172 cases pending at the end of the previous year.



Of the petitions and redrawn petitions for discretionary review disposed in 2011, initial review was granted in 6.5 percent of the cases.



Initial review was granted most frequently (11.7 percent) in petitions filed from the Eleventh Court of Appeals (Eastland) and was granted least frequently (3.2 percent) in petitions filed from the First and Fourteenth Courts of Appeals (Houston).

Opinions Written - The judges of the Court of Criminal Appeals issued 428 opinions in 2011, which is the lowest number of opinions issued since 1994. Approximately 30 percent of opinions were signed, 48.4 percent were per curiam, 10.7 percent were concurring, and 10.7 percent were dissenting.

**Court of Criminal Appeals
Case Processing Times
FY 2011**

Average time from filing to disposition for cases involving:

Capital punishment	645 days
Application for writ of habeas corpus	22 days
Petition for discretionary review	38 days

Court of Criminal Appeals Activity Fiscal Years 2002 through 2011

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	10-Yr. Avg.
Direct Appeals:¹											
Added to docket	278	308	245	239	256	255	237	223	201	213	246
Disposed	295	306	253	239	269	268	240	229	211	214	252
Pending at end of year	92	89	84	84	72	60	58	52	42	41	67
Clearance rate	106.1%	99.4%	103.3%	100.0%	105.1%	105.1%	101.3%	102.7%	105.0%	100.5%	102.8%
Applications for Writ of Habeas Corpus:²											
Filed	6,167	6,660	6,342	6,046	5,987	6,060	5,154	4,872	4,329	4,276	5,589
Disposed	5,968	6,611	5,448	6,609	6,381	6,158	5,290	5,017	4,215	4,304	5,600
Pending at end of year	900	948	1,836	1,267	853	762	628	482	599	568	884
Clearance rate	96.8%	99.3%	85.9%	109.3%	106.6%	101.6%	102.6%	103.0%	97.4%	100.7%	100.2%
Original Proceedings:³											
Filed	732	758	834	583	796	922	894	846	768	877	801
Disposed	702	721	761	702	812	924	918	868	747	867	802
Pending at end of year	101	147	219	99	101	98	78	60	80	89	107
Clearance rate	95.9%	95.1%	91.2%	120.4%	102.0%	100.2%	102.7%	102.6%	97.3%	98.9%	100.1%
Petitions for Discretionary Review:⁴											
Filed	2,097	2,039	1,935	1,897	2,017	1,810	1,904	1,703	1,605	1,803	1,881
Disposed	2,160	2,028	2,068	1,886	2,009	1,872	1,968	1,800	1,650	1,762	1,920
Pending at end of year	618	629	496	507	516	450	391	291	246	288	443
Clearance rate	103.0%	99.5%	106.9%	99.4%	99.6%	103.4%	103.4%	105.7%	102.8%	97.7%	102.1%
Motions Considered	1,774	1,479	1,597	1,382	1,576	1,707	1,463	1,789	1,434	1,449	1,449
Opinions Written	595	612	471	474	486	575	500	447	433	428	502

NOTES:

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

Disposition of Cases by the Court of Criminal Appeals September 1, 2010 through August 31, 2011

	Affirmed	Dismissed	Total				
Death Penalty Appeals	19	1	20				
	Granted	Denied/Refused	Dismissed	Withdrawn	Struck	Untimely	Total
Habeas Corpus & Extraordinary Matters	183	7	3	0	0	0	194 ¹
Petitions for Discretionary Review ²	107	1,270	1	2	179	93	1,652
	Affirmed	Reversed	Reversed & Remanded	Remanded	Mixed	Dismissed	Total
Granted Petitions for Discretionary Review	29	15	40	20	1	3	110 ³
	Filed & Set	Denied	Remanded	Dismissed	Returned	Abated	Total
Applications for Writ of Habeas Corpus	181	2,109	355	1,651	0	0	4,304
Original Proceedings	13	587	0	120	0	147	867
	Granted	Denied	Dismissed	Filed & Set	Remanded	Other	Total
Motions for Stay of Execution	0	7	0	0	0	0	7

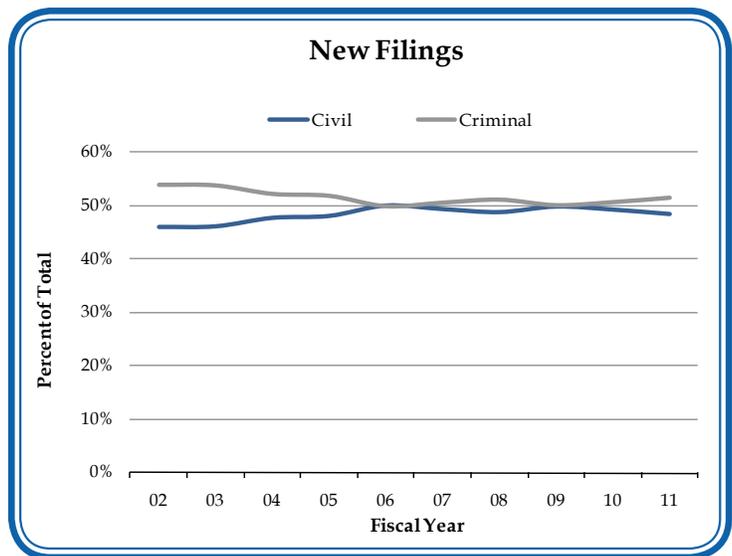
- NOTES: 1. One case was remanded to the trial court.
2. Includes redrawn petitions for discretionary review.
3. Two cases were refused with an opinion.

The Courts of Appeals

Cases Filed - In 2011, the number of cases added overall increased by 8.1 percent from the previous year to 12,104 cases. The number of cases added was higher than the 10-year average of 11,644 cases added per year. The increase in cases added was the result of a 7.2 percent increase in new filings and 13.9 percent increase in other cases.¹

Civil cases accounted for 48.6 percent, and criminal cases 51.4 percent, of all new filings in 2011. Over the last decade, new civil filings generally grew as a proportion of all new cases filed—from 46.2 percent of all new filings in 2002 to 48.6 percent in 2011. Over the past five years, civil and criminal cases each accounted for approximately half of the courts' dockets.

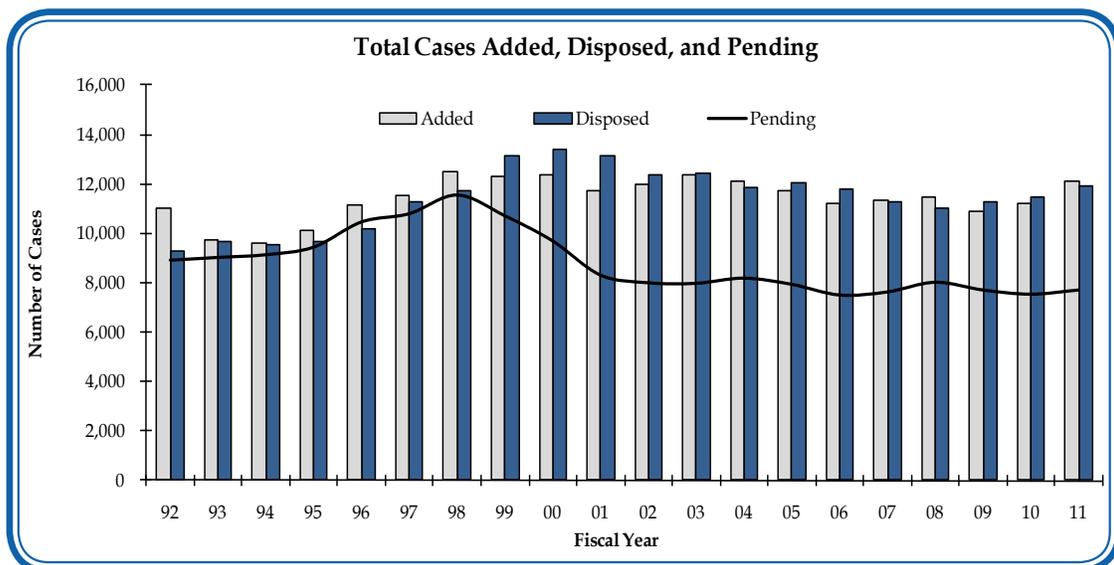
Approximately 48 percent of all appeals filed in 2011 came from the state's five most populous counties—Harris, Dallas, Bexar, Tarrant and Travis. More than 17 percent came from Harris County alone and 13.0 percent came from Dallas County.



Cases Disposed - In 2011, the courts of appeals disposed of 11,936 cases—an increase of 4.2 percent compared to the previous year's dispositions. Almost two-fifths (39.3 percent) of the cases disposed of in 2011 were affirmed, 5.9 percent were reversed, 3.5 percent had a mixed disposition (i.e., affirmed in part and reversed in part), and 27.9 percent were dismissed. The remainder of cases had other dispositions.

The average time between filing and disposition for all cases decreased from 9.1 to 8.4 months. For civil cases, the time to disposition decreased from 9.0 months in 2010 to 8.3 months in 2011. For criminal cases, the time to disposition decreased from 9.2 months in 2010 to 8.4 months in 2011.

Civil Cases	Criminal Cases	Overall
Harris - 9.9%	Harris - 14.4%	Harris - 17.5%
Dallas - 6.6%	Dallas - 12.2%	Dallas - 13.0%
Bexar - 3.1%	Bexar - 7.5%	Bexar - 7.0%
Tarrant - 3.1%	Tarrant - 7.4%	Tarrant - 6.9%
Travis - 2.7%	Jefferson - 5.8%	Travis - 4.0%

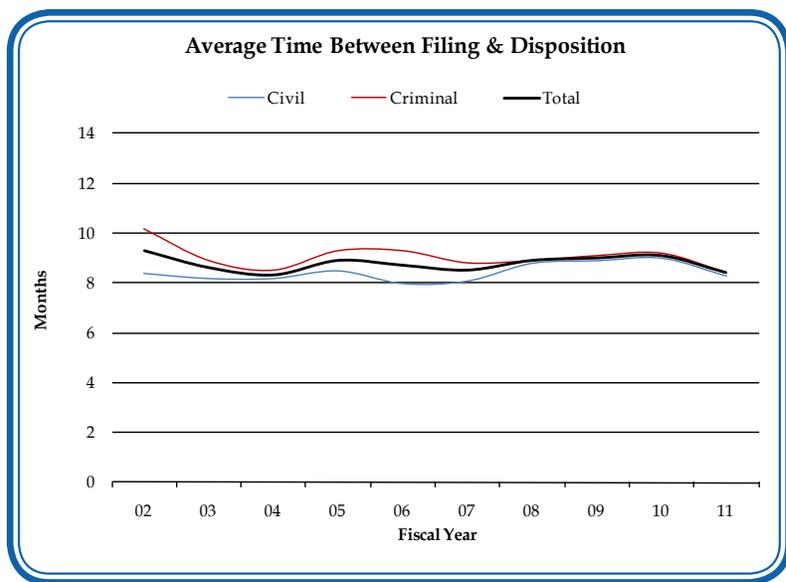


1. Rehearings granted, cases reinstated, cases remanded from higher courts, and transferred cases.

The average time between submission and disposition for all cases decreased from 1.7 months in 2010 to 1.5 months in 2011. The average time for civil cases decreased from 2.0 to 1.6 months, while the average time for criminal cases decreased from 2.5 to 1.4 months.

The number of cases disposed of by the courts of appeals was 168 less than the number added, resulting in a clearance rate of 98.6 percent, which was below the 10-year average of 100.8 percent.

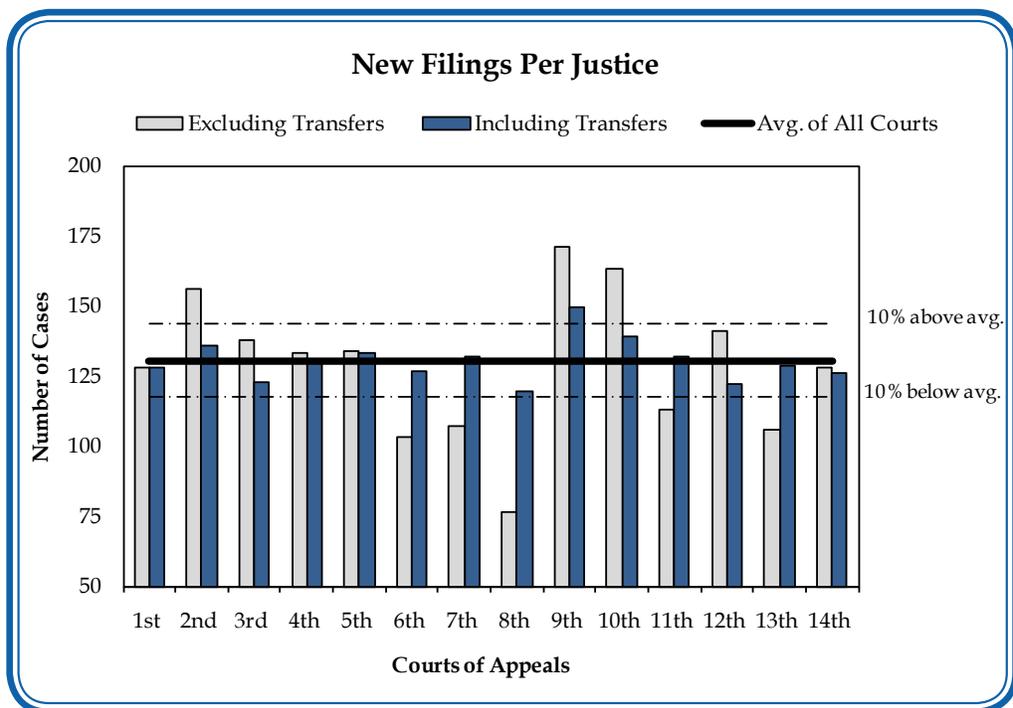
Cases Pending - At the end of 2011, a total of 7,681 cases were pending statewide, up 2.3 percent from the number pending at the end of the previous year. More than half (57.7 percent) of these cases had been pending for fewer than six months, and 85.8 percent had been pending for less than one year. The percentage of cases pending more than two years decreased by half from 0.8 percent in 2010 to 0.4 percent in 2011.



Opinions Written - During 2011, the justices of the courts of appeals issued 11,061 opinions, 54.1 percent of which were published. Since 2004, the rate of publication has exceeded 50 percent due to a change in the Texas Rules of Appellate Procedure in 2003.²

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

In 2011, the statewide average number of new filings per justice was 131 cases before any transfers. The number of new cases filed per justice ranged from 76 cases in the Eighth Court of Appeals (El Paso) to 171 cases in the Ninth Court of Appeals (Beaumont). The average percentage difference of the 14 courts from the statewide average was 15.1 percent.



A total of 527 cases were transferred among the courts of appeals during the year in an effort to equalize the workloads of the courts. The Second Court of Appeals (Fort Worth) transferred out the most cases (141 cases), while the Thirteenth Court of Appeals (Corpus Christi/Edinburg) received the largest number of transferred cases (137 cases).

As a result of these transfers, the number of cases filed per justice ranged from a low of 120 cases per justice in the Eighth

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

Court of Appeals (El Paso) to a high of 150 cases filed per justice in the Ninth Court of Appeals (Beaumont). After transfers, the average percentage difference of the 14 courts from the statewide average was only 4.3 percent—exceeding the goal of 10 percent, maximum, set by the Texas Legislature.³

Courts of Appeals Activity for Fiscal Years 2002 through 2011

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	10-Yr. Avg.
Civil Cases:											
Cases added											
<i>New filings</i>	4,877	4,888	4,999	5,013	4,971	4,940	4,949	4,733	4,811	5,070	4,925
<i>Other cases</i>	343	351	326	378	419	378	353	408	401	490	373
Cases disposed	5,404	5,172	5,220	5,441	5,440	5,286	5,136	5,279	5,274	5,568	5,322
Cases pending at end of year	3,229	3,288	3,427	3,398	3,376	3,457	3,569	3,425	3,391	3,380	3,394
Clearance rate	103.5%	98.7%	98.0%	100.9%	100.9%	99.4%	96.9%	102.7%	101.2%	100.1%	100.5%
Avg. time between filing & disposition (months)	8.4	8.2	8.2	8.5	8.0	8.1	8.8	8.9	9.0	8.3	8.4
Avg. time between submission & disposition (months)	2.3	2.8	2.8	2.8	2.3	2.1	2.3	2.4	2.0	1.6	2.3
Criminal Cases:											
Cases added											
<i>New filings</i>	5,686	5,671	5,444	5,381	4,939	5,039	5,163	4,737	4,926	5,366	5,235
<i>Other cases</i>	1,079	1,431	1,342	982	908	960	1,008	1,043	1,063	1,178	1,091
Cases disposed	6,995	7,248	6,610	6,617	6,344	6,000	5,869	5,975	6,179	6,368	6,421
Cases pending at end of year	4,748	4,588	4,740	4,515	4,100	4,144	4,429	4,256	4,118	4,301	4,394
Clearance rate	103.4%	102.1%	97.4%	104.0%	108.5%	100.0%	95.1%	103.4%	103.2%	97.3%	101.5%
Avg. time between filing & disposition (months)	10.2	8.9	8.5	9.3	9.3	8.8	8.9	9.1	9.2	8.4	9.1
Avg. time between submission & disposition (months)	1.7	1.9	1.7	1.9	1.7	1.5	1.6	1.4	2.5	1.4	1.7
All Cases:											
Cases added											
<i>New filings</i>	10,563	10,559	10,443	10,394	9,910	9,979	10,112	9,470	9,737	10,436	10,160
<i>Other cases</i>	1,422	1,782	1,668	1,360	1,327	1,338	1,361	1,451	1,464	1,668	1,464
Cases disposed	12,399	12,420	11,830	12,058	11,784	11,286	11,005	11,254	11,453	11,936	11,743
Cases pending at end of year	7,977	7,876	8,167	7,913	7,476	7,601	7,998	7,681	7,509	7,681	7,788
Clearance rate	103.5%	100.6%	97.7%	102.6%	104.9%	99.7%	95.9%	103.0%	102.2%	98.6%	101.0%
Avg. time between filing & disposition (months)	9.3	8.6	8.3	8.9	8.7	8.5	8.9	9.0	9.1	8.4	8.8
Avg. time between submission & disposition (months)	1.9	2.2	2.2	2.3	2.0	1.8	2.0	1.9	1.7	1.5	2.0
Opinions Written	11,959	11,404	11,363	11,461	11,408	10,921	10,348	10,765	10,742	11,061	11,143

3. "It is the intent of the Legislature that the Supreme Court equalize the dockets of the 14 courts of appeals. Equalization shall be considered achieved if the new cases filed each year per justice are equalized by 10 percent or less among all the courts of appeals" (82nd Legislature, H.B. 1, Supreme Court Rider 3).

Activity for the Fiscal Year Ended August 31, 2011

	1st Houston	2nd Fort Worth	3rd Austin	4th San Antonio	5th Dallas	6th Texarkana	7th Amarillo	8th El Paso	9th Beaumont	10th Waco	11th Eastland	12th Tyler	13th Corpus Christi/ Edinburg	14th Houston
Number of Justices	9	7	6	7	13	3	4	3	4	3	3	3	6	9
Civil Cases:														
Cases added	706	513	486	477	917	148	229	189	225	201	163	134	453	719
Cases disposed	696	499	525	470	909	139	234	202	248	192	165	134	420	735
Cases pending at end of year	554	273	295	225	574	60	126	166	122	120	113	80	254	418
Clearance rate (%)	98.6%	97.3%	108.0%	98.5%	99.1%	93.9%	102.2%	106.9%	110.2%	95.5%	101.2%	100.0%	92.7%	102.2%
Avg. time between filing & disposition (months)	11.6	7.1	7.9	6.5	8.2	4.2	7.2	12.1	7.9	8.1	8.5	8.5	8.3	8.2
Avg. % of cases filed but not yet disposed for < 2 years	98.0%	98.8%	98.5%	99.9%	98.7%	100.0%	99.5%	97.4%	100.0%	96.5%	100.0%	100.0%	99.8%	99.7%
Avg. time between submission & disposition (months)	1.5	2.4	1.5	0.7	1.2	0.3	1.6	4.4	2.2	1.2	1.7	2.7	1.3	2.0
Avg. % of cases under submission for < 1 year	98.6%	93.9%	92.5%	100.0%	97.7%	100.0%	100.0%	97.7%	100.0%	100.0%	100.0%	99.3%	100.0%	99.5%
Criminal Cases:														
Cases added	572	543	346	471	1,527	260	419	183	377	260	255	245	486	600
Cases disposed	613	499	328	458	1,422	273	382	181	338	240	244	247	469	674
Cases pending at end of year	503	438	258	221	861	122	273	203	214	182	240	149	272	365
Clearance rate	107.2%	91.9%	94.8%	97.2%	93.1%	105.0%	91.2%	98.9%	89.7%	92.3%	95.7%	100.8%	96.5%	112.3%
Avg. time between filing & disposition (months)	11.1	9.7	9.0	6.2	6.5	5.9	8.1	14.3	7.9	9.0	12.4	9.1	8.2	7.8
Avg. % of cases filed but not yet disposed for < 2 years	98.8%	99.8%	99.7%	100.0%	99.8%	100.0%	100.0%	98.7%	99.8%	99.3%	100.0%	100.0%	99.6%	99.9%
Avg. time between submission & disposition (months)	1.5	2.9	0.6	0.5	1.5	0.3	1.4	4.3	1.2	0.8	1.7	1.6	0.8	1.4
Avg. % of cases under submission for < 1 year	97.8%	98.1%	100.0%	100.0%	100.0%	100.0%	100.0%	99.6%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
All Cases:														
Cases added	1,278	1,056	832	948	2,444	408	648	372	602	461	418	379	939	1,319
Cases disposed	1,309	998	853	928	2,331	412	616	383	586	432	409	381	889	1,409
Cases pending at end of year	1,057	711	553	446	1,435	182	399	369	336	302	353	229	526	783
Clearance rate	102.4%	94.5%	102.5%	97.9%	95.4%	101.0%	95.1%	103.0%	97.3%	93.7%	97.9%	100.5%	94.7%	106.8%
Avg. time between filing & disposition (months)	11.3	8.4	8.3	6.4	7.1	5.3	7.7	13.1	7.9	8.6	10.9	8.9	8.2	8.0
Avg. % of cases filed but not yet disposed for < 2 years	98.4%	99.4%	99.1%	99.9%	99.3%	100.0%	99.9%	98.1%	99.9%	98.2%	100.0%	100.0%	99.7%	99.8%
Avg. time between submission & disposition (months)	1.5	2.6	1.2	0.6	1.4	0.3	1.5	4.4	1.6	0.9	1.7	1.9	1.0	1.7
Avg. % of cases under submission for < 1 year	98.4%	95.9%	94.2%	100.0%	98.6%	100.0%	100.0%	98.8%	100.0%	100.0%	100.0%	99.8%	100.0%	99.7%
Opinions Issued	1,259	984	966	931	1,613	406	663	385	597	408	362	387	788	1,312
Published Opinions	707	572	617	523	881	182	288	209	280	204	157	139	398	779

Caseload Trends in the Trial Courts

Analysis of Activity for the Fiscal Year
Ended August 31, 2011



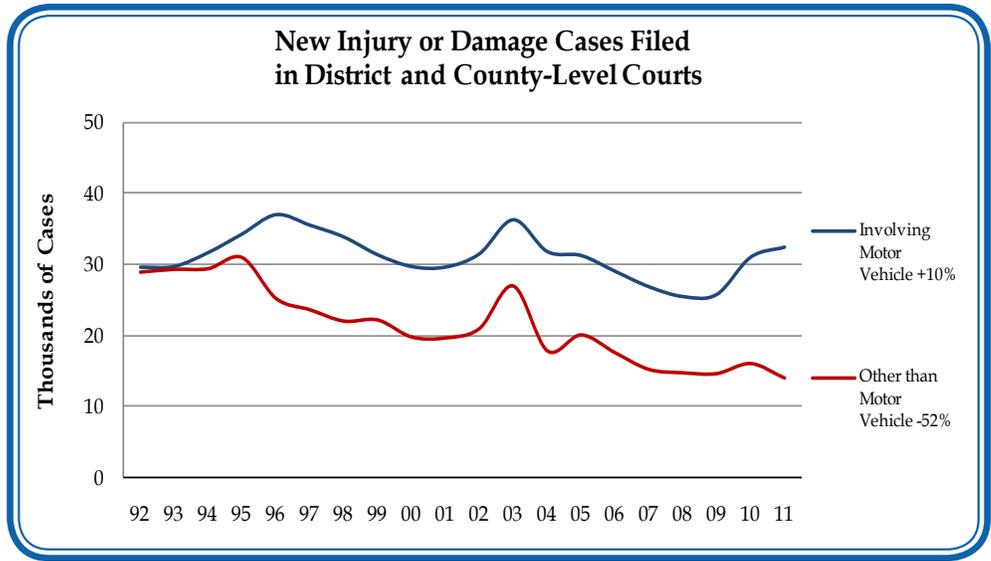
Photo courtesy of TexasCourthouses.com

Karnes County Courthouse - Karnes City

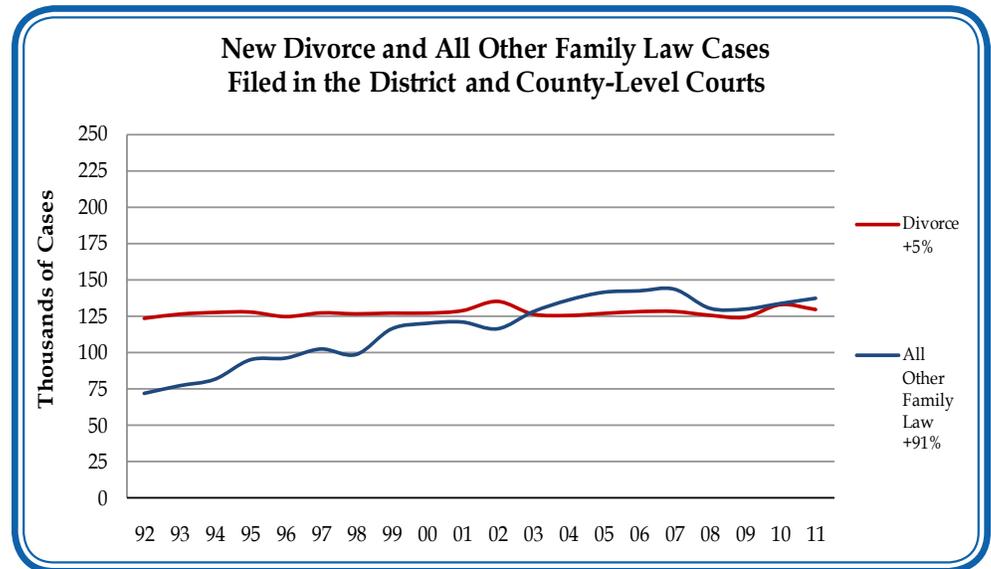
Trends in Texas District and County-Level Courts

Injury and Damage Cases

- Overall, new filings of injury and damage cases decreased 21 percent between 1992 and 2011. Within this category, cases of injury or damage involving a motor vehicle increased 10 percent (from 29,502 to 32,334 cases), while cases of injury or damage not involving a motor vehicle declined 52 percent (from 28,975 to 13,928 cases). Multiple legislative changes during these years impacted the volume of cases filed. A wave of new filings hit the courts at the end of fiscal year 2003 as litigants attempted to get their cases filed before the Medical Malpractice and Tort Reform Act went into effect on September 1, 2003.¹ Since then, injury or damage cases not involving a motion vehicle continued a general decline. Injury or damage cases involving a motor vehicle also declined from 2003 to 2009, but increased in each of the last two years.



Family Law Cases - Although the number of divorce cases filed in district and county-level courts remained relatively steady with only a five percent increase over the past two decades, the number of cases involving “all other family law matters” grew by 91 percent (from 71,614 cases in 1992 to 137,099 cases in 2011).



One factor that may be driving the general increase in “all other family law matters” is the increase in child support cases. The Attorney General of Texas Child Support Division reports that child support cases with court orders rose 314 percent from 254,791 in 1992 to 1,055,479 in 2011. This statistic does not include privately arranged child support cases; however, it does indicate the large growth in this type of case.

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

Debt Cases - Debt cases in county-level courts dropped 23 percent between 1992 (32,771 cases) and 1994 (25,308 cases), rose steadily to a 20-year high in 2007 (89,916 cases), then dropped 42 percent to 52,289 cases in 2011. From 1992 to 1996, new debt and contract cases filed in district courts dropped 25 percent to a low of 18,394 cases. The number of cases filed then rose 193 percent to 53,953 cases in 2010, but again dropped by 19 percent to 43,581 cases in 2011.

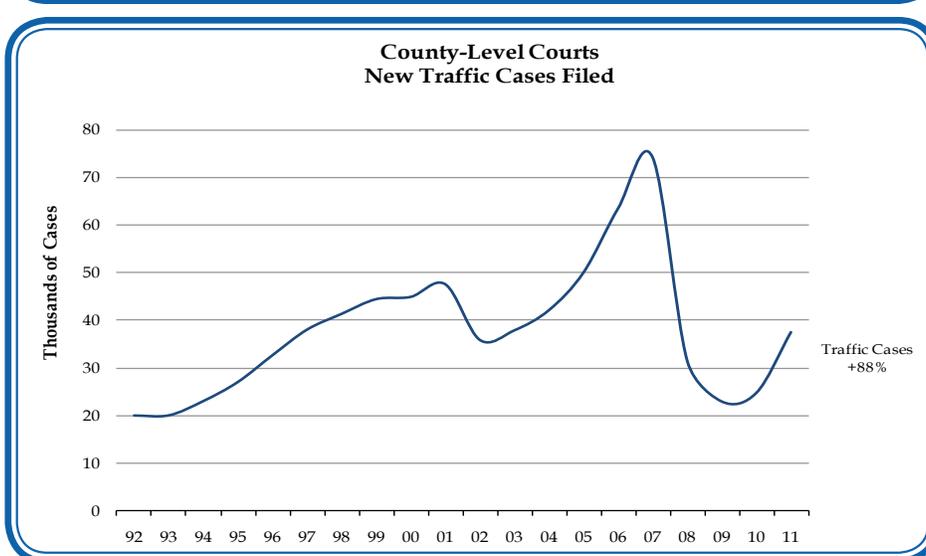
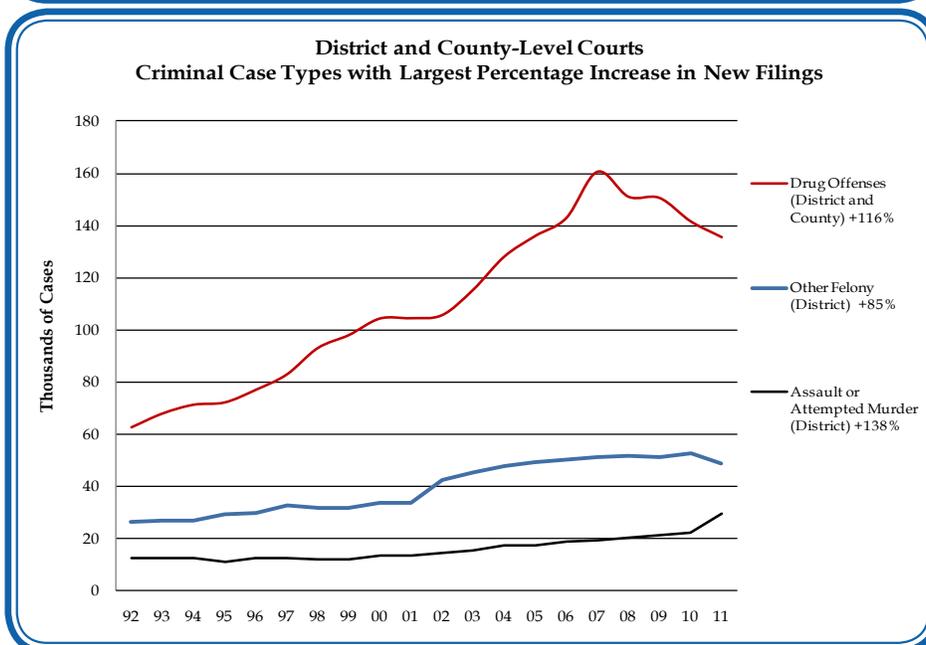
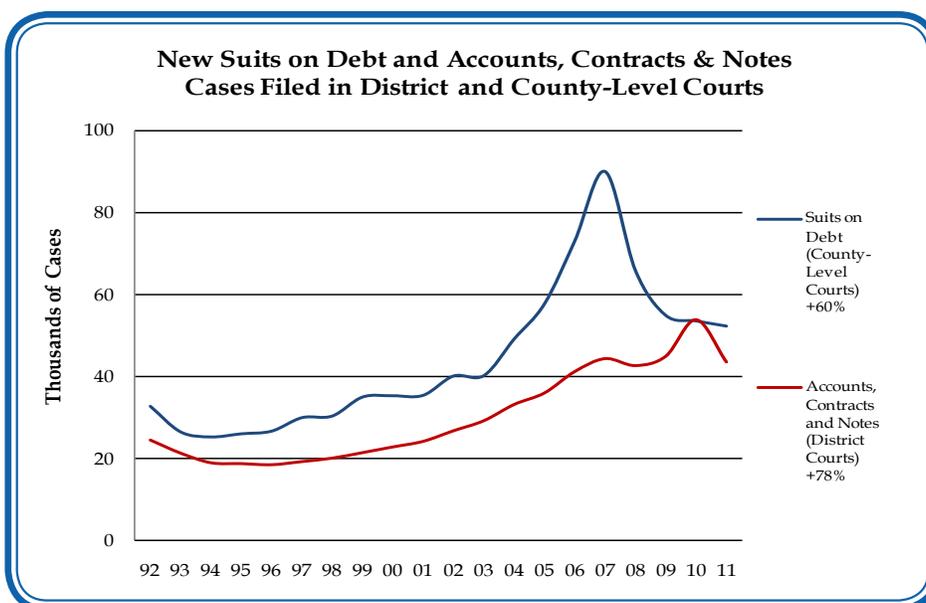
Over the 20-year period, the number of cases filed in county-level courts increased by 60 percent, and the number filed in district courts increased 78 percent.

Criminal Cases - Two categories of criminal cases increased more than 100 percent over the past 20 years. Felony assault or attempted murder cases increased 138 percent (from 12,452 to 29,669 cases). Felony and misdemeanor drug offense cases increased 116 percent (from 62,872 to 135,787 cases); however, the number of cases filed each year generally declined from 2007 to 2011.

“Other felonies” increased by 85 percent over the same period (from 26,472 to 48,849 cases).

Traffic Cases - From 1992 to 2007, traffic cases grew 272 percent (from 19,917 to 74,145 cases). From 2007 to 2009, the number of traffic cases dropped 69 percent (from 74,145 to 22,854 cases), but then increased 64 percent to 37,437 cases in 2011.

Over the 20-year period, traffic cases increased 88 percent.



Assigned Judges in the Trial Courts

Statistics For the Fiscal Year Ended August 31, 2011

	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>	<u>5th</u>	<u>6th</u>	<u>7th</u>	<u>8th</u>	<u>9th</u>	<u>Total</u>
	<u>Region</u>	<u>Region</u>	<u>Region</u>	<u>Region</u>	<u>Region</u>	<u>Region</u>	<u>Region</u>	<u>Region</u>	<u>Region</u>	
By the Chief Justice of the Supreme Court¹										
Assignments to the Administrative Regions:										
Number of Assignments:										
Senior/Former Appellate Judges	0	0	0	0	0	0	0	0	0	0
Active District Judges	0	0	0	0	2	0	1	0	0	3
Senior/Former District Judges	0	0	0	0	0	2	0	0	0	2
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	0	0	0	0	2	2	1	0	0	5
Days Served:										
Senior/Former Appellate Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Active District Judges	0.0	0.0	0.0	0.0	4.0	0.0	0.0	0.0	0.0	4.0
Senior/Former District Judges	0.0	0.0	0.0	0.0	0.0	42.5	0.0	0.0	0.0	42.5
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	0.0	0.0	0.0	0.0	4.0	42.5	0.0	0.0	0.0	46.5
By Presiding Judges of Administrative Regions¹										
Assignments within the Administrative Regions:										
Number of Assignments:										
Active Appellate Judges	0	2	0	0	0	0	0	0	1	3
Senior/Former Appellate Judges	99	152	24	11	50	38	8	95	19	496
Active District Judges	29	153	23	6	10	22	31	75	93	442
Senior/Former District Judges	584	1040	469	189	183	159	226	615	154	3619
Active Statutory County Court Judges	7	113	5	0	3	8	9	5	0	150
Retired/Former Statutory County Court Judges	60	175	89	11	16	13	37	19	64	484
TOTAL Assignments	779	1,635	610	217	262	240	311	809	331	5,194
Days Served:										
Active Appellate Judges	0.0	13.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	13.0
Senior/Former Appellate Judges	153.0	490.0	51.0	17.5	232.0	166.0	29.0	205.0	26.0	1,369.5
Active District Judges	116.0	175.0	20.0	6.0	17.0	25.0	20.0	95.5	0.0	474.5
Senior/Former District Judges	1,761.0	2,867.0	671.0	535.5	859.0	506.0	199.5	1,387.0	103.0	8,889.0
Active Statutory County Court Judges	9.0	118.0	3.0	0.0	5.0	104.0	1.0	5.5	0.0	245.5
Retired/Former Statutory County Court Judges	217.0	366.0	158.0	31.5	210.0	25.5	34.5	29.5	92.0	1,164.0
TOTAL Days Served	2,256.0	4,029.0	903.0	590.5	1,323.0	826.5	284.0	1,722.5	221.0	12,155.5
Assignments from Other Administrative Regions:										
Number of Assignments:										
Senior/Former Appellate Judges	0	0	3	0	0	0	0	0	0	3
Active District Judges	1	3	1	0	1	5	6	0	1	18
Senior/Former District Judges	2	16	30	18	4	41	30	26	12	179
Active Statutory County Court Judges	0	13	0	0	0	0	0	0	0	13
Retired/Former Statutory County Court Judges	0	17	0	10	0	0	0	76	2	105
TOTAL Assignments	3	49	34	28	5	46	36	102	15	318
Days Served:										
Senior/Former Appellate Judges	0.0	0.0	8.0	0.0	0.0	0.0	0.0	0.0	0.0	8.0
Active District Judges	1.0	7.0	2.0	0.0	1.0	14.0	3.0	0.0	0.0	28.0
Senior/Former District Judges	10.0	65.0	44.0	60.0	17.0	76.0	48.0	49.0	26.5	395.5
Active Statutory County Court Judges	0.0	8.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	9.0
Retired/Former Statutory County Court Judges	0.0	63.0	0.0	29.5	0.0	0.0	0.0	90.5	0.0	183.0
TOTAL Days Served	11.0	143.0	54.0	89.5	18.0	90.0	51.0	139.5	27.5	623.5
By the Supreme Court for Disciplinary Proceedings²										
Number of Assignments--Active District Judges	0	23	1	0	1	0	0	4	0	29
Days Served--Active District Judges	0.0	25.0	0.0	0.0	1.0	0.0	0.0	6.0	0.0	32.0
Total ---Trial Court Assignments										
Number of Assignments	782	1,707	645	245	270	288	348	915	346	5,546
Days Served	2,267.0	4,197.0	957.0	680.0	1,346.0	959.0	335.0	1,868.0	248.5	12,857.5
Assignments to Other Administrative Regions	5	13	24	9	3	3	8	8	1	74

Notes:

1. Assignment authorized by Sections 74.056 and 75.002, Texas Government Code.
 2. Assignment authorized by Rule 3.02, Texas Rules of Disciplinary Procedure.

