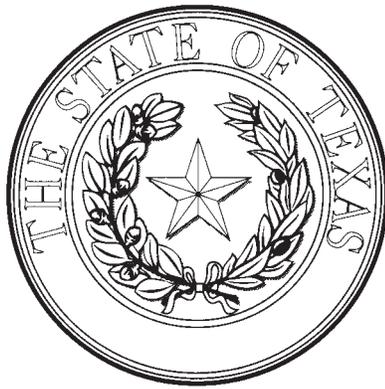


ANNUAL REPORT
FOR THE
TEXAS JUDICIARY



FISCAL YEAR 2010

ANNUAL REPORT FOR THE TEXAS JUDICIARY



FISCAL YEAR 2010

Published By

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OFFICE OF COURT ADMINISTRATION

A Message from the Administrative Director



Welcome to the Annual Report for the Texas Judiciary. We hope this is a useful and relevant document for those interested in the administration of justice in our great state, and we invite you to explore Texas Courts Online, www.txcourts.gov, for more information.

The fiscal year ending August 31, 2010, was a year of major accomplishment for the Office of Court Administration.

OCA was entrusted with, and instrumental in, the successful start-up of the Office of Capital Writs, created to provide legal representation for indigent capital murder defendants for their state writ of habeas corpus.

Within OCA, the Director of the Task Force on Indigent Defense successfully accomplished the mission of the new Timothy Cole Advisory Panel on Wrongful Convictions, providing 11 recommendations on topics such as eyewitness identification procedures, the recording of custodial interrogations, and open discovery policies.

OCA also supported major initiatives by the Supreme Court's Permanent Judicial Commission for Children, Youth and Families to improve court outcomes in child protection cases, such as hosting a highly acclaimed Third National Judicial Leadership Summit on the Protection of Children, and continuing to refine the Child Protection Case Management System used by our Child Protection Court program.

OCA Information Services also deployed a data replication repository in Austin as part of the Judicial Emergency Data Infrastructure (JEDI) project; we are evaluating sites for a back-up repository outside of the Austin area for additional redundancy.

And finally, in this difficult budget time, our Collection Improvement Program generated an estimated \$70 million in additional state and local revenue.

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

Sincerely,

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

Texas Courts: A Descriptive Summary

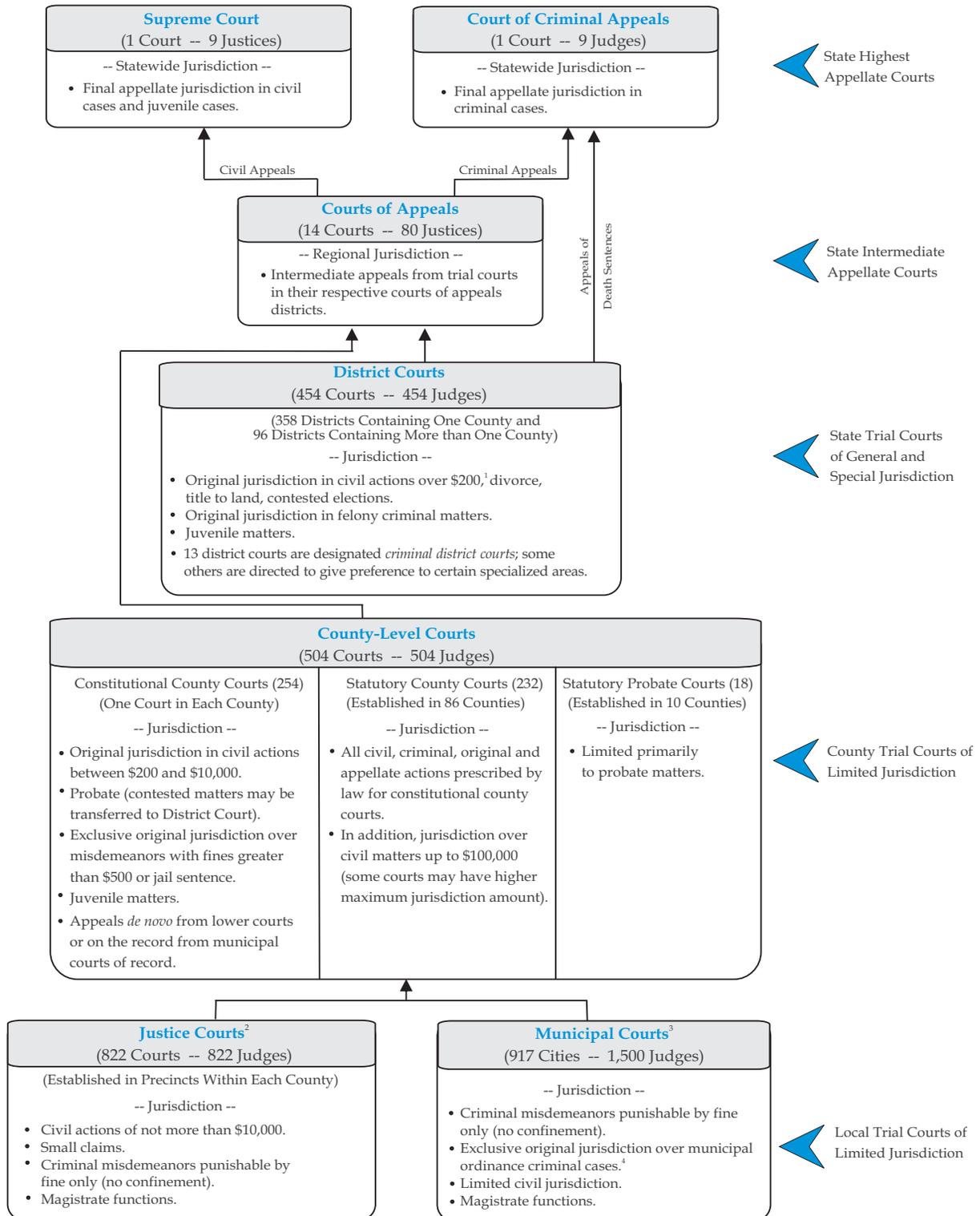


Photo courtesy of TexasCourthouses.com

Victoria County Courthouse - Victoria

COURT STRUCTURE OF TEXAS

SEPTEMBER 1, 2010



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 3,378 elected (or appointed, in the case of most municipal judges) judicial positions in Texas as of September 1, 2010. In addition, there were more than 110 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 270 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).

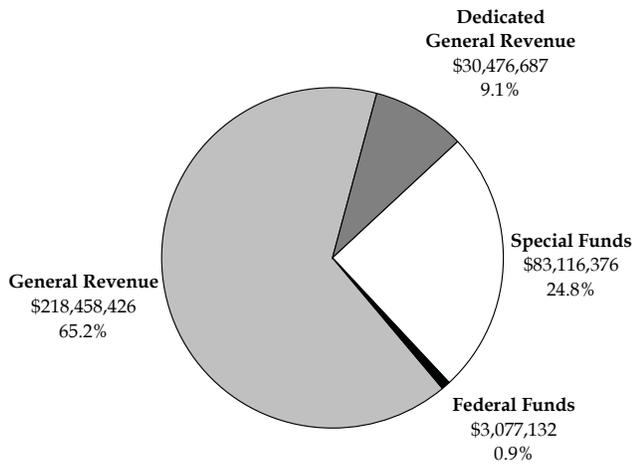
Funding of the Texas Judicial Branch

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

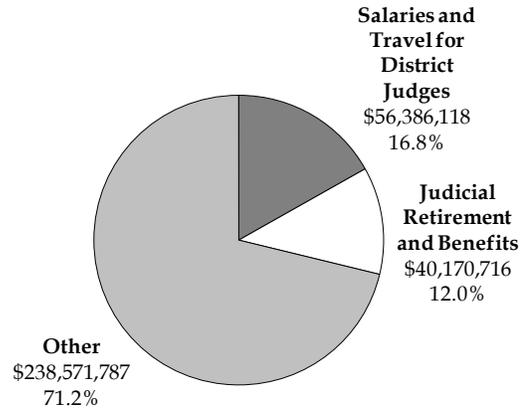
In FY 2010, state appropriations for the Texas judicial system increased by 12.03 percent from the previous fiscal year and accounted for approximately 0.36 percent of all state appropriations (\$335,128,621 of the \$92,684,426,855 appropriated from all funds in FY 2010). In FY 2010, 65.2 percent of the financing for the judicial system came from General Revenue. Another 9.1 percent came from dedicated General Revenue funds, such as the Fair Defense Account, while the remaining 25.7 percent came from other funds, including the Judicial Fund, Judicial and Court Personnel Training Fund, and other special state funds.

In FY 2010, salaries for district judges and travel expenses for those district judges with jurisdiction in more than one county accounted for 16.8 percent of appropriations for the judicial system, and judicial retirement and benefits comprised another 12.0 percent.

State Judicial Branch Funding Sources FY 2010

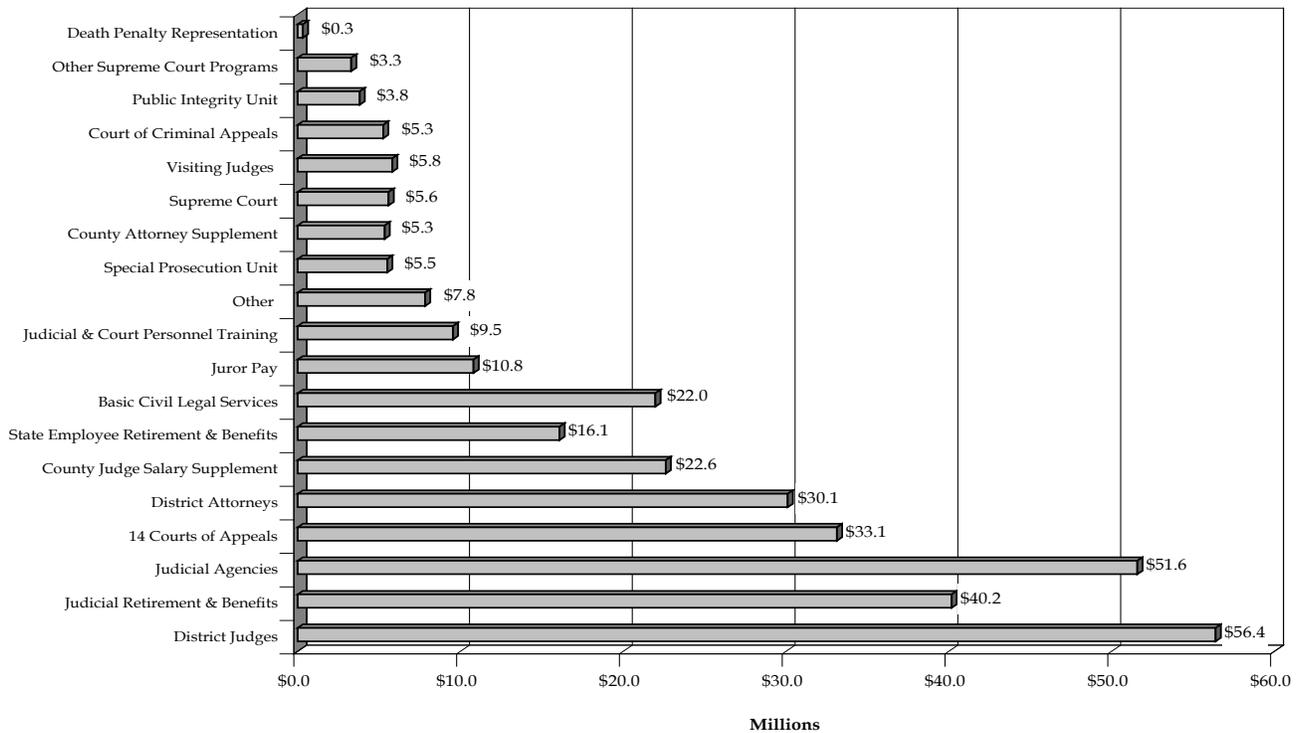


Judicial Compensation as Percentage of Total State Appropriations for the State Judicial Branch



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 2010



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

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, 2010, there were 454 district courts in Texas. An additional court was authorized to be created on November 1, 2010 and another on January 1, 2011.

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 sentences of death).

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

County-Level Courts

Constitutional County Courts

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

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

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

Statutory County Courts and Probate Courts

Under its constitutional authorization to "...establish such other courts as it may deem necessary...[and to] conform the jurisdiction of the district and other inferior courts thereto," the Legislature created the first statutory county court in 1907. As of September 1, 2010, 232 statutory county courts and 18 statutory probate courts were operating in 86 (primarily metropolitan) counties to relieve the county judge of some or all of the judicial duties of office. Statutory county courts include county courts at law, county civil courts at law, county criminal courts at law, county criminal courts, and county criminal courts of appeal.