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

Changes to Information Collected from District and County-Level Courts Effective September 1, 2010

Information collected by the Texas Judicial Council from district and county-level courts changed significantly in FY 2011 to more accurately reflect the current work of the courts. The reports had not been systematically reviewed since 1985.

Acting on a request from the Judicial Council (in 2002), the Office of Court Administration began coordinating workgroups of judges and clerks in 2004 to conduct an extensive review of the data elements used in reporting trial court activity. Since the number of data elements was so extensive, OCA decided to create a workgroup for each level of trial court (i.e., district, county, and justice/municipal), divide the workgroup for the district courts into three subgroups (i.e., criminal, civil, and juvenile), and divide the workgroup for the county-level courts into three subgroups (constitutional county courts, statutory county courts, and probate).

After several years of work, the proposed recommendations were presented to a group of judges and clerks who served on the various OCA subgroups, along with representatives from the Supreme Court, Court of Criminal Appeals and Legislature. The recommendations were finalized and presented to the Judicial Council's Committee on Judicial Data Management.

After the Committee on Judicial Data Management completed its consideration of the proposed changes to the monthly reports for the district courts, statutory county courts, and constitutional county courts, its recommendations were forwarded to the full Judicial Council for consideration. At its May 23, 2008 meeting, the Council amended the proposed monthly reporting forms and instructions and approved them as amended. The new reporting forms went into effect on September 1, 2010.

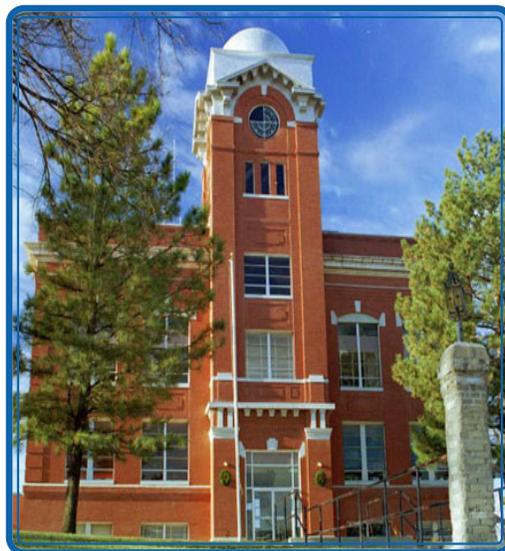


Photo courtesy of TexasCourthouses.com

Hemphill County Courthouse - Canadian

District Courts

Cases Added - In 2011, more than 900,000 civil, criminal, and juvenile cases were filed in the state's 456 district courts.^{1,2} Overall, filings increased 1.4 percent from the previous year. Civil filings increased by 2.1 percent and criminal filings increased by 2.4 percent from 2010. The reported number of juvenile case filings declined by 22.1 percent in 2011; however, this was likely due in part to the inability of some counties, including the populous Dallas, El Paso, Hidalgo and Nueces counties, to report newly required juvenile case information.

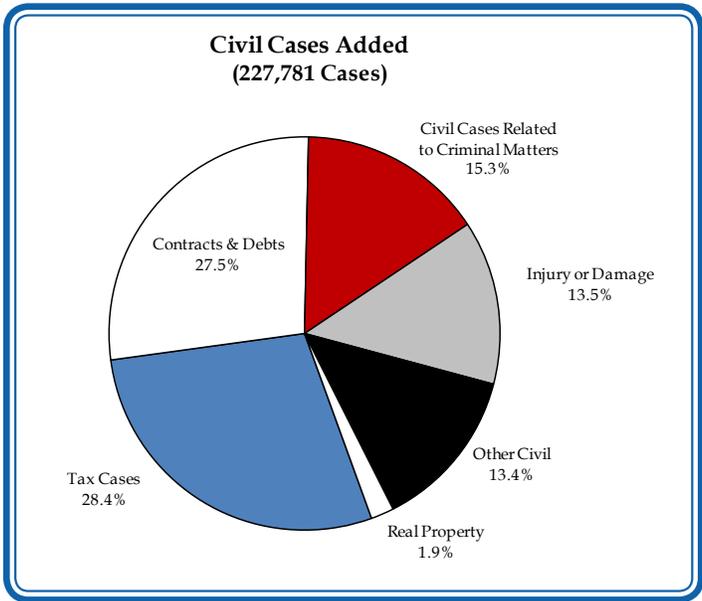
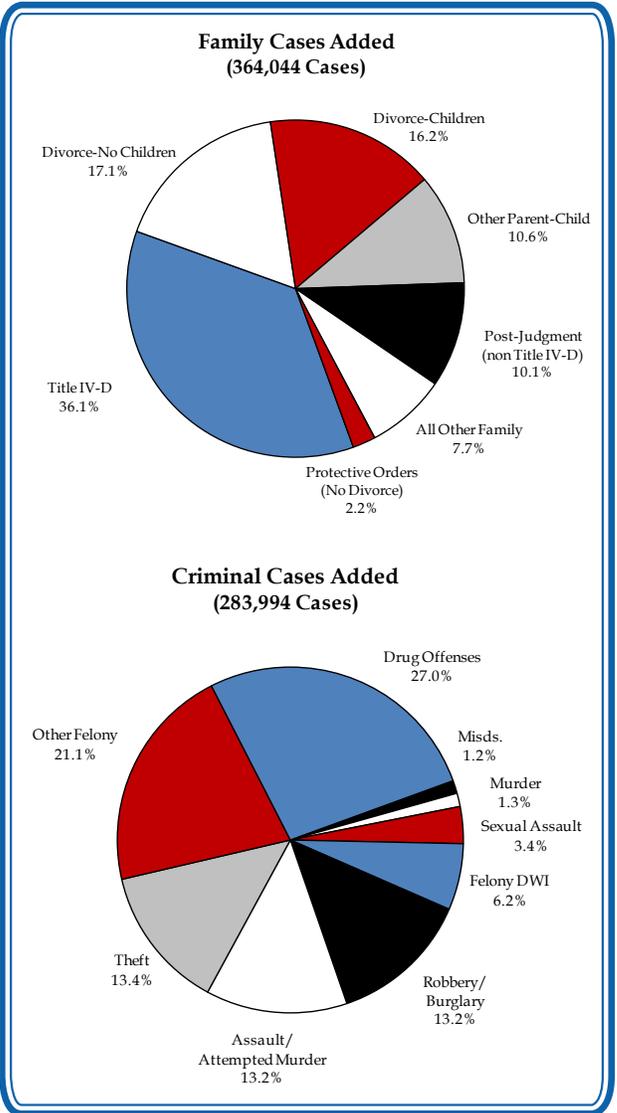
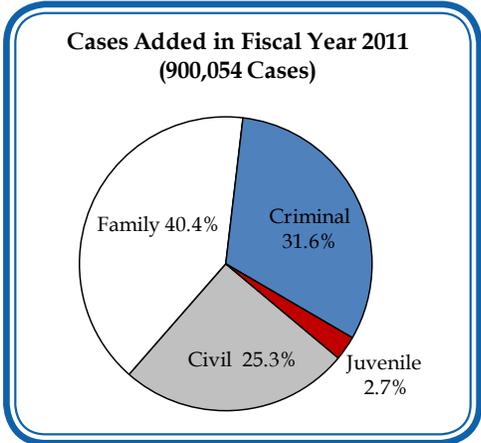
Family law cases comprised more than 40 percent of the cases added to the courts' dockets. Child support cases filed by the state's Title IV-D agency (the Texas Attorney General's Office) accounted for the largest share (36.1 percent) of all family law cases added during the year.

Civil cases accounted for 25.3 percent of all cases filed during the fiscal year. Tax cases accounted for the largest share (28.4 percent) of civil cases filed, followed by contract and debt cases (27.5 percent).

Criminal cases accounted for 31.6 percent of all cases filed. Drug offenses (drug possession, sale, and manufacture) accounted for the largest share (27.0 percent) of criminal filings.

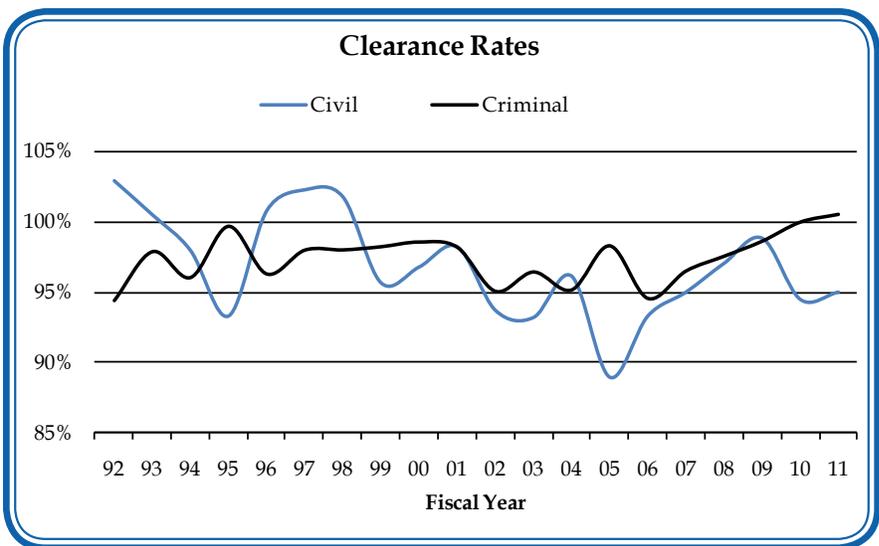
Juvenile cases comprised the remaining 2.7 percent of cases filed in 2011.

Clearance Rates - In 2011, 871,430 cases were disposed by district courts, an increase of 1.8 percent from the previous year (and despite the lower reporting rate for 2011).

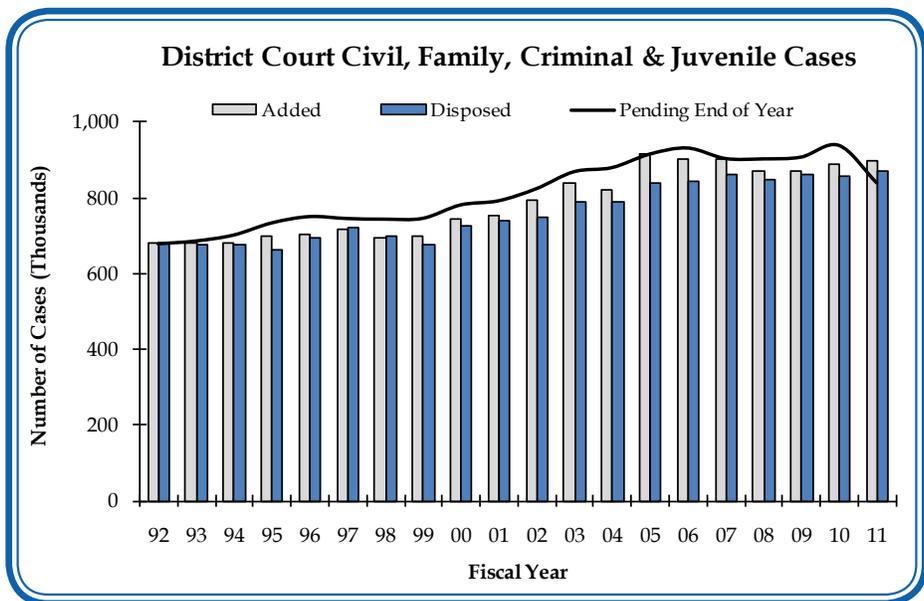


1. Juvenile caseload is discussed in the Juvenile Cases section.
 2. "Filed" includes new cases, petitions for transfer to adult criminal court, motions to revoke, and other cases added to the docket.

Overall, the case clearance rate (96.8 percent) remained nearly identical to the rate in 2010 (96.4 percent). The criminal clearance rate increased from 100.0 percent to 100.5 percent, and the juvenile case clearance rate decreased from 101.3 percent to 98.6 percent. In 2011, the civil case clearance rate was 98.1 percent, compared to 93.0 percent in family law cases.

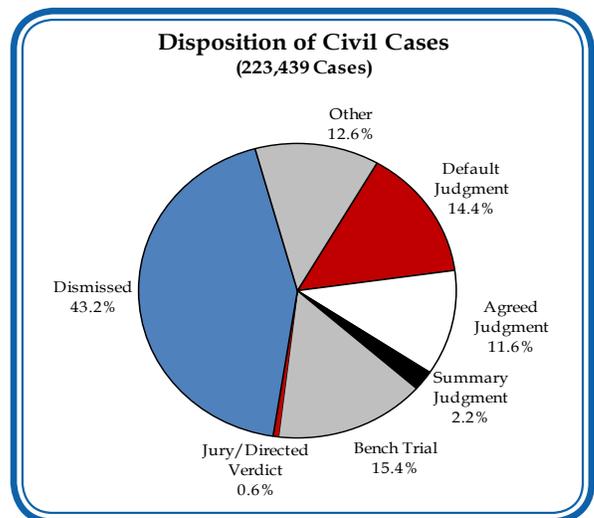


The number of cases reported pending at the end of 2011 decreased by nearly 100,000 cases to 838,963 cases. Most of the decline was likely due to case audits and inventories conducted as a result of conversions to new case management systems, as well as in preparation for converting systems to report information for the new Judicial Council Monthly Activity Report that went into effect for 2011.

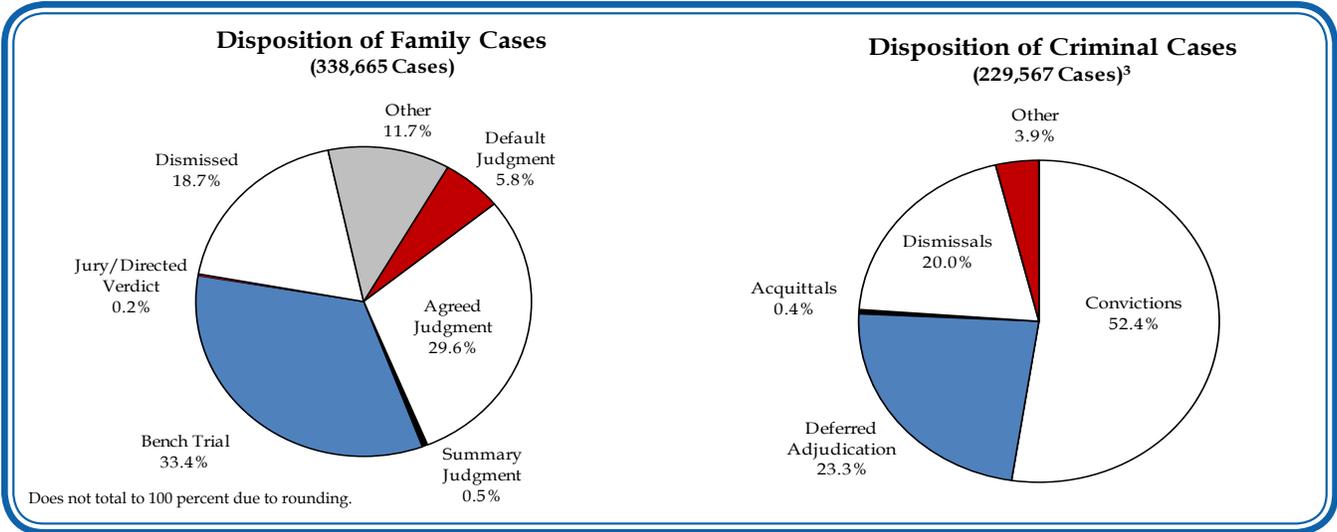


A new feature on the Monthly Activity Report was the ability for courts to indicate the number of cases in which court proceedings were unable to continue for reasons beyond the courts' control (or "inactive"). At the end of 2011, the courts reported that 78,466 (or 9.4 percent) of the cases reported pending were inactive. Nearly 80 percent of the inactive caseload involved criminal cases, as the defendants had absconded, were undergoing inpatient mental health treatment, were being held elsewhere on other charges, or were otherwise unavailable for adjudication.

Manner of Disposition - A total of 223,439 civil cases were disposed in 2011. The largest share of cases (43.2 percent) were either dismissed by the plaintiff or dismissed for want of prosecution, while the next largest portion was disposed of by bench trial (15.4 percent). Overall, only 0.6 percent of civil cases were settled by a jury verdict. However, 4.2 percent of medical malpractice cases, 2.3 percent of other professional malpractice, 2.2 percent of injury or damage cases involving a motor vehicle, 2.1 percent of other injury or damage cases, and 1.8 percent of product liability cases not involving asbestos or silica were disposed by jury trial.



A total of 338,665 family cases were disposed in 2011. The largest share of cases (33.4 percent) was disposed of by bench trial, while the next largest share was settled by an agreed judgment (29.6 percent). Overall, only 0.2 percent of family cases were settled by a jury verdict. However, 0.7 percent of termination



of parental rights, 0.4 percent of child protective services and 0.4 percent of post-judgment suits for modification of custody were disposed of by jury trial.

In 2011, district courts disposed of 285,440 criminal cases, an increase of 3.0 percent. Defendants were convicted in 52.4 percent of the 229,567 cases that did not involve transfers or a motion to revoke probation. The highest conviction rate occurred in felony DWI cases (83.4 percent), while the lowest rate (40.5 percent) occurred in cases involving aggravated assault or attempted murder. Cases involving sexual assault of an adult had the highest rate of dismissal at 35.2 percent.

Overall, 95.0 percent of convictions resulted from a guilty or *nolo contendere* plea. Defendants were most likely to enter a guilty or *nolo contendere* plea in felony DWI cases (79.4 percent) and least likely in cases involving sexual assault of a child (35.6 percent).

Three percent of all criminal cases (excluding transfers and motions to revoke probation) went to trial in 2011. Trial rates were significantly higher, however, in capital murder and murder cases, which went to trial in 25.5 percent and 24.1 percent of cases, respectively.

Of the 7,009 criminal cases that went to trial, 43.9 percent were tried before a jury. Defendants were convicted in 90.8 percent of cases decided by a judge, compared to 81.0 percent of cases decided by a jury.

Criminal Cases Reaching Trial: FY 2011

	Bench	Jury	All Trials
Convictions	3,574 (90.8%)	2,490 (81.0%)	6,064 (86.5%)
Acquittals	360 (9.2%)	585 (19.0%)	945 (13.5%)
Total	3,934 (100%)	3,075 (100%)	7,009 (100%)

Age of Cases Disposed in FY 2011

Civil					Family				
3 Months or Less	Over 3 to 6 Months	Over 6 to 12 Months	Over 12 to 18 Months	Over 18 Months	3 Months or Less	Over 3 to 6 Months	Over 6 to 12 Months	Over 12 to 18 Months	Over 18 Months
27%	15%	21%	13%	24%	43%	21%	20%	7%	9%

Criminal			
90 Days or Less	91 to 180 Days	181 to 365 Days	Over 365 Days
44%	19%	19%	18%

3. Excludes motions to revoke probation.

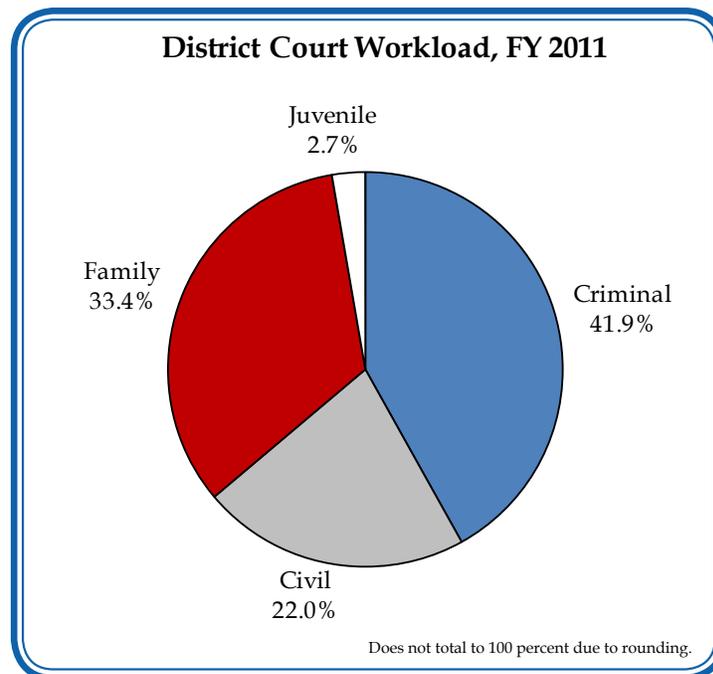
Age of Cases Disposed—In 2011, 63 percent of civil cases were disposed of within 12 months, and 84 percent of family law cases were disposed of within 12 months. Sixty-three percent of criminal cases were disposed of within 180 days by the district courts.

Measuring District Court Workload – During 2007-08, an 18-month study was conducted on the work and caseload of judicial officers in Texas.⁴ The assessment addressed the pertinent question of how many judicial officers (district judges, associate judges, masters, magistrates, and referees) are needed in Texas to provide for the handling of cases in the district courts. The basic methodology used by the National Center for State Courts is the calculation of the average amount of work time judicial officers devote to different types of cases. Because cases vary according to complexity, the averages, called “case weights,” also vary. The case weights represent the average amount of time judicial officers spend on the handling of cases in the district courts. When the case weights are applied to filings in individual jurisdictions, the judicial workload can be calculated.

When the statewide case weights were applied to filings from 2011, the result was an estimated need of 623.5 FTE judicial officers statewide as of September 1, 2011, compared to an estimated need of 603 FTEs as of September 1, 2010.

When the case weights were applied to the filings from 2011, the estimated need by case type was 261 FTEs for criminal cases (or 41.9 percent), 208 FTEs for family cases (or 33.4 percent), 137 FTEs for civil cases (or 22.0 percent), and 17 FTEs for juvenile cases (or 2.7 percent).

It should be noted that the estimated need as of September 1, 2011 and the district court workload by case type are low due to incomplete reporting of court activity information from the district courts for fiscal year 2011, particularly in the area of juvenile cases. See page 87 for a list of counties with incomplete reports.



4. Ostrom, Brian J., Matthew Kleiman and Neil LaFountain. Measuring Current Judicial Workload in Texas, 2007. Denver: National Center for State Courts, Court Consulting Services. June 2008. <http://www.courts.state.tx.us/oca/jnas/pdf/WeightedCaseloadStudy.pdf>.

District Courts

Activity Summary from September 1, 2010 to August 31, 2011

CRIMINAL CASES								
Cases on Docket:	Capital Murder	Murder	Other Homicide	Agg. Assault or Attempted Murder	Sexual Assault of Adult	Indecency With or Sexual Assault of Child	Family Violence Assault	Aggravated Robbery or Robbery
Cases Pending 9/1/2010:								
<i>Active Cases</i>	876	1,649	923	16,220	2,126	6,941	2,950	6,906
<i>Inactive Cases</i>	126	913	356	4,575	1,254	3,353	635	1,561
Docket Adjustments	(11)	56	3	(413)	(130)	(533)	19	(363)
Cases Added:								
Filed by Indictment or Information	429	876	1,625	22,142	2,274	5,676	7,527	8,412
Other Cases Reaching Docket:								
<i>Motions to Revoke Filed</i>	12	44	510	5,568	381	1,133	1,413	2,226
<i>Cases Reactivated</i>	59	208	365	4,703	466	1,395	1,219	1,821
<i>All Other Cases Added</i>	22	53	28	694	99	213	196	388
Total Cases on Docket:	1,398	2,830	3,451	49,327	5,346	15,358	13,305	19,753
Dispositions:								
Convictions:								
<i>Guilty Plea or Nolo Contendere</i>	218	441	889	8,781	973	2,051	3,395	5,179
<i>By the Court</i>	7	23	10	246	29	100	54	75
<i>By the Jury</i>	108	183	34	308	103	310	46	249
Total Convictions	333	647	933	9,335	1,105	2,461	3,495	5,503
Placed on Deferred Adjudication	5	26	294	6,712	385	1,174	1,829	1,769
Acquittals:								
<i>By the Court</i>	0	6	6	92	19	15	12	12
<i>By the Jury</i>	4	29	0	113	42	98	15	31
Total Acquittals	4	35	6	205	61	113	27	43
Dismissals	105	255	433	5,629	889	1,793	1,358	1,612
Motions to Revoke:								
<i>Granted/Revoked</i>	5	17	236	2,532	193	578	718	1,086
<i>Denied/Continued</i>	5	22	198	2,381	141	387	533	998
All Other Dispositions	19	36	19	1,164	87	221	130	345
Total Cases Disposed	476	1,038	2,119	27,958	2,861	6,727	8,090	11,356
Placed on Inactive Status	50	174	482	5,065	535	1,668	1,546	2,114
Cases Pending 8/31/2011:								
<i>Active Cases</i>	857	1,601	896	16,324	1,927	6,799	3,806	6,526
<i>Inactive Cases</i>	117	868	420	4,348	1,247	3,608	802	1,451
Cases in Which								
<i>Death Penalty Sought</i>	11	---	---	---	---	---	---	---
<i>Death Penalty Not Sought</i>	201	---	---	---	---	---	---	---
Sentencing Information:								
Prison	295	568	499	4,312	761	2,088	1,334	4,372
State Jail	10	14	18	514	138	89	78	323
Local Jail	0	5	67	3,008	90	66	1,513	457
Probation/Community Supervision	5	30	365	2,208	136	426	652	533
Shock Probation	0	0	6	29	3	5	9	41
Fine Only	0	0	0	21	0	1	1	3
Other	9	8	8	290	31	113	72	101

Note: Overall, there was a 93.1 percent reporting rate for the fiscal year. Please see page 87 for a list of missing reports.

District Courts

Activity Summary from September 1, 2010 to August 31, 2011

CRIMINAL CASES									
Cases on Docket:	Burglary	Theft	Auto Theft	Drug Sale or Manufacture	Drug Possession	Felony DWI	Other Felony	All Misdemeanors	Total Cases
Cases Pending 9/1/2010:									
<i>Active Cases</i>	11,969	14,672	5,613	14,614	29,742	10,102	39,138	5,547	169,988
<i>Inactive Cases</i>	3,718	9,538	1,345	2,628	12,984	3,444	14,275	90	60,795
Docket Adjustments	(1,285)	(1,997)	97	(716)	(1,692)	(464)	1,080	(326)	(6,675)
Cases Added:									
Filed by Indictment or Information	18,387	24,450	5,499	11,369	44,383	13,236	47,224	2,722	216,231
Other Cases Reaching Docket:									
<i>Motions to Revoke Filed</i>	7,338	5,936	1,597	2,855	16,377	4,103	11,043	576	61,112
<i>Cases Reactivated</i>	5,151	7,172	1,061	3,577	10,324	3,341	11,897	172	52,931
<i>All Other Cases Added</i>	611	548	100	229	1,363	303	1,728	76	6,651
Total Cases on Docket:	43,456	52,778	13,870	32,644	102,189	31,085	111,030	9,093	506,913
Dispositions:									
Convictions:									
<i>Guilty Plea or Nolo Contendere</i>	10,064	13,554	3,015	6,770	23,131	11,338	23,416	1,104	114,319
<i>By the Court</i>	316	325	144	198	650	469	894	34	3,574
<i>By the Jury</i>	110	101	18	152	224	105	430	9	2,490
Total Convictions	10,490	13,980	3,177	7,120	24,005	11,912	24,740	1,147	120,383
Placed on Deferred Adjudication	5,438	6,231	1,098	2,375	14,487	465	10,981	236	53,505
Acquittals:									
<i>By the Court</i>	12	17	7	9	58	20	74	1	360
<i>By the Jury</i>	30	16	8	22	39	12	117	9	585
Total Acquittals	42	33	15	31	97	32	191	10	945
Dismissals	2,953	4,477	1,433	2,519	8,506	1,489	11,353	1,056	45,860
Motions to Revoke:									
<i>Granted/Revoked</i>	4,023	3,269	1,048	1,504	9,121	2,005	5,950	313	32,598
<i>Denied/Continued</i>	2,565	2,072	421	1,081	6,562	1,636	4,172	101	23,275
All Other Dispositions	788	665	218	325	1,618	390	1,957	892	8,874
Total Cases Disposed	26,299	30,727	7,410	14,955	64,396	17,929	59,344	3,755	285,440
Placed on Inactive Status	5,921	9,334	1,234	3,799	12,189	3,669	16,263	255	64,298
Cases Pending 8/31/2011:									
<i>Active Cases</i>	11,553	14,256	5,130	13,684	26,253	9,606	37,911	5,108	162,237
<i>Inactive Cases</i>	3,746	9,703	1,285	2,812	12,606	3,496	15,027	155	61,691
Cases in Which									
<i>Death Penalty Sought</i>	---	---	---	---	---	---	---	---	---
<i>Death Penalty Not Sought</i>	---	---	---	---	---	---	---	---	---
Sentencing Information:									
Prison	5,146	1,570	431	4,039	6,204	4,696	7,892	8	44,215
State Jail	2,703	7,130	2,031	1,468	8,141	1,036	7,182	15	30,890
Local Jail	1,311	3,337	608	604	6,420	664	5,405	870	24,425
Probation/Community Supervision	2,258	2,183	671	1,349	5,487	4,750	5,095	194	26,342
Shock Probation	67	13	3	14	67	22	64	5	348
Fine Only	6	71	1	2	12	1	93	46	258
Other	303	294	82	156	817	101	790	66	3,241
Age of Cases Disposed:	90 Days or Less	91 to 180 Days	181 to 365 Days	Over 365 Days	Total Cases	Additional Court Activity:			
Number of Cases	126,180	55,230	54,014	50,015	285,439	Cases in Which Jury Selected			3,429
Information on Trafficking of Persons:						Cases in Which Mistrial Declared			140
						Motions to Suppress Granted or Denied			1,090
						Competency Hearings Held			2,879
						Cases Set for Review			25,058
						Cases in Which Attorney Appointed as Counsel			175,172
						Cases with Retained Counsel			81,492
						Total Filed			
						Cases for Trafficking of Persons			12
						Cases for Prostitution			409
						Cases for Compelling Prostitution			63

Note: Overall, there was a 93.1 percent reporting rate for the fiscal year. Please see page 87 for a list of missing reports.

District Courts Activity Summary from September 1, 2010 to August 31, 2011

CIVIL CASES								
	Injury or Damage						Real Property	
	Motor Vehicle	Medical Malpractice	Other Professional Malpractice	Product Liability - Asbestos/Silica	Other Product Liability	Other Injury or Damage	Eminent Domain	Other Real Property
Cases on Docket:								
Cases Pending 9/1/2010:								
<i>Active Cases</i>	21,327	634	554	9,841	1,300	19,678	339	2,337
<i>Inactive Cases</i>	675	45	18	560	100	660	3	30
Docket Adjustments	3,004	87	(10)	18	(11)	2,465	(4)	(24)
Cases Added:								
New Cases Filed	19,188	781	320	302	685	8,381	850	3,322
Other Cases Reaching Docket:								
<i>Cases Reactivated</i>	1,614	109	24	9	162	876	12	52
<i>All Other Cases Added</i>	524	31	24	4	41	565	10	137
Total Cases On Docket	42,653	1,555	922	10,156	2,188	29,500	1,211	5,848
Dispositions:								
Change of Venue Transfers	130	8	8	17	20	179	0	11
Default Judgments	988	2	8	0	18	363	10	234
Agreed Judgments	2,265	82	34	2	111	1,550	51	576
Summary Judgments	180	7	15	1	15	390	1	65
Final Judgments:								
<i>After Non-Jury Trial</i>	1,327	38	12	0	23	1,093	34	301
<i>By Jury Verdict</i>	360	20	8	0	16	234	2	8
<i>By Directed Verdict</i>	4	0	0	0	0	6	0	0
<i>Dismissed for Want of Prosecution</i>	1,924	27	52	17	74	1,750	19	190
<i>Non-Suited or Dismissed by Plaintiff</i>	8,493	248	191	65	371	4,725	225	685
All Other Dispositions	901	49	26	20	240	1,261	70	294
Total Cases Disposed	16,572	481	354	122	888	11,551	412	2,364
Placed on Inactive Status	1,772	121	27	38	149	1,016	11	79
Cases Pending 8/31/2011:								
<i>Active Cases</i>	27,382	1,043	529	10,013	1,137	19,395	777	3,384
<i>Inactive Cases</i>	643	53	22	590	86	662	2	47

Note: Overall, there was a 93.1 percent reporting rate for the fiscal year. Please see page 87 for a list of missing reports.

District Courts Activity Summary from September 1, 2010 to August 31, 2011

FAMILY CASES										
	Divorce		Parent-Child - No Divorce	Child Protective Services	Termination of Parental Rights	Adoption	Protective Orders - No Divorce	Title IV-D		
	Children	No Children						Paternity	Support Order	UIFSA
Cases on Docket:										
Cases Pending 9/1/2010:										
<i>Active Cases</i>	45,452	50,857	23,800	10,646	1,256	3,762	2,971	11,767	10,606	2,248
<i>Inactive Cases</i>	1,150	602	415	126	21	35	57	164	147	51
Docket Adjustments	658	716	754	(46)	7	117	145	285	(659)	(90)
Cases Added:										
New Cases Filed	57,021	60,632	17,875	9,369	2,119	7,463	7,815	23,603	29,982	3,302
Other Cases Reaching Docket:										
<i>Cases Reactivated</i>	2,854	2,357	329	109	22	113	120	113	157	15
<i>All Other Cases Added</i>	1,954	1,575	1,428	249	67	122	209	548	1,416	80
Total Cases on Docket:	107,281	115,421	43,432	20,373	3,464	11,460	11,115	36,031	42,161	5,645
Dispositions:										
Change of Venue Transfers	166	66	119	97	16	86	10	52	76	9
Default Judgments	3,382	5,639	2,103	167	97	66	374	2,568	1,659	234
Agreed Judgments	18,353	20,104	4,803	436	164	1,018	669	6,391	11,549	496
Summary Judgments	522	611	89	10	3	76	15	144	88	15
Final Judgments:										
<i>After Non-Jury Trial</i>	22,165	26,715	4,725	3,055	1,223	4,168	2,421	5,909	8,755	794
<i>By Jury Verdict</i>	71	105	15	29	10	10	1	11	24	4
<i>By Directed Verdict</i>	23	33	11	3	4	8	16	10	23	1
<i>Dismissed for Want of Prosecution</i>	7,751	7,584	2,607	174	148	436	1,076	2,086	1,127	258
<i>Non-Suited or Dismissed by Plaintiff</i>	3,211	2,216	3,010	2,547	84	131	1,547	3,649	2,926	640
All Other Dispositions	1,503	1,305	1,346	1,492	163	1,264	1,700	1,204	1,797	469
Total Cases Disposed	57,147	64,378	18,828	8,010	1,912	7,263	7,829	22,024	28,024	2,920
Cases Placed on Inactive Status	3,446	2,784	412	165	35	155	291	240	206	29
Cases Pending 8/31/2011:										
<i>Active Cases</i>	47,762	49,388	24,959	11,982	1,508	4,180	3,214	13,991	13,227	2,624
<i>Inactive Cases</i>	1,152	485	400	122	24	49	97	236	184	30

Note: Overall, there was a 93.1 percent reporting rate for the fiscal year. Please see page 87 for a list of missing reports.

District Courts

Activity Summary from September 1, 2010 to August 31, 2011

FAMILY CASES							
	All Other Family Law Cases	Post-Judgment Actions				Total Cases	
		Modification - Custody	Modification - Other	Enforcement	Title IV-D		
Cases on Docket:							
Cases Pending 9/1/2010:							
<i>Active Cases</i>	34,405	4,584	19,386	11,949	26,754	260,443	
<i>Inactive Cases</i>	626	30	243	520	1,033	5,220	
Docket Adjustments	921	24	(80)	1,509	(1,759)	2,502	
Cases Added:							
New Cases Filed	26,212	8,889	14,179	9,050	62,488	339,999	
Other Cases Reaching Docket:							
<i>Cases Reactivated</i>	555	80	896	600	1,618	9,938	
<i>All Other Cases Added</i>	1,842	1,275	1,844	1,514	9,922	24,045	
Total Cases on Docket:	63,014	14,828	36,305	23,113	100,782	634,425	
Dispositions:							
Change of Venue Transfers	211	399	780	195	1,249	3,531	
Default Judgments	736	304	644	165	1,634	19,772	
Agreed Judgments	4,198	1,884	5,089	2,282	22,841	100,277	
Summary Judgments	116	6	19	18	39	1,771	
Final Judgments:							
<i>After Non-Jury Trial</i>	9,701	1,706	3,803	2,708	15,153	113,001	
<i>By Jury Verdict</i>	62	22	47	14	41	466	
<i>By Directed Verdict</i>	16	1	17	7	3	176	
<i>Dismissed for Want of Prosecution</i>	2,456	477	2,108	1,162	2,679	32,129	
<i>Non-Suited or Dismissed by Plaintiff</i>	2,619	390	1,326	1,711	5,310	31,317	
All Other Dispositions	13,014	621	1,890	1,768	6,689	36,225	
Total Cases Disposed	33,129	5,810	15,723	10,030	55,638	338,665	
Cases Placed on Inactive Status	669	140	1,040	644	3,069	13,325	
Cases Pending 8/31/2011:							
<i>Active Cases</i>	30,196	8,893	19,365	13,897	40,359	285,545	
<i>Inactive Cases</i>	458	90	426	564	2,377	6,694	
Age of Cases Disposed:						Additional Court Activity:	
	3 Months or Less	Over 3 to 6 Months	Over 6 to 12 Months	Over 12 to 18 Months	Over 18 Months	Total Cases	Total
Number of Cases	147,235	71,220	67,757	22,861	29,588	338,661	
							Cases in Which Jury Selected 166
							Cases in Which Mistrial Declared 21
							Injunction or Show Cause Order Issued 49,988
							Protective Orders Signed 8,690
							Cases Set for Review 19,184
							Cases in Which Plaintiff/Petitioner Represented Self 53,025

Note: Overall, there was a 93.1 percent reporting rate for the fiscal year. Please see page 57 for a list of missing reports.

District Courts

Activity Summary from September 1, 2010 to August 31, 2011

JUVENILE CASES											
	CINS	Delinquent Conduct									
		Capital Murder	Murder	Other Homicides	Agg. Assault or Attempted Murder	Assault	Indecency with or Sexual Assault of Child	Agg. Robbery or	Burglary	Theft	Auto Theft
Cases on Docket:											
Cases Pending 9/1/2010:											
<i>Active Cases</i>	408	9	8	5	340	720	320	158	451	462	103
<i>Inactive Cases</i>	83	5	4	0	46	138	40	62	76	85	30
Docket Adjustments	75	1	1	0	20	34	34	(17)	65	21	5
Cases Added:											
New Petitions Filed	226	7	14	0	1,053	3,019	526	491	998	1,567	310
Petitions for Transfer to Adult Crim. Court	---	1	5	1	6	5	21	14	5	4	1
Other Cases Reaching Docket:											
<i>Motions to Modify/Enforce/Proceed Filed</i>	22	1	3	2	338	881	128	132	362	592	110
<i>Cases Reactivated</i>	16	11	7	0	142	308	88	125	129	146	43
<i>All Other Cases Added</i>	40	0	0	1	16	13	16	4	29	15	2
Total Cases on Docket	712	29	37	9	1,895	4,946	1,099	924	1,974	2,786	569
Adjudications:											
Findings of Delinquent Conduct or CINS:											
<i>Plea of True</i>	100	6	1	1	480	1,061	263	277	488	736	190
<i>By the Court</i>	18	0	1	0	119	279	63	59	146	145	23
<i>By the Jury</i>	0	0	1	0	1	6	4	8	0	3	0
Total Findings of DC/CINS	118	6	3	1	600	1,346	330	344	634	884	213
Deferred Prosecution	62	0	0	0	196	875	43	25	123	436	24
Transferred to Adult Criminal Court	---	9	9	1	9	0	9	35	4	2	1
Findings of No DC or No CINS:											
<i>By the Court</i>	0	0	0	0	3	11	0	4	4	6	2
<i>By the Jury</i>	0	0	0	0	0	5	2	1	1	0	0
Total Findings of No DC/No CINS	0	0	0	0	3	16	2	5	5	6	2
Dismissals	54	0	2	1	149	423	81	33	176	182	43
Motions to Modify Disposition:											
<i>Denied</i>	2	0	1	0	24	62	10	12	52	26	5
<i>Granted</i>	22	0	2	1	198	277	86	81	229	163	81
All Other Adjudications/Findings	10	0	3	1	162	755	79	73	61	450	42
Total Cases Adjudicated	268	15	20	5	1,341	3,754	640	608	1,284	2,149	411
Placed on Inactive Status	77	8	7	1	170	330	112	121	158	154	38
Cases Pending 8/31/2011:											
<i>Active Cases</i>	310	4	10	3	328	783	332	148	474	458	113
<i>Inactive Cases</i>	129	3	4	1	83	160	63	60	79	97	27
Dispositions:											
Cases with Findings of DC/CINS											
Probation Granted											
<i>Determinate Sentence Probation</i>	---	3	1	0	232	720	136	164	120	502	107
<i>All Other Probation</i>	113	0	0	0	315	540	147	108	470	319	97
Committed to Texas Youth Commission											
<i>Determinate Sentence</i>	---	2	2	0	13	4	13	27	6	5	2
<i>Indeterminate Sentence</i>	---	0	0	1	32	10	11	44	34	16	9
Final Judgment Without Any Disposition	5	0	0	1	22	79	7	13	29	57	13
Cases with Granted Motion to Modify Disp.											
Probation Revoked, Child sent to TYC	---	0	0	0	24	7	18	19	27	9	13
All Other Dispositions	20	0	3	1	165	261	61	70	175	146	67

Note: Overall, there was a 93.1 percent reporting rate for the fiscal year. Please see page 57 for a list of missing reports.

District Courts Activity Summary from September 1, 2010 to August 31, 2011

JUVENILE CASES								
	Delinquent Conduct					Total Cases	Total Delinquent Conduct Cases	
	Felony Drug Offenses	Misdemeanor Drug Offenses	DWI	Contempt of Court	All Other Offenses		Felonies	Misdemeanors
Cases on Docket:								
Cases Pending 9/1/2010:								
<i>Active Cases</i>	193	495	14	52	11,195	14,933	2,626	3,004
<i>Inactive Cases</i>	36	101	7	4	357	1,074	387	536
Docket Adjustments	52	4	(3)	0	(155)	137	(319)	327
Cases Added:								
New Petitions Filed	701	2,271	34	98	6,079	17,394	5,926	10,443
Petitions for Transfer to Adult Crim. Court	16	1	0	0	23	103	77	12
Other Cases Reaching Docket:								
<i>Motions to Modify/Enforce/Proceed Filed</i>	235	701	0	34	2,770	6,311	2,131	3,876
<i>Cases Reactivated</i>	62	215	4	3	575	1,874	787	1,081
<i>All Other Cases Added</i>	10	11	0	0	270	427	286	72
Total Cases on Docket	1,217	3,694	52	187	20,912	41,042	11,833	18,488
Adjudications:								
Findings of Delinquent Conduct or CINS:								
<i>Plea of True</i>	287	880	20	32	2,639	7,461	2,804	4,125
<i>By the Court</i>	73	323	2	9	902	2,162	742	1,098
<i>By the Jury</i>	0	0	0	0	7	30	17	12
Total Findings of DC/CINS	360	1,203	22	41	3,548	9,653	3,563	5,235
Deferred Prosecution	242	645	0	14	1,309	3,994	1,195	2,719
Transferred to Adult Criminal Court	10	0	0	0	17	106	95	3
Findings of No DC or No CINS:								
<i>By the Court</i>	5	7	1	1	9	53	25	22
<i>By the Jury</i>	1	1	0	0	4	15	7	6
Total Findings of No DC/No CINS	6	8	1	1	13	68	32	28
Dismissals	91	308	2	40	1,045	2,630	732	1,485
Motions to Modify Disposition:								
<i>Denied</i>	14	59	1	1	482	751	238	433
<i>Granted</i>	94	264	0	20	1,434	2,952	1,145	1,579
All Other Adjudications/Findings	122	510	3	4	1,457	3,732	1,086	2,546
Total Cases Adjudicated	939	2,997	29	121	9,305	23,886	8,086	14,028
Placed on Inactive Status	60	212	4	9	511	1,972	817	1,084
Cases Pending 8/31/2011:								
<i>Active Cases</i>	244	439	13	28	4,235	7,922	2,182	3,307
<i>Inactive Cases</i>	29	95	6	8	329	1,173	456	554
Dispositions:								
Cases with Findings of DC/CINS								
Probation Granted								
<i>Determinate Sentence Probation</i>	187	610	7	5	1,670	4,464	1,627	2,747
<i>All Other Probation</i>	147	527	10	35	1,397	4,225	1,559	2,164
Committed to Texas Youth Commission								
<i>Determinate Sentence</i>	4	0	0	0	33	111	75	18
<i>Indeterminate Sentence</i>	6	3	0	0	61	227	174	25
Final Judgment Without Any Disposition	14	62	2	0	157	461	138	310
Cases with Granted Motion to Modify Disp.								
Probation Revoked, Child sent to TYC	11	4	0	0	61	193	158	27
All Other Dispositions	74	236	0	19	1,164	2,462	924	1,379

Note: Overall, there was a 93.1 percent reporting rate for the fiscal year. Please see page 57 for a list of missing reports.

District Courts
Activity Summary from September 1, 2010 to August 31, 2011

JUVENILE CASES								
Age of Cases Adjudicated:								
	30 Days or Less	31 to 90 Days	91 to 180 Days	Over 180 Days	Total Cases			
Number of Cases	10,967	7,286	3,159	2,474	23,886			
Additional Court Activity:								
						CINS	DC	Total
						---	275	275
						---	122	122
						1,860	21,660	23,520
						727	3,206	3,933
						0	93	93
						0	11	11
						3	960	963
						18	191	209
						238	15,816	16,054
						10	2,130	2,140

Note: Overall, there was a 93.1 percent reporting rate for the fiscal year. Please see page 57 for a list of missing reports.

Statutory County Courts

In 2011, 87 of the state’s 254 counties had a statutory county court in operation. At the end of 2011, 251 statutory county courts were in operation.

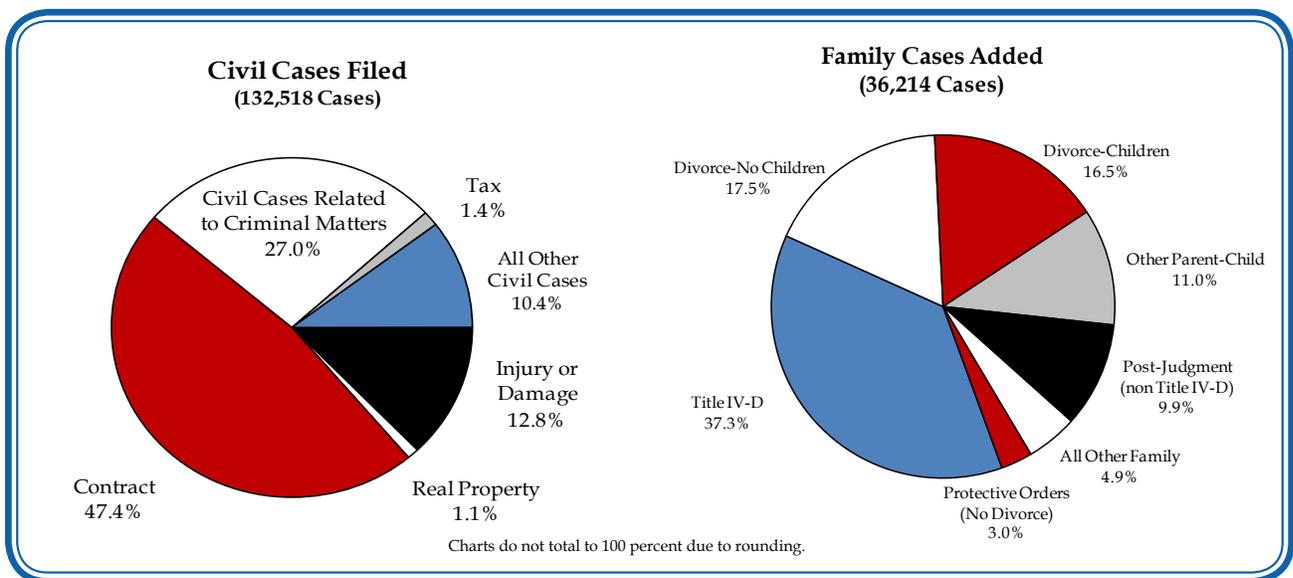
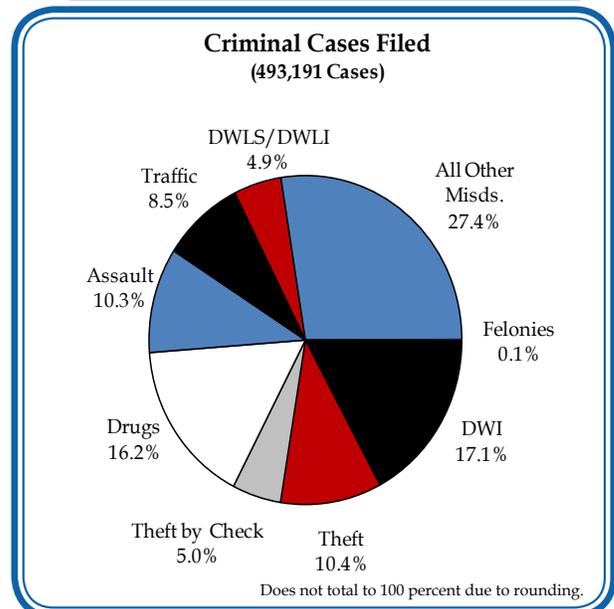
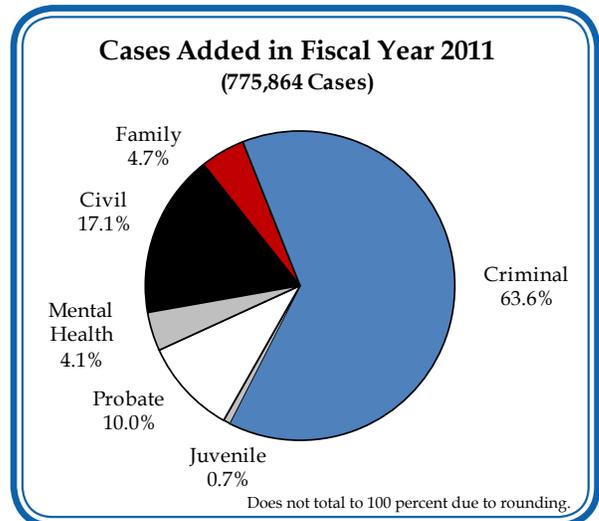
Cases Added— In 2011, nearly 776,000 civil, family, criminal, juvenile, probate, and mental health cases were filed in the statutory county courts.^{1,2} Criminal cases accounted for the majority (63.6 percent) of cases filed in these courts. Civil cases accounted for 17.1 percent, probate cases for 10.0 percent, family cases for 4.7 percent, mental health cases for 4.1 percent, and juvenile cases for 0.7 percent of all cases added.

Excluding the “all other misdemeanors” category, the largest category of criminal cases filed in 2011 involved driving while intoxicated (17.1 percent), followed by drug offenses (16.2 percent), and theft (10.4 percent).

Contract cases accounted for nearly half (47.4 percent) of the statutory county courts’ civil caseload. Civil cases related to criminal matters—a reporting category that includes bond forfeitures, expunctions, nondisclosures, occupational licenses, and seizures and forfeitures—accounted for 27.0 percent of cases added, and injury or damage accounted for 12.8 percent.

Child support cases filed by the state’s Title IV-D agency (the Texas Attorney General’s Office) accounted for the largest share (37.3 percent) of all family law cases added during the year.

1. “Filed” includes new cases, appeals from lower courts, petitions for transfer to adult criminal court, motions to revoke, and other cases added to the docket.
 2. Juvenile, probate and mental health caseloads are discussed in more detail in separate sections of this report.



More than a quarter of the statutory county courts' probate caseload involved independent administrations—the administration of an estate without judicial supervision. "Other cases" accounted for another quarter of caseload, and adult guardianships and "other estate proceedings" each comprised another 21 percent.

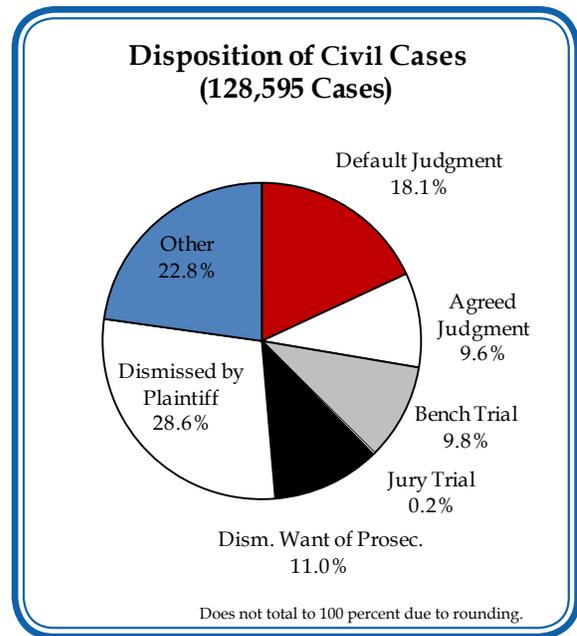
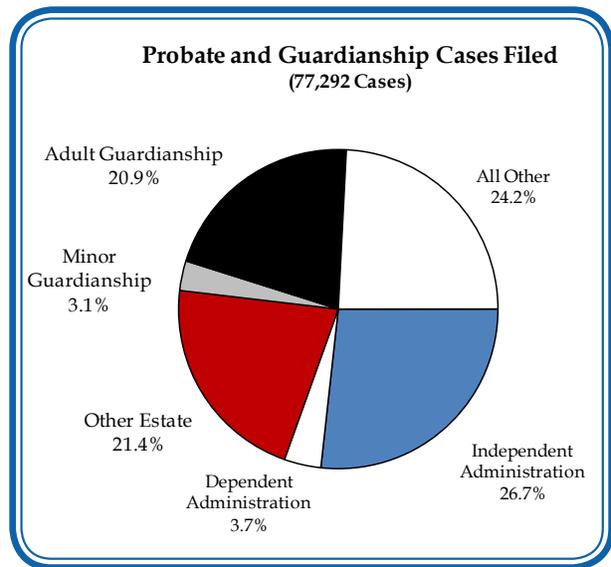
Clearance Rates—In 2011, statutory county courts disposed of 681,135 civil, family, criminal and juvenile cases. The overall clearance rate was 102.1 percent. The clearance rate for criminal cases was 104.5 percent, the clearance rate for civil cases was 97.0 percent, the clearance rate for family cases was 90.2 percent, and the clearance rate for juvenile cases was 85.7 percent.

Manner of Disposition—In 2011, statutory county courts disposed of a total of 128,595 civil cases. Approximately 29 percent of cases were dismissed by the plaintiff, 18.1 percent were disposed of by a default judgment, and 11.0 percent were dismissed for want of prosecution. Approximately 10 percent of cases were decided by a bench trial, and only 0.2 percent were reported as decided by a jury verdict. However, 7.5 percent of medical malpractice cases, 1.1 percent of injury or damage cases involving a motor vehicle, 0.7 percent of other injury or damage cases, and 0.6 percent of eminent domain cases were disposed of by jury trial.

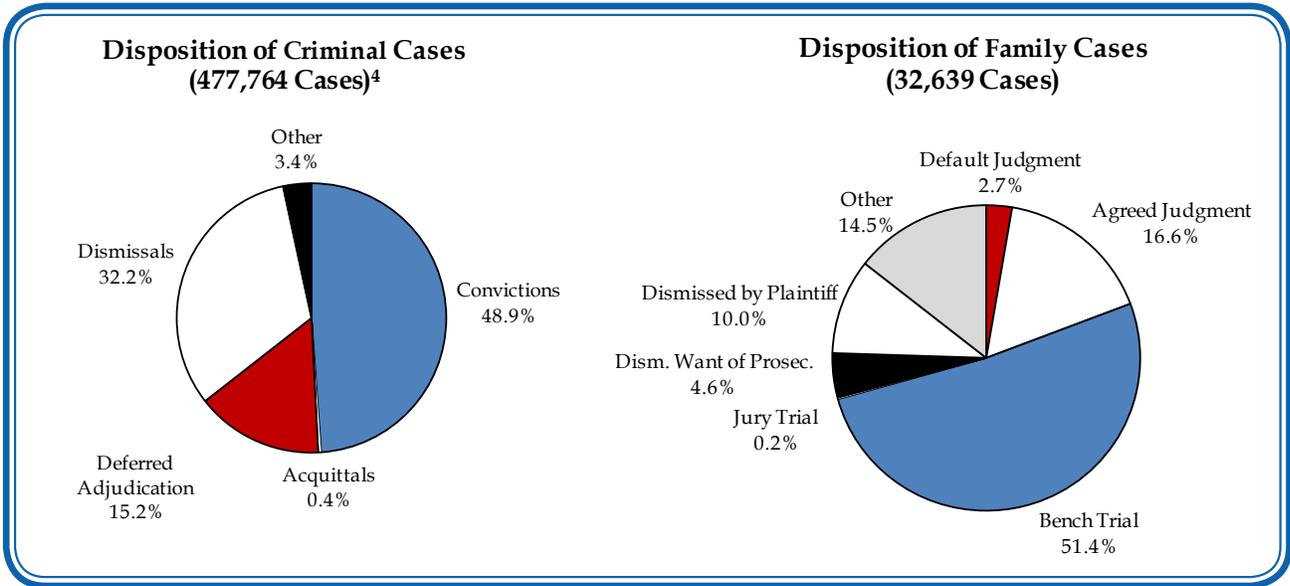
Statutory county courts disposed of 515,445 criminal cases in 2011. Defendants were convicted in 48.9 percent, and acquitted in 0.4 percent, of the 477,764 cases that did not involve a motion to revoke probation. The highest conviction rate (86.1 percent) was in cases involving a second offense of driving while intoxicated/under the influence, and the lowest rate (23.0 percent) occurred in traffic cases. Overall, 97.0 percent of convictions were the result of a guilty or *nolo contendere* plea.

Less than two percent of all criminal cases (excluding motions to revoke probation) went to trial in 2011. Trial rates were slightly higher, however, for driving while intoxicated (4.2 percent), all felonies heard in the statutory county courts (4.2 percent), and assault cases (3.5 percent).

Of the 8,758 cases that went to trial, 24.6 percent were tried before a jury. Defendants were convicted in 60.6 percent of cases that went to jury trial, compared to 87.2 percent that were convicted in cases that were decided by a judge.



	Bench	Jury	All Trials
Convictions	5,756 (87.2%)	1,308 (60.6%)	7,064 (80.7%)
Acquittals	844 (12.8%)	850 (39.4%)	1,694 (19.3%)
Total	6,600 (100%)	2,158 (100%)	8,758 (100%)



Dismissals constituted 32.2 percent of all criminal cases disposed of in 2011 (excluding motions to revoke probation). The highest rate of dismissal occurred in theft by check cases (60.4 percent).

A total of 32,639 family cases were disposed in 2011. The largest share of cases (51.4 percent) was disposed of by bench trial, while the next largest share was settled by an agreed judgment (16.6 percent). Overall, only 0.2 percent of family cases were settled by a jury verdict. However, 1.1 percent of adoption cases, 0.6 percent of post-judgment suits for enforcement, 0.5 percent of child protective services, and 0.4 percent of post-judgment suits for modification in cases not involving custody were disposed of by jury trial.

Age of Cases Disposed—In 2011, 79 percent of civil cases were disposed of within 12 months, and 80 percent of family law cases were disposed of within 12 months. Just under half of misdemeanor cases were disposed of within 90 days by the statutory county courts.

Age of Cases Disposed in FY 2011

Civil					Family				
3 Months or Less	Over 3 to 6 Months	Over 6 to 12 Months	Over 12 to 18 Months	Over 18 Months	3 Months or Less	Over 3 to 6 Months	Over 6 to 12 Months	Over 12 to 18 Months	Over 18 Months
40%	20%	19%	7%	14%	47%	18%	15%	6%	14%

Misdemeanors			
30 Days or Less	31 to 60 Days	61 to 90 Days	Over 90 Days
26%	11%	9%	55%

4. Excludes motions to revoke probation.

Statutory County Courts Activity Summary from September 1, 2010 to August 31, 2011

MISDEMEANOR CASES													
Cases on Docket:	DWI - First Offense	DWI - Second Offense	Theft	Theft by Check	Drug Possession - Marijuana	Drug Offenses - Other	Family Violence Assault	Assault - Other	Traffic	DWLS / DWLI	All Other Misdemea- nor Cases	Total Cases	
Cases Pending 9/1/2010:													
<i>Active Cases</i>	63,267	7,876	62,614	48,004	27,693	14,009	19,467	19,729	26,842	9,079	76,066	374,646	
<i>Inactive Cases</i>	24,847	2,100	24,181	23,321	6,026	3,652	6,551	6,720	8,931	3,470	26,757	136,556	
Docket Adjustments	(1,000)	912	(3,398)	4,014	3,402	(3,947)	1,146	(1,780)	310	329	6	(6)	
Cases Added:													
New Cases Filed	61,762	12,400	45,237	22,875	55,226	16,307	31,001	14,678	8,207	23,604	121,272	412,569	
Appealed from Lower Courts	86	30	104	43	48	120	48	84	32,632	100	3,805	37,100	
Other Cases Reaching Docket:													
<i>Motions to Revoke Filed</i>	8,106	1,677	5,905	1,857	6,199	1,703	2,951	1,642	723	610	8,981	40,354	
<i>Cases Reactivated</i>	6,823	1,359	13,055	11,156	6,751	2,728	6,183	3,109	2,270	2,488	18,798	74,720	
<i>All Other Cases Added</i>	214	85	280	85	226	56	249	196	155	43	1,241	2,830	
Total Cases on Docket	140,258	23,427	127,195	84,020	96,143	34,923	59,899	39,438	70,829	35,924	230,163	942,219	
Dispositions:													
Convictions:													
<i>Guilty Plea/Nolo Contendere</i>	44,812	9,488	20,922	7,295	25,897	7,357	11,459	6,359	11,440	11,565	69,532	226,126	
<i>By the Court</i>	1,304	373	505	111	727	164	107	425	303	186	1,539	5,744	
<i>By the Jury</i>	625	139	41	10	46	12	107	68	33	2	223	1,306	
Total Convictions	46,741	10,000	21,468	7,416	26,670	7,533	11,673	6,852	11,776	11,753	71,294	233,176	
Deferred Adjudication	872	40	12,020	2,688	11,430	2,693	4,619	2,532	18,614	1,779	15,469	72,756	
Acquittals:													
<i>By the Court</i>	261	39	19	0	17	12	221	73	13	2	187	844	
<i>By the Jury</i>	361	80	19	0	19	9	128	68	15	0	150	849	
Total Acquittals	622	119	38	0	36	21	349	141	28	2	337	1,693	
Dismissals	13,915	1,286	17,567	16,464	13,430	7,178	12,475	7,379	18,909	5,949	39,045	153,597	
Motions to Revoke:													
<i>Granted/Revoked</i>	4,798	917	3,483	1,182	3,654	1,497	1,906	1,211	450	359	5,701	25,158	
<i>Denied/Continued</i>	3,275	519	1,621	577	1,368	362	844	579	255	118	2,984	12,502	
All Other Dispositions	1,274	169	1,544	689	1,885	1,385	889	1,074	1,638	796	4,846	16,189	
Total Cases Disposed	71,497	13,050	57,741	29,016	58,473	20,669	32,755	19,768	51,670	20,756	139,676	515,071	
Placed on Inactive Status	9,557	2,143	14,468	18,095	9,344	2,992	7,520	4,142	2,075	3,180	23,746	97,262	
Cases Pending 8/31/2011:													
<i>Active Cases</i>	60,876	8,729	53,363	39,312	28,209	11,873	20,539	15,076	17,729	12,097	68,002	335,805	
<i>Inactive Cases</i>	24,491	2,650	23,144	30,143	8,019	2,820	7,606	6,868	8,478	4,221	29,829	148,269	
Sentencing Information:													
Local Jail	25,370	5,663	16,612	5,733	22,815	4,760	9,586	5,243	2,552	9,591	56,776	164,701	
Probation/Comm. Supervision	20,764	4,104	5,345	2,166	5,711	1,871	2,899	1,454	14,488	1,228	10,636	70,666	
Fine Only	673	60	725	1,148	1,163	143	511	280	7,783	946	1,521	14,953	
Other	757	226	635	907	643	506	381	249	375	341	2,461	7,481	
Age of Cases Disposed:					Additional Court Activity:								
	30 Days or Less	31 to 60 Days	61 to 90 Days	Over 90 Days	Total Cases						Mis- demeanor	Felony	Total
Number of Cases	131,722	54,880	47,157	281,312	515,071	Cases in Which Jury Selected		1,713		44			1,757
						Cases in Which Mistrial Declared		136		3			139
						Motions to Suppress Granted or Denied		650		3			653
						Competency Hearings Held		902		3			905
						Cases Set for Review		15,094		5			15,099
						Cases in Which Attorney Appted as Counsel		144,247		456			144,703
						Cases with Retained Counsel		158,700		174			158,874
Information on Trafficking of Persons:					Total								
					Cases for Trafficking of Persons								0
					Cases for Prostitution								80
					Cases for Compelling Prostitution								0

Note: In 2011, 87 of the state's 254 counties had at least one county court at law in operation. Assuming one report for each county for each month, 1,044 reports were possible. OCA received 1,040 reports, for a reporting rate of 99.6 percent. However, some reports were missing certain sections, or one of the two offices in a county (county clerk or district clerk) may not have reported as required. Please see page 87 for a list of missing reports.

Statutory County Courts Activity Summary from September 1, 2010 to August 31, 2011

FELONY CASES								
	Capital Murder	Murder	Other Homicides	Agg. Assault or Attempted Murder	Sexual Assault of Adult	Indecency With or Sexual Assault of Child	Family Violence Assault	Aggravated Robbery or Robbery
Cases on Docket:								
Cases Pending 9/1/2010:								
<i>Active Cases</i>	0	0	2	16	1	10	0	2
<i>Inactive Cases</i>	0	0	0	0	0	0	0	0
Docket Adjustments	0	0	4	32	2	17	0	7
Cases Added:								
Filed by Indictment or Information	0	0	2	9	2	6	3	2
Other Cases Reaching Docket:								
<i>Motions to Revoke Filed</i>	0	0	0	2	0	1	0	0
<i>Cases Reactivated</i>	0	0	1	1	0	0	0	0
<i>All Other Cases Added</i>	0	0	0	0	0	0	0	0
Total Cases on Docket:	0	0	5	28	3	17	3	4
Dispositions:								
Convictions:								
<i>Guilty Plea or Nolo Contendere</i>	0	0	0	4	0	3	1	1
<i>By the Court</i>	0	0	0	0	0	0	0	0
<i>By the Jury</i>	0	0	0	0	0	0	0	0
Total Convictions	0	0	0	4	0	3	1	1
Placed on Deferred Adjudication	0	0	0	2	0	0	0	0
Acquittals:								
<i>By the Court</i>	0	0	0	0	0	0	0	0
<i>By the Jury</i>	0	0	0	0	0	0	0	0
Total Acquittals	0	0	0	0	0	0	0	0
Dismissals	0	0	0	2	0	2	1	1
Motions to Revoke:								
<i>Granted/Revoked</i>	0	0	0	1	0	1	0	0
<i>Denied/Continued</i>	0	0	0	0	0	0	0	0
All Other Dispositions	0	0	0	0	0	0	0	0
Total Cases Disposed	0	0	0	9	0	6	2	2
Placed on Inactive Status	0	0	1	1	0	0	0	0
Cases Pending 8/31/2011:								
<i>Active Cases</i>	0	0	4	18	3	11	1	2
<i>Inactive Cases</i>	0	0	0	0	0	0	0	0
Cases in Which								
<i>Death Penalty Sought</i>	0	---	---	---	---	---	---	---
<i>Death Penalty Not Sought</i>	0	---	---	---	---	---	---	---
Sentencing Information:								
Prison	0	0	0	0	0	0	0	0
State Jail	0	0	0	0	0	0	0	0
Local Jail	0	0	0	1	0	0	1	0
Probation/Community Supervision	0	0	0	1	0	0	0	0
Shock Probation	0	0	0	0	0	0	0	0
Fine Only	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0

Note: In 2011, 87 of the state's 254 counties had at least one county court at law in operation. Assuming one report for each county for each month, 1,044 reports were possible. OCA received 1,040 reports, for a reporting rate of 99.6 percent. However, some reports were missing certain sections, or one of the two offices in a county (county clerk or district clerk) may not have reported as required. Please see page 87 for a list of missing reports.

Statutory County Courts Activity Summary from September 1, 2010 to August 31, 2011

FELONY CASES									
	Burglary	Theft	Auto Theft	Drug Sale or Manufacture	Drug Possession	Felony DWI	Other Felony	Total Cases	
Cases on Docket:									
Cases Pending 9/1/2010:									
<i>Active Cases</i>	20	34	145	8	94	210	69	611	
<i>Inactive Cases</i>	0	0	0	0	1	41	0	42	
Docket Adjustments	33	53	71	14	189	24	126	572	
Cases Added:									
Filed by Indictment or Information	15	12	12	0	22	151	46	282	
Other Cases Reaching Docket:									
<i>Motions to Revoke Filed</i>	7	0	3	0	9	21	11	54	
<i>Cases Reactivated</i>	1	0	0	0	0	66	1	70	
<i>All Other Cases Added</i>	0	0	0	0	0	2	0	2	
Total Cases on Docket:	43	46	160	8	125	450	127	1,019	
Dispositions:									
Convictions:									
<i>Guilty Plea or Nolo Contendere</i>	7	14	6	0	16	121	44	217	
<i>By the Court</i>	0	0	0	0	0	12	0	12	
<i>By the Jury</i>	0	0	0	0	0	2	0	2	
Total Convictions	7	14	6	0	16	135	44	231	
Placed on Deferred Adjudication	5	2	4	1	7	0	7	28	
Acquittals:									
<i>By the Court</i>	0	0	0	0	0	0	0	0	
<i>By the Jury</i>	0	0	0	0	0	1	0	1	
Total Acquittals	0	0	0	0	0	1	0	1	
Dismissals	3	7	13	6	10	25	13	83	
Motions to Revoke:									
<i>Granted/Revoked</i>	4	0	0	0	3	9	1	19	
<i>Denied/Continued</i>	0	0	0	0	0	1	1	2	
All Other Dispositions	2	1	1	0	0	5	1	10	
Total Cases Disposed	21	24	24	7	36	176	67	374	
Placed on Inactive Status	1	0	0	0	0	65	1	69	
Cases Pending 8/31/2011:									
<i>Active Cases</i>	21	22	136	1	88	209	60	576	
<i>Inactive Cases</i>	0	0	0	0	2	40	0	42	
Cases in Which									
<i>Death Penalty Sought</i>	---	---	---	---	---	---	---	---	
<i>Death Penalty Not Sought</i>	---	---	---	---	---	---	---	---	
Sentencing Information:									
Prison	0	0	0	0	1	0	0	1	
State Jail	0	0	0	0	0	0	0	0	
Local Jail	1	0	1	0	2	0	2	8	
Probation/Community Supervision	0	0	0	0	1	34	1	37	
Shock Probation	0	0	0	0	0	0	0	0	
Fine Only	0	0	0	0	1	40	0	41	
Other	0	0	0	0	0	0	0	0	
Age of Cases Disposed:	90 Days or Less		91 to 180 Days		181 to 365 Days		Over 365 Days		Total Cases
Number of Cases	75		48		124		127		374

Note: In 2011, 87 of the state's 254 counties had at least one county court at law in operation. Assuming one report for each county for each month, 1,044 reports were possible. OCA received 1,040 reports, for a reporting rate of 99.6 percent. However, some reports were missing certain sections, or one of the two offices in a county (county clerk or district clerk) may not have reported as required. Please see page 87 for a list of missing reports.