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

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

Associate Judges

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

Judicial Officers Appointed under Government Code, Chapter 54

Most of the 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

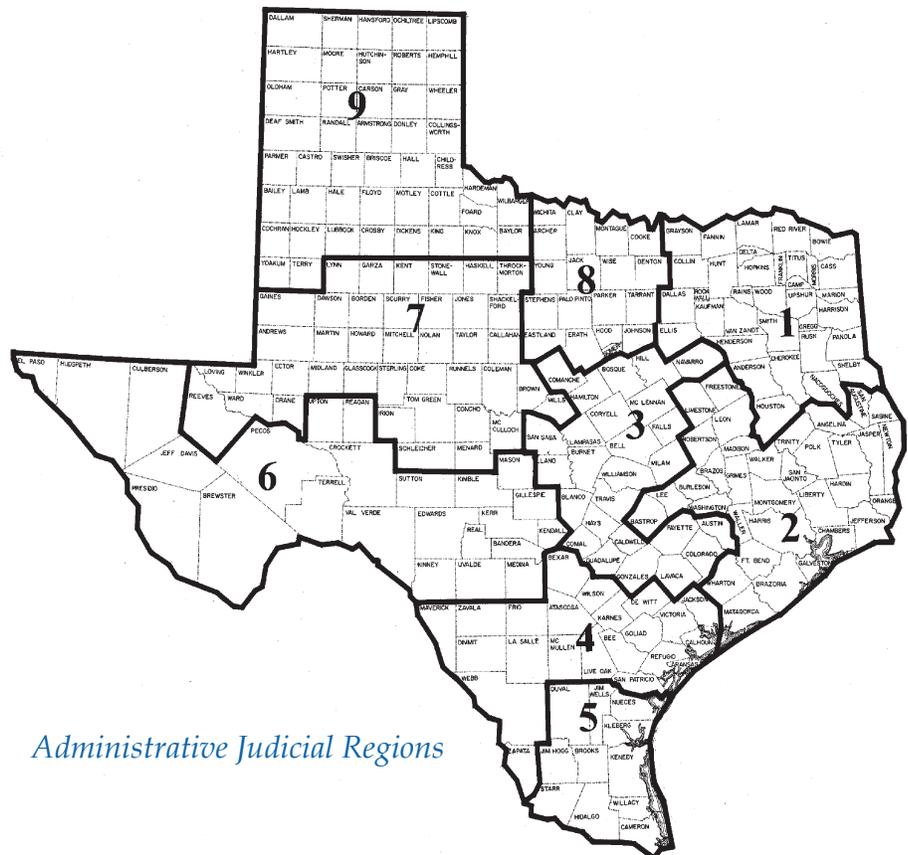
Like judicial officers appointed under Chapter 54 of the Government Code, district and county-level judges refer certain cases to associate judges appointed under Chapter 201 of the Family Code.

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, 2010, 822 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, 2010, municipal courts were operating in 915 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.

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 (SB 1, 81st 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 (HB 1, 76th Leg., R.S., Art. IV, page IV-1, Rider 3), the Supreme Court has transferred cases between the courts of appeals since 1895 (24th Leg., R.S., Ch. 53, 1895 Tex. Gen. Laws 79).
6. In 1997, the 75th Legislature enacted Chapter 51, Texas Government Code, Subchapter J, requiring the 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.2d 365, 366 n.1 (Tex. App. - Houston [1st Dist.] 1998, no pet.) and *Chapa v. Spivey*, 999 S.W.2d 833, 835-836 (Tex. App. - Tyler 1999, no pet.).
12. In 2007, the 80th Legislature raised the jurisdiction of justice courts in civil actions from \$5,000 to \$10,000 (80th Leg. R.S., Ch. 383, 2007 Tex. Gen. Laws 687).
13. Article V, Section 31 of the Texas Constitution.
14. In accordance with Section 74.091 or Section 74.0911, Texas Government Code.
15. The administrative responsibilities of the local administrative judge are detailed in Section 74.092, Texas Government Code.

Information About Texas Judges

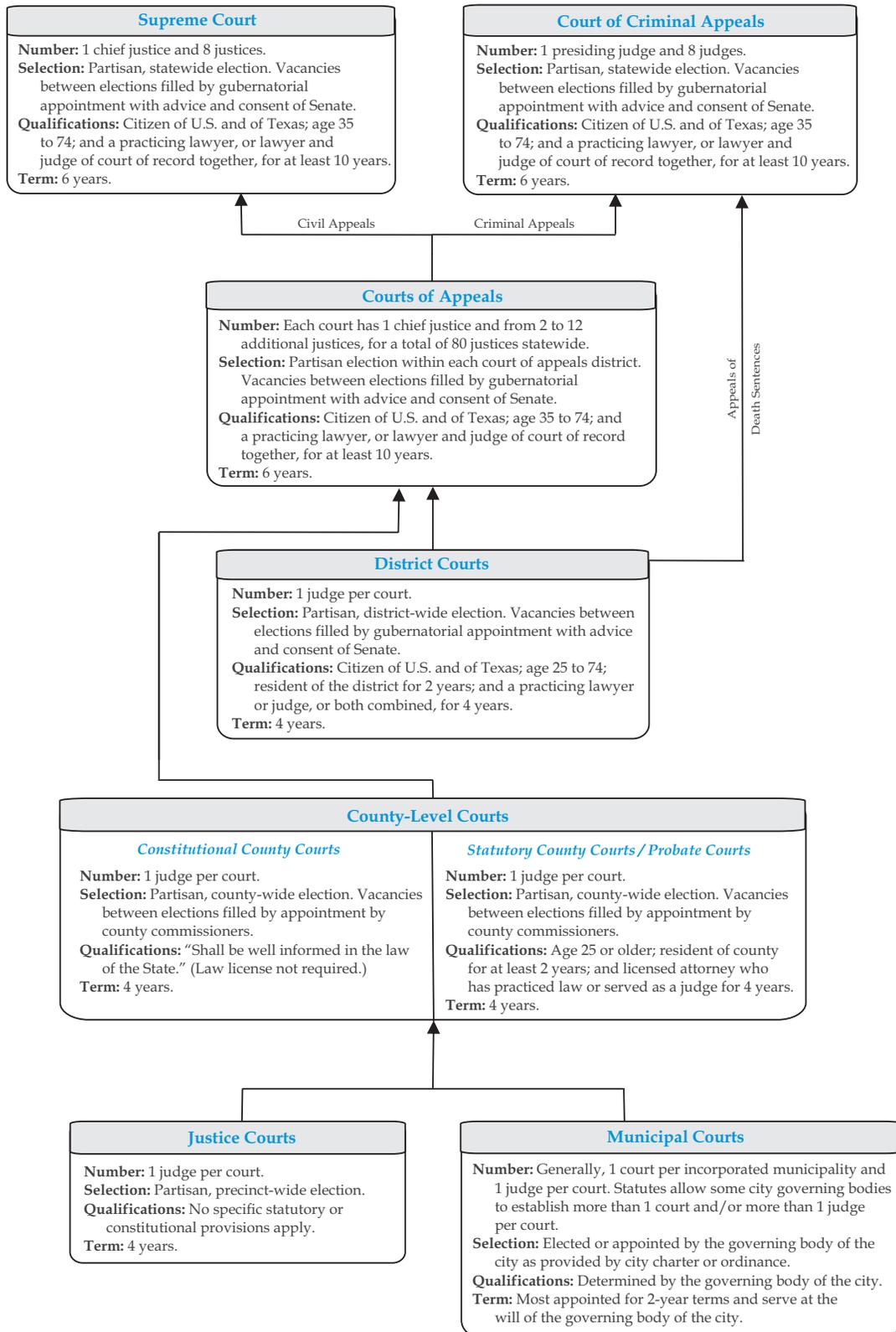
For the Fiscal Year
Ended August 31, 2010



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, 2010)

	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	441	13	231	18	254	822	1492
Number of Judges	9	9	80	441	13	229	18	254	822	1492
Number of Vacant Positions	0	0	0	0	0	2	0	0	0	9
Number of Municipalities w/ Courts	--	--	--	--	--	--	--	--	--	917
Cities with No Courts	--	--	--	--	--	--	--	--	--	262
AGE OF JUDGES:										
	(n=9)	(n=9)	(n=80)	(n=440)	(n=12)	(n=204)	(n=17)	(n=224)	(n=693)	(n=1197)
Mean	55	67	56	55	56	61	66	58	57	60
Oldest	65	77	73	77	66	86	79	82	87	92
Youngest	44	57	38	33	45	36	52	33	27	28
RANGE OF AGE:										
Under 25	0	0	0	0	0	0	0	0	0	0
25 through 34	0	0	0	4	0	0	0	1	9	12
35 through 44	1	0	4	49	0	22	0	11	49	145
45 through 54	5	0	24	126	5	79	1	42	151	302
55 through 64	2	5	42	200	6	71	11	98	284	401
65 through 74	1	3	10	61	1	27	4	64	164	250
Over 75	0	1	0	1	0	5	1	8	36	87
GENDER OF JUDGES:										
	(n=9)	(n=9)	(n=80)	(n=441)	(n=13)	(n=227)	(n=18)	(n=254)	(n=819)	(n=1469)
Males	7	5	46	319	9	155	14	221	540	962
Females	2	4	34	122	4	72	4	33	279	507
ETHNICITY OF JUDGES:										
	(n=9)	(n=9)	(n=79)	(n=400)	(n=12)	(n=200)	(n=16)	(n=235)	(n=652)	(n=1098)
African-American	2	0	2	17	3	8	0	2	23	58
American Indian or Alaska Native	0	0	0	1	0	0	0	0	1	10
Asian or Pacific Islander	0	0	1	2	0	0	0	0	0	9
Hispanic/Latino	2	0	10	68	0	45	3	22	126	164
White (Non-Hispanic)	5	9	66	311	9	144	13	211	502	849
Other	0	0	0	5	0	3	0	0	0	8
LENGTH OF SERVICE:										
	(n=9)	(n=9)	(n=80)	(n=441)	(n=12)	(n=229)	(n=18)	(n=252)	(n=821)	(n=1435)
Average	6 Yr 9 Mo	11 Yr 4 Mo	7 Yr 0 Mo	9 Yr 7 Mo	7 Yr 11 Mo	10 Yr 0 Mo	14 Yr 3 Mo	8 Yr 0 Mo	10 Yr 8 Mo	8 Yr 11 Mo
Longest	21 Yr 7 Mo	17 Yr 7 Mo	18 Yr 7 Mo	30 Yr 6 Mo	20 Yr 3 Mo	34 Yr 4 Mo	29 Yr 11 Mo	32 Yr 6 Mo	47 Yr 4 Mo	46 Yr 0 Mo
RANGE OF SERVICE ON THIS COURT IN YEARS:										
Under 1 Year	2	0	4	20	0	10	0	2	9	78
1 through 4	0	0	21	138	6	53	5	94	229	481
5 through 9	6	3	31	106	3	54	1	65	196	377
10 through 14	0	4	12	67	0	46	3	37	155	233
15 through 19	0	2	12	69	2	33	3	38	148	122
20 through 24	1	0	0	31	1	23	3	10	40	66
25 through 29	0	0	0	15	0	6	3	3	24	46
30 through 34	0	0	0	1	0	4	0	2	13	19
35 through 39	0	0	0	0	0	0	0	0	5	9
Over 40	0	0	0	0	0	0	0	0	1	3
FIRST ASSUMED OFFICE BY:										
	(n=9)	(n=9)	(n=80)	(n=443)	(n=12)	(n=229)	(n=18)	(n=250)	(n=821)	(n=1463)
Appointment	6 (67%)	1 (11%)	46 (58%)	175 (40%)	3 (25%)	75 (33%)	8 (44%)	49 (20%)	239 (29%)	1447 (99%)
Election	3 (33%)	8 (89%)	34 (43%)	268 (60%)	9 (75%)	154 (67%)	10 (56%)	201 (80%)	582 (71%)	16 (1%)
EDUCATION:										
HIGH SCHOOL:										
Attended	--	--	--	--	--	--	--	--	33 (5%)	18 (1%)
Graduated	--	--	--	--	--	--	--	--	648 (93%)	1166 (88%)
COLLEGE:										
Attended	0 (0%)	0 (0%)	1 (1%)	5 (1%)	0 (0%)	5 (2%)	0 (0%)	38 (17%)	165 (24%)	137 (10%)
Graduated	9 (100%)	9 (100%)	76 (95%)	383 (87%)	12 (100%)	179 (80%)	15 (83%)	145 (64%)	232 (33%)	823 (62%)
LAW SCHOOL:										
Attended	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (0%)	0 (0%)	1 (0%)	3 (0%)	2 (0%)
Graduated	9 (100%)	9 (100%)	80 (100%)	439 (100%)	12 (100%)	223 (100%)	18 (100%)	32 (14%)	67 (10%)	771 (58%)
LICENSED TO PRACTICE LAW:										
Number Licensed	9 (100%)	9 (100%)	80 (100%)	441 (100%)	13 (100%)	227 (99%)	18 (100%)	31 (12%)	66 (8%)	790 (53%)
Mean Year Licensed	1984	1974	1981	1982	1981	1982	1975	1979	1984	1984
RANGE OF YEAR LICENSED:										
Before 1955	0	0	0	0	0	1	1	0	0	5
1955 through 1959	0	1	0	4	0	1	0	1	1	6
1960 through 1964	0	0	1	4	0	3	1	1	1	19
1965 through 1969	0	1	4	29	1	13	2	5	5	54
1970 through 1974	1	2	11	60	1	21	3	5	9	78
1975 through 1979	2	3	15	95	3	39	8	3	8	119
1980 through 1984	1	2	24	87	4	40	2	6	10	108
1985 through 1989	2	0	16	65	2	59	0	3	6	95
1990 through 1994	3	0	7	68	2	30	1	3	11	134
1995 through 1999	0	0	2	29	0	18	0	4	10	112
Since 2000	0	0	0	10	0	2	0	0	5	60
ORIGINALLY CAME TO THIS COURT FROM:										
Attorney Private Practice	1 (11%)	2 (22%)	23 (29%)	--	--	--	--	--	--	--
Judge of Lower Court	6 (67%)	4 (44%)	14 (18%)	--	--	--	--	--	--	--
Legislative Service	0 (0%)	0 (0%)	1 (1%)	--	--	--	--	--	--	--
Other Governmental Service	2 (22%)	3 (33%)	2 (2%)	--	--	--	--	--	--	--
PREVIOUS EXPERIENCE:										
Prosecutor	1 (11%)	5 (56%)	15 (19%)	160 (36%)	5 (38%)	91 (40%)	4 (22%)	9 (4%)	--	--
Attorney Private Practice	9 (100%)	9 (100%)	47 (59%)	285 (65%)	12 (92%)	132 (58%)	14 (78%)	27 (11%)	--	--
Judge of Lower Court	7 (78%)	2 (22%)	16 (20%)	62 (14%)	2 (15%)	33 (14%)	3 (17%)	11 (4%)	--	--
County Commissioner	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	16 (6%)	--	--

* 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.

State Judges Appointed

September 1, 2009 to August 31, 2010

Hon. Eva M. Guzman
Justice, Supreme Court
Succeeding Hon. Scott Brister
(Resigned)

Hon. Debra H. Lehrmann
Justice, Supreme Court
Succeeding Hon. Harriet O'Neill
(Resigned)

Hon. Terrie Livingston
Chief Justice, 2nd Court of Appeals
Succeeding Hon. John Cayce
(Resigned)

Hon. Carolyn I. Wright
Chief Justice, 5th Court of Appeals
Succeeding Hon. Linda Thomas
(Resigned)

Hon. Tracy Christopher
Justice, 14th Court of Appeals
Succeeding Hon. Eva M. Guzman
(Appointed to Supreme Court)

Hon. E. Lee Gabriel
Justice, 2nd Court of Appeals
Succeeding Hon. Terrie Livingston
(Appointed Chief Justice)

Hon. Lana Rolf Myers
Justice, 5th Court of Appeals
Succeeding Hon. Carolyn I. Wright
(Appointed Chief Justice)

Hon. Caroline E. Baker
Judge, 295th District Court
Succeeding Hon. Tracy Christopher
(Appointed to 14th Court of Appeals)

Hon. Jennifer Jackson Balido
Judge, 203rd District Court
Succeeding Hon. Lana Rolf Myers
(Appointed to 5th Court of Appeals)

Hon. Margaret Ellen Barnes
Judge, 367th District Court
Succeeding Hon. E. Lee Gabriel
(Appointed to 2nd Court of Appeals)

Hon. James W. Birdwell
Judge, 342nd District Court
Succeeding Hon. Bob McGrath
(Resigned)

Hon. Marc Wesley Brown
Judge, 180th District Court
Succeeding Hon. Debbie Mantooh Stricklin
(Resigned)

Hon. F. Alfonso Charles
Judge, 124th District Court
Succeeding Hon. Bill Jennings
(Deceased)

Hon. Rex Emerson
Judge, 198th District Court
Succeeding Hon. Emil Prohl
(Resigned)

Hon. Ruben Gonzalez, Jr.
Judge, 432nd District Court

Newly created court

Hon. Les F. Hatch
Judge, 237th District Court
Succeeding Hon. Sam Medina
(Resigned)

Hon. Lisa Jarrett
Judge, 436th District Court

Newly created court

Hon. Renee McElhane
Judge, 73rd District Court
Succeeding Hon. Andy Mireles
(Deceased)

Hon. Lisa Bengé Michalk
Judge, 221st District Court
Succeeding Hon. Suzanne Stovall
(Resigned)

Hon. Jeff Lee Rose
Judge, 353rd District Court
Succeeding Hon. Scott Ozmun
(Deceased)

Hon. Rodney W. Satterwhite
Judge, 441st District Court

Newly created court

Hon. Daniel Leon Schaap
Judge, 47th District Court
Succeeding Hon. Hal Miner
(Deceased)

Hon. Michael K. Sinha
Judge, 360th District Court
Succeeding Hon. Debra H. Lehrmann
(Appointed to Supreme Court)

Hon. Lori I. Valenzuela
Judge, 437th District Court

Newly created court

Hon. Ray Wheless
Judge, 366th District Court
Succeeding Hon. Greg Brewer
(Resigned)

Salaries and Turnover of Elected State Judges

For the Fiscal Year
Ended August 31, 2010

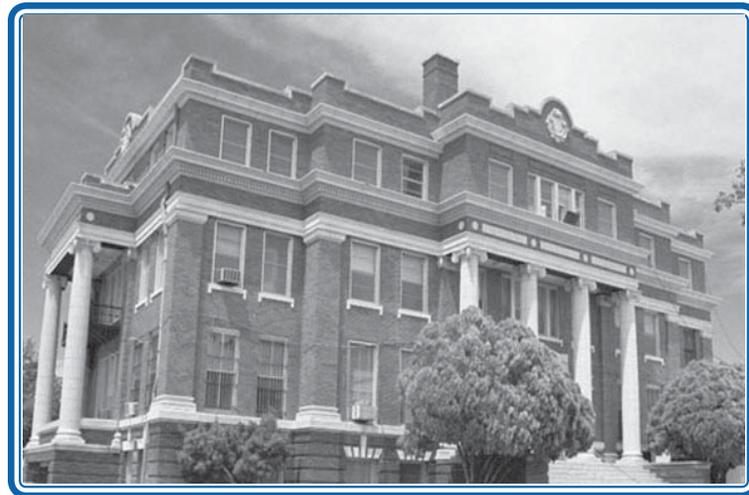


Photo courtesy of TexasCourthouses.com

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 Report* (Austin: Department of Research and Analysis, State Bar of Texas). Not yet released.

Salary Summary for Elected State Judges as of September 1, 2010

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 January 1, 2010 ¹ 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	\$201,819	\$191,876
Associate Justice – Court of Last Resort	\$218,237	\$150,000	\$151,200	\$157,976	\$201,819	\$186,450
Chief – Intermediate Court of Appeals	\$204,599	\$140,000 ² \$147,180 ³	\$148,000	\$150,077	\$189,949	\$181,349
Justice – Intermediate Court of Appeals	\$204,599	\$137,500 ² \$144,810 ³	\$144,000	\$150,077	\$189,949	\$175,923
Judge – General Jurisdiction Trial Courts	\$178,789	\$125,000 ² \$138,267 ³	\$136,700	\$142,178	\$173,303	\$161,850

Notes:

- Source: Knowledge and Information Services Division, National Center for State Courts, survey of judicial salaries as of January 1, 2010. 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 July 30, 2010.

Turnover of Elected State Judges

Extent of Turnover in the Judiciary

In FY 2010, 551 judges served in the state’s appellate and district courts.¹ During this period, 15 judges left their current positions, representing a turnover rate of 2.7 percent. However, four of these judges were appointed to a higher-level state court position, making the turnover rate for judges leaving the state judiciary 2.0 percent. Of the 11 judges leaving the state judiciary, four (36.4 percent) left involuntarily due to death or removal from office.

As a result, the voluntary turnover rate was **1.3 percent** (seven judges, all of whom resigned).

Turnover of State Appellate and District Judges September 1, 2009 through August 31, 2010		
	Number of Judges	Percentage of All Judges
Total Number of Appellate and District Judge Positions	551	100.0%
Judges Leaving Current Office	15	2.7%
Judges Leaving State Judiciary	11	2.0%
Judges Leaving State Judiciary Voluntarily	7	1.3%

Manner in Which State Appellate and District Judges Left Office September 1, 2009 through August 31, 2010			
	Number	Percentage of All Judges Leaving Office	Percentage of All Judges
Resigned	7	46.7%	1.3%
Appointed/elected to higher state court	4	26.7%	0.7%
Deceased	3	20.0%	0.5%
Removed from office	1	6.7%	0.2%
Defeated in election	0	0.0%	0.0%
Did not seek re-election	0	0.0%	0.0%
Reached mandatory retirement age	0	0.0%	0.0%
Total	15	100.0%*	2.7%

* Does not total to 100.0% due to rounding.

Reasons for Voluntary Turnover

Four of the seven judges who voluntarily left the state judiciary in FY 2010 responded to OCA’s judicial turnover survey. Respondents were asked to indicate which factor(s) influenced their decision to leave the state judiciary. Three of the four respondents indicated that salary was a significant contributor to their departures, two selected “retirement,” one selected “benefits,” and one selected “advancement opportunities.”

The survey also allowed respondents to note other factors that contributed to their decision. In FY 2010, respondents identified the following additional factors that influenced their decisions:

- politicization of the judiciary;

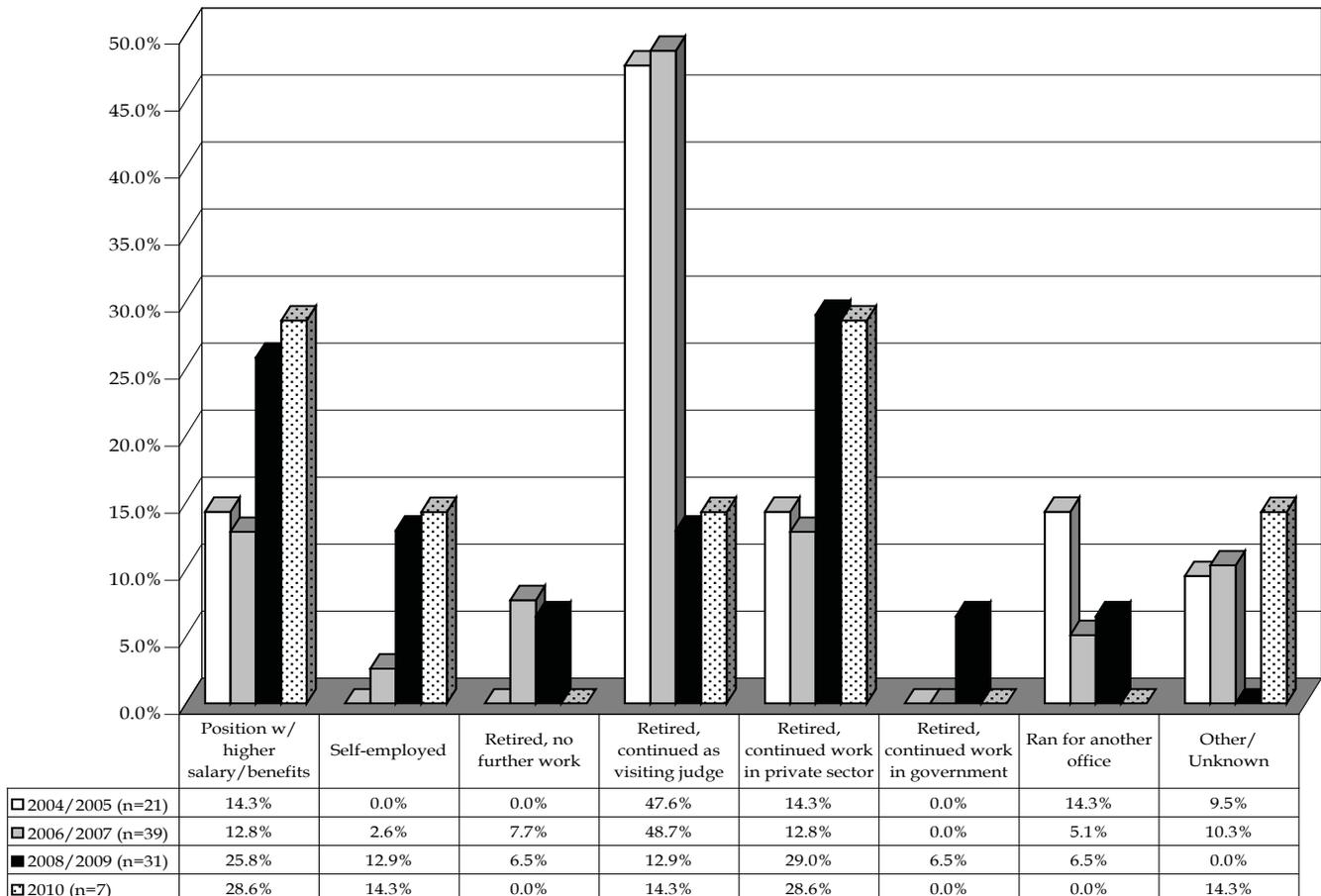
1. One judge served on each of the state’s 453 district courts, and 98 judges served on the state’s 16 appellate courts during FY 2010.

- “public reporting of everything I own, spend and do”; and
- “the uncertainty of receiving another pay raise in the near future.”

Factors Influencing Respondents’ Decision to Leave the State Judiciary September 1, 2009 through August 31, 2010					
	“To a Very Great Extent”	“To Some Extent”	“To a Small Extent”	“Not at All”	No Answer
Salary	3 (75%)	0 (0%)	0 (0%)	0 (0%)	1 (25%)
Retirement	2 (50%)	0 (0%)	1 (25%)	1 (25%)	0 (0%)
Benefits	1 (25%)	0 (0%)	0 (0%)	2 (50%)	1 (25%)
Advancement Opportunities	1 (25%)	0 (0%)	0 (0%)	2 (50%)	1 (25%)
Personal	0 (0%)	1 (25%)	0 (0%)	2 (50%)	1 (25%)
Self-employment	0 (0%)	0 (0%)	0 (0%)	3 (75%)	1 (25%)
Working Conditions/Environment	0 (0%)	0 (0%)	0 (0%)	3 (75%)	1 (25%)

Next Steps for Judges after Resigning or Completing Their Terms

After resigning, two of the seven judges who voluntarily left office in FY 2010 took a position with a higher salary or better benefits, two retired but continued to work in the private sector, one retired but continued to work as a visiting judge, and one took a position with a comparable salary in local government. Another judge retired but it was unknown whether or not she continued to work.