Statutory County Courts Activity Summary from September 1, 2010 to August 31, 2011

CIVIL CASES									
	Injury or Damage						Real Property		
	Motor Vehicle	Medical Malpractice	Other Professional Malpractice	Product Liability - Asbestos/Silica	Other Product Liability	Other Injury or Damage	Eminent Domain	Other Real Property	
Cases on Docket:									
Cases Pending 9/1/2010:									
<i>Active Cases</i>	17,450	43	38	43	50	7,073	3,212	1,281	
<i>Inactive Cases</i>	843	0	3	3	5	178	49	10	
Docket Adjustments	(1,631)	(5)	(6)	2	44	20	48	(510)	
Cases Added:									
New Cases Filed	13,082	48	9	2	91	3,295	956	229	
Other Cases Reaching Docket									
<i>Cases Appealed from Lower Courts</i>	45	1	0	0	2	63	2	182	
<i>Cases Reactivated</i>	862	0	0	0	0	309	8	1	
<i>All Other Cases Added</i>	213	1	0	0	1	94	24	17	
Total Cases on Docket	31,652	93	47	45	144	10,834	4,202	1,710	
Dispositions:									
Change of Venue Transfers	103	0	0	0	3	39	3	3	
Default Judgments	1,460	7	1	0	6	220	1	44	
Agreed Judgments	794	2	1	1	5	230	178	37	
Summary Judgments	118	0	1	0	1	85	1	7	
Final Judgments:									
<i>After Non-Jury Trial</i>	760	8	0	0	3	359	231	122	
<i>By Jury Verdict</i>	135	3	0	0	0	23	3	1	
<i>By Directed Verdict</i>	4	0	0	0	0	2	1	0	
<i>Dismissed for Want of Prosecution</i>	2,105	5	1	1	11	606	19	127	
<i>Non-Suited or Dismissed by Plaintiff</i>	5,227	13	1	3	43	1,254	224	65	
All Other Dispositions	2,265	2	0	1	7	764	54	99	
Total Cases Disposed	12,971	40	5	6	79	3,582	715	505	
Placed on Inactive Status	1,783	0	0	0	2	602	22	3	
Cases Pending 8/31/2011:									
<i>Active Cases</i>	15,663	18	37	34	110	6,223	3,518	1,233	
<i>Inactive Cases</i>	926	0	0	2	0	315	10	9	

Note: In 2011, 87 of the state's 254 counties had at least one county court at law in operation. Assuming one report for each county for each month, 1,044 reports were possible. OCA received 1,040 reports, for a reporting rate of 99.6 percent. However, some reports were missing certain sections, or one of the two offices in a county (county clerk or district clerk) may not have reported as required. Please see page 87 for a list of missing reports.

Statutory County Courts Activity Summary from September 1, 2010 to August 31, 2011

CIVIL CASES							
	Contract		Civil Cases Relating to Criminal Matters	All Other Civil Cases	Tax	Total Cases	
	Consumer/ Commercial/ Debt	Other Contract					
Cases on Docket:							
Cases Pending 9/1/2010:							
<i>Active Cases</i>	110,000	9,749	25,992	21,242	3,637	199,810	
<i>Inactive Cases</i>	1,813	1,840	450	493	1	5,688	
Docket Adjustments	196	61	(363)	(1,304)	75	(3,373)	
Cases Added:							
New Cases Filed	51,907	5,781	33,683	11,661	1,866	122,610	
Other Cases Reaching Docket							
<i>Cases Appealed from Lower Courts</i>	323	3,310	23	1,443	4	5,398	
<i>Cases Reactivated</i>	909	61	8	66	0	2,224	
<i>All Other Cases Added</i>	1,280	181	2,065	629	5	4,510	
Total Cases on Docket	164,419	19,082	61,771	35,041	5,512	334,552	
Dispositions:							
Change of Venue Transfers	196	14	11	72	0	444	
Default Judgments	15,752	1,790	2,205	1,396	363	23,245	
Agreed Judgments	4,067	1,026	4,383	1,534	72	12,330	
Summary Judgments	2,283	295	145	172	2	3,110	
Final Judgments:							
<i>After Non-Jury Trial</i>	2,145	1,892	4,877	1,772	398	12,567	
<i>By Jury Verdict</i>	36	9	22	33	1	266	
<i>By Directed Verdict</i>	5	1	2	5	0	20	
<i>Dismissed for Want of Prosecution</i>	5,954	1,663	1,502	1,990	137	14,121	
<i>Non-Suited or Dismissed by Plaintiff</i>	18,358	1,852	6,460	2,364	896	36,760	
All Other Dispositions	2,593	1,529	12,001	6,330	87	25,732	
Total Cases Disposed	51,389	10,071	31,608	15,668	1,956	128,595	
Placed on Inactive Status	3,515	656	173	288	0	7,044	
Cases Pending 8/31/2011:							
<i>Active Cases</i>	111,121	8,458	29,541	16,924	2,770	195,650	
<i>Inactive Cases</i>	2,560	2,054	397	508	1	6,782	
Age of Cases Disposed:				Additional Court Activity:			
	3 Months or Less	Over 3 to 6 Months	Over 6 to 12 Months	Over 12 to 18 Months	Over 18 Months	Total Cases	
Number of Cases	51,282	26,195	24,673	8,809	17,636	128,595	
							Total
							Cases in Which Jury Selected 389
							Cases in Which Mistrial Declared 13
							Injunction or Show Cause Order Issued 1,450
							Cases in Which Plaintiff /Petitioner Represented Self 5,733

Note: In 2011, 87 of the state's 254 counties had at least one county court at law in operation. Assuming one report for each county for each month, 1,044 reports were possible. OCA received 1,040 reports, for a reporting rate of 99.6 percent. However, some reports were missing certain sections, or one of the two offices in a county (county clerk or district clerk) may not have reported as required. Please see page 87 for a list of missing reports.

Statutory County Courts Activity Summary from September 1, 2010 to August 31, 2011

FAMILY CASES										
	Divorce		Parent-Child - No Divorce	Child Protective Services	Termination of Parental Rights	Adoption	Protective Orders - No Divorce	Title IV-D		
	Children	No Children						Paternity	Support Order	UIFSA
Cases on Docket:										
Cases Pending 9/1/2010:										
<i>Active Cases</i>	6,846	3,362	1,605	1,220	115	331	735	706	944	202
<i>Inactive Cases</i>	381	283	129	19	6	10	10	32	64	10
Docket Adjustments	86	429	136	(9)	0	7	3	24	86	8
Cases Added:										
New Cases Filed	5,807	6,222	1,758	1,052	184	677	1,067	2,555	3,856	335
Other Cases Reaching Docket:										
<i>Cases Reactivated</i>	53	22	10	2	0	0	9	0	12	3
<i>All Other Cases Added</i>	166	107	278	19	2	14	7	98	366	36
Total Cases on Docket	12,872	9,713	3,651	2,293	301	1,022	1,818	3,359	5,178	576
Dispositions:										
Change of Venue Transfers	28	10	21	9	2	11	5	6	22	3
Default Judgments	182	220	54	0	6	3	9	104	80	13
Agreed Judgments	992	1,042	308	42	11	48	46	236	674	21
Summary Judgments	17	13	2	0	0	0	6	0	0	0
Final Judgments:										
<i>After Non-Jury Trial</i>	3,834	3,836	837	387	92	450	348	1,142	1,806	102
<i>By Jury Verdict</i>	5	5	1	4	0	7	0	2	0	1
<i>By Directed Verdict</i>	0	0	2	0	0	0	0	3	1	0
<i>Dismissed for Want of Prosecution</i>	475	344	87	15	8	26	82	18	32	2
<i>Non-Suited or Dismissed by Plaintiff</i>	365	278	262	252	8	8	131	362	397	64
All Other Dispositions	119	99	244	145	26	77	160	380	530	87
Total Cases Disposed	6,017	5,847	1,818	854	153	630	787	2,253	3,542	293
Cases Placed on Inactive Status	200	160	41	5	6	8	16	7	22	2
Cases Pending 8/31/2011:										
<i>Active Cases</i>	6,379	3,615	1,756	1,353	143	364	1,006	1,278	1,711	287
<i>Inactive Cases</i>	310	147	49	16	6	15	6	27	56	5

Note: In 2011, 87 of the state's 254 counties had at least one county court at law in operation. Assuming one report for each county for each month, 1,044 reports were possible. OCA received 1,040 reports, for a reporting rate of 99.6 percent. However, some reports were missing certain sections, or one of the two offices in a county (county clerk or district clerk) may not have reported as required. Please see page 87 for a list of missing reports.

Statutory County Courts Activity Summary from September 1, 2010 to August 31, 2011

FAMILY CASES							
Cases on Docket:	All Other Family Law Cases	Post-Judgment Actions				Total Cases	
		Modification - Custody	Modification - Other	Enforcement	Title IV-D		
Cases Pending 9/1/2010:							
<i>Active Cases</i>	5,202	747	2,580	999	1,817	27,411	
<i>Inactive Cases</i>	84	38	28	17	288	1,399	
Docket Adjustments	409	43	(337)	13	109	1,007	
Cases Added:							
New Cases Filed	1,177	815	882	983	4,516	31,886	
Other Cases Reaching Docket:							
<i>Cases Reactivated</i>	6	1	6	5	233	362	
<i>All Other Cases Added</i>	581	404	278	224	1,748	4,328	
Total Cases on Docket	6,966	1,967	3,746	2,211	8,314	63,987	
Dispositions:							
Change of Venue Transfers	43	67	40	22	116	405	
Default Judgments	66	20	9	16	104	886	
Agreed Judgments	374	179	125	171	1,135	5,404	
Summary Judgments	3	1	1	0	0	43	
Final Judgments:							
<i>After Non-Jury Trial</i>	1,104	360	411	223	1,851	16,783	
<i>By Jury Verdict</i>	8	2	2	1	2	40	
<i>By Directed Verdict</i>	3	0	1	4	0	14	
<i>Dismissed for Want of Prosecution</i>	285	59	48	27	7	1,515	
<i>Non-Suited or Dismissed by Plaintiff</i>	472	53	58	109	455	3,274	
All Other Dispositions	921	93	153	279	962	4,275	
Total Cases Disposed	3,279	834	848	852	4,632	32,639	
Cases Placed on Inactive Status	21	16	23	17	260	804	
Cases Pending 8/31/2011:							
<i>Active Cases</i>	3,476	1,124	2,062	1,332	3,533	29,419	
<i>Inactive Cases</i>	64	14	18	12	259	1,004	
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 Cases	
Number of Cases	15,305	5,929	4,794	2,094	4,517	32,639	
							Additional Court Activity:
							Cases in Which Jury Selected
							28
							Cases in Which Mistrial Declared
							0
							Injunction or Show Cause Order Issued
							1,452
							Protective Orders Signed
							414
							Cases Set for Review
							1,191
							Cases in Which Plaintiff/Petitioner Represented Self
							5,272

Note: In 2011, 87 of the state's 254 counties had at least one county court at law in operation. Assuming one report for each county for each month, 1,044 reports were possible. OCA received 1,040 reports, for a reporting rate of 99.6 percent. However, some reports were missing certain sections, or one of the two offices in a county (county clerk or district clerk) may not have reported as required. Please see page 87 for a list of missing reports.

Statutory County Courts Activity Summary from September 1, 2010 to August 31, 2011

JUVENILE CASES											
	Delinquent Conduct										
	CINS	Capital Murder	Murder	Other Homicides	Agg. Assault or Attempted Murder	Assault	Indecency with or Sexual Assault of Child	Agg. Robbery or Robbery	Burglary	Theft	Auto Theft
Cases on Docket:											
Cases Pending 9/1/2010:											
<i>Active Cases</i>	676	1	3	0	131	372	123	42	186	228	47
<i>Inactive Cases</i>	1	0	0	0	25	45	2	5	17	9	3
Docket Adjustments	(2)	0	0	(1)	(1)	5	(6)	3	(13)	2	1
Cases Added:											
New Petitions Filed	127	0	2	6	304	793	244	47	344	334	63
Petitions for Transfer to Adult Crim. Court	---	1	2	0	8	20	15	7	9	4	0
Other Cases Reaching Docket:											
<i>Motions to Modify/Enforce/Proceed Filed</i>	13	1	1	1	53	105	35	11	104	67	17
<i>Cases Reactivated</i>	1	0	0	0	7	28	2	1	11	4	3
<i>All Other Cases Added</i>	1	0	0	0	6	7	5	0	10	15	1
Total Cases on Docket	818	3	8	7	509	1,325	424	108	664	652	131
Adjudications:											
Findings of Delinquent Conduct or CINS:											
<i>Plea of True</i>	37	0	0	0	166	367	94	19	227	149	34
<i>By the Court</i>	6	0	0	2	22	70	23	6	45	22	7
<i>By the Jury</i>	1	0	0	0	1	4	4	1	7	2	0
Total Findings of DC/CINS	44	0	0	2	189	441	121	26	279	173	41
Deferred Prosecution	36	0	0	0	7	22	2	0	13	16	0
Transferred to Adult Criminal Court	---	0	2	0	4	2	11	2	5	0	0
Findings of No DC or No CINS:											
<i>By the Court</i>	0	0	0	0	1	0	1	0	0	2	0
<i>By the Jury</i>	0	0	0	1	1	1	0	0	0	0	0
Total Findings of No DC/No CINS	0	0	0	1	2	1	1	0	0	2	0
Dismissals	41	1	1	0	85	198	28	12	41	83	22
Motions to Modify Disposition:											
<i>Denied</i>	4	0	0	0	4	15	3	3	12	10	1
<i>Granted</i>	4	0	0	0	32	63	28	5	65	50	10
All Other Adjudications/Findings	39	0	0	0	12	34	13	6	20	22	5
Total Cases Adjudicated	168	1	3	3	335	776	207	54	435	356	79
Placed on Inactive Status	1	0	0	0	15	68	5	2	21	14	2
Cases Pending 8/31/2011:											
<i>Active Cases</i>	647	2	5	3	159	493	202	51	205	282	51
<i>Inactive Cases</i>	1	0	0	0	33	78	5	6	21	18	2
Dispositions:											
Cases with Findings of DC/CINS											
Probation Granted											
<i>Determinate Sentence Probation</i>	---	0	0	2	88	204	51	3	140	93	31
<i>All Other Probation</i>	45	0	0	0	58	130	51	8	96	65	8
Committed to Texas Youth Commission											
<i>Determinate Sentence</i>	---	0	0	0	7	6	5	5	10	6	0
<i>Indeterminate Sentence</i>	---	0	0	0	13	3	9	6	14	2	3
Final Judgment Without Any Disposition	6	0	0	0	15	62	8	3	20	19	4
Cases with Granted Motion to Modify Disp.											
Probation Revoked, Child sent to TYC	---	0	0	0	13	9	8	1	12	4	1
All Other Dispositions	12	0	0	0	18	56	18	6	55	54	9

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Statutory County Courts Activity Summary from September 1, 2010 to August 31, 2011

JUVENILE CASES								
	Delinquent Conduct					Total Cases	Total Delinquent Conduct Cases	
	Felony Drug Offenses	Misdemeanor Drug Offenses	DWI	Contempt of Court	All Other Offenses		Felonies	Misdemeanors
Cases on Docket:								
Cases Pending 9/1/2010:								
<i>Active Cases</i>	100	298	3	2	1,929	4,141	720	1,172
<i>Inactive Cases</i>	3	20	0	0	32	162	6	4
Docket Adjustments	7	(18)	0	2	(9)	(30)	82	56
Cases Added:								
New Petitions Filed	188	606	8	20	1,124	4,210	1,195	1,604
Petitions for Transfer to Adult Crim. Court	1	7	0	0	31	105	47	44
Other Cases Reaching Docket:								
<i>Motions to Modify/Enforce/Proceed Filed</i>	28	104	2	13	186	741	282	301
<i>Cases Reactivated</i>	2	14	0	0	12	85	9	10
<i>All Other Cases Added</i>	3	7	0	0	91	146	24	76
Total Cases on Docket	322	1,036	13	35	3,373	9,428	2,277	3,207
Adjudications:								
Findings of Delinquent Conduct or CINS:								
<i>Plea of True</i>	109	259	4	16	462	1,943	677	752
<i>By the Court</i>	19	49	1	1	197	470	124	155
<i>By the Jury</i>	2	2	0	0	13	37	24	7
Total Findings of DC/CINS	130	310	5	17	672	2,450	825	914
Deferred Prosecution	3	48	0	1	35	183	38	102
Transferred to Adult Criminal Court	2	0	0	0	4	32	22	1
Findings of No DC or No CINS:								
<i>By the Court</i>	0	1	0	0	6	11	1	0
<i>By the Jury</i>	0	0	0	0	0	3	2	0
Total Findings of No DC/No CINS	0	1	0	0	6	14	3	0
Dismissals	46	95	0	3	280	936	236	357
Motions to Modify Disposition:								
<i>Denied</i>	6	19	1	0	36	114	34	53
<i>Granted</i>	18	64	0	10	119	468	208	209
All Other Adjudications/Findings	7	19	0	1	81	259	86	122
Total Cases Adjudicated	212	556	6	32	1,233	4,456	1,452	1,758
Placed on Inactive Status	8	16	0	0	57	209	38	30
Cases Pending 8/31/2011:								
<i>Active Cases</i>	114	463	7	5	2,091	4,780	850	1,476
<i>Inactive Cases</i>	5	21	0	0	61	251	55	38
Dispositions:								
Cases with Findings of DC/CINS								
Probation Granted								
<i>Determinate Sentence Probation</i>	66	181	3	19	296	1,177	371	536
<i>All Other Probation</i>	38	102	2	4	248	855	364	377
Committed to Texas Youth Commission								
<i>Determinate Sentence</i>	4	2	0	0	13	58	17	11
<i>Indeterminate Sentence</i>	8	5	0	0	24	87	66	13
Final Judgment Without Any Disposition	6	25	0	1	79	248	64	110
Cases with Granted Motion to Modify Disp.								
Probation Revoked, Child sent to TYC	4	4	0	0	12	68	45	12
All Other Dispositions	19	55	1	0	99	402	164	203

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Statutory County Courts Activity Summary from September 1, 2010 to August 31, 2011

JUVENILE CASES									
Age of Cases Adjudicated:					Additional Court Activity:				
	30 Days or Less	31 to 90 Days	91 to 180 Days	Over 180 Days	Total Cases	CINS	DC	Total	
Number of Cases	955	1,587	815	1,099	4,456	Grand Jury Approvals	---	13	13
						Release or Transfer Hearings	---	99	99
						Detention Hearings	200	3,911	4,111
						Cases Set for Review	15	313	328
						Competency Hearings	0	27	27
						Motions to Suppress Granted			
						/Denied	0	7	7
						Applications for Sealing Records	2	114	116
						Motions for Sex Offender Un- or Deregistration	0	25	25
						Cases in Which Attorney Appointed as Counsel	85	3,385	3,470
						Cases with Retained Counsel	7	470	477
PROBATE AND GUARDIANSHIP CASES									
Cases on Docket:	Decedents' Estates			Guardianships		All Other Cases	Total Cases		
	Independent Administration	Dependent Administration	All Other Estate Proceedings	Minor	Adult				
New Cases, Applications or Contests Filed	16,353	1,202	13,913	891	3,520	4,877	40,756		
Other Cases Added:									
<i>Ancillary Cases</i>	1,358	163	324	20	33	49	1,947		
<i>All Other Matters</i>	2,961	1,521	2,298	1,410	12,631	13,768	34,589		
Inventories Filed	14,688	643	---	325	784	---	16,624		
Guardianship of Person Reports Filed	---	---	---	433	15,029	---	15,462		
Annual or Final Accounts Filed	---	1,757	---	1,255	5,484	---	8,496		
Additional Information:									
	Guardianships:					Total			
	Dismissed or Denied	476		Sec. 683 Investigations	912				
	Granted	2,106		Ch. 48 Removals	52				
	Closed	1,634		Hearings Held	42,138				
	Active	20,545		Cases in Which Plaintiff/Petitioner Represented Self	1,229				
MENTAL HEALTH CASES									
	Temporary Mental Health Services	Extended Mental Health Services	Modification			Order to Authorize Psychoactive Medications			
			Inpatient to Outpatient	Outpatient to Inpatient					
Intake									
New Applications Filed	28,304	361	177	59	New Applications Filed	2,566			
Applications for Protective Custody Signed	29,858	---	---	---	Dismissal Prior to Hearing	281			
					Hearings Held	1,870			
					Disposition at Hearing				
					<i>Denied</i>	228			
Hearings					<i>Granted</i>	1,783			
Probable Cause Hearings Held	14,045	---	---	---					
Release/Dismissal Prior to Final Hearing	30,219	3	1	0					
Final Commitment Hearings Held	4,606	115	10	6					
Other Information									
Disposition at Final Hearing									
<i>Denied (Release)</i>	2,033	7	0	0					
<i>Granted (Commit)</i>									
Inpatient	6,817	144	21	---					
Outpatient	453	7	---	4					

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Constitutional County Courts

In 2011, cases were filed in 212 of the state's 254 constitutional county courts.¹ The county judge in the other 42 counties either had no judicial functions or assisted in an as-needed basis with cases filed in another court.

Cases Added— In 2011, more than 87,000 civil, criminal, juvenile, probate, and mental health cases were filed in the constitutional courts.^{2,3} Criminal cases accounted for the majority (65.3 percent) of cases filed in these courts. Probate cases accounted for 19.4 percent, mental health cases for 7.4 percent, civil cases for 6.7 percent, and juvenile cases for 1.2 percent of all cases added.

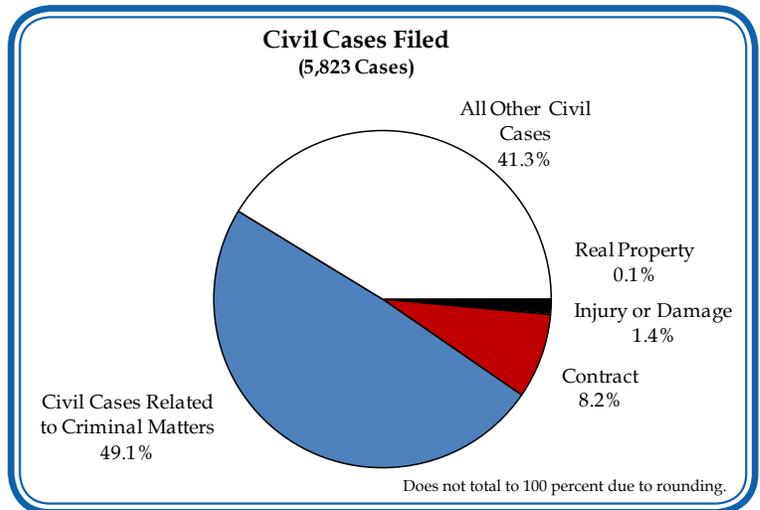
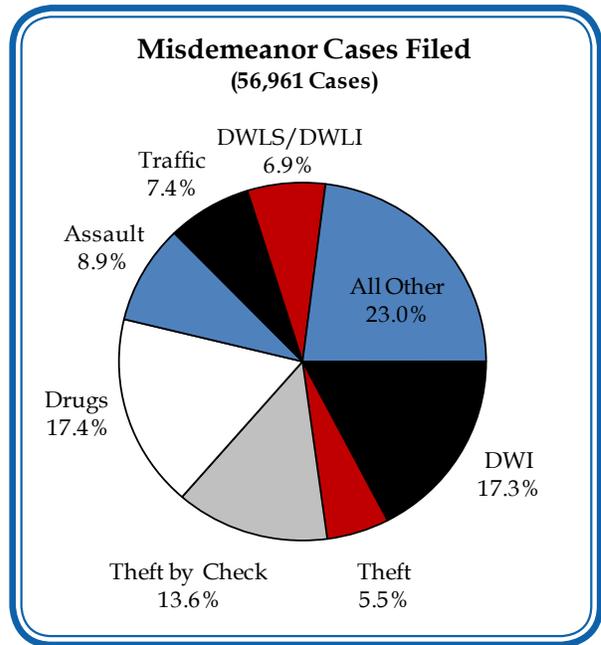
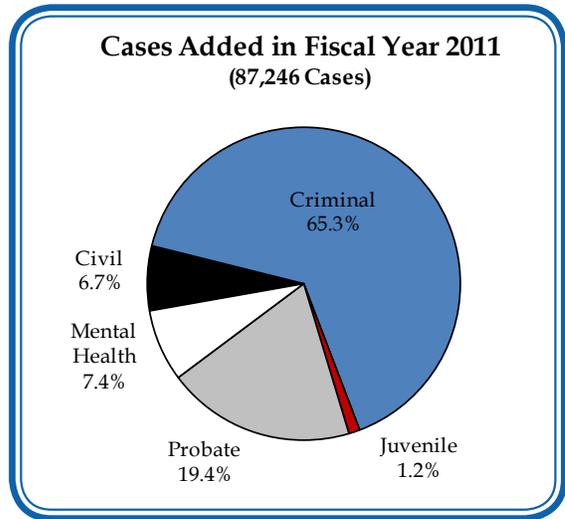
Excluding the “all other misdemeanors” category, the largest category of criminal cases filed in 2011 involved drug offenses (17.4 percent), followed by driving while intoxicated (17.3 percent) and theft by check (13.6 percent).

Civil cases related to criminal matters—a reporting category that includes bond forfeitures, expunctions, nondisclosures, occupational licenses, and seizures and forfeitures—accounted for nearly half (49.1 percent) of the constitutional county courts’ civil caseload. “All other” civil cases comprised 41.3 percent of all civil cases added, and contract cases accounted for 8.2 percent.

Approximately half of the constitutional county courts’ probate caseload involved independent administrations—the administration of an estate without judicial supervision. Thirty percent of probate caseload involved “other estate” proceedings, and eight percent involved guardianships of an adult.

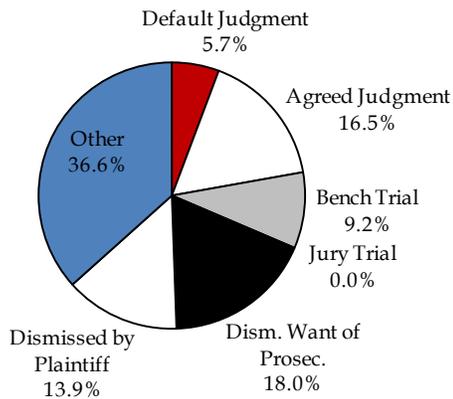
Clearance Rates—In 2011, constitutional county courts disposed of 66,406 civil, criminal and juvenile cases. The overall clearance rate was 104.1 percent. The clearance rate for criminal cases was 106.0 percent, while the clearance rates for civil cases and juvenile cases were 88.3 percent and 89.5 percent, respectively.

Manner of Disposition—In 2011, constitutional county courts disposed of a total of 5,150 civil cases. Eighteen percent were dismissed for want of prosecution, 13.9 percent were dismissed by the plaintiff, and 16.5 percent were disposed of by an agreed



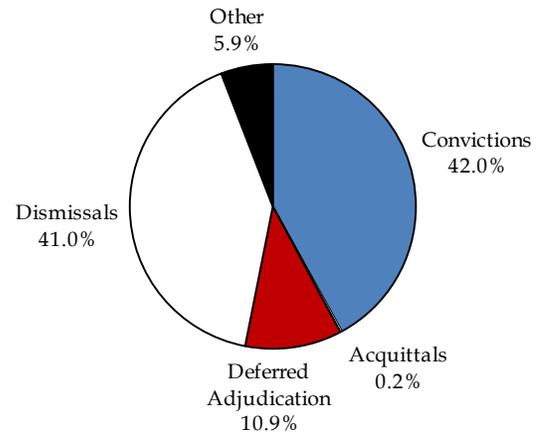
1. The judicial functions of the constitutional county courts vary greatly by county. Some courts may have very limited jurisdiction.
 2. “Filed” includes new cases, appeals from lower courts, petitions for transfer to adult criminal court, motions to revoke, and other cases added to the docket.
 3. Juvenile, probate and mental health caseloads are discussed in more detail in separate sections of this report.

Disposition of Civil Cases (5,150 Cases)



Does not total to 100 percent due to rounding.

Disposition of Criminal Cases (55,898 Cases)⁴



judgment. Approximately nine percent of cases were decided by a bench trial, and only one case was reported as decided by a jury verdict.

Constitutional county courts disposed of 60,357 criminal cases in 2011. Defendants were convicted in 42.0 percent, and acquitted in 0.2 percent, of the 55,898 cases that did not involve a motion to revoke probation. The highest conviction rate (75.8 percent) was in cases involving a second offense of driving while intoxicated/under the influence, and the lowest rate (23.7 percent) occurred in theft by check cases. Overall, 96.2 percent of convictions were the result of a guilty or *nolo contendere* plea.

Approximately two percent of all criminal cases (excluding motions to revoke probation) went to trial in 2011. Trial rates were slightly higher, however, for driving while intoxicated or under the influence cases and assault cases, which went to trial in 3.4 percent and 2.7 percent of the cases, respectively.

Of the 998 cases that went to trial, 13.7 percent were tried before a jury. Defendants were convicted in 52.6 percent of cases that went to jury trial, compared to 95.5 percent that were convicted in cases that were decided by a judge.

Criminal Cases Reaching Trial in FY 2011

	Bench	Jury	All Trials
Convictions	822 (95.5%)	72 (52.6%)	894 (89.6%)
Acquittals	39 (4.5%)	65 (47.4%)	104 (10.4%)
Total	861 (100%)	137 (100%)	998 (100%)

Dismissals constituted 41.0 percent of all criminal cases disposed of in 2011 (excluding motions to revoke probation). The highest rate of dismissal occurred in theft by check cases (65.4 percent).

Age of Cases Disposed—In 2011, 77 percent of civil cases were disposed of within 12 months, and 53 percent of misdemeanor cases were disposed of within 90 days.

Age of Cases Disposed in FY 2011

Civil					Criminal			
3 Months or Less	Over 3 to 6 Months	Over 6 to 12 Months	Over 12 to 18 Months	Over 18 Months	30 Days or Less	31 to 60 Days	61 to 90 Days	Over 90 Days
61%	7%	9%	6%	17%	29%	13%	11%	47%

4. Excludes motions to revoke probation.

Constitutional County Courts

Activity Summary from September 1, 2010 to August 31, 2011

MISDEMEANOR CASES												
Cases on Docket:	DWI - First Offense	DWI - Second Offense	Theft	Theft by Check	Drug Possession - Marijuana	Drug Offenses - Other	Family Violence Assault	Assault - Other	Traffic	DWLS/ DWLI	All Other Misdemea- nor Cases	Total Cases
Cases Pending 9/1/2010:												
<i>Active Cases</i>	13,420	1,470	8,526	19,900	6,873	1,961	1,508	3,372	5,374	2,654	17,672	82,730
<i>Inactive Cases</i>	2,106	216	2,916	3,695	1,082	221	171	367	380	375	1,974	13,503
Docket Adjustments	(398)	(4)	80	438	105	76	3	100	(99)	148	416	865
Cases Added:												
New Cases Filed	6,925	1,515	2,566	7,106	6,692	1,810	2,347	2,101	2,147	3,479	11,441	48,129
Appealed from Lower Courts	3	1	15	2	15	53	11	29	1,950	106	449	2,634
Other Cases Reaching Docket:												
<i>Motions to Revoke Filed</i>	1,036	265	538	589	1,104	139	256	244	121	311	1,078	5,681
<i>Cases Reactivated</i>	935	210	1,282	2,404	889	260	221	276	246	432	1,633	8,788
<i>All Other Cases Added</i>	105	16	26	28	66	17	44	41	17	31	126	517
Total Cases on Docket	22,424	3,477	12,953	30,029	15,639	4,240	4,387	6,063	9,855	7,013	32,399	148,479
Dispositions:												
Convictions:												
<i>Guilty Plea/Nolo Contendere</i>	4,455	1,088	1,528	1,881	2,990	723	865	838	946	1,694	5,569	22,577
<i>By the Court</i>	222	51	21	101	103	19	49	45	23	36	152	822
<i>By the Jury</i>	19	2	2	2	9	2	2	8	10	0	16	72
Total Convictions	4,696	1,141	1,551	1,984	3,102	744	916	891	979	1,730	5,737	23,471
Deferred Adjudication	321	22	448	549	1,385	239	235	253	913	419	1,323	6,107
Acquittals:												
<i>By the Court</i>	6	1	1	13	7	2	0	2	1	0	6	39
<i>By the Jury</i>	14	2	2	4	4	1	8	11	1	2	16	65
Total Acquittals	20	3	3	17	11	3	8	13	2	2	22	104
Dismissals	2,278	264	1,871	5,465	1,907	812	956	1,146	1,922	1,131	5,189	22,941
Motions to Revoke:												
<i>Granted/Revoked</i>	586	115	267	314	547	96	158	134	68	117	645	3,047
<i>Denied/Continued</i>	265	75	146	155	251	31	47	49	25	92	276	1,412
All Other Dispositions	612	76	332	339	420	102	93	124	279	128	770	3,275
Total Cases Disposed	8,778	1,696	4,618	8,823	7,623	2,027	2,413	2,610	4,188	3,619	13,962	60,357
Placed on Inactive Status	1,297	326	1,185	2,902	1,263	397	337	338	437	587	2,402	11,471
Cases Pending 8/31/2011:												
<i>Active Cases</i>	12,420	1,514	7,173	18,169	6,969	1,659	1,670	3,122	5,163	2,858	16,613	77,330
<i>Inactive Cases</i>	2,351	278	2,887	4,266	1,377	348	256	422	504	534	2,345	15,568
Sentencing Information:												
Local Jail	1,294	416	441	700	1,346	359	447	410	226	580	2,562	8,781
Probation/Comm. Supervision	2,242	502	442	518	1,164	229	294	275	304	582	1,399	7,951
Fine Only	266	56	357	462	356	48	64	83	231	296	656	2,875
Other	427	67	165	306	255	131	89	101	280	169	603	2,593
Age of Cases Disposed:	30 Days or Less	31 to 60 Days	61 to 90 Days	Over 90 Days	Total Cases	Additional Court Activity:						Total
Number of Cases	17,441	7,963	6,535	28,418	60,357	Cases in Which Jury Selected						52
						Cases in Which Mistrial Declared						0
						Motions to Suppress Granted or Denied						88
						Competency Hearings Held						2
						Cases Set for Review						1,200
						Cases in Which Attorney Appointed as Counsel						7,074
						Cases With Retained Counsel						7,169

Note: Overall, there was a 92.4 percent reporting rate for the fiscal year. Please see page 87 for a list of missing reports.

Constitutional County Courts Activity Summary from September 1, 2010 to August 31, 2011

CIVIL CASES										
	Injury or Damage			Real Property	Contract			Civil Cases Relating to Criminal Matters	All Other Civil Cases	Total Cases
	Motor Vehicle	Other Injury or Damage			Consumer/ Commercial/ Debt	Landlord/ Tenant	Other Contract			
Cases on Docket:										
Cases Pending 9/1/2010:										
<i>Active Cases</i>	324	178	16	1,686	17	158	3,098	7,376	12,853	
<i>Inactive Cases</i>	33	17	0	424	2	40	425	1,267	2,208	
Docket Adjustments	(13)	31	0	(73)	(1)	(2)	391	(542)	(209)	
Cases Added:										
New Cases Filed	64	14	4	382	28	28	2,747	2,299	5,566	
Appealed from Lower Courts	1	2	0	13	14	6	6	31	73	
Other Cases Reaching Docket:										
<i>Cases Reactivated</i>	1	3	0	5	1	5	38	45	98	
<i>All Other Cases Added</i>	0	0	0	3	0	1	107	73	184	
Total Cases on Docket	390	197	20	2,089	60	198	5,996	9,824	18,774	
Dispositions:										
Change of Venue Transfers	1	0	0	3	4	1	4	13	26	
Default Judgments	15	2	0	87	0	4	82	105	295	
Agreed Judgments	6	0	0	14	2	2	563	261	848	
Summary Judgments	0	0	0	3	0	0	4	2	9	
Final Judgments:										
<i>After Non-Jury Trial</i>	2	1	2	17	4	3	263	183	475	
<i>By Jury Verdict</i>	0	0	0	1	0	0	0	0	1	
<i>By Directed Verdict</i>	0	0	0	0	0	0	0	0	0	
<i>Dismissed for Want of Prosec.</i>	5	3	1	53	3	0	544	319	928	
<i>Non-Suited/Dism. by Plaintiff</i>	18	5	1	69	1	10	448	164	716	
All Other Dispositions	12	5	0	46	6	7	548	1,228	1,852	
Total Cases Disposed	59	16	4	293	20	27	2,456	2,275	5,150	
Placed on Inactive Status	8	0	0	9	0	1	231	208	457	
Cases Pending 8/31/2011:										
<i>Active Cases</i>	317	176	16	1,732	37	172	3,826	6,911	13,187	
<i>Inactive Cases</i>	38	18	0	433	2	38	422	1,177	2,128	

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 Cases	Additional Court Activity:		
							Total		
Number of Cases	3,114	383	461	316	876	5,150	Cases in Which Jury Selected	0	
							Cases in Which Mistrial Declared	0	
							Injunction or Show Cause Order Issued	15	
							Protective Orders Signed	211	
							Cases in Which Plaintiff/Petitioner Represented Self	1,507	

Note: Overall, there was a 92.4 percent reporting rate for the fiscal year. Please see page 87 for a list of missing reports.