Activity of the Texas Courts

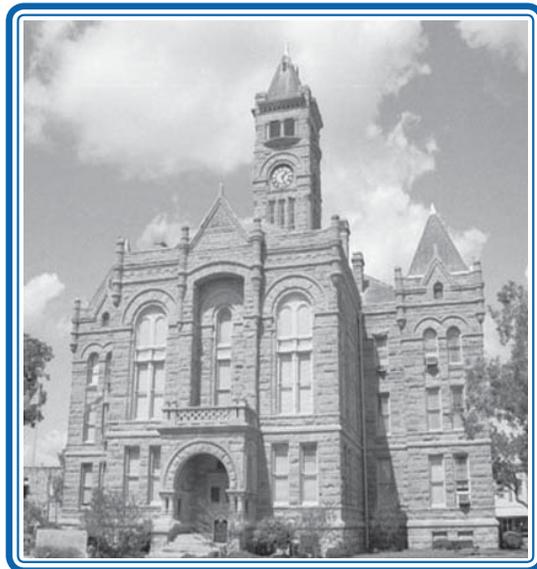


Photo courtesy of TexasCourthouses.com

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.

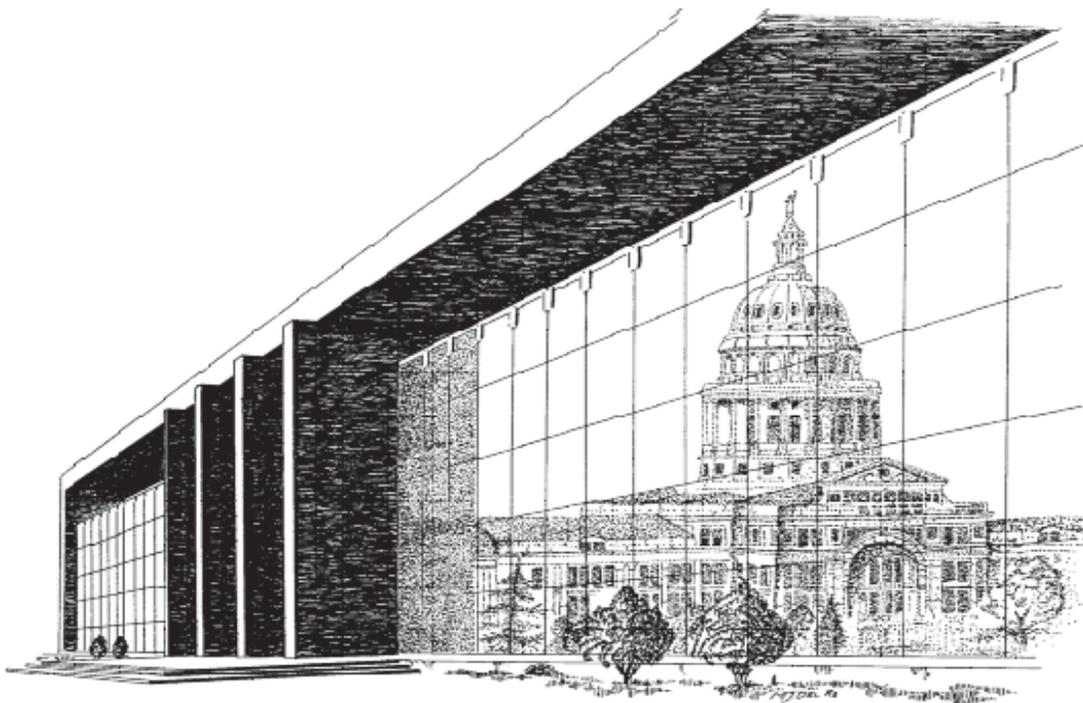
The court activity in this report contains the reported activity from: 1) all appellate courts as reported by the appellate clerks; 2) district and county-level courts as reported by the district and county clerks; and 3) justice and municipal courts as reported by these courts. **However, it should 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 www.dm.courts.state.tx.us/oca/reportselection.aspx.

Caseload Trends in the Appellate Courts

Analysis of Activity for the Fiscal Year
Ended August 31, 2010



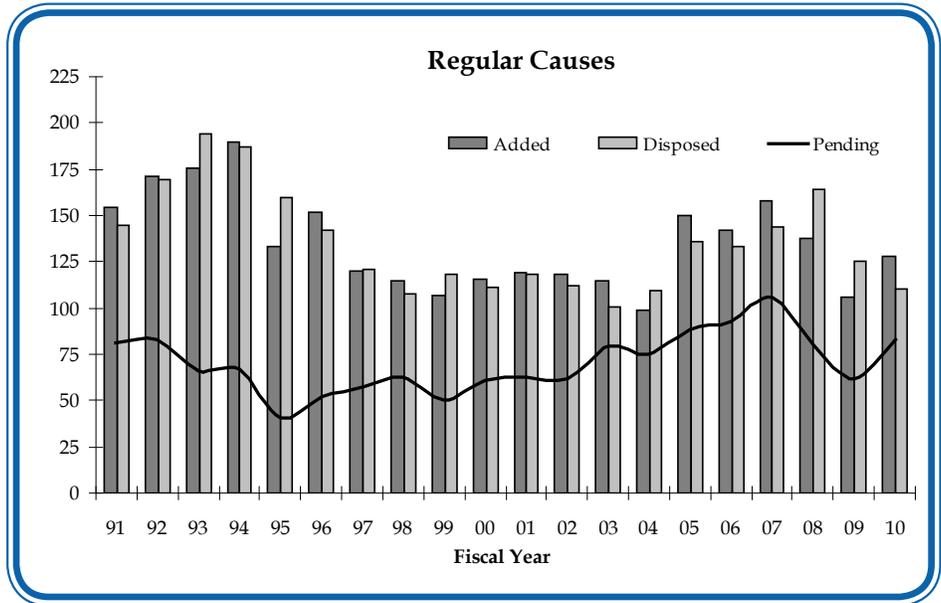
Reflection of State Capitol on Supreme Court Building



The Supreme Court

Regular Causes¹ - The 128 regular causes added to the court's docket in 2010 was 20.8 percent higher than the number added the year before (106 causes) and was in line with the 10-year average of 127 causes added per year.

The court disposed of 110 causes in 2010, which was 12.0 percent fewer than the number disposed of in the previous year. Because of the increase in causes added and the decrease in dispositions, the clearance rate fell to 85.9 percent. The number of causes pending at the end of the year increased to 83.

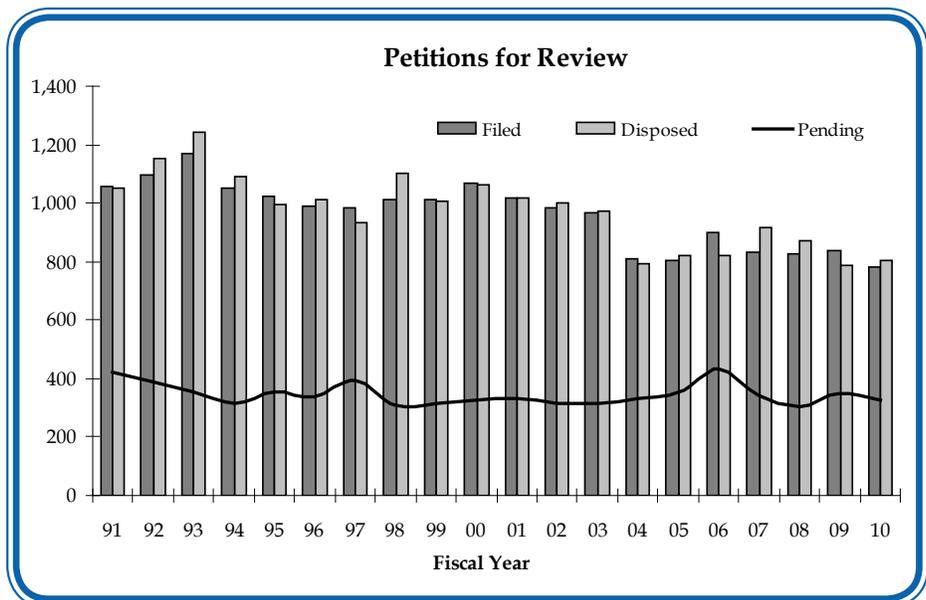


In 2010, the Supreme Court reversed the decision of the intermediate appellate court in 63.1 percent of cases in which it granted a petition for review. It affirmed the decision in 7.1 percent of cases.

Petitions for Review² - In 2010, 783 petitions for review were filed in the Supreme Court—a decrease of 6.2 percent from the previous year and the lowest number filed in at least two decades.

Slightly less than half (48.7 percent) of the petitions for review filed during 2010 came from the five most populous counties—Harris, Dallas, Tarrant, Bexar and Travis. Harris County alone accounted for 17.4 percent of petitions filed. Nearly one-quarter (22.5 percent) of petitions for review were filed from the First and Fourteenth Courts of Appeals in Houston.

The Supreme Court disposed of 806 petitions for review in

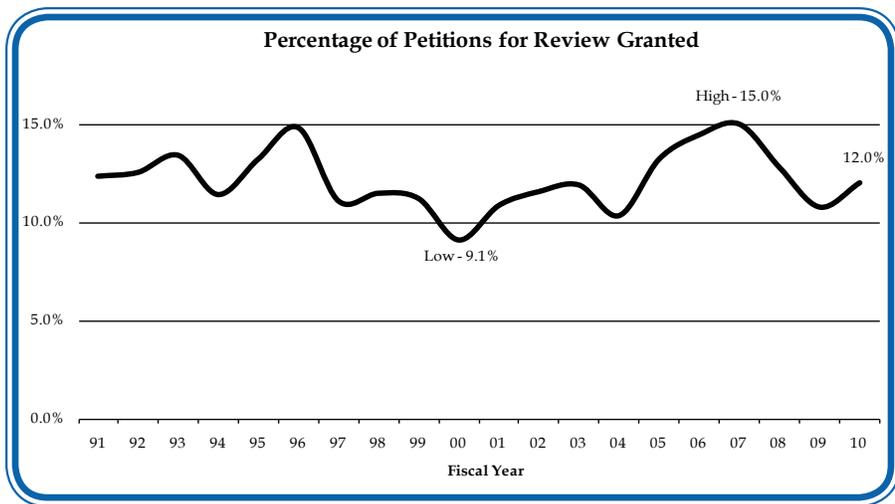


1. "Regular causes" involve cases in which four or more of the justices have decided in conference that a petition for review, petition for writ of mandamus or habeas corpus, or parental notification appeal should be reviewed. Regular causes also include direct appeals the court has agreed to review 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.

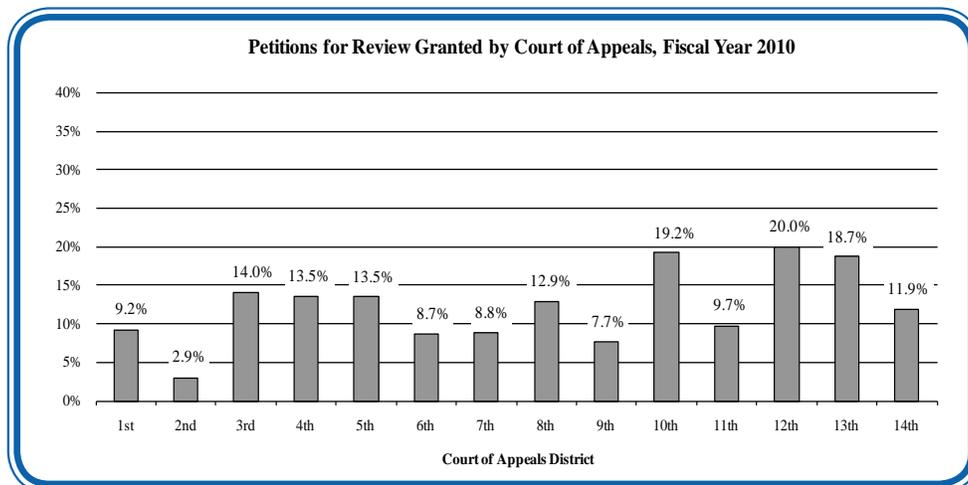
2010, an increase of 2.4 percent from the previous year (787 petitions). Petitions disposed out-numbered petitions filed, resulting in a clearance rate of 102.9 percent. As a result, the number of petitions pending decreased to 324—a decrease of 7.7 percent.

Initial review was granted in 12.0 percent of the petitions for review disposed of in 2010. Initial review was granted most frequently (20.0 percent) in petitions filed from the Twelfth (Tyler) Court of Appeals and least frequently (2.9 percent) in petitions filed from the Second (Fort Worth) Court of Appeals.



Case Processing Times - The time from filing to disposition for all cases disposed of in 2010 decreased by 10 days to 160 days. The average time that an active case had been pending increased from 167 to 180 days; the average time from date of oral argument to disposition decreased from 369 to 297 days; and the average time from granting of a petition to oral argument increased from 90 to 102 days.

Opinions Written - The justices of the Supreme Court issued 118 opinions in 2010, a decrease of 28.5 percent from the number issued the previous year (165 opinions). Majority opinions accounted for 44.9 percent of the total, 33.9 percent were per curiam, 6.8 percent were concurring, and 11.0 percent were dissenting. Over the past 10 years, justices issued an average of 150 opinions per year.



Measure	Average Time
For cases disposed in FY 2010, time from filing to disposition	160 days
<i>For cases on docket in FY 2010:</i>	
For active cases, time from filing of case to end of reporting period (Aug. 31, 2010)	180 days
Time from filing to disposition of petition/motion	133 days
Time from granting of petition to oral argument	102 days
Time from filing of petition to release of per curiam opinion	423 days
Time from date of oral argument to date of disposition	297 days

Supreme Court Activity Fiscal Years 2001 through 2010

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	10-Yr. Avg.
Regular Causes:¹											
Added to docket	119	118	115	99	150	142	158	138	106	128	127
Disposed	118	112	101	109	136	133	144	164	125	110	125
Pending at end of year	63	62	79	75	88	93	106	80	62	83	79
Clearance rate	99.2%	94.9%	87.8%	110.1%	90.7%	93.7%	91.1%	118.8%	117.9%	85.9%	98.4%
Petitions for Review:²											
Filed	1,018	986	968	810	805	897	831	825	835	783	876
Disposed:											
<i>Granted</i>	96	116	98	82	109	119	138	112	85	97	105
<i>Other Dispositions</i>	1,020	885	875	709	714	703	781	762	702	709	786
Pending at end of year	329	314	317	332	353	431	344	301	351	324	340
Clearance rate	109.6%	101.5%	100.5%	97.7%	102.2%	91.6%	110.6%	105.9%	94.3%	102.9%	101.8%
Other Writs and Motions:											
Filed	283	309	306	302	280	270	255	266	304	426	300
Disposed	277	305	301	271	283	274	274	283	284	423	298
Pending at end of year	52	61	65	96	97	97	77	58	78	85	77
Clearance rate	97.9%	98.7%	98.4%	89.7%	101.1%	101.5%	107.5%	106.4%	93.4%	93.4%	99.1%
Motions Disposed	1,600	1,812	2,775	1,517	1,748	1,711	1,824	1,905	2,051	2,418	1,936
Opinions Written	139	165	128	122	136	145	170	212	165	118	150

NOTES:

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

2. Includes applications for writ of error. Petitions for review replaced applications for writ of error as of September 1, 1997.

Disposition of Petitions for Review by the Supreme Court September 1, 2009 through August 31, 2010

	Affirmed	Modified	Reversed	Dismissed	Other Disposition	Total	
Granted Petitions for Review	6	13	53	2	10	84	
% of Total Granted Petitions for Review	7.1%	15.5%	63.1%	2.4%	11.9%	100%	
	Initial Review Granted	Review Denied	Dismissed	Abated	Struck	Other Disposition	Total
Petitions for Review	97	627	40	5	36	1	806
% of Total Petitions for Review	12.0%	77.8%	5.0%	0.6%	4.5%	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 2010, mandatory matters comprised 76.7 percent of all cases added to the docket.

Filings of mandatory matters decreased 10.8 percent from the previous year to 5,298 cases. In particular, direct appeals declined 9.9 percent to 201 cases, applications for writs of habeas corpus declined 11.1 percent to 4,329 cases, and original proceedings fell 9.2 percent to 768 cases.

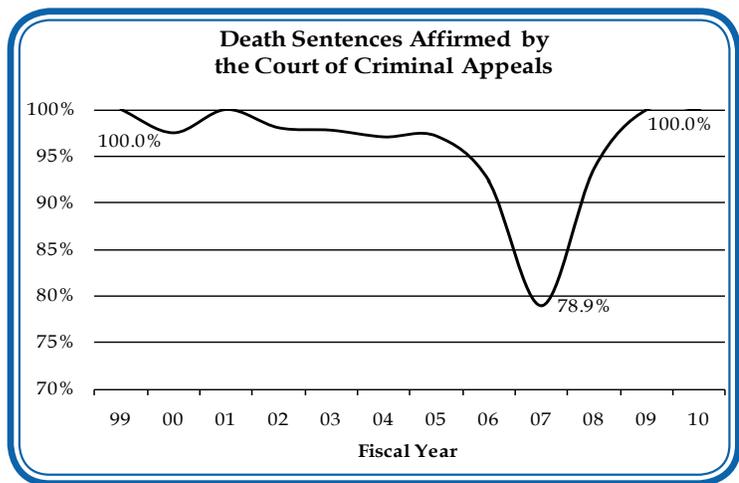
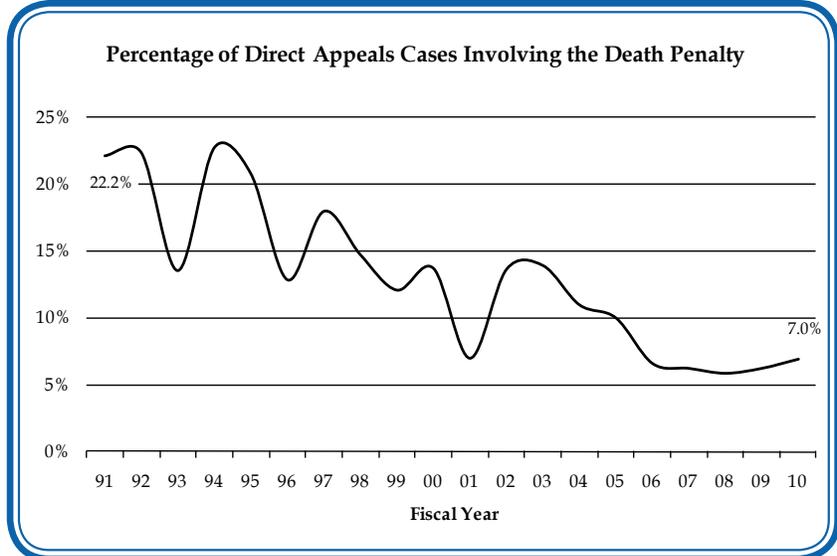
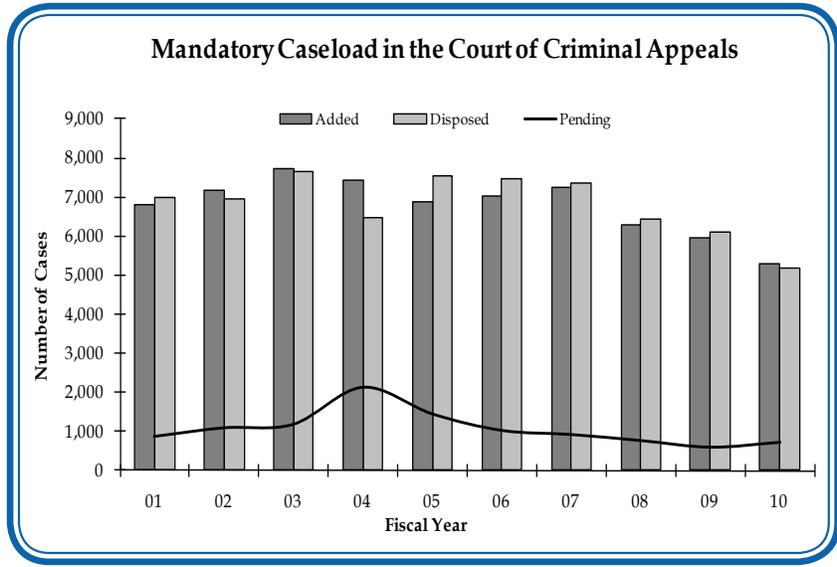
Overall, disposition of mandatory matters declined 15.4 percent from the previous year to 5,173 cases. Since the decline in dispositions was greater than the decrease in cases added, the clearance rate decreased to 97.6 percent.

The court denied 51.1 percent of applications for writs of habeas corpus (and dismissed another 33.5 percent) and denied 73.5 percent of original proceedings, compared to the denial of only 4.8 percent of direct appeals for habeas corpus and extraordinary matters.

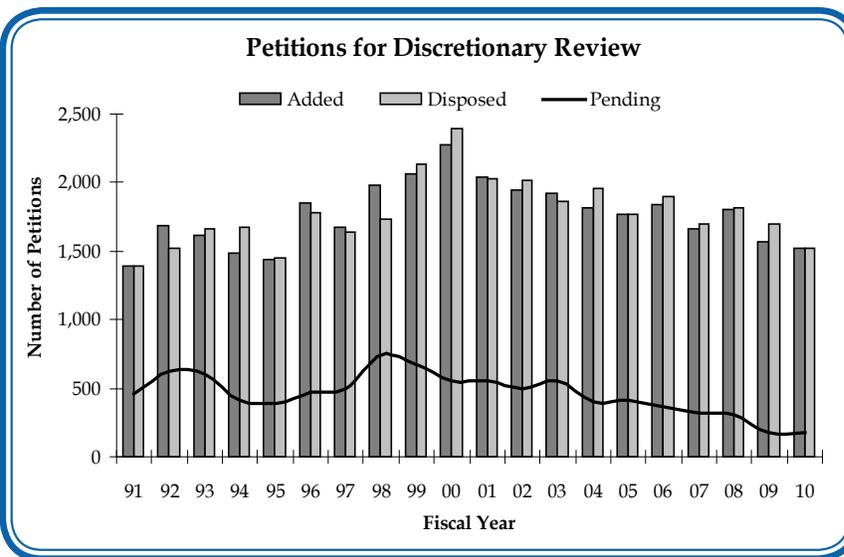
Death Penalty Appeals

Of the direct appeal cases filed in 2010, 7.0 percent involved death penalty appeals, which is above the five-year average of 6.4 percent but below the 10-year average of 9.0 percent. The 20-year high of 22.8 percent occurred in 1994. In 2010, the court affirmed all death penalty sentences in the 19 cases that it disposed of.

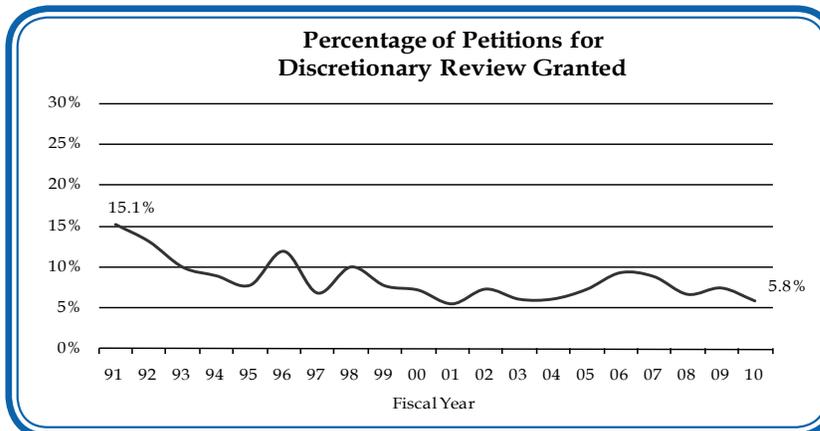
Discretionary Caseload - The number of petitions for discretionary review and redrawn petitions for discretionary review filed with the Court of Criminal Appeals decreased 3.1 percent in 2010 to 1,520 cases.



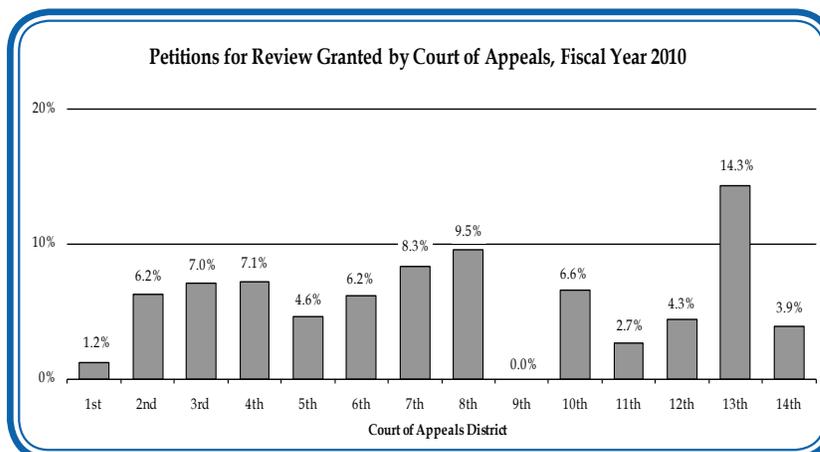
Petitions filed from the five most populous counties — Harris, Dallas, Tarrant, Bexar, and Travis — continued to decline (from 48.4 percent in 2009 to 42.6 percent in 2010). Petitions filed from the remaining counties in the state continued to grow, reaching a new high of 57.4 percent in 2010, which is well above the five-year average of 50.5 percent. Before 2005, these 249 counties had never accounted for more than 40 percent of petitions filed in any one fiscal year.



In 2010, dispositions of petitions for discretionary review and redrawn petitions for discretionary review decreased to 1,520 cases—a decline of 10.4 percent from the previous year. Since the number of cases added equaled the number of cases disposed, the clearance rate for this portion of the court’s caseload was 100.0 percent. At the end of the fiscal year, 172 cases were pending — the same number left pending the previous year and the lowest number pending in at least 20 years.



Of the petitions and redrawn petitions for discretionary review disposed in 2010, initial review was granted in 5.8 percent of the cases — the lowest percent granted since 2001.



Initial review was granted most frequently (14.3 percent) in petitions filed from the Thirteenth Court of Appeals (Corpus Christi) and was granted least frequently (0.0 percent) in petitions filed from the Ninth Court of Appeals (Beaumont).

Opinions Written - The judges of the Court of Criminal Appeals issued 433 opinions in 2010, which is the lowest number of opinions issued since 1994. More than one-third (37.2 percent) of opinions were signed, 43.0 percent were per curiam, 9.2 percent were concurring, and 9.5 percent were dissenting.