Constitutional County Courts

Activity Summary from September 1, 2010 to August 31, 2011

JUVENILE CASES												
	Delinquent Conduct											
	CINS	Capital Murder	Murder	Other Homicide	Agg. Assault or Attempted Murder	Assault	Indecency with or Sexual Assault of Child	Agg. Robbery or Robbery	Burglary	Theft	Auto Theft	
Cases on Docket:												
Cases Pending 9/1/2010:												
<i>Active Cases</i>	431	0	0	0	12	35	18	6	58	25	3	
<i>Inactive Cases</i>	67	0	0	0	0	5	1	0	3	2	0	
Docket Adjustments	(74)	0	0	0	(1)	1	(2)	(1)	(15)	(8)	(1)	
Cases Added:												
New Petitions Filed	64	1	0	0	35	120	42	3	99	55	11	
Petitions for Transfer to Adult Crim. Court	---	0	0	0	1	0	2	0	0	1	0	
Other Cases Reaching Docket:												
<i>Motions to Modify/Enforce/Proceed Filed</i>	0	0	0	1	2	10	1	2	24	15	3	
<i>Cases Reactivated</i>	0	0	0	0	0	2	0	0	2	1	0	
<i>All Other Cases Added</i>	1	0	0	0	1	5	2	1	4	2	0	
Total Cases on Docket	496	1	0	1	51	172	65	12	187	99	17	
Adjudications:												
Findings of Delinquent Conduct or CINS:												
<i>Plea of True</i>	11	0	0	0	16	44	10	3	57	21	5	
<i>By the Court</i>	3	0	0	0	4	18	7	3	24	10	2	
<i>By the Jury</i>	0	0	0	0	0	0	0	0	0	0	0	
Total Findings of DC/CINS	14	0	0	0	20	62	17	6	81	31	7	
Deferred Prosecution	26	0	0	0	2	6	1	0	7	5	0	
Transferred to Adult Criminal Court	---	0	0	0	3	0	1	0	0	0	0	
Findings of No DC or No CINS:												
<i>By the Court</i>	0	0	0	0	0	5	1	0	0	0	0	
<i>By the Jury</i>	0	0	0	0	0	0	0	0	0	0	0	
Total Findings of No DC/No CINS	0	0	0	0	0	5	1	0	0	0	0	
Dismissals	13	0	0	0	7	22	10	1	16	11	1	
Motions to Modify Disposition:												
<i>Denied</i>	0	0	0	0	0	2	0	0	1	2	0	
<i>Granted</i>	0	0	0	1	1	6	0	1	22	8	3	
All Other Adjudications/Findings	3	0	0	0	0	5	0	1	2	0	0	
Total Cases Adjudicated	56	0	0	1	33	108	30	9	129	57	11	
Placed on Inactive Status	1	0	0	0	0	4	3	0	4	2	0	
Cases Pending 8/31/2011:												
<i>Active Cases</i>	368	1	0	0	17	67	33	2	44	35	5	
<i>Inactive Cases</i>	67	0	0	0	0	3	1	0	1	1	0	
Dispositions:												
Cases with Findings of DC/CINS												
Probation Granted												
<i>Determinate Sentence Probation</i>	---	0	0	0	8	36	5	4	39	22	7	
<i>All Other Probation</i>	3	0	0	0	4	10	5	4	27	3	1	
Committed to Texas Youth Commission												
<i>Determinate Sentence</i>	---	0	0	0	0	5	0	0	5	0	1	
<i>Indeterminate Sentence</i>	---	0	0	0	4	3	3	1	5	2	0	
Final Judgment Without Any Disposition	1	0	0	0	0	0	0	0	0	0	0	
Cases with Granted Motion to Modify Disp.												
Probation Revoked, Child sent to TYC	---	0	0	0	0	2	0	0	3	1	0	
All Other Dispositions	1	0	0	1	2	7	3	1	18	12	2	

Note: Overall, there was a 92.4 percent reporting rate for the fiscal year. Please see page 87 for a list of missing reports.

Constitutional County Courts Activity Summary from September 1, 2010 to August 31, 2011

JUVENILE CASES								
	Delinquent Conduct					Total Cases	Total Delinquent Conduct Cases	
	Felony Drug Offenses	Misdemeanor Drug Offenses	DWI	Contempt of Court	All Other Offenses		Felonies	Misdemeanors
Cases on Docket:								
Cases Pending 9/1/2010:								
<i>Active Cases</i>	5	25	0	0	525	1,143	195	343
<i>Inactive Cases</i>	0	0	0	1	273	352	5	20
Docket Adjustments	(2)	0	0	(3)	(3)	(109)	149	136
Cases Added:								
New Petitions Filed	33	97	0	3	269	832	259	367
Petitions for Transfer to Adult Crim. Court	2	4	0	3	14	27	3	4
Other Cases Reaching Docket:								
<i>Motions to Modify/Enforce/Proceed Filed</i>	2	8	0	3	44	115	31	54
<i>Cases Reactivated</i>	0	0	0	0	0	5	0	3
<i>All Other Cases Added</i>	0	2	0	0	12	30	9	8
Total Cases on Docket	42	136	0	9	864	2,152	497	779
Adjudications:								
Findings of Delinquent Conduct or CINS:								
<i>Plea of True</i>	18	58	0	2	110	355	124	167
<i>By the Court</i>	1	15	0	0	56	143	25	52
<i>By the Jury</i>	0	0	0	0	0	0	0	0
Total Findings of DC/CINS	19	73	0	2	166	498	149	219
Deferred Prosecution	1	3	0	1	27	79	13	14
Transferred to Adult Criminal Court	0	0	0	0	3	7	2	0
Findings of No DC or No CINS:								
<i>By the Court</i>	0	0	0	0	6	12	2	2
<i>By the Jury</i>	0	0	0	0	0	0	0	0
Total Findings of No DC/No CINS	0	0	0	0	6	12	2	2
Dismissals	4	13	0	0	63	161	54	70
Motions to Modify Disposition:								
<i>Denied</i>	0	3	0	0	7	15	1	10
<i>Granted</i>	3	2	0	2	22	71	25	32
All Other Adjudications/Findings	1	0	0	0	44	56	4	18
Total Cases Adjudicated	28	94	0	5	338	899	250	365
Placed on Inactive Status	0	1	0	0	33	48	6	6
Cases Pending 8/31/2011:								
<i>Active Cases</i>	12	41	0	1	530	1,156	227	423
<i>Inactive Cases</i>	0	2	0	1	280	356	180	148
Dispositions:								
Cases with Findings of DC/CINS								
Probation Granted								
<i>Determinate Sentence Probation</i>	16	33	0	4	68	242	81	114
<i>All Other Probation</i>	3	13	0	5	34	112	41	50
Committed to Texas Youth Commission								
<i>Determinate Sentence</i>	0	2	0	0	6	19	1	7
<i>Indeterminate Sentence</i>	0	0	0	3	6	27	14	5
Final Judgment Without Any Disposition	0	0	0	0	1	2	1	0
Cases with Granted Motion to Modify Disp.								
Probation Revoked, Child sent to TYC	0	1	0	0	6	13	3	5
All Other Dispositions	3	6	0	2	23	81	21	39

Note: Overall, there was a 92.4 percent reporting rate for the fiscal year. Please see page 87 for a list of missing reports.

Constitutional County Courts Activity Summary from September 1, 2010 to August 31, 2011

JUVENILE CASES										
Age of Cases Adjudicated:					Additional Court Activity:					
	30 Days or Less	31 to 90 Days	91 to 180 Days	Over 180 Days	Total Cases		CINS	DC	Total	
Number of Cases	358	281	112	148	899	Grand Jury Approvals	---	1	1	
						Release or Transfer Hearings	---	58	58	
						Detention Hearings	50	723	773	
						Cases Set for Review	4	66	70	
						Competency Hearings	48	57	105	
						Motions to Suppress Granted/Denied	0	0	0	
						Applications for Sealing Records	0	28	28	
						Motions for Sex Offender Un- or Deregistration	0	1	1	
						Cases in Which Attorney Appointed as Counsel	46	624	670	
						Cases with Retained Counsel	3	150	153	
PROBATE AND GUARDIANSHIP CASES										
			Decedents' Estates			Guardianships				
			Independent Administration	Dependent Administration	All Other Estate Proceedings	Minor	Adult	All Other Cases	Total Cases	
Cases on Docket:				8,192	345	5,042	492	904	784	15,759
New Cases, Applications or Contests Filed										
Other Cases Added:										
<i>Ancillary Cases</i>				145	50	14	0	8	51	268
<i>All Other Matters</i>				346	157	67	46	452	36	1,104
Inventories Filed				4,762	248	---	52	195	---	5,257
Guardianship of Person Reports Filed				---	---	---	115	1,807	---	1,922
Annual or Final Accounts Filed				---	167	---	175	831	---	1,173
Additional Information:										
			Guardianships: Total				Total			
			Dismissed or Denied		43	Sec. 683 Investigations				130
			Granted		627	Ch. 48 Removals				23
			Closed		378	Hearings Held				27,952
			Active		4,523	Cases in Which Plaintiff/Petitioner Represented Self				934
MENTAL HEALTH CASES										
		Temporary Mental Health Services	Extended Mental Health Services	Modification				Order to Authorize Psychoactive Medications		
				Inpatient to Outpatient	Outpatient to Inpatient					
Intake										
New Applications Filed		5,463	65	0	14	New Applications Filed		968		
Orders for Protective Custody Signed		3,839	---	---	---	Dismissal Prior to Hearing		21		
						Hearings Held		702		
						Disposition at Hearing				
Hearings						<i>Denied</i>		9		
Probable Cause Hearings Held		2,999	---	---	---	<i>Granted</i>		623		
Release/Dismissal Prior to Final Hearing		2,531	2	1	1					
Final Commitment Hearings Held		1,200	24	0	0					
Other Information										
Disposition at Final Hearing										
<i>Denied (Release)</i>		112	0	0	0					
<i>Granted (Commit)</i>										
<i>Inpatient</i>		1,146	28	9	---					
<i>Outpatient</i>		53	0	---	4					

Note: Overall, there was a 92.4 percent reporting rate for the fiscal year. Please see page 87 for a list of missing reports.

Juvenile Cases

Cases Added - In 2011, the reported number of cases added¹ to the juvenile dockets of district and county-level courts was 30,441 cases – which was 23.6 percent lower than the number added during the previous year (39,822 cases). However, this decline was mostly due to the inability of some counties, including the populous Dallas, El Paso, Hidalgo and Nueces counties, to report newly required juvenile case information. Approximately 80 percent of reported cases were docketed in the district courts, 17 percent in statutory county courts, and 3 percent in constitutional county courts.

Slightly more than half of the cases added involved misdemeanors, 33.7 percent involved felonies, and 10.9 percent were not classified by the reporting entities. Approximately 22 percent of offenses involved assault or attempted murder, 16.6 percent involved drug offenses, and 10.5 percent involved theft.

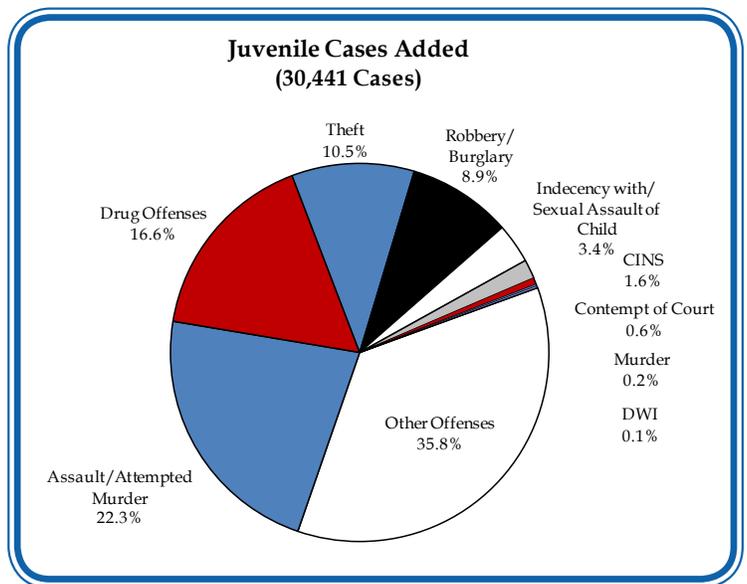
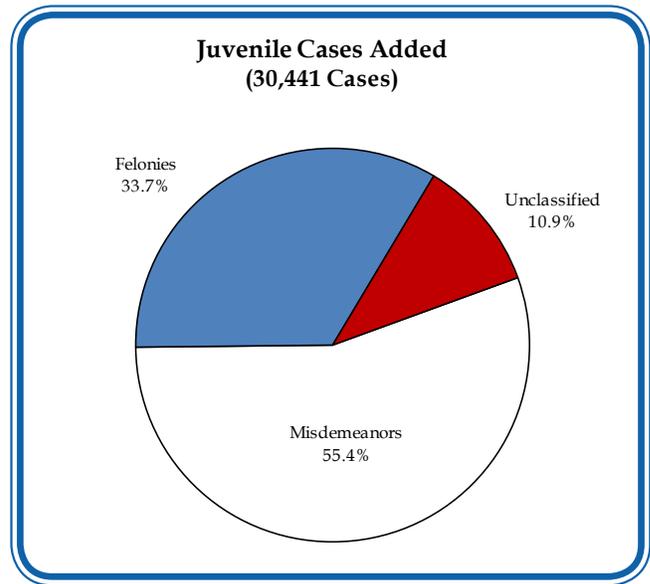
In 2011, 235 petitions to certify a juvenile for trial as an adult were filed, and a juvenile was transferred to adult criminal court in 145 cases during the year.

Clearance Rates - During 2011, the district and county-level courts adjudicated 29,242 cases, resulting in a clearance rate of 96.1 percent. The clearance rate was 98.6 percent for district courts, 85.7 percent for statutory county courts, and 89.5 percent for constitutional county courts.

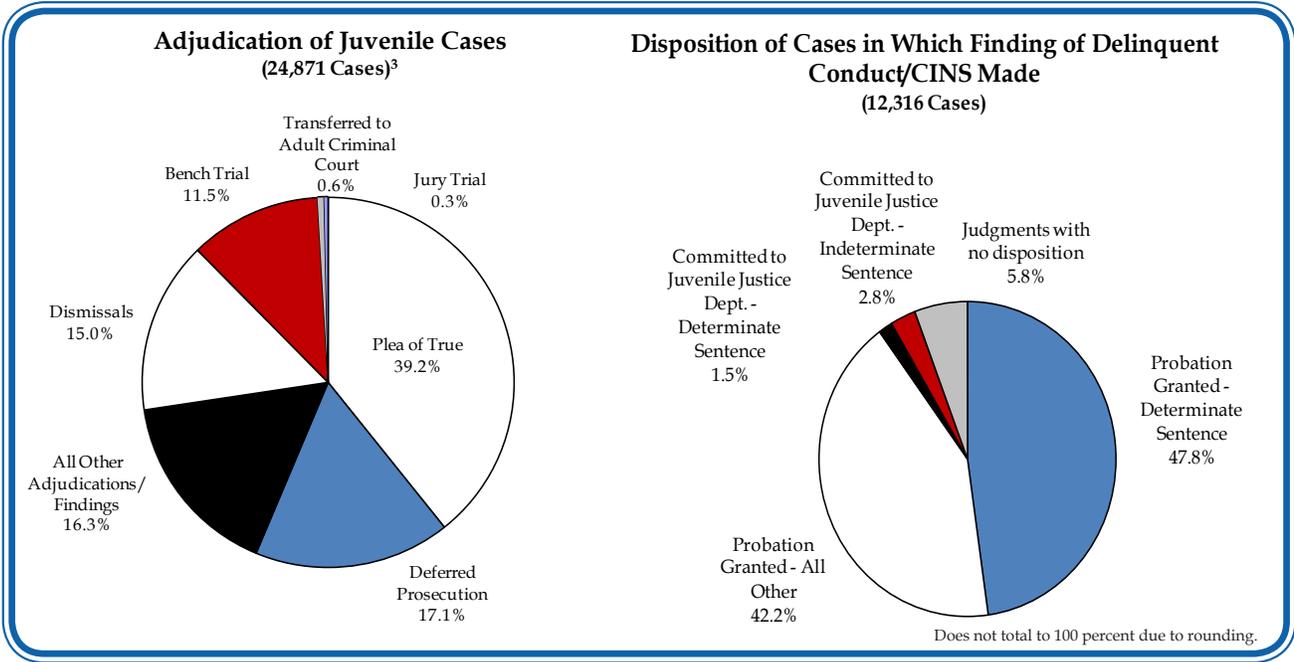
Adjudication and Manner of Disposition - Of the 29,242 cases adjudicated in 2011, 4,371 cases involved motions to modify disposition. Of the remaining 24,871 cases adjudicated during the year, the court accepted a plea of true in 39.2 percent of cases. Juveniles most frequently entered a plea of true in cases involving driving while intoxicated (72.7 percent), automobile theft (57.1 percent), burglary (52.6 percent), and aggravated robbery or robbery (52.5 percent).

Bench trials accounted for 11.5 percent of adjudications, while jury trials accounted for only 0.3 percent. Cases involving “other homicides” (42.9 percent) most frequently went to trial, followed by cases involving burglary (15.5 percent), and aggravated robbery or robbery (14.4 percent).

Overall, findings of delinquent conduct or CINS were made in 97.3 percent of cases decided by a judge, compared to 78.8 percent of cases decided by a jury.



1. Includes new petitions, motions to revoke, and other cases filed.

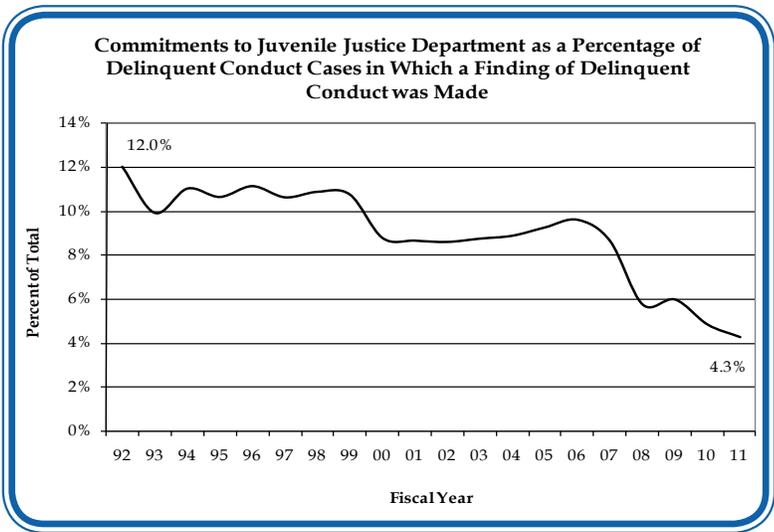


Of those cases in which a finding of delinquent conduct or CINS was made, juveniles were most likely to be placed on probation for a determinate sentence (47.8 percent) or other probation (42.2 percent). After a sharp decrease in 2008 to the lowest level in at least two decades (5.8 percent), the percentage of juveniles committed to the Juvenile Justice Department (JJD) increased very slightly to 6.0 percent in 2009 but fell to 4.3 percent in 2011. Juveniles were committed to JJD for an indeterminate sentence in 2.8 percent of cases and for a determinate sentence in 1.5 percent of cases.²

Age of Cases Disposed - In 2011, 73 percent of juvenile cases were adjudicated within 90 days. In district courts, 76 percent of cases were adjudicated within the same timeframe, compared to 57 percent in statutory county courts and 71 percent in constitutional county courts.

2. For an explanation of determinate and indeterminate sentencing, see http://www.tjjd.texas.gov/about/how_class.aspx.

3. Excludes motions to modify disposition.



Age of Cases Adjudicated in FY 2011

Juvenile			
30 Days or Less	31 to 90 Days	91 to 180 Days	Over 180 Days
42%	31%	14%	13%

District and County-Level Courts
Juvenile Case Activity Detail
September 1, 2010 to August 31, 2011

JUVENILE CASES											
	Delinquent Conduct										
	CINS	Capital Murder	Murder	Other Homicide	Agg. Assault or Attempted Murder	Assault	Indecency with or Sexual Assault of Child	Agg. Robbery or	Burglary	Theft	Auto Theft
Cases on Docket:											
Cases Pending 9/1/2010:											
<i>Active Cases</i>	1,515	10	11	5	483	1,127	461	206	695	715	153
<i>Inactive Cases</i>	151	5	4	0	71	188	43	67	96	96	33
Docket Adjustments	(1)	1	1	(1)	18	40	26	(15)	37	15	5
Cases Added:											
New Petitions Filed	417	8	16	6	1,392	3,932	812	541	1,441	1,956	384
Petitions for Transfer to Adult Crim. Cour	---	2	7	1	15	25	38	21	14	9	1
Other Cases Reaching Docket:											
<i>Motions to Modify/Enforce/Proceed Filed</i>	35	2	4	4	393	996	164	145	490	674	130
<i>Cases Reactivated</i>	17	11	7	0	149	338	90	126	142	151	46
<i>All Other Cases Added</i>	42	0	0	1	23	25	23	5	43	32	3
Total Cases on Docket	2,026	33	45	17	2,455	6,443	1,588	1,044	2,825	3,537	717
Adjudications:											
Findings of Delinquent Conduct or CINS:											
<i>Plea of True</i>	148	6	1	1	662	1,472	367	299	772	906	229
<i>By the Court</i>	27	0	1	2	145	367	93	68	215	177	32
<i>By the Jury</i>	1	0	1	0	2	10	8	9	7	5	0
Total Findings of DC/CINS	176	6	3	3	809	1,849	468	376	994	1,088	261
Deferred Prosecution	124	0	0	0	205	903	46	25	143	457	24
Transferred to Adult Criminal Court	---	9	11	1	16	2	21	37	9	2	1
Findings of No DC or No CINS:											
<i>By the Court</i>	0	0	0	0	4	16	2	4	4	8	2
<i>By the Jury</i>	0	0	0	1	1	6	2	1	1	0	0
Total Findings of No DC/No CINS	0	0	0	1	5	22	4	5	5	8	2
Dismissals	108	1	3	1	241	643	119	46	233	276	66
Motions to Modify Disposition:											
<i>Denied</i>	6	0	1	0	28	79	13	15	65	38	6
<i>Granted</i>	26	0	2	2	231	346	114	87	316	221	94
All Other Adjudications/Findings	52	0	3	1	174	794	92	80	83	472	47
Total Cases Adjudicated	492	16	23	9	1,709	4,638	877	671	1,848	2,562	501
Placed on Inactive Status	79	8	7	1	185	402	120	123	183	170	40
Cases Pending 8/31/2011:											
<i>Active Cases</i>	1,325	7	15	6	504	1,343	567	201	723	775	169
<i>Inactive Cases</i>	197	3	4	1	116	241	69	66	101	116	29
Dispositions:											
Cases with Findings of DC/CINS											
Probation Granted											
<i>Determinate Sentence Probation</i>	---	3	1	2	328	960	192	171	299	617	145
<i>All Other Probation</i>	161	0	0	0	377	680	203	120	593	387	106
Committed to Texas Youth Commission											
<i>Determinate Sentence</i>	---	2	2	0	20	15	18	32	21	11	3
<i>Indeterminate Sentence</i>	---	0	0	1	49	16	23	51	53	20	12
Final Judgment Without Any Disposition	12	0	0	1	37	141	15	16	49	76	17
Cases with Granted Motion to Modify Disp.											
Probation Revoked, Child sent to TYC	---	0	0	0	37	18	26	20	42	14	14
All Other Dispositions	33	0	3	2	185	324	82	77	248	212	78

District and County-Level Courts
Juvenile Case Activity Detail
September 1, 2010 to August 31, 2011

JUVENILE CASES									
	Delinquent Conduct					Total Cases	Total Delinquent Conduct Cases		
	Felony Drug Offenses	Misdemeanor Drug Offenses	DWI	Contempt of Court	All Other Offenses		Felonies	Misdemeanors	
Cases on Docket:									
Cases Pending 9/1/2010:									
<i>Active Cases</i>	298	818	17	54	13,650	20,218	3,541	4,520	
<i>Inactive Cases</i>	39	121	7	5	662	1,588	398	560	
Docket Adjustments	57	(14)	(3)	(1)	(167)	(2)	(88)	519	
Cases Added:									
New Petitions Filed	922	2,974	42	121	7,472	22,436	7,380	12,414	
Petitions for Transfer to Adult Crim. Court	19	12	0	3	68	235	127	60	
Other Cases Reaching Docket:									
<i>Motions to Modify/Enforce/Proceed Filed</i>	265	813	2	50	3,000	7,167	2,444	4,231	
<i>Cases Reactivated</i>	64	229	4	3	587	1,964	796	1,094	
<i>All Other Cases Added</i>	13	20	0	0	373	603	319	156	
Total Cases on Docket	1,581	4,866	65	231	25,150	52,623	14,607	22,475	
Adjudications:									
Findings of Delinquent Conduct or CINS:									
<i>Plea of True</i>	414	1,197	24	50	3,211	9,759	3,605	5,044	
<i>By the Court</i>	93	387	3	10	1,156	2,776	891	1,306	
<i>By the Jury</i>	2	2	0	0	20	67	41	19	
Total Findings of DC/CINS	509	1,586	27	60	4,387	12,602	4,537	6,369	
Deferred Prosecution	246	696	0	16	1,371	4,256	1,246	2,835	
Transferred to Adult Criminal Court	12	0	0	0	24	145	119	4	
Findings of No DC or No CINS:									
<i>By the Court</i>	5	8	1	1	21	76	28	24	
<i>By the Jury</i>	1	1	0	0	4	18	9	6	
Total Findings of No DC/No CINS	6	9	1	1	25	94	37	30	
Dismissals	141	416	2	43	1,388	3,727	1,022	1,912	
Motions to Modify Disposition:									
<i>Denied</i>	20	81	2	1	525	880	273	496	
<i>Granted</i>	115	330	0	32	1,575	3,491	1,378	1,820	
All Other Adjudications/Findings	130	529	3	5	1,582	4,047	1,176	2,686	
Total Cases Adjudicated	1,179	3,647	35	158	10,877	29,242	9,788	16,152	
Placed on Inactive Status	68	229	4	9	601	2,229	861	1,120	
Cases Pending 8/31/2011:									
<i>Active Cases</i>	370	943	20	34	6,856	13,858	3,259	5,206	
<i>Inactive Cases</i>	34	118	6	9	670	1,780	691	740	
Dispositions:									
Cases with Findings of DC/CINS									
Probation Granted									
<i>Determinate Sentence Probation</i>	269	824	10	28	2,034	5,883	2,079	3,397	
<i>All Other Probation</i>	188	642	12	44	1,680	5,193	1,964	2,592	
Committed to Texas Youth Commission									
<i>Determinate Sentence</i>	8	4	0	0	52	188	93	36	
<i>Indeterminate Sentence</i>	14	8	0	3	91	341	254	43	
Final Judgment Without Any Disposition	20	87	2	1	237	711	203	420	
Cases with Granted Motion to Modify Disp.									
Probation Revoked, Child sent to TYC	15	9	0	0	79	274	206	44	
All Other Dispositions	96	297	1	21	1,286	2,945	1,109	1,621	

District and County-Level Courts
Juvenile Case Activity Detail
September 1, 2010 to August 31, 2011

JUVENILE CASES									
Age of Cases Adjudicated:					Additional Court Activity:				
	30 Days or Less	31 to 90 Days	91 to 180 Days	Over 180 Days	Total Cases	CINS	DC	Total	
Number of Cases	12,280	9,155	4,086	3,721	29,242				
						Grand Jury Approvals	---	289	289
						Release or Transfer Hearings	---	279	279
						Detention Hearings	2,110	26,295	28,405
						Cases Set for Review	746	3,585	4,331
						Competency Hearings	48	177	225
						Motions to Suppress Granted/Denied	0	18	18
						Applications for Sealing Records	5	1,102	1,107
						Motions for Sex Offender Un- or Deregistration	18	217	235
						Cases in Which Attorney Appointed as Counsel	369	19,826	20,195
						Cases with Retained Counsel	20	2,750	2,770

Probate and Guardianship Cases

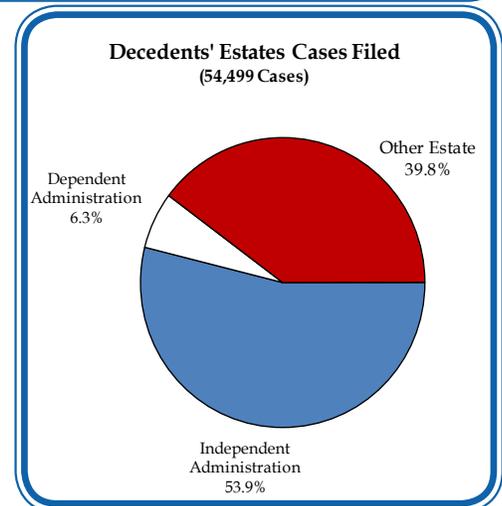
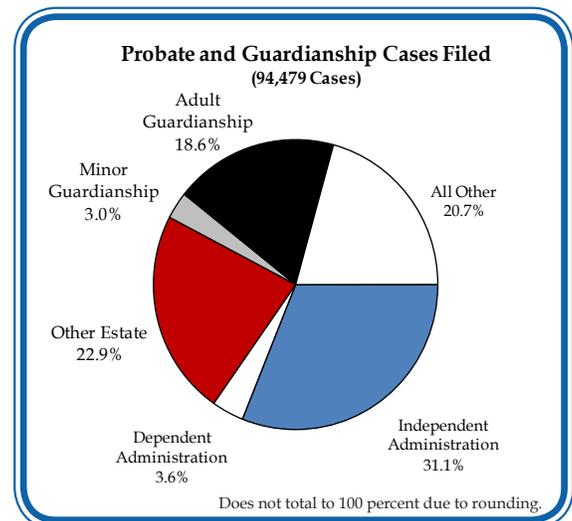
In 2011, cases involving the handling or transfer of property as a result of the death of an individual (decedents' estate cases) accounted for approximately 58 percent of the 94,479 probate or guardianship cases filed in the county-level courts. Guardianships of an adult accounted for nearly 19 percent of cases, guardianships of a minor comprised 3.0 percent, and all other cases accounted for the remaining 20.7 percent.

Of the 94,479 cases, 59.9 percent were new cases or contests filed, 2.3 percent were ancillary cases,¹ and approximately 38 percent were other applications, petitions, or motions filed within already existing cases or after original judgment to obtain compliance with statutory requirements.

Courts reported conducting more than 70,000 probate and guardianship hearings during the year.

Decedents' Estates – Independent administrations – the administration of an estate without judicial supervision – accounted for nearly 54 percent of the 54,499 decedents' estate cases filed during 2011. Approximately six percent of cases involved dependent administrations – cases in which nearly every action taken in the case must be reviewed and approved by the court.

In 2011, more than 20,000 inventories were filed in estate cases, and nearly 2,000 annual or final accounts were filed in dependent administration cases.



1. Ancillary cases involve contested matters that bear no direct relationship to the administration of the estate and that would have the possibility of becoming an independently-tried lawsuit (e.g., fiduciary breaches, debt/claims cases, personal injury, etc.).

Guardianship Cases – The majority (86.0 percent) of guardianship cases filed in 2011 were for guardianship of an adult.

Most applications for a guardianship were granted (84.0 percent), while 16.0 percent were dismissed or denied. Another 2,104 guardianships were reported closed during the year. As of August 31, 2011, there were 25,072 guardianships reported active.²

In 2011, 1,357 inventories, 17,384 guardianship of person reports, and 7,748 annual or final accounts were filed in guardianship cases.

2. The number of guardianships reported active is inflated due to cases not being closed though the ward is deceased, is no longer a minor and is no longer under a guardianship, etc.

County-level Courts Activity Summary from September 1, 2010 to August 31, 2011

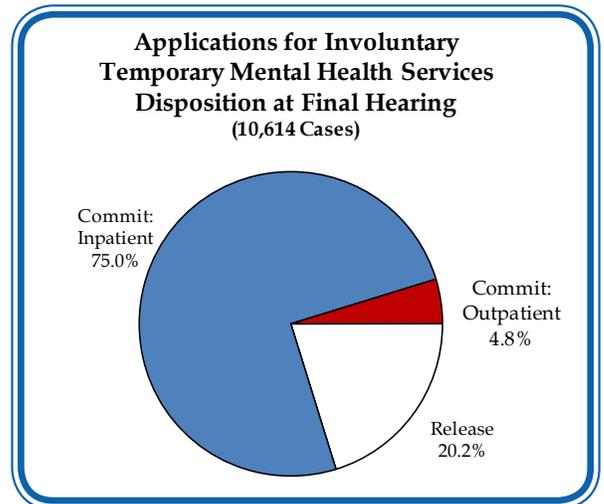
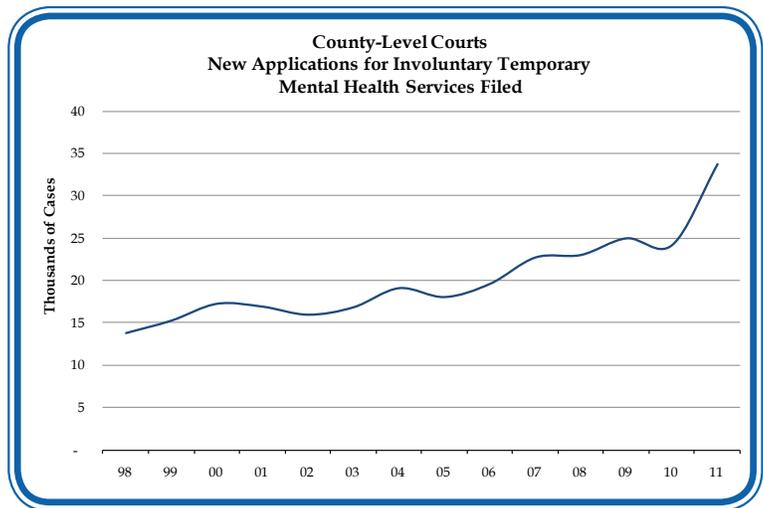
PROBATE AND GUARDIANSHIP CASES							
Cases on Docket:	Decedents' Estates			Guardianships		All Other Cases	Total Cases
	Independent Administration	Dependent Administration	All Other Estate Proceedings	Minor	Adult		
New Cases, Applications or Contests Filed	24,574	1,547	18,974	1,384	4,431	5,661	56,571
Other Cases Added:							
<i>Ancillary Cases</i>	1,503	213	338	20	41	100	2,215
<i>All Other Matters</i>	3,307	1,678	2,365	1,456	13,083	13,804	35,693
Inventories Filed	19,470	892	---	378	979	---	21,904
Guardianship of Person Reports Filed	---	---	---	548	16,836	---	17,384
Annual or Final Accounts Filed	---	1,924	---	1,433	6,315	---	9,672
Additional Information:							
	Guardianships:	Total					Total
	Dismissed or Denied	519			Sec. 683 Investigations		1,042
	Granted	2,734			Ch. 48 Removals		75
	Closed	2,014			Hearings Held		70,098
	Active	25,072			Cases in Which Plaintiff/Petitioner Represented Self		2,163

Applications for Involuntary Mental Health Services

The number of new applications for involuntary temporary mental health services filed in 2011 increased 39.7 percent from the previous year to 33,773 cases; the significant increase in cases reported was primarily due to Dallas County reporting for the first time in 2011.

Of the 10,614 cases that reached a final hearing, proposed patients were released in 20.2 percent of cases, committed to inpatient treatment in 75.0 percent of cases, and committed to outpatient treatment in 4.8 percent of cases.

In 2011, more than 3,500 applications were filed for an order authorizing, reauthorizing or modifying the administration of psychoactive medication. Of the 2,643 applications disposed at a hearing, 91.0 percent of applications were granted and 9.0 percent were denied.



County-level Courts Activity Summary from September 1, 2010 to August 31, 2011

	MENTAL HEALTH CASES				
	Temporary Mental Health Services	Extended Mental Health Services	Modification		Order to Authorize Psychoactive Medications
			Inpatient to Outpatient	Outpatient to Inpatient	
Intake					
New Applications Filed	33,773	426	177	73	3,534
Orders for Protective Custody Signed	33,697	---	---	---	302
					2,572
Hearings					
Probable Cause Hearings Held	17,044	---	---	---	237
Release/Dismissal Prior to Final Hearing	32,750	5	2	1	2,406
Final Commitment Hearings Held	5,806	139	10	6	
Other Information					
Disposition at Final Hearing					
<i>Denied (Release)</i>	2,145	7	0	0	
<i>Granted (Commit)</i>					
<i>Inpatient</i>	7,963	172	30	---	
<i>Outpatient</i>	506	7	---	8	

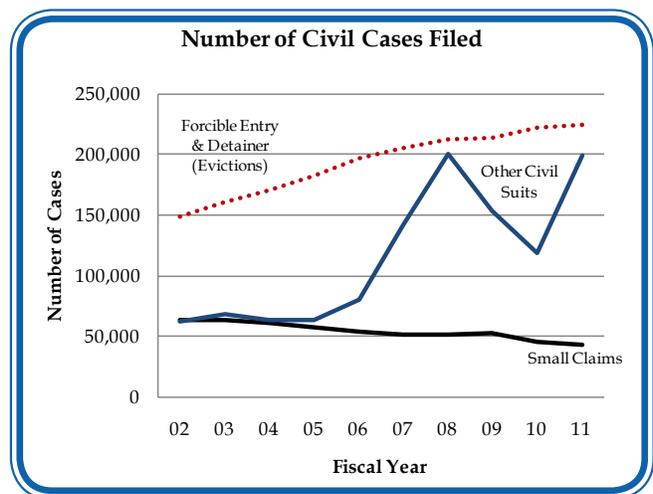
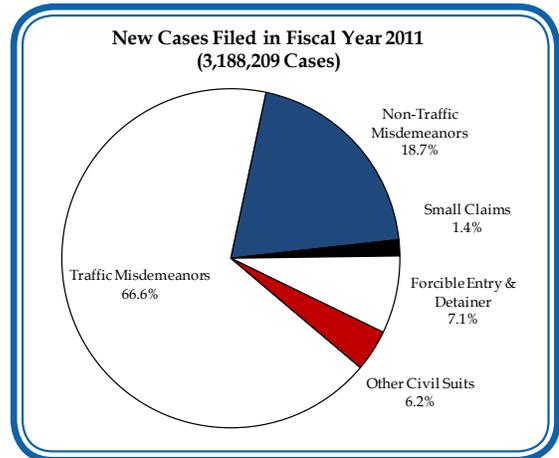
Justice Courts

Cases Filed— Nearly 3.2 million cases were filed in the state’s justice courts in 2011, an increase of 6.1 percent from the previous year.