**Court of Criminal Appeals
Case Processing Times
FY 2010**

Average time from filing to disposition for cases involving:

Capital punishment	778 days
Application for writ of habeas corpus	36 days
Petition for discretionary review	41 days

Court of Criminal Appeals Activity Fiscal Years 2001 through 2010

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	10-Yr. Avg.
Direct Appeals:¹											
Added to docket	256	278	308	245	239	256	255	237	223	201	250
Disposed	254	295	306	253	239	269	268	240	229	211	256
Pending at end of year	110	92	89	84	84	72	60	58	52	42	74
Clearance rate	99.2%	106.1%	99.4%	103.3%	100.0%	105.1%	105.1%	101.3%	102.7%	105.0%	102.6%
Applications for Writ of Habeas Corpus:²											
Filed	5,964	6,167	6,660	6,342	6,046	5,987	6,060	5,154	4,872	4,329	5,758
Disposed	6,123	5,968	6,611	5,448	6,609	6,381	6,158	5,290	5,017	4,215	5,782
Pending at end of year	694	900	948	1,836	1,267	853	762	628	482	599	897
Clearance rate	102.7%	96.8%	99.3%	85.9%	109.3%	106.6%	101.6%	102.6%	103.0%	97.4%	100.4%
Original Proceedings:³											
Filed	602	732	758	834	583	796	922	894	846	768	774
Disposed	602	702	721	761	702	812	924	918	868	747	776
Pending at end of year	68	101	147	219	99	101	98	78	60	80	105
Clearance rate	100.0%	95.9%	95.1%	91.2%	120.4%	102.0%	100.2%	102.7%	102.6%	97.3%	100.3%
Petitions for Discretionary Review:⁴											
Filed	2,146	2,097	2,039	1,935	1,897	2,017	1,810	1,904	1,703	1,605	1,915
Disposed	2,128	2,160	2,028	2,068	1,886	2,009	1,872	1,968	1,800	1,650	1,957
Pending at end of year	685	618	629	496	507	516	450	391	291	246	483
Clearance rate	99.2%	103.0%	99.5%	106.9%	99.4%	99.6%	103.4%	103.4%	105.7%	102.8%	102.2%
Motions Considered	2,043	1,774	1,479	1,597	1,382	1,576	1,707	1,463	1,789	1,434	1,624
Opinions Written	472	595	612	471	474	486	575	500	447	433	507

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, 2009 through August 31, 2010

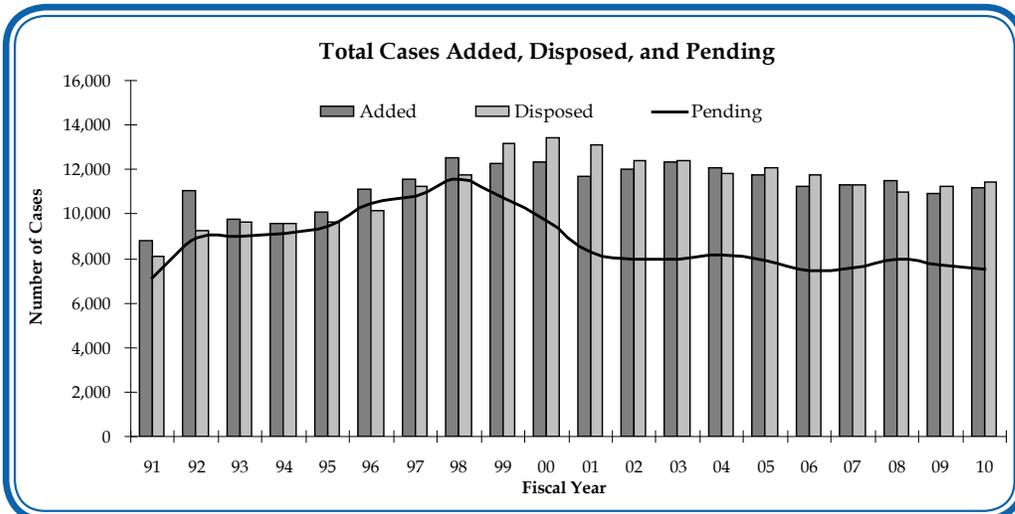
	Affirmed	Total					Dismissed	Total
Death Penalty Appeals	19	19	Other Appeals				5	5
	Granted	Denied/ Refused	Dismissed	Withdrawn	Struck	Untimely	Total	
Habeas Corpus & Extraordinary Matters	173	9	5	0	0	0	187	
Petitions for Discretionary Review ¹	88	1,189	7	0	144	92	1,520	
	Affirmed	Reversed	Reversed & Remanded	Remanded	Mixed	Dismissed	Total	
Granted Petitions for Discretionary Review	76	11	27	7	4	5	130	
	Filed & Set	Denied	Remanded	Dismissed	Returned	Abated	Total	
Applications for Writ of Habeas Corpus	174	2,154	298	1,411	178	0	4,215	
Original Proceedings	4	549	0	72	0	122	747	
	Granted	Denied	Dismissed	Filed & Set	Remanded	Other	Total	
Motions for Reconsideration ²	13	2	0	0	0	0	15	
Motions for Stay of Execution	0	9	1	0	0	0	10	

- NOTES: 1. Includes redrawn petitions for discretionary review.
2. An additional 164 motions were disposed of with "no action" according to Texas Rules of Appellate Procedure Rule 79.2(d).



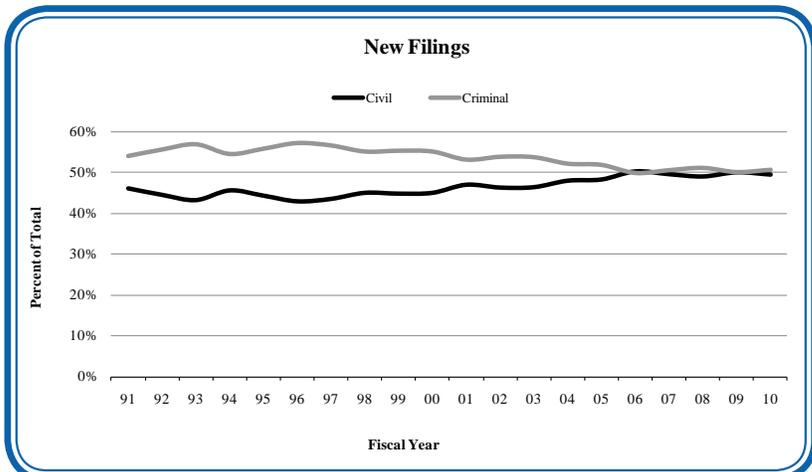
The Courts of Appeals

Cases Filed - In 2010, the number of cases added overall increased by 2.6 percent from the previous year to 11,201 cases. The number of cases added remains lower than the 10-year average of 11,604 cases added per year. The increase in cases added was the result of a 2.8 percent increase in new filings. Other cases¹ saw an increase of 0.9 percent.



Civil cases accounted for 49.4 percent, and criminal cases 50.6 percent, of all new filings in 2010. Over the last decade, new civil filings generally grew as a proportion of all new cases filed – from 46.9 percent of all new filings in 2001 to 49.4 percent in 2010. Over the past five years, civil and criminal cases each accounted for approximately half of the courts’ dockets.

Nearly 48 percent of all appeals filed in 2010 came from the state’s five most populous counties – Harris, Dallas, Bexar, Tarrant and Travis. Nearly 17 percent came from Harris County alone and 12.6 percent came from Dallas County.



Cases Disposed - In 2010, the courts of appeals disposed of 11,453 cases – an increase of 1.8 percent compared to the previous year’s dispositions. More than two-fifths (41.0 percent) of the cases disposed of in 2010 were affirmed, 6.2 percent were reversed, 3.6 percent had a mixed disposition (i.e., affirmed in part and reversed in part), and 27.1 percent were dismissed. The remainder of cases had other dispositions.

The average time between filing and disposition for all cases increased from 9.0 to 9.1 months. For civil cases, the time to disposition increased from 8.9 months in 2009 to 9.0 months in 2010. For criminal cases, the time to disposition increased from 9.1 months in 2009 to 9.2 months in 2010.

Top Five Counties from Which Appeals Were Filed in FY 2010

Civil Cases	Criminal Cases	Overall
Harris - 9.1%	Harris - 7.8%	Harris - 16.9%
Dallas - 6.6%	Dallas - 6.1%	Dallas - 12.6%
Bexar - 3.3%	Jefferson - 4.4%	Bexar - 7.0%
Tarrant - 3.2%	Bexar - 3.7%	Tarrant - 6.9%
Travis - 2.9%	Tarrant - 3.7%	Travis - 4.1%

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 1.9 months in 2009 to 1.7 months in 2010. The average time for civil cases decreased from 2.4 months, while the average time for criminal cases increased from 1.4 to 2.5 months.

The number of cases disposed of by the courts of appeals were 252 more than the number added, resulting in a clearance rate of 102.2 percent, which was equivalent to the 10-year average.

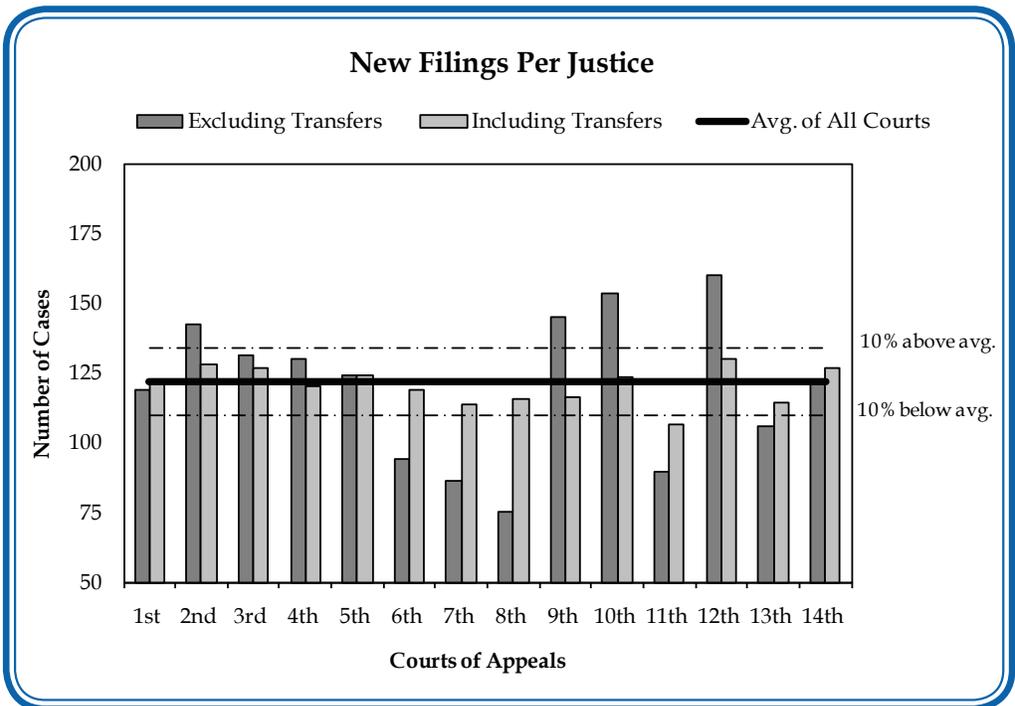
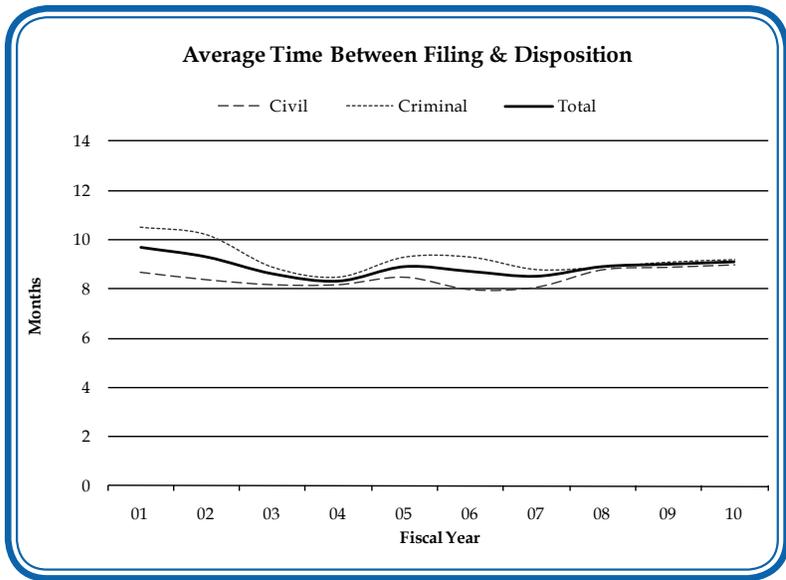
Cases Pending - At the end of 2010, a total of 7,509 cases were pending statewide, down 2.2 percent from the number pending at the end of the previous year. More than half (55.2 percent) of these cases had been pending for fewer than six months, and 83.9 percent had been pending for less than one year. The percentage of cases pending more than two years decreased 60 percent from 1.9 percent in 2009 to 0.8 percent in 2010.

Opinions Written - During 2010, the justices of the courts of appeals issued 10,742 opinions, 54.5 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 2010, the statewide average number of new filings per justice was 122 cases before any transfers. The number of new cases filed per justice ranged from 75 cases in the Eighth Court of Appeals (El Paso) to 160 cases in the Twelfth Court of Appeals (Tyler). The average percentage difference of the 14 courts from the statewide average was 17.3 percent.

A total of 504 cases were transferred among the courts of appeals during the year in an effort to equalize the workloads of the courts. The Ninth Court of Appeals (Beau-



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.

mont) transferred out the most cases (116 cases), while the Eighth Court of Appeals (El Paso) received the largest number of transferred cases (122 cases).

As a result of these transfers, the number of cases filed per justice ranged from a low of 107 cases per justice in the Eleventh Court of Appeals (Eastland) to a high of 130 cases filed per justice in the Twelfth Court of Appeals (Tyler). After transfers, the average percentage difference of the 14 courts from the statewide average was only 4.4 percent—exceeding the goal of 10 percent, maximum, set by the Texas Legislature.³

Courts of Appeals Activity for Fiscal Years 2001 through 2010

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	10-Yr. Avg.
Civil Cases:											
Cases added											
<i>New filings</i>	4,792	4,877	4,888	4,999	5,013	4,971	4,940	4,949	4,733	4,811	4,897
<i>Other cases</i>	347	343	351	326	378	419	378	353	408	401	370
Cases disposed	5,515	5,404	5,172	5,220	5,441	5,440	5,286	5,136	5,279	5,274	5,317
Cases pending at end of year	3,346	3,229	3,288	3,427	3,398	3,376	3,457	3,569	3,425	3,391	3,391
Clearance rate	107.3%	103.5%	98.7%	98.0%	100.9%	100.9%	99.4%	96.9%	102.7%	101.2%	100.9%
Avg. time between filing & disposition (months)	8.7	8.4	8.2	8.2	8.5	8.0	8.1	8.8	8.9	9.0	8.5
Avg. time between submission & disposition (months)	2.3	2.3	2.8	2.8	2.8	2.3	2.1	2.3	2.4	2.0	2.4
Criminal Cases:											
Cases added											
<i>New filings</i>	5,436	5,686	5,671	5,444	5,381	4,939	5,039	5,163	4,737	4,926	5,242
<i>Other cases</i>	1,122	1,079	1,431	1,342	982	908	960	1,008	1,043	1,063	1,094
Cases disposed	7,614	6,995	7,248	6,610	6,617	6,344	6,000	5,869	5,975	6,179	6,545
Cases pending at end of year	4,948	4,748	4,588	4,740	4,515	4,100	4,144	4,429	4,256	4,118	4,459
Clearance rate	116.1%	103.4%	102.1%	97.4%	104.0%	108.5%	100.0%	95.1%	103.4%	103.2%	103.3%
Avg. time between filing & disposition (months)	10.5	10.2	8.9	8.5	9.3	9.3	8.8	8.9	9.1	9.2	9.3
Avg. time between submission & disposition (months)	1.8	1.7	1.9	1.7	1.9	1.7	1.5	1.6	1.4	2.5	1.8
All Cases:											
Cases added											
<i>New filings</i>	10,228	10,563	10,559	10,443	10,394	9,910	9,979	10,112	9,470	9,737	10,140
<i>Other cases</i>	1,469	1,422	1,782	1,668	1,360	1,327	1,338	1,361	1,451	1,464	1,464
Cases disposed	13,129	12,399	12,420	11,830	12,058	11,784	11,286	11,005	11,254	11,453	11,862
Cases pending at end of year	8,294	7,977	7,876	8,167	7,913	7,476	7,601	7,998	7,681	7,509	7,849
Clearance rate	112.3%	103.5%	100.6%	97.7%	102.6%	104.9%	99.7%	95.9%	103.0%	102.2%	102.2%
Avg. time between filing & disposition (months)	9.7	9.3	8.6	8.3	8.9	8.7	8.5	8.9	9.0	9.1	8.9
Avg. time between submission & disposition (months)	2.0	1.9	2.2	2.2	2.3	2.0	1.8	2.0	1.9	1.7	2.0
Opinions Written	12,691	11,959	11,404	11,363	11,461	11,408	10,921	10,348	10,765	10,742	11,306

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" (80th Legislature, H.B. 1, Supreme Court Rider 4).

Activity for the Fiscal Year Ended August 31, 2010

	1st Houston	2nd Fort Worth	3rd Austin	4th San Antonio	5th Dallas	6th Texasrkana	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	633	483	486	431	868	125	196	176	224	196	140	137	403	714
Cases disposed	646	479	516	433	805	128	167	218	215	218	139	162	445	703
Cases pending at end of year	541	259	336	218	567	51	132	181	145	112	115	80	219	435
Clearance rate (%)	102.1%	99.2%	106.2%	100.5%	92.7%	102.4%	85.2%	123.9%	96.0%	111.2%	99.3%	118.3%	110.4%	98.5%
Avg. time between filing & disposition (months)	11.3	6.7	12.8	6.4	8.0	4.7	6.9	16.2	8.6	8.2	9.0	7.4	7.7	10.6
Avg. % of cases filed but not yet disposed for < 2 years	97.6%	99.2%	92.6%	99.8%	98.0%	100.0%	99.8%	93.6%	99.7%	98.0%	99.8%	99.9%	97.7%	99.3%
Avg. time between submission & disposition (months)	1.5	2.7	3.1	0.8	1.7	0.5	1.7	4.3	2.0	1.4	2.0	2.6	2.0	2.0
Avg. % of cases under submission for < 1 year	99.3%	97.0%	79.4%	100.0%	93.4%	100.0%	99.2%	96.2%	98.6%	98.3%	100.0%	100.0%	95.1%	99.6%
Criminal Cases:														
Cases added	636	495	350	432	1,322	242	311	185	247	218	208	270	441	632
Cases disposed	636	502	362	453	1,343	256	358	216	265	237	206	254	498	593
Cases pending at end of year	536	383	239	208	776	135	234	201	175	162	229	151	254	435
Clearance rate	100.0%	101.4%	103.4%	104.9%	101.6%	105.8%	115.1%	116.8%	107.3%	108.7%	99.0%	94.1%	112.9%	93.8%
Avg. time between filing & disposition (months)	10.8	10.7	10.4	5.8	7.2	6.9	10.5	17.7	9.5	10.2	11.5	8.4	9.2	8.6
Avg. % of cases filed but not yet disposed for < 2 years	99.5%	99.6%	98.7%	99.9%	99.8%	100.0%	99.8%	95.0%	99.6%	99.8%	100.0%	100.0%	98.8%	99.8%
Avg. time between submission & disposition (months)	1.3	2.7	0.9	0.4	1.5	0.5	1.8	5.7	1.2	1.4	1.6	1.4	0.8	2.0
Avg. % of cases under submission for < 1 year	100.1%	98.3%	98.2%	100.0%	98.6%	100.0%	100.0%	97.5%	100.0%	100.0%	100.0%	99.6%	96.1%	100.0%
All Cases:														
Cases added	1,269	978	836	863	2,190	367	507	361	471	414	348	407	844	1,346
Cases disposed	1,282	981	878	886	2,148	384	525	434	480	455	345	416	943	1,296
Cases pending at end of year	1,077	642	575	426	1,343	186	366	382	320	274	344	231	473	870
Clearance rate	101.0%	100.3%	105.0%	102.7%	98.1%	104.6%	103.6%	120.2%	101.9%	109.9%	99.1%	102.2%	111.7%	96.3%
Avg. time between filing & disposition (months)	11.0	8.7	11.8	6.1	7.5	6.2	9.3	16.9	8.6	9.0	11.1	8.4	8.9	8.4
Avg. % of cases filed but not yet disposed for < 2 years	98.5%	99.5%	95.1%	99.8%	99.1%	100.0%	99.8%	94.5%	99.6%	99.0%	100.0%	100.0%	98.3%	99.6%
Avg. time between submission & disposition (months)	1.4	2.7	2.2	0.6	1.6	0.5	1.8	5.0	1.5	1.4	1.8	1.9	1.4	2.0
Avg. % of cases under submission for < 1 year	99.5%	97.7%	84.5%	100.0%	96.2%	100.0%	99.8%	97.1%	99.2%	99.3%	100.0%	99.8%	95.7%	99.8%
Opinions Issued	1,214	953	1,009	893	1,580	389	586	438	504	435	310	431	806	1,193
Published Opinions	764	556	626	487	782	168	251	236	261	243	150	178	407	742

Caseload Trends in the Trial Courts

Analysis of Activity for the Fiscal Year
Ended August 31, 2010



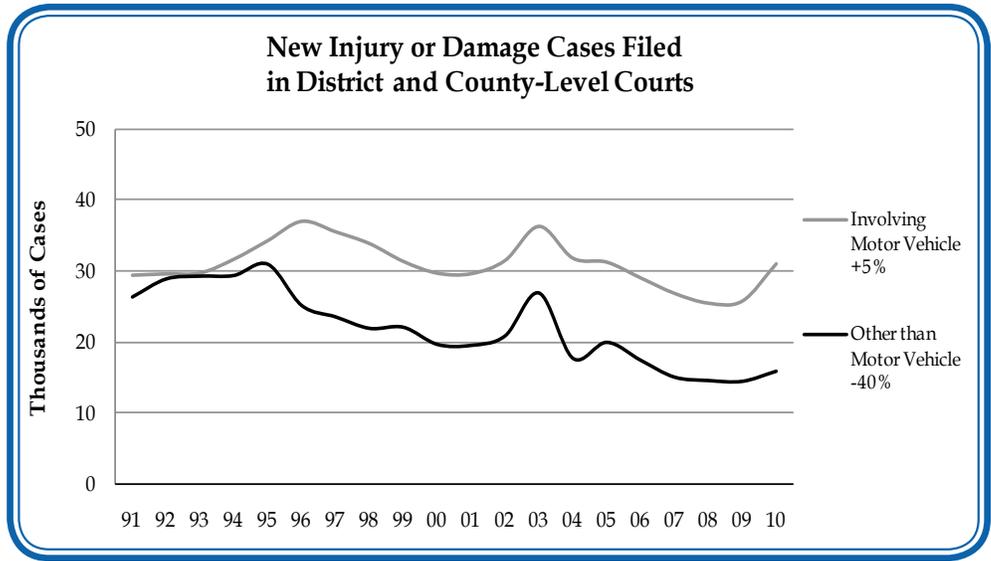
Photo courtesy of TexasCourthouses.com

Karnes County Courthouse - Karnes City

Trends in Texas District and County-Level Courts

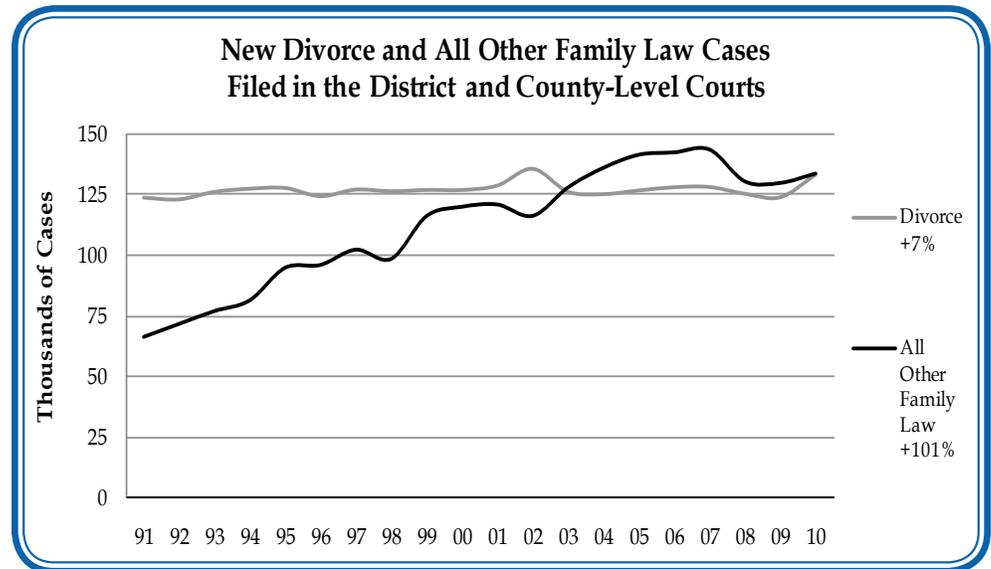
Injury and Damage Cases –

Overall, new filings of injury and damage cases decreased 16 percent between 1991 and 2010. Within this category, cases of injury or damage involving a motor vehicle increased five percent during the past two decades (from 29,309 to 30,918 cases), while cases of injury or damage not involving a motor vehicle declined 40 percent (from 26,431 to 15,983 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



Family Law Cases –

Although the number of divorce cases filed in district and county-level courts remained relatively steady with only a seven percent increase over the past two decades, the number of cases involving “all other family law matters” grew by 101 percent (from 66,257 to 133,484 cases). Despite the significant growth in “all other family law matters” over the past two decades, the number of cases dropped six percent in the last five years.