Criminal cases accounted for approximately 85 percent of total caseload— 66.6 percent of all cases filed involved traffic violations and 18.7 percent involved non-traffic misdemeanors.

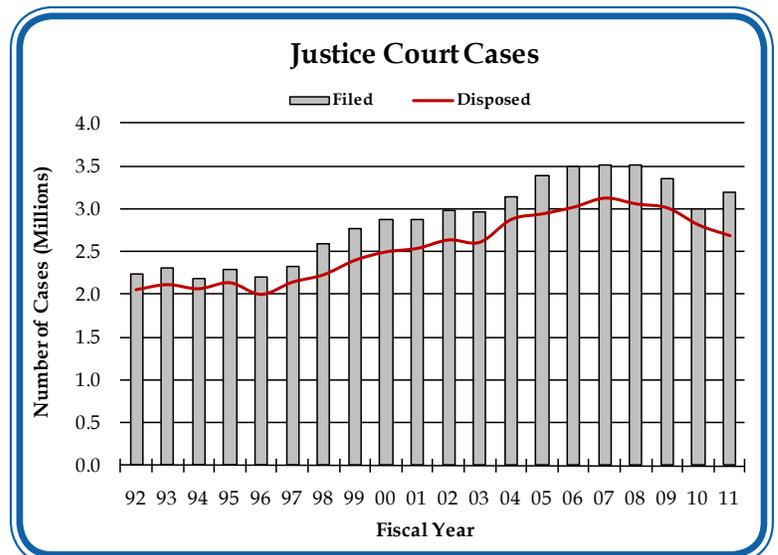
Over the decade, civil cases generally grew as a percentage of the justice courts’ caseload. In 2011, the number of forcible entry and detainer (eviction) cases accounted for 7.1 percent of total filings. Other civil suits jumped 67.6 percent from the previous year to nearly 200,000 cases, and nearly reached the peak set in 2008. These cases accounted for 6.2 percent of total filings in 2011. The number of small claims suits, however, declined for the second year in a row and accounted for only 1.4 percent of total filings.

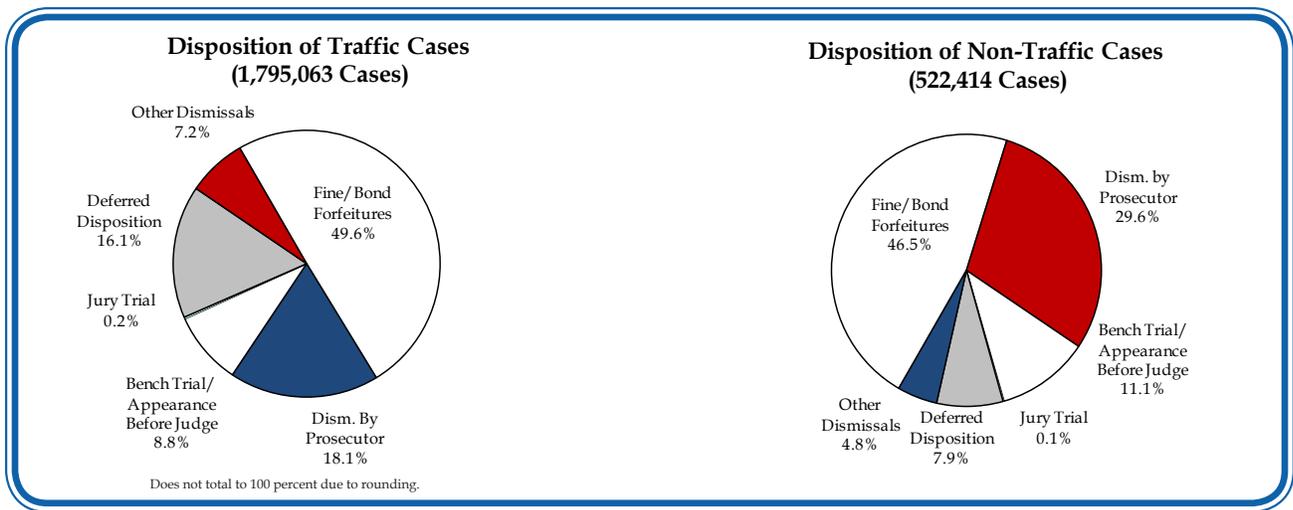
The 10 largest counties, representing 58.1 percent of the state’s population, accounted for 42.5 percent of all new cases filed. Statewide, the per capita filing rate in justice courts was 0.13 cases. The highest per capita filing rate, 9.27, occurred in Kenedy County (population 416), and the second largest filing rate, 3.94, occurred in Loving County (population 82). The lowest filing rate, 0.03, occurred in Tarrant County (population 1,809,034).



Filings per Capita FY 2011	
Counties with Highest Filings per Capita	Filings per Capita, 5 Most Populous Counties
Kenedy - 9.27	Harris - .13
Loving - 3.94	Dallas - .10
McMullen - 2.84	Tarrant - .03
Kimble - 2.28	Bexar - .10
Randall - 1.93	Travis - .10
Statewide - .13	

Clearance Rates— Justice courts disposed of 2,685,333 cases in 2011, a decrease of 4.4 percent from the previous year. Due to the decrease in dispositions and the increase in filings, the clearance rate declined to 84.2 percent (compared with 93.5 percent for the previous year). By case type, small claims suits had the highest clearance rate (96.2 percent), while other civil suits (not involving eviction) had the lowest clearance rate (56.1 percent) due to a spike in filings during the year.

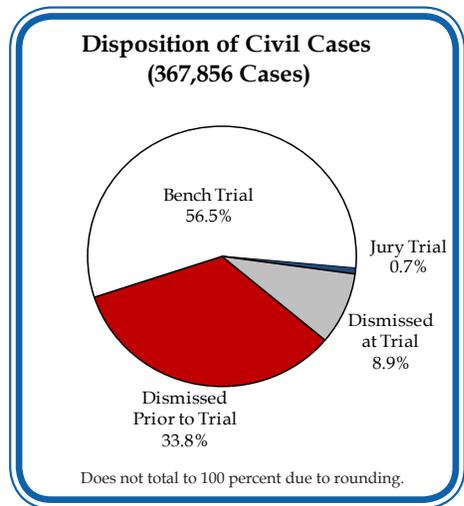




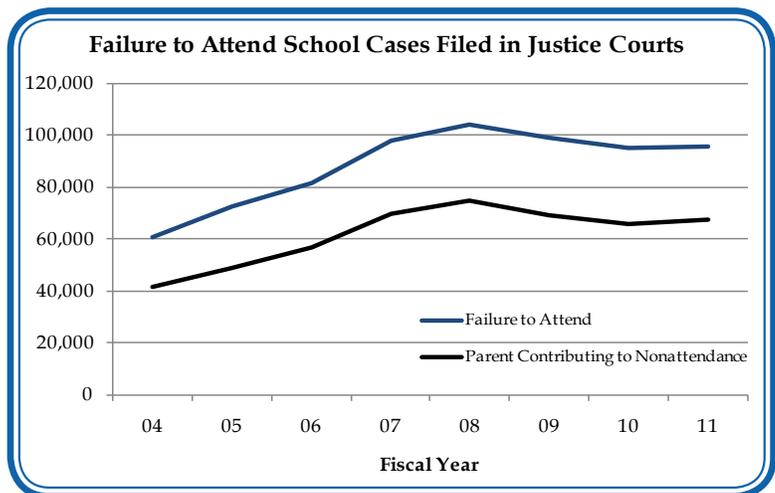
Manner of Disposition – In 2011, justice courts disposed of almost 1.8 million traffic cases and more than 500,000 non-traffic misdemeanor cases, slightly less than half (48.9 percent) of which were disposed of by payment of a fine (without appearing before a judge) or by a bond forfeiture. Approximately 14 percent of cases were disposed of by completion of deferred disposition or a driver’s safety course. More than nine percent of cases were disposed of by bench trial or other appearance before a judge, and 0.2 percent of cases were disposed of by jury trial.

Overall, guilty findings were made in 98.0 percent of the 216,467 criminal cases that went to bench trial or were otherwise disposed of by an appearance before the judge.¹ In comparison, guilty verdicts accounted for 89.6 percent of the 4,634 cases that went to jury trial.

More than 56 percent of the 367,856 civil cases closed in 2011 were disposed of by bench trial and 0.7 percent went to jury trial. Approximately 34 percent were dismissed before trial and 8.9 percent were dismissed at trial.

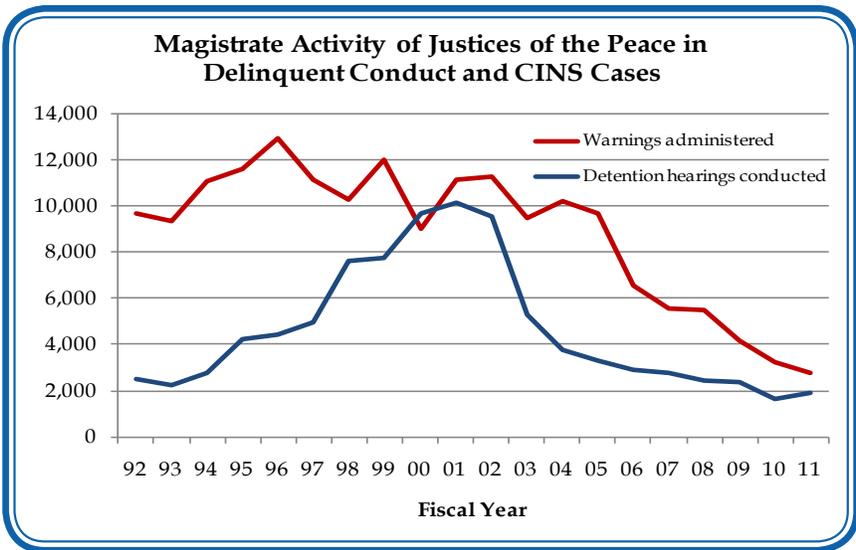


Juvenile Activity – Cases involving failure to attend school increased 1.1 percent from the previous year; however, over the past five years, the number of these cases filed decreased 1.8 percent, declining from 97,666 cases in 2007 to 95,892 cases in 2011. After a steep decline in 2010, the number of local daytime curfew cases filed increased by 35.8 percent to 429 cases in 2011. Referrals to juvenile court (3,627) and the number of cases in which a juvenile was held in contempt, fined, or denied driving privileges (7,953) each declined for the fourth consecutive year to the lowest numbers reported since information began to be collected in 2004.

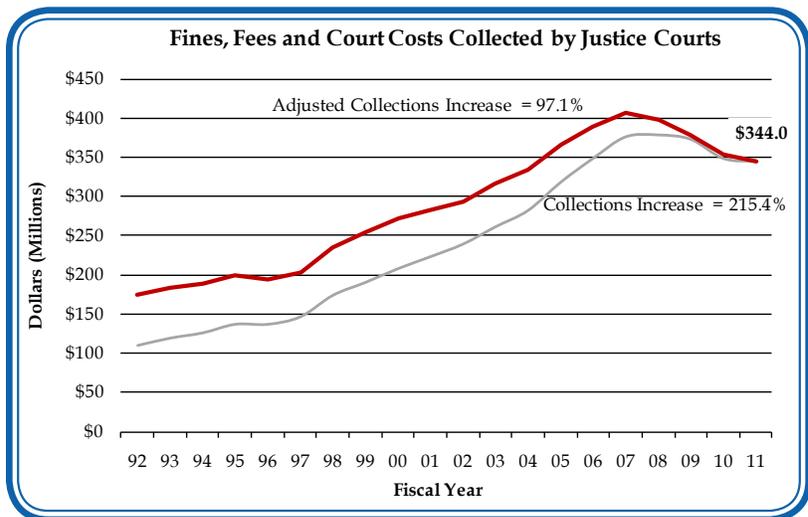


1. Guilty and *nolo contendere* pleas are included in the “Trial by Judge” category in the Justice Court Activity Report.

Justices of the peace may act in the capacity of a magistrate in matters involving juveniles charged with delinquent conduct and conduct indicating a need for supervision cases. In 2011, the number of warnings administered (2,738) by justices of the peace declined for the seventh consecutive year and was the lowest number reported in at least 20 years. The number of statements certified increased 29.5 percent from the previous year to 4,297 (to the same level as the number filed in 2008). The number of detention hearings held increased 17.8 percent from the previous year to 1,931; however, this was the second lowest number reported in at least 20 years.



Court Collections— The amount of fines, fees and court costs collected by justice courts generally increased over the past 20 years; however, in 2011, courts collected approximately \$344 million—a decrease of 1.2 percent from the amount collected the previous year. The amount collected in 2011 was 215.4 percent higher than that collected in 1992, or 97.1 percent higher when adjusted for inflation.² Excluding cases dismissed prior to or at trial, the amount collected per disposition averaged \$175.



2. Using Consumer Price Index Conversion Factors, <http://oregonstate.edu/cla/polisci/download-conversion-factors>.

Activity Report for Justice Courts
September 1, 2010 to August 31, 2011

98.4 Percent Reporting Rate						
9,692 Reports Received Out of a Possible 9,848						
	CRIMINAL CASES		CIVIL CASES			REPORTED TOTALS
	Traffic Misdemeanors	Non-Traffic Misdemeanors	Small Claims Suits	Forcible Entry & Detainer	Other Civil Suits	
NEW CASES FILED	2,123,689	597,029	43,287	224,978	199,226	3,188,209
DISPOSITIONS:						
Dispositions Prior to Trial:						
<i>Bond Forfeitures</i>	4,202	1,901	---	---	---	6,103
<i>Fined</i>	886,526	240,970	---	---	---	1,127,496
<i>Cases Dismissed</i>	324,733	154,654	18,629	51,785	53,954	603,755
Total Dispositions Prior to Trial	1,215,461	397,525	18,629	51,785	53,954	1,737,354
Dispositions at Trial:						
<i>Trial by Judge</i>						
Guilty	156,501	55,557	---	---	---	212,058
Not Guilty	2,072	2,337	---	---	---	4,409
Civil Trials	---	---	19,333	138,744	49,891	207,968
<i>Trial by Jury</i>						
Guilty	3,643	510	---	---	---	4,153
Not Guilty	295	186	---	---	---	481
Civil Trials	---	---	567	1,274	807	2,648
<i>Dismissed at Trial</i>	60,710	24,932	3,096	22,697	7,079	118,514
Total Dispositions at Trial	223,221	83,522	22,996	162,715	57,777	550,231
Cases Dismissed After:						
<i>Driving Safety Course</i>	164,084	---	---	---	---	164,084
<i>Deferred Disposition</i>	124,514	41,367	---	---	---	165,881
<i>Proof of Financial Responsibility</i>	67,783	---	---	---	---	67,783
Total Cases Dismissed After	356,381	41,367	---	---	---	397,748
TOTAL DISPOSITIONS	1,795,063	522,414	41,625	214,500	111,731	2,685,333
CASES APPEALED	28,987	1,786	467	4,084	428	35,752
JUVENILE ACTIVITY:						
Warnings Administered						2,738
Statements Certified						4,297
Detention Hearings Held						1,931
Failure to Attend School Cases Filed						95,892
Violation of Local Daytime Curfew Ordinance Cases Filed						429
Referred to Juvenile Court for Delinquent Conduct						3,627
Held in Contempt, Fined, or Denied Driving Privileges						7,953
OTHER ACTIVITY:						
Parent Contributing to Nonattendance Cases Filed						67,606
Peace Bond Hearings Held						2,061
Class A or B Misdemeanor Complaints Accepted						75,208
Felony Complaints Accepted						55,661
Examining Trials Conducted						1,696
Inquests Conducted						17,257
Safety Responsibility and Driver's License Suspension Hearings Held						17,523
Search Warrants Issued						4,334
Arrest Warrants Issued:						
Class C Misdemeanors Only					634,433	
Felonies and Class A and B Misdemeanors Only					79,379	
<i>Total Arrest Warrants Issued</i>						713,812
Magistrate Warnings Given						296,357
Emergency Mental Health Hearings Held						11,208
Magistrate's Orders for Emergency Protection						14,389
Conference Held Prior to Legal Action Resulting in:						
Legal Action Being Filed in Court			Criminal	Civil	Total	
			3,293	882	4,175	
No Legal Action Being Taken			1,274	788	2,062	
TOTAL REVENUE						\$344,026,093

Municipal Courts

Cases Filed—More than 7 million cases were filed in the state’s municipal courts in 2011, a decrease of 6.6 percent from the number of new cases filed the previous year. Traffic and parking cases constituted 82.3 percent of new cases filed.

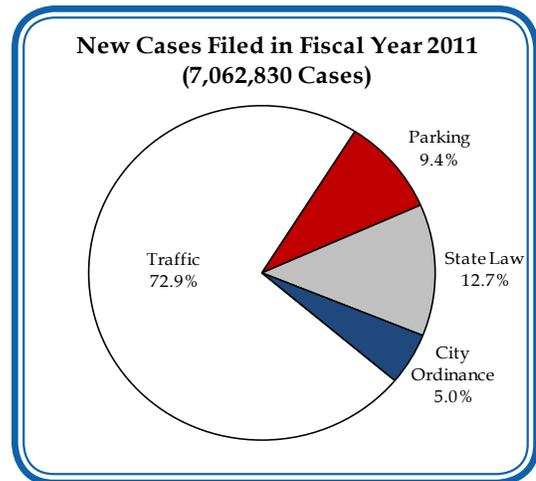
The 10 most populous cities, representing 41.6 percent of the state’s population living in cities and towns, accounted for 46.0 percent of all cases filed in municipal courts. Of the 10 most populous cities, Corpus Christi (population 305,215) had the lowest per capita filing rate (.21) and Houston (population 2,099,451) had the highest per capita filing rate (.54). Statewide, the per capita rate of cases filed in municipal courts was .37 cases. The highest per capita filing rate, 10.17, occurred in Estelline (population 145). The second highest per capita filing rate, 7.36, occurred in Cuney (population 140). These rates were considerably higher than the rates in all other cities in the state.

Clearance Rates—Municipal courts disposed of 6,566,390 cases in 2011 – a decline of 4.2 percent from the previous year. Because the number of dispositions did not decline as much as the number of new cases filed decreased, the statewide clearance rate for municipal court cases rose to 93.0 percent (compared with 90.6 percent the year before). By case type, traffic cases had the highest clearance rate (95.6 percent), while city ordinance cases had the lowest clearance rate (81.7 percent).

Manner of Disposition—In 2011, municipal courts disposed of more than 5.5 million traffic and parking cases. The largest share of these cases, 37.0 percent, were disposed of by payment of a fine (without appearing before a judge) or by a bond forfeiture. Approximately 16 percent were disposed of after a bench trial or other appearance before a judge, 18.2 percent were disposed of after completion of deferred disposition or a drivers’ safety course, and only 0.1 percent were disposed of by a jury trial.

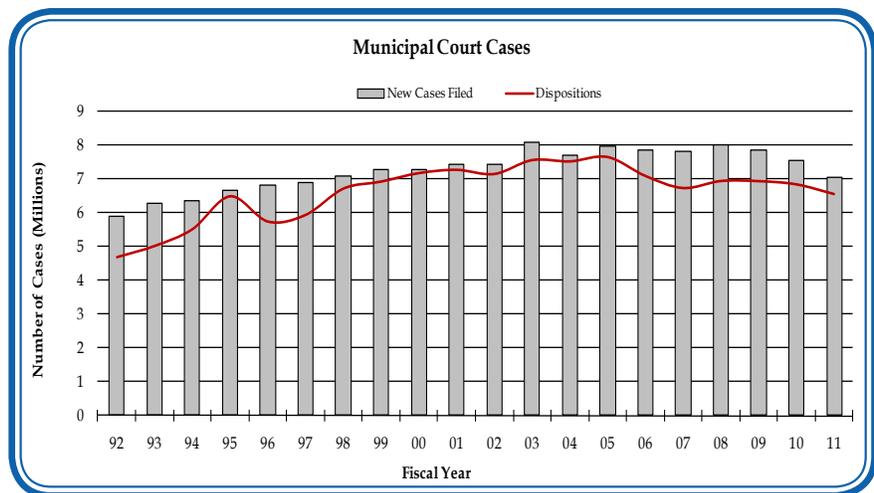
Municipal courts also disposed of more than one million state law and city ordinance cases (i.e., non-traffic cases). Approximately 36 percent of these cases were disposed of by payment of a fine or by bond forfeiture. While the jury trial rate for these cases (0.2 percent) was similar to the rate for traffic and parking cases, defendants in state law and city ordinance cases were more likely to have a bench trial or other appearance before the judge (23.9 percent) to dispose of the case.

Overall, guilty findings were made in almost all (96.7 percent) of the 1,112,944 cases that were not dismissed and went to bench trial or were otherwise disposed of by an appearance before the judge.¹ In contrast, guilty



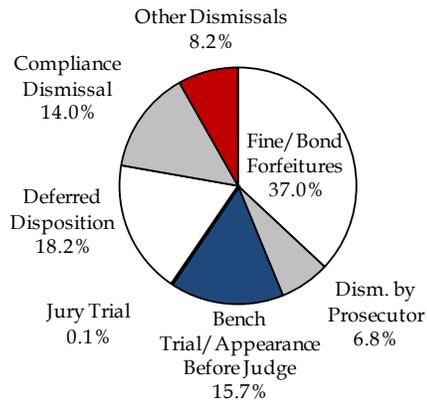
**Filings per Capita
FY 2011**

Cities with Highest Filings per Capita	Filings per Capita in 5 Most Populous Cities
Estelline - 10.17	Houston - .54
Cuney - 7.36	San Antonio - .35
Westlake - 6.75	Dallas - .26
Palmer - 6.54	Austin - .45
Milford - 6.4	Fort Worth - .45
Statewide - .37	

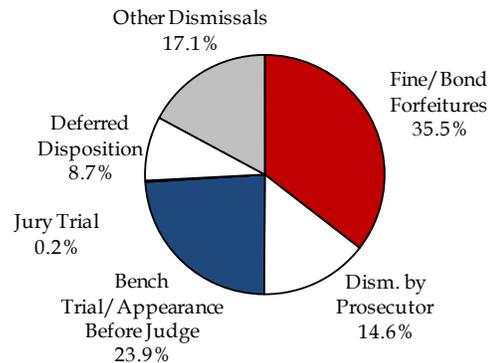


1. Guilty and *nolo contendere* pleas are included in the “Trial by Judge” category in the Municipal Court Activity Report.

**Disposition of Traffic and Parking Cases
(5,539,752 Cases)**



**Disposition of Non-Traffic Cases
(1,026,638 Cases)**



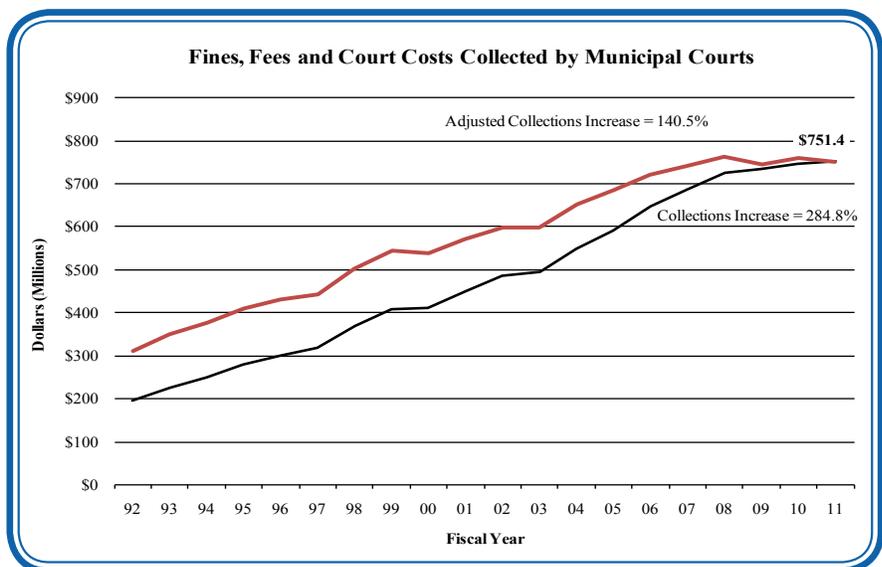
verdicts accounted for 72.3 percent of the 5,954 cases that went to jury trial.

Juvenile Case Activity – Juvenile cases filed in municipal courts decreased 3.2 percent from the previous year to 265,638 – the lowest number reported since 1999. Transportation Code (traffic) cases accounted for 38.7 percent of the juvenile cases filed in 2011. The number of cases filed under most of the juvenile case categories has fluctuated over the years. Since 2004, however, cases involving driving under the influence of alcohol has declined an average of 8.5 percent per year.

Magistrate Activity – In 2011, municipal courts issued 7,849 search warrants, more than 2.9 million arrest warrants, 10,169 magistrate orders for emergency protection, and more than 306,000 magistrate warnings to adults. Search warrants, arrest warrants, emergency protective orders, and mental health hearings generally increased over the past decade. Magistrate activity in juvenile cases, however, generally declined over the decade. Certifications of juvenile statements declined 64.7 percent between 2002 and 2011 (from 1,466 in 2002 to 517 in 2011), and warnings administered to juveniles declined 62.9 percent (from 4,318 in 2002 to 1,601 in 2011). From 2009 to 2011, activity in both categories dropped sharply (by nearly 30 to 40 percent, respectively).

Court Collections – The amount of fines, fees and court costs collected by municipal courts generally increased over the last 20 years. In 2011, the courts collected approximately \$751 million – an increase of 0.6 percent from the previous year. The amount collected in 2011 was 284.8 percent higher than that collected 20 years previously in 1992, or 140.5 percent higher when adjusted for inflation.³

Excluding cases dismissed prior to trial or at trial, the amount collected per disposition averaged approximately \$139.



2. Using Consumer Price Index Conversion Factors, <http://oregonstate.edu/cla/polisci/download-conversion-factors>.

Activity Report for Municipal Courts

September 1, 2010 to August 31, 2011

99.6 Percent Reporting Rate
11,050 Reports Received Out of a Possible 11,094

	Traffic		Non-Traffic		REPORTED TOTALS
	Misdemeanors		Misdemeanors		
	Non - Parking	Parking	State Law	City Ordinance	
NEW CASES FILED	5,148,510	661,463	899,629	353,228	7,062,830
DISPOSITIONS:					
Dispositions Prior to Trial:					
<i>Bond Forfeitures</i>	25,366	751	7,199	1,586	34,902
<i>Fined</i>	1,512,381	509,537	269,468	86,101	2,377,487
<i>Cases Dismissed</i>	326,233	51,876	103,143	46,763	528,015
Total Dispositions Prior to Trial	1,863,980	562,164	379,810	134,450	2,940,404
Dispositions at Trial:					
<i>Trial by Judge</i>					
Guilty	802,871	30,547	176,738	65,747	1,075,903
Not Guilty	14,816	19,159	1,937	1,129	37,041
<i>Trial by Jury</i>					
Guilty	2,968	51	795	493	4,307
Not Guilty	1,170	46	222	209	1,647
<i>Dismissed at Trial</i>	449,647	5,121	109,097	66,927	630,792
Total Dispositions at Trial	1,271,472	54,924	288,789	134,505	1,749,690
Cases Dismissed After:					
<i>Driver Safety Course</i>	439,011	--	--	--	439,011
<i>Deferred Disposition</i>	568,484	2,798	69,546	19,538	660,366
<i>Proof of Financial Responsibility</i>	299,127	--	--	--	299,127
<i>Compliance Dismissal</i>	477,792	--	--	--	477,792
Total Cases Dismissed After	1,784,414	2,798	69,546	19,538	1,876,296
TOTAL DISPOSITIONS	4,919,866	619,886	738,145	288,493	6,566,390
COMMUNITY SERVICE ORDERED	183,227	973	45,598	14,810	244,608
CASES APPEALED	11,556	145	2,245	485	14,431
JUVENILE ACTIVITY:					
Transportation Code Cases Filed					102,685
Non-Driving Alcoholic Beverage Code Cases Filed					35,828
DUI of Alcohol Cases Filed					2,185
Health & Safety Code Cases Filed					6,734
Failure to Attend School Cases Filed					23,449
Education Code Cases Filed					8,272
Violation of Local Daytime Curfew Ordinance Cases Filed					8,765
All Other Non-Traffic Fine-Only Cases Filed					77,720
Waiver of Jurisdiction of Non-Traffic Cases					4,098
Referred to Juvenile Court for Delinquent Conduct					1,373
Held in Contempt, Fined, or Denied Driving Privileges					7,627
Warnings Administered					1,601
Statements Certified					517
OTHER ACTIVITY:					
Parent Contributing to Nonattendance Cases Filed					5,785
Safety Responsibility and Driver's License Suspension Hearings Held					2,733
Search Warrants Issued					7,849
Arrest Warrants Issued					
Class C Misdemeanors			2,870,284		
Felonies and Class A and B Misdemeanors			72,107		
Total Arrest Warrants Issued					2,942,391
Magistrate Warnings Given					
Class A and B Misdemeanors			225,401		
Felonies			81,112		
Total Magistrate Warnings Given					306,513
Emergency Mental Health Hearings Held					2,100
Magistrate's Orders for Emergency Protection					10,169
TOTAL REVENUE					\$751,406,046

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

District Courts	Brewster	No reports were submitted.	Burleson	No reports were submitted for February through August due to case management system problems.
	Calhoun			
	Castro		Garza	No reports were submitted for December through August due to case management system problems.
	Deaf Smith		Galveston	No criminal reports were submitted due to case management system problems.
	Edwards		Brazos	No juvenile reports were submitted due to case management system problems.
	Fayette		El Paso	
	Gillespie		Hidalgo	
	Hudspeth		Hill	
	Lamb		Nueces	
	Martin		Dallas	Juvenile reports were not submitted for November through August due to case management system problems.
	Newton		Burnet	No civil, family, or juvenile reports were submitted for October through August due to case management system problems. Burnet County also did not submit criminal reports for May through August.
	Medina	No reports were submitted for August.	Live Oak	
	Duval	Juvenile reports were not submitted for January through August.		
	Henderson	Criminal reports were not submitted for March through August.		
	Upton	No family reports were submitted. Civil reports were not submitted for September through December.		
	Dallam	No reports were submitted due to problems with a new case management system.		
	Kendall			
	Maverick			
	Orange			
	Pecos			
Statutory County Courts	Anderson (County Clerk)	No reports were submitted due to case management system problems.		
	Burnet (District Clerk)			
	Kendall (District Clerk)			
	Medina (County Clerk)			
	Denton	No juvenile reports were submitted due to case management system problems.		
Fort Bend	No criminal reports were submitted due to case management system problems.			
Lamar				
Tarrant	No civil, probate, and mental health reports were submitted due to case management system problems.			
Hays	No juvenile, probate or mental health reports were submitted.			
Medina (District Clerk)	No reports were submitted for August 2011.			
Parker (County Clerk)				
Constitutional County Courts	Anderson	No reports were submitted due to problems with a new case management system.	Hudspeth	No reports submitted for October through August.
	Burleson		Waller	
	Dallam		Garza	No reports submitted for November through August.
	Fayette		Clay	No civil or criminal reports were submitted, and no probate and mental health reports were submitted for March through August, due to problems with a new case management system.
	Maverick		Lamar	No reports were submitted for civil, probate and mental health cases due to problems with a new case management system.
	Medina			
	Reeves			
	Terry			
	Brewster	No reports were submitted.		
	Castro			
Edwards				
Frio				
Martin				
Upton				

**Courts that Did Not Submit All
Monthly Activity Reports for the Fiscal Year**
(Number of Reports Received)

Justice Courts	<p>Bee County Prec. 4 (1 of 12) Cameron County Prec. 7 Pl. 2 (3 of 4) Carson County Prec. 4 Pl. 1 (0 of 4) Chambers County Prec. 3 Pl. 1 (10 of 12) Culberson County Prec. 2 Pl. 1 (0 of 12) Culberson County Prec. 3 Pl. 1 (4 of 12) Culberson County Prec. 4 Pl. 1 (0 of 12) Dimmit County Prec. 1 Pl. 1 (11 of 12) Grimes County Prec. 1 Pl. 1 (10 of 12) Hidalgo County Prec. 2 Pl. 2 (11 of 12) Hidalgo County Prec. 4 Pl. 1 (0 of 12) Hockley County Prec. 2 Pl. 1 (10 of 12)</p>	<p>Hudspeth County Prec. 3 Pl. 1 (4 of 12) LaSalle County Prec. 2 Pl. 1 (2 of 12) Lamar County Prec. 2 Pl. 1 (0 of 12) Milam County Prec. 2 Pl. 1 (7 of 12) Palo Pinto County Prec. 2 Pl. 1 (10 of 12) Starr County Prec. 5 Pl. 1 (10 of 12) Tyler County Prec. 2 Pl. 1 (0 of 12) Tyler County Prec. 3 Pl. 1 (0 of 12) Upton County Prec. 2 Pl. 1 (11 of 12) Webb County Prec. 1 Pl. 2 (9 of 12) Webb County Prec. 2 Pl. 2 (0 of 12) Zavala County Prec. 1 Pl. 1 (3 of 12)</p>
Municipal Courts	<p>Anahuac (0 of 12) Encinal (3 of 12) Gregory (11 of 12)</p>	<p>La Villa (4 of 12) Marfa (0 of 12) San Juan (10 of 12)</p>

Other Required Reports for the Fiscal Year Ended August 31, 2011

Security Incidents. Article 102.017(f), Code of Criminal Procedure, requires a local administrative judge to submit a written report to OCA regarding any incident involving court security that occurs in or around a building housing a court. A security incident is defined as any adverse event that threatens the security of a person or property, or causes or may cause significant disruption to functions of the court due to a breach in security.

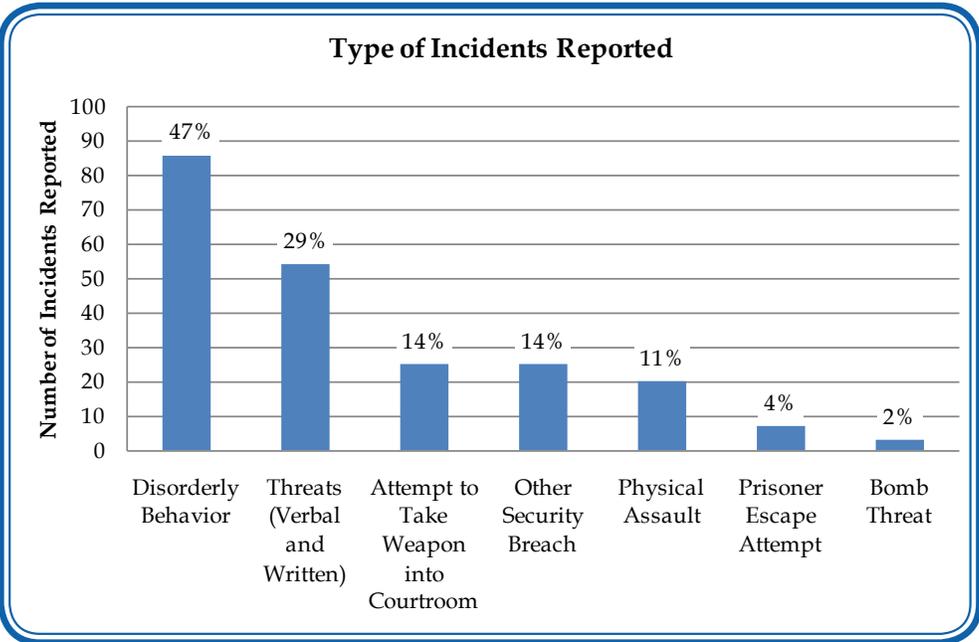
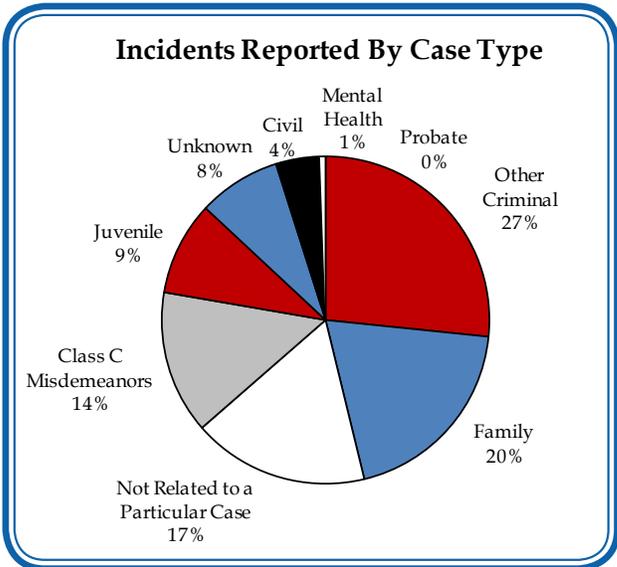
In FY 2011, OCA received a total of 184 incident reports, more than half of which were submitted by district courts (101 incidents), 11 percent by county-level courts (21 incidents), three percent by justice courts (five incidents), 20 percent by municipal courts (37 incidents), and 11 percent by courthouses serving multiple court types (20 incidents).

Twenty-seven percent of all reported incidents were related to criminal cases involving Class B misdemeanors or higher level offenses (49 incidents), 20 percent involved family cases (36 incidents), and 14 percent involved Class C misdemeanor offenses (26 incidents). Seventeen percent of all reported incidents were not related to a particular case (32 incidents).

Nearly half of the reported incidents involved disorderly behavior (47 percent, or 86 incidents). The next most common behavior reported was threats (both written and verbal), with 29 percent of reported incidents (54 incidents).

In 87 percent of incidents, no injuries were reported (160 incidents). Of the 24 reported incidents that resulted in injury, 38 percent were related to cases involving Class B misdemeanor or higher level offenses (nine incidents) and 21 percent were related to family law cases (five incidents).

The following are examples of incidents that occurred in the trial courts during FY 2011:

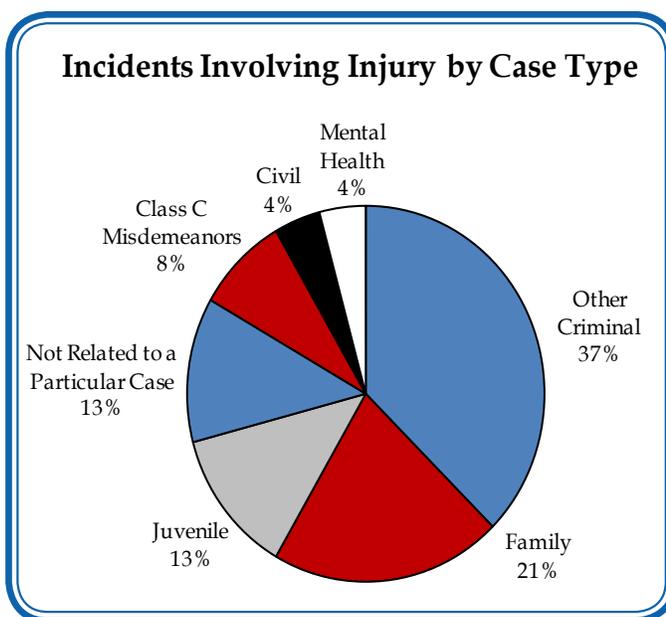


District Courts. Shortly after a hearing, a criminal defendant who had been found incompetent to stand trial overpowered a transporting officer, gained access to the officer's weapon, and shot her to death in the basement of the courthouse. The defendant also stole a transport vehicle and was later arrested in another jurisdiction.

County-Level Courts. A juvenile respondent refused to sign a document giving the respondent the right to appeal the judge's verdict. The juvenile crumpled the paper in her fist, became belligerent and disruptive in the courtroom, and began swinging her arms. Court deputies intervened and restrained the juvenile.

Justice Courts. A sheriff's department dispatch received a telephone call from a local business establishment wherein one of their customers made a statement about going to the federal courthouse and shooting everyone. The individual making threats was identified as a member of the public who had many appearances before a local justice court as well as outstanding warrants issued by the court.

Municipal Courts. A threatening and verbally abusive letter was sent to a judge. The envelope containing the letter also held a small amount of drugs. The case was turned over to local police for further investigation.



For more information on court security incidents, visit <http://www.txcourts.gov/oca/security-incidents.asp>.

Hate Crime Reporting. Article 2.211 of the Code of Criminal Procedure provides that in each case that a request is made for an affirmative finding that an offense was committed because of bias or prejudice under Article 42.014, the clerk of the district or county court shall report that request to the Texas Judicial Council and include a statement whether the affirmative finding was entered in the judgment in the case. During FY 2011, OCA received one report of a case in which a request was made for an affirmative finding that a hate crime was committed. The list of cases reported since September 2001 is posted at <http://www.txcourts.gov/oca/required.asp>.

Vexatious Litigants Subject to a Prefiling Order. Section 11.104 of the Civil Practice and Remedies Code requires the clerk of a court to send OCA a copy of any prefiling order issued under Section 11.101 – an order prohibiting a person from filing a new litigation in a court in the state if the court finds, after notice and a hearing, that the person is a vexatious litigant. Subsequently, the person must obtain permission from a local administrative judge to file litigation, and the judge may grant permission only if it appears that the proposed litigation has merit and has not been filed for the purposes of harassment or delay. During FY 2011, OCA received 15 new reports of litigants subject to prefiling orders. The complete list is posted at <http://www.txcourts.gov/oca/required.asp>.

Appointments and Fees Reports. Texas Supreme Court Order No. 07-9188 requires each district clerk and county clerk to prepare a report each month listing each fee paid during that month in the amount of \$500 or more for each appointment made by a judge of any district, county, or probate court, a court master, or court referee of a person to a position for which any type of fee may be paid in a civil case, probate case, or proceeding governed by Titles 1, 2, or 4 of the Texas Family Code.

At the request of the Supreme Court, OCA developed a database to capture the information submitted on these reports. In March 2009, the Appointments and Fees database went live. This program allows county and district clerks to electronically submit their monthly reports and allows clerks and OCA staff to run reports from the database, which improves public access to the information. OCA posts reports from the database on a monthly basis at http://www.txcourts.gov/oca/apptfees_reports.asp.

Capital Case Jury Charges. For each capital case in which a jury trial is held, Section 72.087(c) of the Government Code requires the judge or clerk of a court to submit a written record to OCA containing the contents of the trial court's charge to the jury and the sentence issued in each case. In FY 2011, OCA received reports for 14 cases. All records received by OCA since September 2007 are posted at <http://www.txcourts.gov/oca/jurycharges.asp>.

Annual Reports
of the
Judicial Support Agencies,
Boards and Commissions

for the Fiscal Year
Ended August 31, 2011



Photo courtesy of TexasCourthouses.com

Anderson County Courthouse - Palestine

Introduction to the Judicial Support Agencies, Boards and Commissions

The **Office of Court Administration** provides information and research, technology services, budgetary and legal support, and other administrative assistance to a variety of judicial branch entities and courts, under the supervision of the Chief Justice of the Supreme Court of Texas and an Administrative Director reporting to the Chief Justice.

The **Texas Judicial Council** is the primary policy-making body responsible for studying and recommending changes to improve the administration of justice.

The **Task Force on Indigent Defense** is a standing committee of the Texas Judicial Council that oversees the distribution of funds to counties to provide indigent defense services, and promulgates policies and standards for services to indigent defendants.

The **Judicial Committee on Information Technology** establishes standards and guidelines for the systematic implementation and integration of information technology into the state's trial and appellate courts.

The **Court Reporters Certification Board** performs licensing and regulatory functions for the court reporting profession.

The **Process Server Review Board** performs regulatory functions for persons authorized to serve process.

The **Guardianship Certification Board** performs regulatory functions for individuals (other than attorneys and corporate sureties) who act as private professional guardians, individuals (other than volunteers) who provide guardianship services to wards of guardianship programs, and individuals who provide guardianship services to wards of the Department of Aging and Disability Services.

The **Judicial Compensation Commission** is responsible for making a report to the Texas Legislature each even-numbered year recommending the proper salaries to be paid by the state for all justices and judges of the Supreme Court of Texas, the Court of Criminal Appeals of Texas, the courts of appeals and the district courts. The Office of Court Administration provides administrative support for the Commission.



Office of Court Administration

Activities of OCA by Division

Executive Operations - The Office of Court Administration (OCA) has been led since April 2005 by Mr. Carl Reynolds, the Administrative Director of OCA and the Executive Director of the Texas Judicial Council. He is supported part-time by an executive assistant, who has been pressed into other duties by insufficient staff resources. The Director's assistant serves as clerk to the Process Server Review Board and was assisted by two full-time employees dedicated to this entity.

The Director provides leadership and strategic direction, represents the agency to the Legislature, other agencies and interest groups, and is responsible for the agency's performance. He staffs the policy-making function of the Judicial Council, with support from the Court Services and Legal divisions. In the Summer 2010 issue (v. 51 Number 4) of the South Texas Law Review, he published an article entitled "Texas Courts 2030 - Strategic Trends & Responses." In the summer of 2009, the Director was elected to the board of directors of the Conference of State Court Administrators (COSCA), and in FY 2010 he was appointed to chair the Policy and Liaison Committee of COSCA, both of which required additional national activity during FY 2011. Also during FY 2011 the Director chaired a subcommittee of the State Bar Committee on Legal Services to the Poor in Criminal Matters, and continued to blog

about the work of state courts at <http://www.courtex.blogspot.com>, with 120 posts to date.

Research and Court Services Division - During FY 2011, the division's activities included the development or continuation of programs and projects designed to increase the collection of court costs, fees, and fines; to improve reporting accuracy and compliance; to improve the administrative operation of the courts; and to provide remote foreign language interpreter services for civil family violence cases. Highlights of these programs and projects are noted below.

Collection Improvement Program. OCA's Collection Improvement Program is a set of principles and processes for managing cases when defendants are not prepared to pay all court costs, fees, and fines at the time of assessment and when time to pay is requested. In 2005, the Texas Legislature enacted S.B. 1863 (Code of Criminal Procedure, article 103.0033), which requires cities with a population of 100,000 or more, and counties with a population of 50,000 or more, to implement collection improvement programs based on OCA's model Court Collection Improvement Program.

As of August 31, 2011, 77 of the 78 counties and cities required to implement a program had either fully or partially implemented the model. One county, Harris County, previously received a waiver.

In FY 2011, the primary focus of the program staff continued to be working with the counties and cities required to implement a program, as well as with audit staff at the state's Comptroller of Public Accounts (CPA) office, to ensure compliance with the critical components of the model program. To that end, program staff continued to provide technical assistance; assist with obtaining the case populations from which the CPA auditors select their samples to conduct compliance audits of mandatory programs; and conduct simulated compliance audits of mandatory programs to identify any deficiencies and assist counties or cities with correcting any deficiencies found before the CPA auditors conduct the official compliance audit. Program staff also conducted 11 regional training workshops on the compliance audit process, which were held in Amarillo, Angleton, Brownsville, Denton, Edinburg, Greenville, Liberty, McAllen, Round Rock, Salado, and Sinton.

Program staff identified and began working with 13 additional jurisdictions that will be required to implement collection improvement programs, on or before April 2012, based on the 2010 federal decennial census. The cities are: Denton, Frisco, Killeen, McKinney, and Midland; and the counties are: Cherokee, Hardin, Hood, Maverick, Rockwall, Rusk, Wise, and Van Zandt. To assist these counties and cities in preparing for the implementation of their mandatory programs, program staff conducted training workshops in Eagle Pass, Granbury, Killeen, Kountze, Midland, and Rockport.

As of August 31, 2011, a total of 78 voluntary programs were fully or partially implemented. During FY 2011, program staff assisted 22 cities (Baytown, Canton, Dickinson, Elsa, Forney, Friendswood, Grand Saline, Huntsville, LaMarque, LaPorte, Manvel, Missouri City, Odem, Pearland, Port Isabel, Rosenberg, San Juan, Seabrook, Sealy, South Padre Island, Sullivan, and Tomball) and two counties (Leon and Shackelford) with developing and partially implementing a voluntary program based on OCA's model Court Collection Improvement Program.

Additionally, program staff continued to assist or offer assistance to existing local voluntary collection improvement programs; conduct training workshops on collection processes and techniques for mandatory and voluntary programs, as well as cities, counties or courts interested in improving court collections; and assist programs with the use of the web-based collection reporting system to track collection activity and results.

Judicial Information Program. The Judicial Information Program collects, analyzes, provides and publishes information about the judicial branch and supports the Judicial Compensation Commission.

Judicial Data Project. Program staff continued working to implement the requirements adopted under the Judicial Council's Judicial Data Project, in which workgroups of judges, clerks and others reviewed the data elements previously reported by trial courts and recommended changes to the monthly court activity reports to more accurately reflect the workload of those courts.

Changes to the district and county-level court reports took effect September 1, 2010, and changes to the justice and municipal court reports took effect September 1, 2011. During FY 2011, division staff engaged in numerous activities to facilitate the implementation of the new reports, including making presentations on the monthly report changes at district and county clerk conferences and regional meetings; making numerous presentations to municipal and

justice court clerks and judges; and providing constant technical assistance to clerks, judges and case management software providers.

During FY 2011, OCA continued to work on updating information systems to implement the revised reporting categories in September 2010 and September 2011, respectively. OCA staff worked closely with the selected vendor to design, review, and test the new database and system functionality and provide guidance and clarification on expected functionality and business processes.

Judicial Compensation Commission. Judicial Information provided staff support for the Judicial Compensation Commission, supporting all Commission meetings, updating data for the Commission's review and producing the Commission's report in the fall of 2010.

H.B. 3352 and the NICS Improvement Act. OCA is the representative for the Texas judicial branch for the federal National Instant Criminal Background Check System (NICS) Improvement Act, which amended the Brady Handgun Violence Prevention Act of 1993 to provide information about mental health adjudications, commitments and other factors that would prohibit a person from receiving or possessing a firearm under state or federal law. Judicial Information staff completed the annual estimate of court records (due each May) related to provisions of the NICS Improvement Act.

OCA has taken a leading role in providing assistance to the district and county clerks on the implementation of H.B. 3352, which requires clerks to report information on mental health adjudications and commitments and other prohibiting factors to the Criminal Justice Information System (CJIS) maintained by the Texas Department of Public Safety. H.B. 3352 was passed by the Texas Legislature in 2009 to comply with and implement the requirements of the NICS Improvement Amendments Act of 2007, including the requirement that information on all cases in which a reportable order or judgment was entered from September 1, 1989 through August 31, 2009 be reported.

During FY 2011, OCA provided the following assistance on H.B. 3352 to the district and county clerks: 1) made presentations at conferences and regional meetings of the Texas County and District Clerks' Association; 2) made presentations at meetings of the Texas College of Probate Judges; 3) updated a Frequently Asked Questions document prepared by OCA to assist clerks in reporting these cases; 4) worked with the Texas County and District Clerks' Association and Department of State Health Services to aid clerks in getting the information they need to report relevant records to the Texas CJIS; and 5) provided frequent assistance to clerks by answering questions over the phone and by email.

In April 2011, OCA conducted a survey to determine how many district and county clerks had started or completed their historical reporting of mental health-related records, and 40 percent of the clerks reported they had not due to a lack of staff or training. (Although OCA had provided widespread training to the clerks on H.B. 3352, most was provided prior to January 2011, when 83 new clerks took office.)

In response to the survey results, OCA applied for and received preliminary notification in July 2011 that it would receive a \$545,414 grant from the U.S. Department of Justice's Office of Justice Programs. The funds will be used to hire 7.5 full-time equivalent OCA staff to provide assistance to the clerks by reviewing historical case files and docket sheets to identify eligible records to be reported and entering this information into CJIS, and to provide training on H.B. 3352 reporting requirements.

Domestic Violence Resource Attorney (DVRA). OCA obtained a \$65,565 S.T.O.P Violence Against Women Act Fund grant to continue funding for its domestic violence resource attorney (DVRA), who serves as a single point of contact to support courts who hear cases involving domestic violence, sexual assault, and stalking. OCA agreed to contribute a cash match of \$5,000, resulting in a total project cost of \$70,545. The grant period was January 1, 2011 through August 31, 2011 (the previous grant period ended on December 31, 2010). During FY 2011, the DVRA continued to work on and completed the first-ever Texas Family Violence Benchbook. The benchbook focuses on Texas and federal laws concerning domestic violence, sexual assault, and stalking cases. The benchbook was posted on OCA's website in December 2010 and distributed to selected courts on CD in June 2011.

During FY 2011, the DVRA implemented and managed OCA's Texas Remote Interpreter Project. Additionally, the DVRA provided training on the timely entry of protective orders into the Texas Crime Information Center (TCIC), which is the statewide law enforcement database, to district and county clerks at the annual District and County Clerks' Continuing Legal Education Program; met with the Texas Department of Public Safety to discuss strategies

to increase the entry of protective orders into TCIC; and worked to improve the utilization of the courts' share of S.T.O.P. Violence Against Women Act grant funds.

Texas Remote Interpreter Project (TRIP) in Domestic Violence Cases. OCA obtained a three-year, \$300,000 grant from the U.S. Department of Justice's Office on Violence Against Women to hire two half-time, licensed Spanish court interpreters to provide interpretation services at no cost, via telephone, Voice over Internet Protocol, or videoconferencing, to district and county-level courts handling civil cases involving intimate partner violence. Limited grant funds are also available for non-Spanish interpretation from a commercial telephonic service. The focus of the project is to improve access and the quality of interpretation services in rural counties. During FY 2011, division staff spent much time on activities to implement and promote the program, including providing information about TRIP services to judges, court coordinators and others, and making site visits to counties to explain and demonstrate TRIP services. Additionally, the interpreters compiled a Spanish-English glossary of legal terms relating to domestic violence, and translated and recorded required warnings for protective orders into Spanish. The grant period is September 1, 2010 through August 31, 2013.

Emergency Preparedness. OCA maintains a "court closures" web page in the event a court is closed due to an emergency (e.g., hurricane, flood, fire, ice or snow storm, or bombing). The web page is a centralized source for court closures for the entire state, which the State Bar has agreed to direct people to during an emergency. During FY 2011, division staff developed court closure and reopening reporting forms and instructions, which were distributed to local administrative judges, county judges, district clerks, and county clerks to use in notifying OCA when the district and county-level courts are closed due to an emergency.

Information Services Division - The Information Services Division works to improve information technology (IT) at all judicial levels in Texas. In addition to providing information technologies for OCA and for the various boards it supports, the division provides IT directly for the Supreme Court of Texas, the Court of Criminal Appeals, the 14 intermediate courts of appeals, the State Law Library, the State Prosecuting Attorney, the State Commission on Judicial Conduct (SCJC), Texas Indigent Defense Commission (TIDC) and the Office of Capital Writs (OCW). These bodies use computers, desktop software, line-of-business software applications, Internet access, wide area and local area networks, server databases and resources, and websites provided and maintained by OCA. The line-of-business software applications that Information Services maintains include certification management for OCA's regulatory boards, case management for the child protection and child support specialty courts, case management for SCJC, court case management for appellate courts, automated registry for trial courts, and court activity reporting for trial courts. Additionally, the Information Services Division supports the meetings and activities of the Judicial Committee on Information Technology (JCIT); the accomplishments for FY 2011 are discussed in the report for JCIT.

The Information Services Division worked on the following projects:

- The initial release of the Texas Appeals Management and e-filing System (TAMES) continued development and was scheduled to be implemented in FY 2012.
- The Child Protection Case Management System (CPCMS) continues to implement enhancements. Information Services also implemented the Child Support Case Management System (CSCMS) for use in the Title IV-D courts in April of 2011. Enhancements to CSCMS are also made as Information Services resources permit.
- The division worked to replace the Judicial Data Management System (JDMS) with the new Court Activity Reporting and Directory (CARD) system. The CARD system collects court activity data in a format that meets the new reporting requirements adopted by the Texas Judicial Council in 2008. CARD was implemented for the district and county-level courts in May 2011. Justice and municipal courts were implemented in October 2011.
- The Automated Registry (AR) system is in production, and the Information Services Division continues to market and provide interested courts with access to the system. AR allows authorized individuals to search state agency databases for information on a person appearing before the court. Due to budget cuts, maintenance funding for the AR system is not available for the FY 2012-13 biennium. As a result, any change to the system by OCA's partner agencies may cause the system to become inoperable.

- Information Services has deployed a replication repository in Austin as part of the Judicial Emergency Data Infrastructure (JEDI) project. JEDI was funded by the 81st Texas Legislature, to provide data redundancy for courts located in disaster prone areas. JEDI was implemented for the appellate courts outside of the Austin area in the summer of 2011. The 10th Court of Appeals (Waco) was selected as the redundant site for the Austin area courts. This site will be completed and operational by the end of 2011.

Indigent Defense Division - The division supports the Task Force on Indigent Defense by administering the distribution of funds to counties for indigent defense services; developing policies and standards for legal representation and other defense services for indigent defendants; promoting local compliance with the core requirements of the Fair Defense Act (FDA) through evidence-based practices; providing technical support to counties with respect to indigent defense; and establishing a statewide county reporting plan for indigent defense information. Accomplishments for FY 2011 are discussed in the report for the Task Force.

Legal Division - The Legal Division continued to provide legal support for numerous entities within the judiciary and to oversee the administration of the specialty courts programs on behalf of the presiding judges of the nine administrative judicial regions. Legal staff served as liaisons to or provided legal support to the Texas Judicial Council; the Conference of Regional Presiding Judges; the Council of Chief Justices; the Permanent Judicial Commission for Children, Youth and Families; the Judicial Districts Board; the Task Force on Indigent Defense; the Guardianship Certification Board (GCB); and the Court Reporters Certification Board (CRCB). Division attorneys drafted rules and amendments for the GCB and the CRCB. A division attorney updated the court jurisdiction documents available on OCA's website, OCA's records retention schedule and the 2010 District Clerk's Manual. Another division attorney worked with others on a statewide effort to help Texas courts deal with the increasing numbers of self-represented litigants in the state. Division attorneys also made presentations throughout the year to judges and clerks on issues including the Texas court system, reporting requirements for district clerks, responding to requests for records, recusal and disqualification of municipal court judges, the difference between legal information and legal advice, and confidentiality of Child Protective Services, juvenile and adoption cases.

Specialty Courts Program. The specialty courts program includes the child protection courts and the child support courts. Throughout the year division staff supported the efforts of the presiding judges of the administrative judicial regions in administering the specialty courts program. An attorney funded through a federal grant from the Children's Justice Act worked with the child protection courts and the Information Services Division to develop reports for the case management system and survey court practices in an effort to identify best practices. The specialty courts program director worked with the Information Services Division and a child support courts advisory committee to implement a new case management system for the child support courts. The program director also facilitated the annual Child Protection Court Conference in Austin attended by the associate judges and coordinators.

Finance and Operations Division - The Finance and Operations (FAO) Division manages the fiscal and operational support activities of OCA, including purchasing, accounting, payroll, budgeting, financial reporting, human resources, property inventory, and facilities management. Division staff members consult with OCA program managers on a variety of financial and contractual issues, and answer questions from the Legislature, the public, and other interested parties on judicial funding and state appropriations to the courts and judicial agencies. The division coordinates preparation of the agency's strategic plan, legislative appropriations request, and quarterly performance measures. Finance and Operations staff work with the clerks of the appellate courts on issues related to accounting, purchasing, financial reporting, and human resources. In addition, the division provides support to the chief justices of the appellate courts and the Presiding Judges of the administrative judicial regions regarding legislative, budgetary, and human resources issues.

During this fiscal year, OCA (along with the appellate courts and all other agencies in Texas government) was directed to reduce its appropriated budget twice, first by 5 percent and then by another 2.5 percent. With the first reduction, all of OCA's programs, except for Child Support Courts, Child Protection Courts and Indigent Defense, were reduced. The second reduction applied to all OCA programs. The FAO division worked with program managers to identify where cuts could be made with minimal impact on the agency's staffing and services. Where staffing reductions were required, OCA was able to eliminate positions through attrition. The division also assisted the courts of appeals with a coordinated response on the impact of budget cuts on the intermediate appellate courts. As a result, the courts of appeals received relief from a portion of the cuts.

In FY 2011, in response to a post-payment audit conducted by the State Comptroller's Office, OCA revised its travel

policy to more strictly interpret the statutory requirement to conserve state funds related to OCA employee travel. Over half of OCA's staff work in its specialty courts program. Historically, these employees have used their personal vehicles to travel from court to court to hear child support and child abuse and neglect cases. In accordance with state travel guidelines, the agency has reimbursed these employees using the approved, statewide mileage rate. In some cases, due to budget constraints, OCA has chosen to pay a lower mileage reimbursement rate than the maximum rate authorized. OCA's new policy now restricts the mileage reimbursement further, to the lower of the personal vehicle mileage rate or the cost of a rental vehicle, including fuel. OCA expects to see significant cost savings in FY 2012 and beyond as a result of this policy change.

During the 82nd Legislature, the Finance and Operations Division supported OCA, the courts of appeals and the presiding judges to determine the impact of budget reductions for the FY 2012-13 biennium and minimize the impact on court administration and OCA operations. Overall, the judiciary fared well, particularly when compared to the rest of state government. Although the judiciary took reductions, the Legislature recognized the importance of the judicial function, as well as the already restricted budget levels with which the courts are operating, and limited reductions to a manageable level.

The 82nd Legislature took action related to several OCA programs, which required planning in this fiscal year to prepare for new functions the FAO division will implement in FY 2012. The 82nd Legislature authorized the Process Server Review Board, with approval from the Supreme Court, to set fees for certification as a process server. In July, FAO began the planning process to collect fees from more than 6,000 process servers that are currently certified. The 82nd Legislature also transferred the audit function for the Collections Improvement Program (CIP) from the Comptroller's Office to OCA. In order to provide for adequate separation of the program implementation function that currently resides at OCA from the newly transferred audit function, the CIP audit division will fall under the purview of the Chief Financial Officer. As a result, the division began analyzing the staffing, operational support and office space requirements for this new function. The Finance and Operations Division also prepared to transfer the administrative functions of the State Prosecuting Attorney (SPA) from that office to OCA, effective September 1, 2011. The 82nd Legislature reduced SPA's administrative support budget for FY 2012-13 and directed OCA to enter into an interagency contract to provide support to SPA. FAO staff spent considerable time over the summer in planning meetings to prepare for this transition.

Regulatory Services - The Office of Court Administration currently supports three regulatory boards: Court Reporters Certification Board, Guardianship Certification Board and Process Server Review Board. Although each board's structure is unique, many regulatory practices and staff functions are common to all three. Staff for the three boards have been working together to function as a unified certification division utilizing existing resources. All staff members for the three boards meet biweekly to review and discuss regulatory practices, to share information on each program's processes, and to streamline and standardize procedures and day-to-day operations.

The *Court Reporters Certification Program* serves as staff to the Court Reporters Certification Board (CRCB), the governing body that oversees the licensing and regulation of the court reporting profession in Texas. Primary responsibilities include administration of the court reporters exam, certification of court reporters, registration of court reporting firms, and conducting of disciplinary hearings on complaints filed against court reporters and court reporting firms. Accomplishments for FY 2011 are discussed under the report for the CRCB.

The *Process Server Review Program* serves as staff to the Process Server Review Board (PSRB), the entity that governs certification to serve civil process statewide. Its primary responsibility is to provide clerical assistance to the Board and perform the necessary administrative duties to implement and enforce Rule 14 of the Texas Rules of Judicial Administration. These duties include processing applications for certification, processing complaints filed against process servers, processing requests for reconsideration of board decisions made by process servers and maintaining program and PSRB records, including the Statewide List of Authorized Process Servers. Accomplishments for FY 2011 are discussed under the report for the PSRB.

The *Guardianship Certification Program* serves as staff to the Guardianship Certification Board (GCB), the entity that certifies certain individuals who provide guardianship services in Texas. Its primary responsibility is to carry out the daily business of the GCB and perform the necessary administrative functions to implement and enforce statutory requirements. These functions include processing applications for certification, provisional certification and re-certification in accordance with GCB guidelines; developing procedures and forms; maintaining program and GCB records; and disseminating information on the GCB's rules, minimum standards and policies. Accomplishments for FY 2011 are discussed under the report for the GCB.



Texas Judicial Council

Legislation. Leading up to the 2011 (82nd) legislative session, the Judicial Council developed and adopted 59 legislative proposal resolutions, of which 31 led to filed bills (53 percent of the number of proposals). Of those filed, 23 passed into law, or 74 percent. Perhaps the most significant legislation was the court reorganization bill passed during the special session as H.B. 79; it was supported by the Judicial Council and resource staffing on the bill was provided by OCA. Highlights of H.B. 79 include:

- Setting the minimum jurisdictional amount of district courts at \$500 and raising the upper jurisdictional limit of all statutory county courts to at least \$200,000;
- Generating uniform provisions relating to all statutory county courts and repealing many provisions specific to statutory county courts in particular counties;
- Discontinuing small claims courts, but bringing the small-claims-court model of handling cases into the justice court provisions of Chapter 27, Government Code;
- Directing the Supreme Court to promulgate rules of civil procedure to ensure the fair, expeditious, and inexpensive resolution of small claims cases;
- Creating general provisions for the appointment, qualification, compensation, termination and powers of “associate judges” while repealing many individual statutes creating masters, referees and magistrates;
- Providing a structure for the receipt of gifts, grants, and donations for court system enhancements and child protection courts;
- Clarifying procedures regarding vexatious litigants; and
- Ordering a study of the feasibility, efficiency, and cost of converting statutory county courts with civil jurisdiction in excess of \$200,000 into district courts.

Committees. Often the Council appoints committees to study issues affecting the administration of justice. The active committees in FY 2011 were the Committee on Judicial Selection and the Committee on Court Resources.

Committee on Judicial Selection. Approximately a dozen bills were introduced during the 2011 legislative session addressing aspects of judicial selection. H.J.R. 61, which would have increased the terms of district court judges to six years, was voted out of the House Committee on Judiciary and Civil Jurisprudence in April and considered by the entire House in May. It failed to receive the two-thirds vote necessary to pass (85 Yeas, 59 Nays). A number of other bills died in committee: S.B. 1718/H.B. 3710 and S.J.R. 45/H.J.R. 155 (appoint/elect/retain selection proposal for district and appellate judges); S.B. 139/H.B. 638 (elimination of straight ticket voting in judicial elections); H.B. 156 (recusal of justices on the Texas Supreme Court and judges on the Court of Criminal Appeals based on political contributions); H.B. 1999 (nonpartisan election of district court judges); H.J.R. 126 (increase terms of appellate judges to eight years and district court judges to six years). The Committee, through the Chair, was deeply involved in the discussion of these issues leading up to and during the session.

Committee on Court Resources. Formed in January 2010, the Committee on Court Resources wanted to better understand local expenditures on the court system and current budgetary situations at the local level. In 2008, the Office of Court Administration (OCA) surveyed county auditors about local expenditures on court operations in 2007. Response levels were low, but the results could be roughly extrapolated to determine that aggregate local court expenditures were almost three times the amount that the state spent on the judicial branch for local court operations (i.e., district courts, county-level courts, and justice courts) – \$731,327 versus \$262,691 in 2007.

In spring 2010, OCA revised the survey, tested it on two county auditors, and sent out a request from Chief Justice Jefferson to the President of the Texas Association of County Auditors to spread the word about the survey and drive greater response levels. Usable surveys were received from 64 counties, which represented 65 percent of the

state’s population. The results of the survey, again requiring extrapolation to formulate a statewide figure, showed local and state expenditures for 2009 that were remarkably close to the 2007 figures.

**State and Local Expenditures for
District, County-level and Justice Court Operations, 2007 & 2009**

	2007	2009
Local Expenditures	\$731,327	\$783,052
State Expenditures	\$262,691	\$299,129
State Share of Total	26.4%	27.6%

In FY 2011, the Committee worked hard with OCA and other organizations to present the first Shared Solutions Summit, which was convened on January 8-10, 2012. This collaborative project was developed in partnership with: the Texas Conference of Urban Counties, with support (financial or in-kind) from the Court of Criminal Appeals; the Supreme Court Children’s Commission; the Texas Indigent Defense Commission; the Judicial Committee on Information Technology; the Texas Municipal Courts Education Center; the Texas Center for the Judiciary; the Texas Association of Counties; the Texas Access to Justice Commission; the National Center for State Courts; the National Council of Juvenile and Family Court Judges; and the State Justice Institute.

The agenda was loosely based on annual workshops put on by the Task Force on Indigent Defense (now the Texas Indigent Defense Commission). The idea was to convene local teams of judges, district attorneys, private lawyers, clerks, and other actors in five key program areas that the local courts operate: criminal courts, mental health courts, child protection courts, civil courts handling self-represented litigants, and limited jurisdiction courts handling juvenile Class C cases. Teams were asked to formulate action plans, and sketch out those ideas in the final session. The conference was conducted without paper by using a collaboration tool on the Internet, which allowed new materials and ideas to be presented to the attendees as the Summit unfolded and after the event.

The Summit received very positive evaluations, and the Shared Solutions theme has great promise in a decentralized court system. The Summit is a program that OCA anticipates offering every couple of years to new groups of attendees.

Task Force on Indigent Defense

FY 2011 marks the tenth fiscal year of a statewide indigent defense program in Texas. In January 2002, the Texas Fair Defense Act (FDA) became effective after its passage by the Texas Legislature in 2001. The legislation established the Texas Task Force on Indigent Defense (Task Force) to oversee the provision of indigent defense services in Texas. The Task Force has authority to set statewide policies and standards for the provision and improvement of indigent defense, to grant state funds to counties for that purpose, and to monitor counties’ compliance with policies and standards. Its mission is to provide financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law. To further that mission, in FY 2011 there were eight public meetings of the full board and its committees to guide further improvements in the following areas:

Improve Indigent Defense through the Development of Policies and Standards. This area involves promulgating guidelines and model forms; developing proposals for the Legislature to improve the delivery of indigent defense services; and preparing papers on proficient practices.

Promote Local Compliance and Accountability with the Requirements of the Fair Defense Act through Evidence-Based Practices. The Task Force promotes local compliance, proficiency, and accountability in meeting statutory and constitutional indigent defense requirements guided by evidence-based practices; collects, publishes and monitors county expenditure data, county indigent defense plans and state-funded Innocence Project reports; and facilitates research and evaluation to support policy and program development.

Develop Effective Funding Strategies. The Task Force has distributed funds since 2002 to help counties meet the statutory and constitutional requirements to provide access to counsel for the poor. The Task Force works to allocate and account for the effective distribution of state funds; develop specific program and communication strategies to provide information that demonstrates how to spend state resources in a more effective manner; and assist local governments in developing and promoting local programs to enhance the delivery of indigent defense services.

Formula and Discretionary Grant Program. To support its goals in FY 2011, the Task Force awarded over \$31 million in grants to counties through two funding strategies. One strategy distributes funds based upon a formula calculation (Formula Grants) and the other is a competitive program (Discretionary Grants). Counties are eligible for a formula grant if certain basic requirements are met. The Formula Grant program utilizes population and expenditure formulas to distribute funds. The Discretionary Grant program requires that a county complete an application and explain to the Task Force what type of program it wants to implement and how the program will improve local public defense practices. These applications are scored and awarded annually on a competitive basis. The Task Force also has the discretion to provide funds to a local jurisdiction to remedy a specific violation of the FDA, to provide technical support, and to assist counties that demonstrate an overwhelming economic hardship related to indigent defense.

The discretionary grant program offers multi- and single-year grants that provide funding to improve the indigent defense system. Multi-year grants are offered to fund direct client service projects, while single-year grants are available to fund programs dedicated to technology and process improvements. Types of programs identified as priorities by the Task Force are programs that: provide direct services to indigent defendants; establish public defender offices; establish regional public defender offices; provide mental health defender services; and provide juvenile defender services.

Five counties were awarded discretionary funding to establish new indigent defense offices or procedures, along with continued funding in eight counties. In FY 2011, the five new (FY 2012 discretionary funding) programs funded were: Bell County: Mental Health Improvement Campaign; Burnet County: Public Defender Office; Hidalgo County: new Juvenile Section in the existing Public Defender Office; Lubbock County: Managed Assigned Counsel program, countywide, for felony and misdemeanor cases (this is the first countywide system of its kind in Texas); and Uvalde County: video-teleconferencing and indigent defense services for Uvalde, Medina, Real counties.

Fiscal Monitoring. The Task Force is required by Texas Government Code §79.037 to monitor counties that receive grant funds and to enforce compliance by the county with the conditions of the grant. Fiscal concerns are related to the adequacy and type of financial management system, overall percentage of administrative expenses, value of grants awarded, and baseline adjustments and corrections.

Policy Monitoring. The Task Force is given a directive under Texas Government Code §79.037 to monitor local jurisdictions' compliance with the FDA. Counties are selected for monitoring through a risk assessment. The focus of the monitoring review is based on the core requirements of the FDA. A comprehensive review of the Fort Bend County indigent defense system was conducted this year.

Technical Assistance. The Task Force places a high priority on communication and educating all stakeholders in the indigent defense process. The Task Force provides technical assistance through training and site visits related to program improvements, grant funding, and expenditure reporting.

Clearinghouse of Indigent Defense Information. To promote best practices and accountability, the Task Force serves as a clearinghouse of indigent defense information via its website at www.txcourts.gov/tidc. The website provides public access to all county plans, expenditures, guides, model forms, rules, publications, e-newsletters and press releases.

Innocence Project Oversight and Coordination. In addition to its core mission of supporting county indigent defense systems, the Task Force also administers legislatively-directed grants to Texas public law schools to operate innocence projects. These projects organize law students to work with experienced attorneys to review claims of innocence from Texas inmates. In its sixth year, this program continued to achieve results both educational and legal. Dozens of students contributed thousands of hours investigating claims of wrongful convictions. With the help of grant funds, the Texas Tech-based innocence project exonerated Johnny Pinchback through DNA testing that proved he did not commit the sexual assault that put him in prison for 27 years. Task Force staff increased program oversight and coordination and put in place new requirements for program evaluation to assess the impact of state resources.

Task Force staff worked with the innocence projects this year to revise the shared database system in order to better coordinate the work of the innocence projects and provide more useful information about caseloads and backlogs. To ensure consistency through innocence project staff changes, Task Force staff developed a program guidebook detailing grant requirements, shared database protocols and other issues concerning innocence project coordination.

Significant Accomplishments of FY 2011

- During the 82nd Legislature Governor Perry signed a law (H.B. 1754) establishing the Texas Indigent Defense Commission (Commission). This organization replaced and renamed the Task Force on September 1, 2011. The Commission is a permanent standing committee of the Texas Judicial Council and remains administratively attached to the Office of Court Administration (OCA). This legislation strengthened the institutional structure of indigent defense in Texas by providing local governments more options to provide effective services, by streamlining the process to establish public defender programs, and by clarifying the types of processes that the FDA governs. Complete details are available via the Task Force website at <http://www.txcourts.gov/tidc/Legislative82.asp>. Indigent defense funding for county programs was also kept intact by the Legislature.
- Increased expansion of regional programs: One particular example is the Regional Public Defender for Capital Cases which now serves 116 of Texas' 254 counties for a total of 140 of all Texas counties now being served by a public defender or managed assigned counsel program. Prior to 2002, only seven public defender offices existed in the state serving seven counties.
- County indigent defense plan data is complete and available in improved format online to make it more accessible and easier for counties to make updates and submissions. This data is available to the public via the Task Force website at: <http://tidc.tamu.edu/Public>.
- Studies currently underway: Harris County Public Defender Office: A National Learning Site being conducted and lead by Dr. Tony Fabelo and research team with the Justice Center - Council for State Governments; and a study to compare attorney performance between assigned counsel and public defender systems in Wichita County.
- County, state and federal stakeholders attended the 8th Annual Indigent Defense Workshop in October 2010 and gained from presenters' experience, knowledge and description of other successful programs on ways in which to improve the quality of representation and measure attorney performance. Workgroup participants discussed various issues and planned solutions related to the overall criminal justice system in Texas counties. Video downloads of the presentations are available at <http://www.txcourts.gov/tidc/videos4.asp>.

FY 2011 Annual and Expenditure Report. The Task Force is statutorily required to submit an Annual and Expenditure Report. The full report for FY 2011 is available on the Task Force's website.

Judicial Committee on Information Technology

Electronic Court Filing. The 75th Texas Legislature created the Judicial Committee on Information Technology (JCIT) and gave it a 12-point mission, including establishing an electronic court filing system (e-filing) pursuant to Government Code §77.031(5). To fulfill this mandate, JCIT continues to encourage adoption of electronic filing for trial courts. As of August 2011, 78 district and county clerks in 51 counties had implemented electronic filing. These jurisdictions cover approximately 75 percent of the state's population. In 2011, seven courts of appeals also permitted electronic filing, and the Supreme Court mandated electronic filing for itself in September.

E-filing enables filers and courts to connect electronically through the state's e-government portal, Texas.gov (www.texas.gov). The e-filing architecture is designed to allow parties to file electronically to any participating court from any one of the several certified front-end service providers.

Upon notification from Texas.gov that the existing electronic filing agreement would not be renewed on its expiration at the end of FY 2012, JCIT put out a request for information from the different electronic filing vendors. The responses are being used to craft a request for proposals in order to secure a new electronic filing agreement.

Work continued in FY 2011 on the design and development of an appellate court case management system that will include e-filing into Texas appellate courts. The Legislature funded \$2.3M to the Office of Court Administration (OCA) to begin the Texas Appeals Management and e-filing System (TAMES) project in the FY 2008-2009 biennium. An additional \$1,488,023 was appropriated in FY 2010 for completion of the project. TAMES was scheduled to be implemented in the 14th Court of Appeals in FY 2012. Support and maintenance of the system continues and the system will be implemented in other courts in FY 2012.

Judicial Information Technology Standards. OCA devotes part of its information technology appropriation to court technology standards development, and JCIT provides guidance in the selection of efforts supported. In the past, JCIT has supported the Texas Path to NIEM (National Information Exchange Model) project within the judiciary. The Path to NIEM project provided 28 model data exchanges for use by courts and their business partners throughout Texas.

JCIT is working on technology standards for electronic artifacts (documents, audio files, video files, and other multimedia files) used in the judicial process. These standards will be reviewed at least annually to ensure their appropriateness.

Court Reporters Certification Board

The Court Reporters Certification Board (CRCB) was created in 1977 to certify and regulate court reporters in the state of Texas. CRCB functions include certification of individual court reporters, registration of court reporting firms, assessment and collection of fees, approval of court reporting program curricula submitted by public and private institutions, approval of continuing education courses, and enforcement of the rules and regulations governing the court reporting profession. The Board operates under the provisions of Chapter 52 of the Texas Government Code, and the Supreme Court of Texas serves as the Board's rulemaking authority. In 2003, the 78th Legislature administratively attached the CRCB to the Office of Court Administration (OCA). The program is funded from certification fees collected by the CRCB and deposited to the General Revenue Fund.

Mission Statement. The mission of the CRCB is to certify, to the Supreme Court of Texas, qualified court reporters to meet the growing needs and expectations of the public through statewide certification and accountability.

Organization. The Board consists of 13 members appointed by the Supreme Court of Texas: one active district judge who serves as chair, two attorneys, two official court reporters, two freelance court reporters, two representatives from court reporting firms (one court-reporter owned and one non-court-reporter owned), and four public members. Appointments reflect a diverse geographical representation throughout the state. Board members are reimbursed for travel expenses in accordance with state rules and regulations and serve six-year terms.

The Board has five standing committees with members appointed by the Chair: 1) Rules, Standards, and Policies Committee; 2) Certification/Uniform Format Manual Committee; 3) Continuing Education Committee; 4) Legislative Committee; and 5) Review Committee. The Review Committee is comprised of three Board members who serve on a rotating basis to consider applicants who have criminal convictions.

Board and Committee Meetings. A total of 21 meetings were held in Austin during FY 2011: three Board meetings, three Review Committee meetings, one Continuing Education Committee meeting, eight Certification/Uniform Format Manual Committee meetings, and six Rules Committee meetings, including three meetings of the subcommittee on contracting issues.

Complaints. The Board received a total of 48 complaints filed in FY 2011 – 40 complaints filed against court reporters and eight complaints filed against court reporting firms. The Board held six formal hearings resulting in disciplinary actions taken against two court reporters, two matters dismissed and two complaints withdrawn.

Certification of Individuals. The Texas Court Reporters Association (TCRA), selected as the contracted vendor to administer the court reporters exam effective September 1, 2008, continues to provide that service in FY 2011 with the contract term extended until August 2013. TCRA administered four exams to 277 applicants in Austin, Corpus Christi, and Dallas, resulting in 48 new certifications issued in machine shorthand. The exam consists of an oral

skills test and a written test. Applicants must pass both parts of the exam to be eligible for certification. This exam is offered throughout the state for the convenience of examinees.

The Board renewed 1,375 individual certifications out of a licensee base of 2,571 licensees with approximately 67 percent renewing online through the Texas.gov portal. Renewals are based on a two-year cycle. In order to renew their certifications, individuals must complete 1.0 continuing education units (10 hours) within the two-year period immediately preceding the certification expiration date of January 1st.

Continuing Education (CE) Course Approvals. The Board processed 82 course approvals during the fiscal year to ensure that CE courses completed as a requirement for renewal are relevant to the court reporting profession. The Board approves CE courses submitted by sponsors and individual court reporters.

Registration of Firms. The Board processed 38 new registrations for court reporting firms and renewed 176 firm registrations. Renewals are based on a two-year cycle with a January 1st expiration date.

Curriculum Approval for Court Reporting Firms. The Board approves court reporting curriculums for public community colleges, technical institutes and proprietary schools. There are currently 12 court reporting schools in Texas. In FY 2011, the Board approved one curriculum.

Public Information Requests – Rule 12. Staff processed 20 public information requests.

Licensing System. A new application to allow court reporting firms to renew registrations online was completed in August 2011 with an implementation date of September 1, 2011.

Rules Governing the Court Reporting Profession. The Board and staff continue to work on a comprehensive review of the Board's rules. Revisions to the Standards and Rules were approved by the Supreme Court on April 26, 2011. Changes include creation of a Review Panel Committee comprised of five Board members to consider new complaints filed and make a recommendation for dismissal or disciplinary action to the full Board. This function was previously performed by the Board. Another change is the method by which an applicant's criminal history is obtained, via fingerprints submitted to the Department of Public Safety and the FBI. Criminal history was previously self-reported by the applicant.

The Figures Section of the Uniform Format Manual (UFM) is currently under review by the Certification/UFM Committee.

The Board continues to study, through its Rules, Standards, and Policies Committee, the issues related to contracting by firms and how they may impact rules and laws governing the profession.

Policies. A comprehensive review of the Board's policies was completed in FY 2011. Policies that were incorporated into the proposed Standards and Rules approved in April 2011, defaulted student loans and the Ex Parte Policy, were eliminated. Two new policies were approved by the Board in January 2011, Administrative Dismissal of Complaints and Access to Board Records.

Website. The Board maintains a website at <http://www.crcb.state.tx.us> to provide information to the public on CRCB functions, including certification, complaints, forms, disciplinary actions, lists of licensees, new legislation, and related links.

Process Server Review Board

In June 2005, the Supreme Court of Texas approved amendments to Rules 103 and 536(a) of the Texas Rules of Civil Procedure governing statewide certification of process servers. The Court also issued a companion order (Misc. Docket No. 05-9122) to establish the framework for certification of those approved to serve process under the revised rules, to approve of certain existing civil process server courses, and to establish the framework for the Process Server Review Board (PSRB) to approve additional courses. This order also required the Office of Court Administration to provide clerical support to the PSRB. The Supreme Court also approved a companion order (Misc. Docket No. 05-9123) that establishes the membership of the PSRB, and an order (Misc. Docket No. 05-9137) appointing a Chair. In FY 2007, the Supreme Court promulgated Rule 14 of the Rules of Judicial Administration (RJA), which governs Statewide Certification to Serve Civil Process; it may be found on the Court's website at <http://www.supreme.courts.state.tx.us/MiscDocket/07/07903600.pdf>.

Mission Statement. The mission of the PSRB is to improve the standards for persons authorized to serve process and to reduce the disparity among Texas civil courts for approving persons to serve process by making recommendations to the Supreme Court of Texas on the certification of individuals and the approval of courses.

Organization. The Board consists of nine members and is a geographical representation of judges, attorneys, law enforcement, and process servers throughout the state. Board members are not compensated for their services and do not receive reimbursement for actual travel and other expenses incurred while in the performance of their official duties.

Board Meetings Held. The PRSB held five meetings in Austin during the fiscal year.

Complaints. There were 39 complaints against process servers on the Supreme Court of Texas Statewide List of Certified Process Servers that were reviewed by the Board. Three process servers' authorizations to serve were suspended. Four had their certification revoked. As of August 31, 2011, 18 complaints were pending investigation.

Approval of Applications. The Board approved 1,702 new applicants and 582 renewal applicants. A total of 946 process servers had their certification expire and, of those, 168 persons reapplied and were reinstated.

When the orders were adopted by the Supreme Court, effective July 1, 2005, 1,265 process servers were "grandfathered" by virtue of meeting pre-existing requirements in Harris, Dallas or Denton counties. As of August 31, 2011, the total number of certified process servers had reached 6,351.

Curriculum Approval for Process Server Training Schools. No new courses were approved during the fiscal year.

Website. The Board maintains a website at <http://www.txcourts.gov/psrb/psrbhome.asp> to provide information such as the Supreme Court orders establishing the membership of the Process Server Review Board and the appointment of its Chair; various forms, processes and procedures; and the Supreme Court of Texas Statewide List of Certified Process Servers.



Photo courtesy of TexasCourthouses.com

Medina County Courthouse - Hondo

Guardianship Certification Board

The Guardianship Certification Board (GCB) was created by the 79th Texas Legislature with the passage of Senate Bill 6, effective September 1, 2005. The bill established a certification requirement, effective September 1, 2007, for certain individuals who provide guardianship services. The GCB certifies and regulates individuals (other than attorneys and corporate sureties) who act as private professional guardians, individuals (other than volunteers) who provide guardianship services to wards of guardianship programs, and individuals who provide guardianship services to wards of the Department of Aging and Disability Services.

Organization. The GCB is administratively attached to the Office of Court Administration (OCA). The GCB's primary staff, the guardianship certification program director, is an OCA employee; administrative support is also provided by the OCA.

The GCB is comprised of 11 members appointed by the Texas Supreme Court and four public members appointed by the Supreme Court from a list of nominees submitted by the Governor's Office. The original GCB members were appointed in early 2006. Three members and one public member, whose terms were expiring on February 1, 2011, were re-appointed to six-year terms. One new member was appointed during FY 2011 to replace a member who did not seek re-appointment. (Two members left the Board during the fiscal year, but their replacements were not appointed until FY 2012.)

The GCB has two permanent committees, the Rules Committee and the Minimum Standards Committee, each comprised of a committee chair and three other GCB members. The GCB also has three review committees: the Application Review Committee, the Denial of Certification Review Committee, and the Disciplinary Review Committee. The review committees are each comprised of a chair and two other GCB members, who serve on the committees for six-month terms. All committee members are appointed by the GCB's chair.

Certification of Individuals. During FY 2011, 44 guardians were granted certification, 30 were granted provisional certification, and 22 individuals moved from provisional to "full" certification. (The 22 individuals who moved from provisional to "full" certification are included in the total number of guardians.) A total of 357 guardians were certified and provisionally certified at the close of the fiscal year.

Certifications are valid for two years, and are renewable if the requirements for re-certification, including completion of continuing education hours, are met. 146 certified guardians successfully re-certified during FY 2011. The Rules Governing Guardianship Certification allow certified guardians to apply for re-certification up to 90 days past their certification expiration date. Eleven certified guardians passed the 90-day mark during the fiscal year, rendering them ineligible for re-certification; their certifications are expired. Four certified guardians voluntarily surrendered their certifications during the fiscal year, including one detailed under Complaints.

Provisional certifications are valid for only one two-year period, unless a waiver is sought from and granted by the GCB. Two provisionally certified guardians made requests for waivers; both requests considered by the GCB were granted, with the provisional certification periods extended until the end of February 2012. A total of seven provisional certifications expired during the fiscal year, and four provisionally certified guardians voluntarily surrendered their provisional certifications.

Complaints. Three complaints were filed in FY 2011. The Board adopted the recommendation of the Disciplinary Review Committee and revoked the provisional certification of the subject of one complaint. The second complaint was withdrawn by the petitioner before action was taken by the Board. On the third complaint, the Board adopted the recommendation of the Disciplinary Review Committee and accepted the voluntary surrender of the certified guardian. Board staff were unable to locate the subject of a complaint filed in the previous fiscal year. The complaint was resolved by the expiration of the subject's provisional certification in FY 2011.

Board and Committee Meetings Held. The full GCB met four times in FY 2011 for its regular quarterly meetings. No special called meetings of the full Board were held. The Denial of Certification Review Committee did not meet during FY 2011. The Rules Committee met once, the Minimum Standards Committee met twice, the Disciplinary Review Committee met twice, and the Application Review Committee met four times. The Application Review Committee considered a total of seven applications at its four meetings; one application for provisional certification and

three for “full” certification were denied. Of those three, two applicants applied for and were granted provisional certification and one was already provisionally certified.

Rules Governing Guardianship Certification. Proposed amendments to the Rules Governing Guardianship Certification were submitted for public comment during the preceding fiscal year. The Board approved the proposed amendments to Rules VI, VII, IX, X, XII and XIV and submitted them to the Supreme Court. The Rule changes were pending at the Supreme Court at the close of the fiscal year. At its one meeting during the fiscal year, the Rules Committee considered additional amendments to the Rules for presentation to the Board, including proposed revisions to reflect statutory changes detailed below.

Minimum Standards for Guardianship Services. The Minimum Standards Committee presented recommended changes to several standards, including the addition of language regarding conflicts of interest, to the GCB at its final meeting of FY 2010. The GCB referred the issues back to the Committee for further study. As noted above, the Minimum Standards Committee met twice during the fiscal year and refined its proposed changes. The Committee re-presented its recommendations to the GCB at the first full board meeting in the fiscal year. The Board approved the submitted changes for posting for public comment. At its second meeting in the fiscal year, the Board adopted the proposed changes, with some of the public comments incorporated. Highlights of the changes include the addition of language regarding conflicts of interest that may arise as a result of dual or multiple relationships a guardian has with his or her wards and the addition of factors for a guardian to consider when determining his or her caseload.

Policies. The GCB amended its Access to Board Records policy to reflect a decision in an appeal of denial of access to judicial records issued during the prior fiscal year. The Rule 12 decision stated that records related to the investigation and resolution of a complaint by a judicial agency pertain to the agency’s adjudicative function and thus are not judicial records as defined by Rule 12.

Statutory Changes. Three bills were passed during the 82nd Legislature that directly affect guardianship certification. Senate Bill 1733 was effective immediately (June 2011), and provides that a licensing entity must adopt rules to issue a license to spouses of active duty military persons, who are currently licensed in another state, to include alternative demonstrations of competency. Senate Bill 220, effective September 1, 2011, exempts volunteers who provide services to wards of the Department of Aging and Disability Services from the guardianship certification requirement. Senate Bill 867, also effective September 1, 2011, requires a state agency that administers a licensing exam to provide for reasonable accommodations for persons with dyslexia.



Photo courtesy of TexasCourthouses.com

Stephens County Courthouse - Breckenridge

Judicial Compensation Commission

The Judicial Compensation Commission (JCC) was created by the 80th Legislature with the passage of H.B. 3199, effective September 1, 2007. It is responsible for making a report to the Texas Legislature no later than December 1st of each even-numbered year recommending the proper salaries to be paid by the state for all justices and judges of the Supreme Court, the Court of Criminal Appeals, the courts of appeals, and the district courts. The Office of Court Administration (OCA) provides administrative support for the JCC.

Organization. The Commission is composed of nine members who are appointed by the Governor with the advice and consent of the Senate to serve six-year terms. No more than three members serving on the Commission may be licensed to practice law. Board members are reimbursed for travel expenses in accordance with state rules and regulations. One new member was appointed in June 2011.

Commission and Committee Meetings. On October 8, 2010, the Commission held its last meeting to finalize and approve its report for the 2009-2010 biennium. The Commission recommended increases of between 5 and 10 percent for the various levels of elected state judges. It also recommended that the state assume full responsibility for these judges' salaries, including amounts currently paid by counties as supplements, and recommended removing the linkage between judges' salaries and the pension benefits for other state officials and employees.

Judicial Compensation and the 82nd Legislature. Facing significant budget shortfalls in the current and next biennium, the Legislature did not address judicial compensation during the 2011 session.

Website. Additional information regarding the Commission and its report to the Legislature is available on the Commission's website at <http://www.txcourts.gov/oca/jcc/jcc.asp>.



Photo courtesy of TexasCourthouses.com

Fayette County Courthouse - La Grange

Explanation of Case Categories by Court Level



Photo courtesy of TexasCourthouses.com

Navarro County Courthouse - Corsicana

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 (Art. 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 Sec. 19.03 (Capital Murder).

MURDER: An offense under Penal Code Sec. 19.02 (Murder).

OTHER HOMICIDES: An offense under Penal Code Sec. 19.04 (Manslaughter), 19.05 (Criminally Negligent Homicide), or 49.08 (Intoxication Manslaughter).

ASSAULT OR ATTEMPTED MURDER: A **felony** offense under Penal Code Sec. 22.01 (Assault), 22.04 (Injury to a Child, Elderly Individual or Disabled Individual), 22.05 (Deadly Conduct), 22.07 (Terroristic Threat), or 22.08 (Aiding Suicide); an offense under Penal Code Sec. 22.015 (Coercing, Soliciting or Inducing Gang Membership), 22.02 (Aggravated Assault), 22.041 (Abandoning or Endangering Child), 22.09 (Tampering with Consumer Product), or 22.11 (Harassment by Persons in Certain Correctional Facilities; Harassment of Public Servant); or an offense of attempt (as defined in Sec. 15.01) to commit Murder (19.02) or Capital Murder (19.03).

SEXUAL ASSAULT OF AN ADULT: An offense under Penal Code Sec. 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 Secs. 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault) where the victim is a child (younger than 17 years); an offense under Sec. 21.02 (Continuous Sexual Abuse of Young Child or Children); an offense under Sec. 21.11 (Indecency with a Child); or an offense under Sec. 21.12 (Improper Relationship Between Educator and Student).

FAMILY VIOLENCE ASSAULT: A **felony** offense under Penal Code Sec. 22.01(b)(2) against a person whose relationship to the defendant is described by Sec. 71.0021(b), 71.003, or 71.005 of the Family Code.

AGGRAVATED ROBBERY OR ROBBERY: An offense under Penal Code Sec. 29.03 (Aggravated Robbery) or 29.02 (Robbery).

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

THEFT: A **felony** offense under Ch. 31 of the Penal Code, **except** when the property involved is a motor vehicle; or a **felony** offense under Sec. 32.31 (Credit Card Abuse or Debit Card Abuse) or 33A.04 (Theft of Telecommunications Service).

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

DRUG SALE OR MANUFACTURE: A **felony** offense under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code), Ch. 482, Health and Safety Code (Simulated Controlled Substances), the Texas Dangerous Drugs Act (Ch. 483, Health and Safety Code), or Ch. 485, Health and Safety Code (Abusable Volatile Chemicals) for the manufacture, delivery, sale, or possession with intent to deliver or sell a drug or controlled substance.

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

FELONY D.W.I.: A **felony** offense under Penal Code Sec. 49.04 (Driving While Intoxicated), 49.045 (Driving While Intoxicated with Child Passenger), or

49.09 (Enhanced Offenses and Penalties). Also include an offense under Penal Code Sec. 49.07 (Intoxication Assault) when the case involves a motor vehicle.

OTHER FELONIES: 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.

The case type categories are:

INJURY OR DAMAGE—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—MEDICAL MALPRACTICE: Cases that allege misconduct or negligence by a person or entity in the medical profession (doctors, nurses, physician assistants, dentists, etc. and their firms: hospitals, nursing homes, etc.) acting in a professional capacity, thereby causing physical or financial harm.

INJURY OR DAMAGE—OTHER PROFESSIONAL MALPRACTICE: Cases that allege misconduct or negligence by a person or entity not in the medical profession (lawyers, accountants, architects, etc. and their firms) acting in a professional capacity, thereby causing physical or financial harm.

INJURY OR DAMAGE—PRODUCT LIABILITY—ASBESTOS/SILICA: Cases involving the alleged responsibility of the manufacturer or seller for an injury caused to a person or property by exposure to, or ingestion of, asbestos or silica or an alleged breach of duty to provide suitable instructions to prevent injury.

INJURY OR DAMAGE—OTHER PRODUCT LIABILITY: All other cases, not involving asbestos or silica, involving the alleged responsibility of the manufacturer or seller of an article for an injury caused to a person or property by a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

OTHER INJURY OR DAMAGE: All other cases not falling into categories above alleging an injury or wrong committed against a person, their reputation, or their property by a party who either did something that he was obligated not to do or failed to do something that he was obligated to do. Examples include damages on premises, "slip-and-fall" cases, construction damages, assault, battery, animal attack, vandalism, slander/libel/defamation, malicious prosecution, and false imprisonment.

REAL PROPERTY—EMINENT DOMAIN: Suits by a unit of government or a corporation with the power of eminent domain for the taking of private land for public use; or cases in which a property owner challenges the amount of remuneration offered by the government for the taking of a parcel of land.

OTHER REAL PROPERTY: All other cases involving real property. Examples include disputes over the ownership, use, boundaries, or value of real property, including trespass to try title.

CONTRACT—CONSUMER/COMMERCIAL/DEBT: Cases involving a buyer of goods or services bringing a suit against the seller for failure either to deliver said goods or services or to honor a warranty as promised in an expressed or implied contract. Also, cases involving a seller of goods or services bringing a suit against a buyer for failure to pay for said goods or services as promised in an expressed or implied contract (debt collection). Examples include agreements, breach of contract, contracts, fraud, notes, sworn accounts, debts, and assignment of creditors.

OTHER CONTRACT: All other cases involving a dispute over an agreement, express or implied, between two parties. Examples include employment cases (including discrimination, retaliation, termination, and other employment cases), landlord/tenant disputes, mortgage foreclosures, home owners' association disputes, etc.

CIVIL CASES RELATING TO CRIMINAL MATTERS: All civil cases associated with criminal matters, including bond forfeiture, expunction, nondisclosure, occupational license, seizure and forfeiture, extradition, contempt (in criminal cases only), and writ of habeas corpus (in criminal cases only) cases. Include petitions for relief from a firearms disability related to criminal cases (Sec. 574.088, Health and Safety Code).

OTHER CIVIL CASES: All non-tax civil cases not clearly identifiable as belonging in one of the preceding categories. Include occupational license cases in civil and family matters and cases appealing the finding of a lower court, department, or administrative agency (e.g., workers' compensation, business dissolution, liquor license appeal, etc.).

TAX CASES: Suits brought by governmental taxing entities against an individual or business for the collection of taxes.

FAMILY LAW DOCKET

A family law case is counted and reported when: 1) an original petition is filed (no matter how many parties or children are involved); 2) a show cause motion, motion to modify, or similar motion is filed following entry of original judgment; or 3) some other case is filed.

The case type categories are:

DIVORCE—CHILDREN: Suits brought by a party to a marriage to dissolve the marriage pursuant to Ch. 6, Family Code that also include a suit affecting the parent-child relationship due to the existence of children born or adopted of the marriage who are under 18 years of age or who are otherwise entitled to support as provided by Ch. 154, Family Code. Include petitions for annulment and petitions to declare a marriage void.

DIVORCE—NO CHILDREN: Suits brought by a party to a marriage to dissolve the marriage pursuant to Ch. 6, Family Code. Include petitions for annulment and petitions to declare a marriage void.

PARENT-CHILD—NO DIVORCE: Cases involving issues of custody, support, paternity, visitation (by parents, grandparents or other family members) that do not involve a current or previously decided divorce/marriage dissolution case. Include voluntary legitimization of paternity (Sec. 160.201, Family Code).

CHILD PROTECTIVE SERVICES: Cases filed under Ch. 262 of the Family Code on behalf of the Department of Family and Protective Services; a motion in aid of investigation filed under Sec. 261.303 of the Family Code; a motion to participate filed under Sec. 264.203 of the Family Code; or a civil action filed by the Department requesting a determination of an at-risk child under Sec. 264.303 of the Family Code.

TERMINATION OF PARENTAL RIGHTS: Cases filed under Ch. 161 of the Family Code requesting that the court extinguish the legal relationship of parent and child.

ADOPTION: Cases filed under Ch. 162 of the Family Code requesting the establishment of a new, permanent relationship of parent and child between persons not having that relationship naturally. Include gestation agreements.

PROTECTIVE ORDERS—NO DIVORCE: Cases filed under Ch. 82, Family Code, requesting an order designed to limit or eliminate contact between two or more family/household members or individuals involved in a dating relationship.

TITLE IV-D—PATERNITY: Cases filed by the Title IV-D Agency (Office of Attorney General) requesting a determination of parentage under Ch. 160, Family Code and the setting of a child support obligation. These cases may also involve custody and visitation issues.

TITLE IV-D—SUPPORT ORDER: Cases filed by the Title IV-D Agency (Office of Attorney General) requesting the setting of a child support obligation where the parentage of the child has been established by an Acknowledgment of Paternity or the child was born during the marriage. These cases may also involve custody and visitation issues.

TITLE IV-D—UIFSA: Cases filed by the Title IV-D Agency (Office of the Attorney General) seeking to establish a Texas child support order. The issue of paternity may be addressed. UIFSA cases are distinguished by the fact that not all parties reside in Texas. Issues of custody and visitation are not generally involved.

ALL OTHER FAMILY CASES: Includes all cases filed under the Family Code that are not reported elsewhere, including, but not limited to:

- Judicial bypass of parental notification of abortion (Sec. 33.003);
- Changes of name (Ch. 45);
- Adult adoptions (Sec. 152.502);
- Removal of disability of minority (Ch. 31);
- Removal of disability of minority for marriage (Sec. 2.103);
- Suits for parental liability for damages caused by conduct of child (Ch. 41); and
- Suits for liability for interference with possession of a child (Ch. 42).

POST-JUDGMENT MODIFICATION—CUSTODY: Post-judgment suits or motions filed pursuant to Subchapter B, Ch. 156, Family Code, for modification of an order that provides for the conservatorship of, possession of, or determination of residence of a child (e.g., motions to modify conservatorship (custody), motions to modify right to determine primary residence of child, motions for further orders of the court).

POST-JUDGMENT MODIFICATION—OTHER: Post-judgment suits or motions requesting modification of orders not involving custody of a child, including, but not limited to:

- Suits filed pursuant to Subchapter B, Ch. 156, Family Code for modification of an order that provides for the access to a child (motions to modify visitation privileges; motions to modify rights, privileges and duties of conservator);
- Suits filed pursuant to Subchapter C, Ch. 156, Family Code for modification of an order that provides for the support of a child (motions to modify or set child support; motions to terminate wage withholding; motions for further orders of the court); and
- Suits filed pursuant to Sec. 8.057, Family Code for modification of an order that provides for spousal maintenance (petition to terminate/modify order/writ of income withholding).

POST-JUDGMENT ENFORCEMENT: Post-judgment suits or motions requesting the enforcement of a final order, including, but not limited to:

- Motions filed pursuant to Ch. 157, Family Code to enforce a final order for conservatorship, child support, possession of or access to a child, property provisions, injunctions, or other provisions of a final order (e.g., motions for contempt; motions for enforcement of judgments or prior orders; motions to revoke community supervision/probation for failure to pay child support);
- Suits to enforce a divorce or annulment decree filed pursuant to Ch. 9, Family Code (petition for enforcement of property division; petitions to divide assets not divided on divorce or annulment; post-decree qualified domestic relations orders); and
- Suits to enforce spousal maintenance filed pursuant to Ch. 8, Family Code.

POST-JUDGMENT TITLE IV-D: Suits or motions filed by the Title IV-D agency (Office of the Attorney General) pursuant to Chs. 156, 157 or 159, Family Code, to enforce and/or modify a child support obligation.

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.

Delinquent conduct cases are further broken down into case categories similar to the ones used in the Criminal section. See OCA's Required Reporting webpage (<http://www.courts.state.tx.us/oca/required.asp>) for full definitions.

Statutory County Courts

Explanation of Case Categories

MISDEMEANOR CASE DOCKET

A criminal case is counted as one defendant per information or complaint. 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 (Art. 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.

Case categories are identical to the ones used in the Criminal section of the Constitutional County Court reports.

FELONY CASE 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 (Art. 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.

Case categories are identical to the ones used in the Criminal section of the District Court reports.

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.

Case categories are identical to the ones used in the Civil section of the District Court reports.

FAMILY LAW DOCKET

A family law case is counted and reported when: 1) an original petition is filed (no matter how many parties or children are involved); 2) a show cause motion, motion to modify, or similar motion is filed following entry of original judgment; or 3) some other case is filed.

Case categories are identical to the ones used in the Civil section of the District Court reports.

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.

Delinquent conduct cases are further broken down into case categories similar to the ones used in the Criminal section. See OCA's Required Reporting webpage (<http://www.courts.state.tx.us/oca/required.asp>) for full definitions.

PROBATE AND GUARDIANSHIP DOCKET

These cases 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.

Case categories are identical to the ones used in the Probate and Guardianship section of the Constitutional County Court reports.

COURT-ORDERED MENTAL HEALTH CASES

Sec. 574.014 of the Health and Safety Code requires a report to the Office of Court Administration on the number of applications for involuntary mental health commitment orders filed and the disposition of those cases. Information is also collected on applications seeking an order to authorize psychoactive medications.

Case categories are identical to the ones used in the Court-Ordered Mental Health Services section of the Constitutional County Court reports.

Constitutional County Courts

Explanation of Case Categories

CRIMINAL DOCKET

A criminal case is counted as one defendant per information or complaint. 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 (Art. 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. – FIRST OFFENSE: An offense under Sec. 49.04, Penal Code (Driving While Intoxicated).

D.W.I. – SECOND OFFENSE: A second offense of driving while intoxicated (Sec. 49.04, Penal Code) under Sec. 49.09, Penal Code (Enhanced Offenses and Penalties).

THEFT: A misdemeanor offense under Ch. 31 (Theft) of the Penal Code, **except** Sec. 31.06, or an offense under Penal Code Sec. 33A.04 (Theft of Telecommunications Service).

THEFT BY CHECK: Any offense of theft or theft of service in which the defendant allegedly 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 (Sec. 31.06, Penal Code). Also included are appeals of cases brought under Sec. 32.41, Penal Code (Issuance of Bad Checks).

DRUG POSSESSION – MARIJUANA: A misdemeanor offense under Sec. 481.120 (Delivery of Marihuana), Sec. 481.121 (Possession of Marihuana) or Sec. 481.134(f) (Drug Free Zones), Health and Safety Code.

DRUG POSSESSION – OTHER: Any other misdemeanor offense for possession, manufacture, delivery, sale, or possession with intent to deliver or sell a drug or controlled substance 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.

FAMILY VIOLENCE ASSAULT: A misdemeanor offense under Penal Code Sec. 22.01(a)(1) against a person whose relationship to the defendant is described by Sec. 71.0021(b), 71.003, or 71.005 of the Family Code.

ASSAULT—OTHER: Any other **misdemeanor** offense under Ch. 22 of the Penal Code.

TRAFFIC: Violations of the provisions of Title 7, Transportation Code and related statutes, **except** D.W.I. Sec. 49.04 (or Sec. 49.09 for a subsequent offense), Penal Code, and Sec. 521.457, Transportation Code (Driving While License Invalid).

D.W.L.S./D.W.L.I.: An offense under Sec. 521.457, Transportation Code (Driving While License Invalid).

OTHER MISDEMEANOR CASES: A misdemeanor 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—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.

OTHER INJURY OR DAMAGE: All other cases alleging an injury or wrong committed against a person, their reputation, or their property by a party who either did something that he was obligated not to do or failed to do something that he was obligated to do. Examples include damages on premises, "slip-and-fall" cases, construction damages, assault, battery, animal attack, vandalism, slander/libel/defamation, malicious prosecution, and false imprisonment.

REAL PROPERTY: Cases involving disputes over the ownership, use, boundaries, or value of real property.

CONTRACT—CONSUMER/COMMERCIAL/DEBT: Cases involving a buyer of goods or services bringing a suit against the seller for failure either to deliver said goods or services or to honor a warranty as promised in an expressed or implied contract. Also, cases involving a seller of goods or services bringing a suit against a buyer for failure to pay for said goods or services as promised in an expressed or implied contract (debt collection). Examples include agreements, breach of contract, contracts, notes, sworn accounts, debts, and assignment of creditors.

CONTRACT—LANDLORD/TENANT: Cases alleging a breach of contract (lease) between a landlord and tenant, including unlawful detainer.

OTHER CONTRACT: All other cases involving a dispute over an agreement, express or implied, between two parties. Examples include employment cases (including discrimination, retaliation, termination, and other employment cases), fraud, mortgage foreclosures, home owners' association disputes, etc.

CIVIL CASES RELATING TO CRIMINAL MATTERS: All civil cases associated with criminal matters, including bond forfeiture, nondisclosure, occupational license, seizure and forfeiture, contempt (in criminal cases only), and writ of habeas corpus (in criminal cases only) cases. Include petitions for relief from a firearms disability related to a criminal case (Sec. 574.088, Health and Safety Code).

ALL OTHER CIVIL CASES: All other civil cases not clearly identifiable as belonging in one of the preceding categories. Include petitions for relief from a firearms disability related to an involuntary mental health commitment case (Sec. 574.088, Health and Safety Code).

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.

Delinquent conduct cases are further broken down into case categories similar to the ones used in the Criminal section. See OCA's Required Reporting webpage (<http://www.courts.state.tx.us/oca/required.asp>) for full definitions.

PROBATE AND GUARDIANSHIP DOCKET

These cases 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.

The case type categories are:

INDEPENDENT ADMINISTRATION: A proceeding to probate a will and for issuance of letters testamentary under Probate Code Sec. 145(b), or an estate opened under Probate Code Secs. 145(c), 145(d) or 145(e).

DEPENDENT ADMINISTRATION: An estate opened under Probate Code Sec. 178. These estate cases require court monitoring. Also include applications to appoint a temporary administrator under Ch. VI, Probate Code.

ALL OTHER ESTATE PROCEEDINGS: Other proceedings involving the handling or transfer of property by reason of the death of an individual.

GUARDIANSHIP: Cases involving the establishment of, or a controversy over, the relation existing between a person (guardian) lawfully invested with the power and charged with the duty of taking care of the rights of a minor or adult (ward) who is considered by the court as incapable of caring for himself/herself.

ALL OTHER CASES: All other cases not clearly identifiable as belonging in one of the preceding categories. Include petitions for relief from a firearms disability related to a guardianship case (Sec. 574.088, Health and Safety Code).

COURT-ORDERED MENTAL HEALTH CASES

Sec. 574.014 of the Health and Safety Code requires a report to the Office of Court Administration on the number of applications for involuntary mental health commitment orders filed and the disposition of those cases. Information is also collected on applications seeking an order to authorize psychoactive medications.

The case type categories are:

TEMPORARY MENTAL HEALTH SERVICES: Applications for commitment under Sec. 574.034(a) or 574.034(b), Health and Safety Code for not longer than 90 days. Do not include requests for modification of existing commitment orders.

EXTENDED MENTAL HEALTH SERVICES: Applications for commitment under Sec. 574.035(a) or 574.035(b), Health and Safety Code for greater than 90 days, but not longer than 12 months. Do not include requests for modification of existing commitment orders.

MODIFICATION—INPATIENT TO OUTPATIENT: Applications for the modification of an existing order for commitment for inpatient services to provide for commitment for outpatient services (Sec. 574.061, Health and Safety Code).

MODIFICATION—OUTPATIENT TO INPATIENT: Applications for the modification of an existing order for commitment for outpatient services to provide for commitment for inpatient services (Sec. 574.065(d)(2), Health and Safety Code).

ORDER TO AUTHORIZE PSYCHOACTIVE MEDICATIONS: Applications seeking an order authorizing, reauthorizing or modifying the administration of psychoactive medication (Sec. 574.106, Health and Safety Code).

Justice Courts

Explanation of Case Categories

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

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

Small claims suits include all suits for the recovery of money (damages or debt up to \$10,000) brought to the justice of the peace as judge of the small claims court in accordance with Ch. 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 Sec. 27.031, Texas Government Code; Texas Property Code, Sec. 24.001-24.008; and Rules 738-755, Texas Rules of Civil Procedure.

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

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