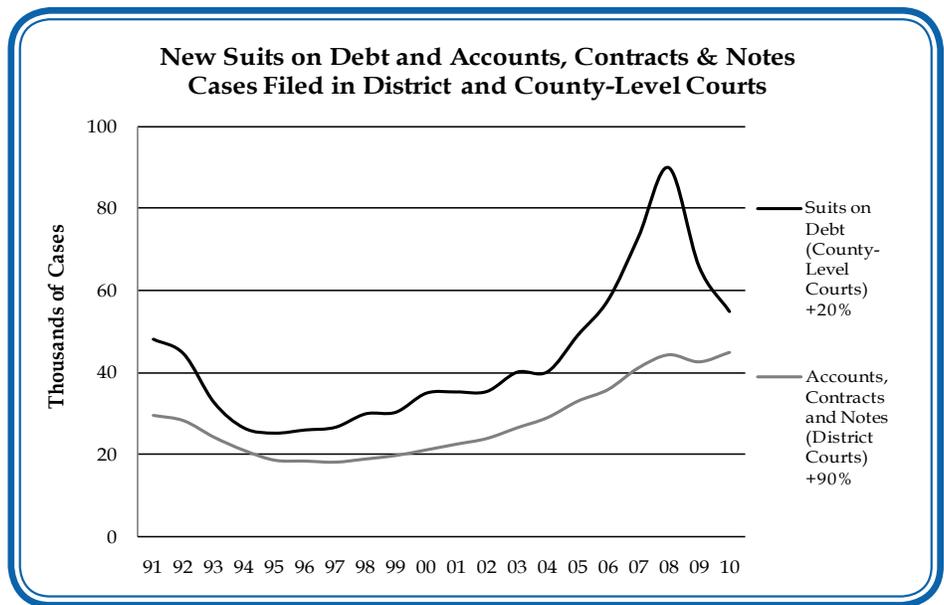


One factor that may be driving the increase in “all other family law matters” is the increase in child support cases. The Attorney General of Texas Child Support Division reports that child support cases with court orders rose 380 percent from 211,085 in 1991 to 1,013,743 in 2010. This statistic does not include privately arranged child support cases; however, it does indicate the large growth in this type of case. Cases for the termination of parental rights (child protection cases) are also in this category. The number of investigated cases that were confirmed by Texas Department of Protective and Regulatory Services increased 53 percent from 1999 to 2009, from 26,265 to 40,126.²

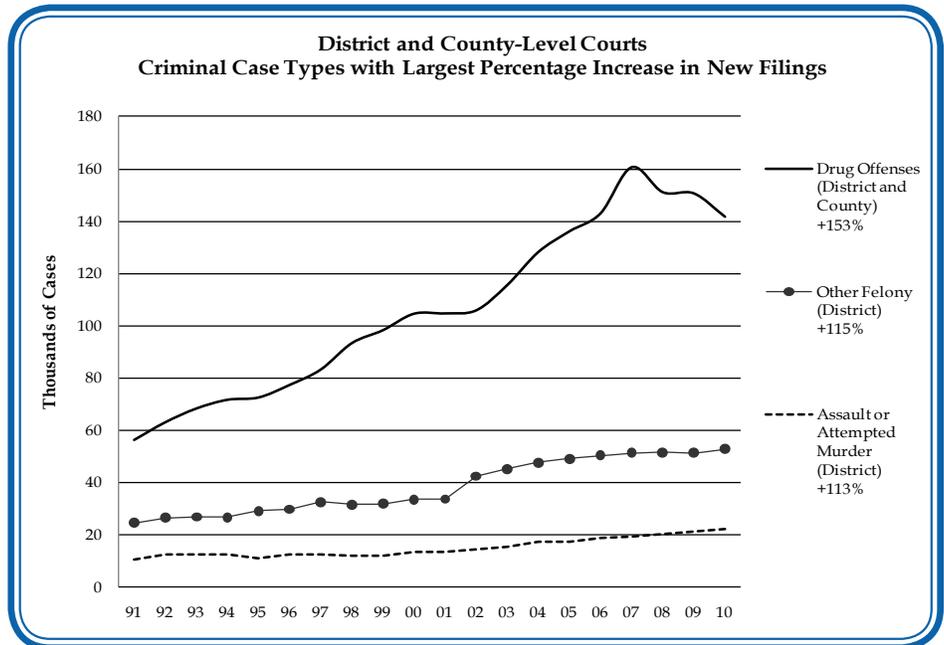
1. Medical Malpractice and Tort Reform Act, 78th Leg. R.S., Chap. 204, 2003 Tex. Sess. Law Serv. 847.

2. http://www.dfps.state.tx.us/About/Data_Books_and_Annual_Reports/default.asp.

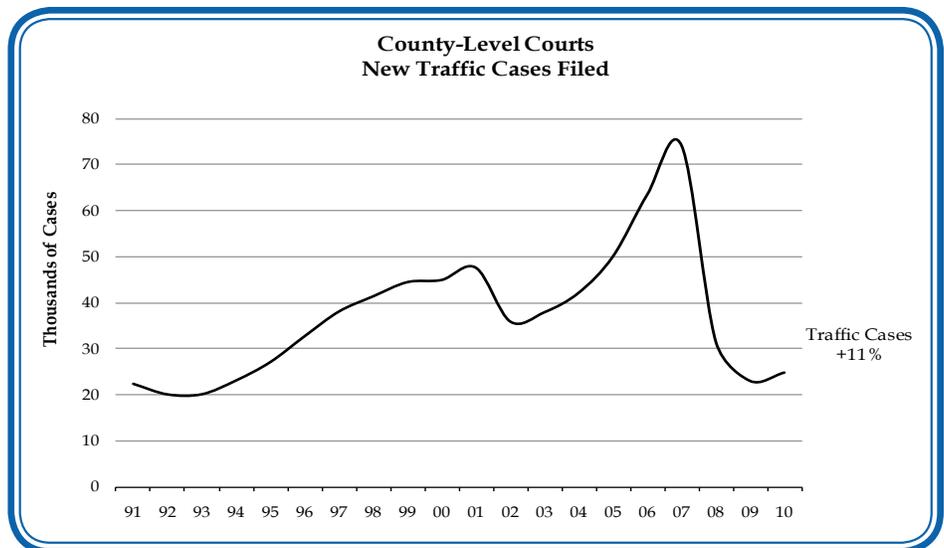
Debt Cases - Debt cases in county-level courts dropped 43 percent between 1991 (44,590 cases) and 1994 (25,308 cases), rose steadily to a 20-year high in 2007 with 89,916 cases, then dropped 40 percent to 53,545 cases in 2010. In district courts, new filings dropped 35 percent between 1991 (28,430 cases) and 1996 (18,394 cases), but rose to 53,953 cases in 2010.



Criminal Cases - Three categories of criminal cases increased more than 100 percent over the past 20 years. Felony assault or attempted murder cases increased 113 percent; felony and misdemeanor drug offense cases increased 153 percent; and "other" felonies increased 115 percent.



Traffic Cases - In 2007, traffic cases represented the criminal case category with the most substantial growth over the last 20 years. From 1988 to 2007, traffic cases grew 296 percent. From 2007 to 2009, the number of traffic cases dropped 69 percent to a level lower than the number filed in 1990. In 2010, the number of traffic cases increased slightly to 24,677, which was nearly equal to the number filed in 1990.



Assigned Judges in the Trial Courts

Statistics For the Fiscal Year Ended August 31, 2010

	<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	1	0	0	0	0	0	0	1
Active District Judges	0	0	0	0	2	2	0	0	0	4
Senior/Former District Judges	0	0	0	0	0	1	0	0	0	1
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	1	0	2	3	0	0	0	6
Days Served:										
Senior/Former Appellate Judges	0.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0
Active District Judges	0.0	0.0	0.0	0.0	2.0	6.0	0.0	0.0	0.0	8.0
Senior/Former District Judges	0.0	0.0	0.0	0.0	0.0	2.0	0.0	0.0	0.0	2.0
Active Statutory County Court Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Retired/Former Statutory County Court Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL Days Served	0.0	0.0	1.0	0.0	2.0	8.0	0.0	0.0	0.0	11.0
By Presiding Judges of Administrative Regions¹										
Assignments within the Administrative Regions:										
Number of Assignments:										
Senior/Former Appellate Judges	92	140	53	19	38	42	5	85	19	493
Active District Judges	39	62	29	6	15	16	58	90	105	420
Senior/Former District Judges	557	1143	590	205	133	229	178	623	122	3780
Active Statutory County Court Judges	4	52	0	0	4	1	1	18	0	80
Retired/Former Statutory County Court Judges	79	142	60	17	0	52	21	4	64	439
TOTAL Assignments	771	1,539	732	247	190	340	263	820	310	5,212
Days Served:										
Senior/Former Appellate Judges	113.0	369.0	55.0	39.0	112.0	153.0	16.5	215.0	23.0	1,095.5
Active District Judges	62.0	154.0	?	6.0	49.0	16.0	16.5	90.0	0.0	393.5
Senior/Former District Judges	1,666.0	2,944.0	750.0	566.5	809.0	519.0	218.0	1,408.0	128.0	9,008.5
Active Statutory County Court Judges	4.0	78.0	0.0	0.0	39.0	0.0	0.0	18.0	0.0	139.0
Retired/Former Statutory County Court Judges	294.0	231.0	30.0	43.0	0.0	83.0	21.5	8.0	13.0	723.5
TOTAL Days Served	2,139.0	3,776.0	835.0	654.5	1,009.0	771.0	272.5	1,739.0	164.0	11,360.0
Assignments from Other Administrative Regions:										
Number of Assignments:										
Senior/Former Appellate Judges	1	0	0	0	0	0	0	0	0	1
Active District Judges	6	2	1	1	0	7	2	0	2	21
Senior/Former District Judges	23	13	33	18	2	24	46	14	2	175
Active Statutory County Court Judges	0	3	0	0	0	0	0	0	0	3
Retired/Former Statutory County Court Judges	0	24	0	0	1	0	0	86	0	111
TOTAL Assignments	30	42	34	19	3	31	48	100	4	311
Days Served:										
Senior/Former Appellate Judges	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0
Active District Judges	9.0	7.0	1.0	1.0	0.0	3.0	0.0	0.0	0.0	21.0
Senior/Former District Judges	100.0	63.0	65.0	47.0	5.0	17.5	61.5	28.5	58.0	445.5
Active Statutory County Court Judges	0.0	6.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	6.0
Retired/Former Statutory County Court Judges	0.0	104.0	0.0	0.0	2.0	0.0	0.0	108.5	0.0	214.5
TOTAL Days Served	110.0	180.0	66.0	48.0	7.0	20.5	61.5	137.0	58.0	688.0
By the Supreme Court for Disciplinary Proceedings²										
Number of Assignments--Active District Judges										
	0	25	14	2	1	1	0	0	0	43
Days Served--Active District Judges										
	0.0	29.0	16.5	4.0	1.0	2.0	0.0	0.0	0.0	52.5
Total --Trial Court Assignments										
Number of Assignments	801	1,606	781	268	196	375	311	920	314	5,572
Days Served	2,249.0	3,985.0	918.5	706.5	1,019.0	801.5	334.0	1,876.0	222.0	12,111.5
Assignments to Other Administrative Regions	19	5	79	12	3	16	8	6	2	150

Notes:

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

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

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



District Courts

Cases Added - In 2010, 887,825 civil, criminal, and juvenile¹ cases were filed² in the state's 453 district courts. Overall, filings increased nearly 2 percent from the previous year. Civil filings increased by 4.9 percent, criminal filings decreased by 2.4 percent, and juvenile filings declined by 10.4 percent from 2009.

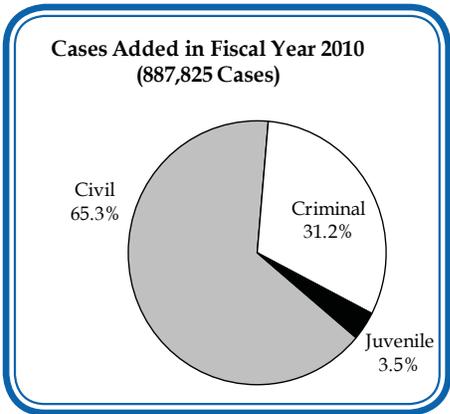
Civil cases accounted for 65.3 percent of all cases filed during the fiscal year. Family law cases (divorce, reciprocals and all other family law cases) comprised the majority (61.7 percent) of civil cases added to the courts' dockets.

Criminal cases accounted for 31.2 percent of all cases filed. Drug offenses (drug possession, sale, and manufacture) accounted for the largest share (28.0 percent) of criminal filings.

Juvenile cases comprised the remaining 3.5 percent of cases filed in 2010—the lowest percentage since 1995 (3.5 percent).

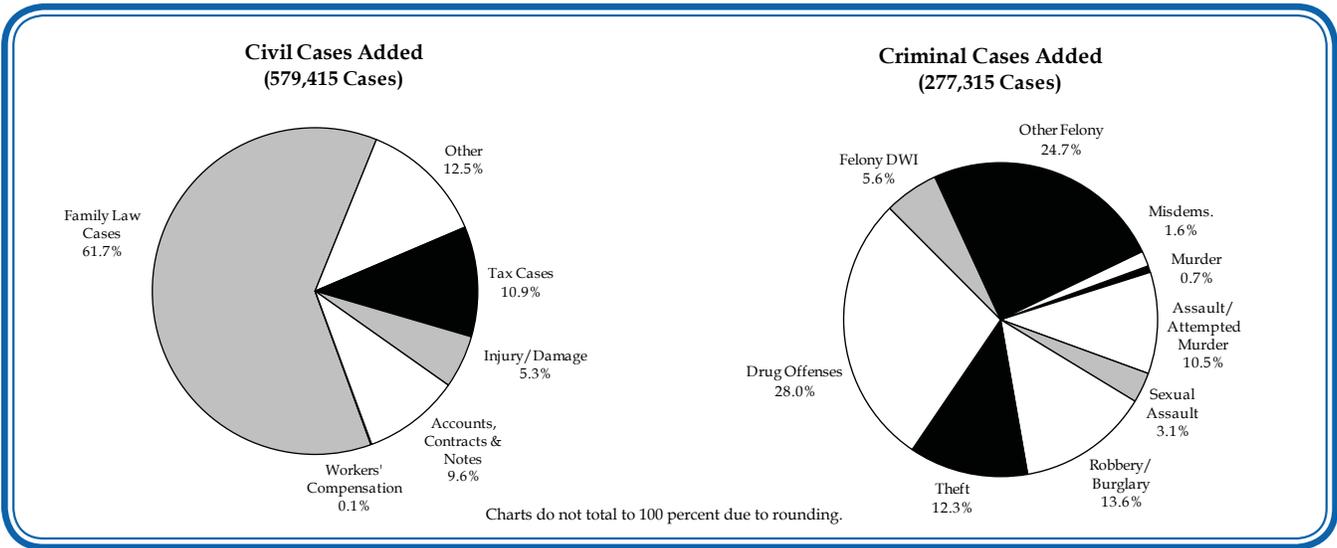
Just under half (47.5 percent) of all cases were filed in the five largest counties – Harris, Dallas, Tarrant, Bexar, and Travis – and 18.1 percent of cases were filed in Harris County alone. Harris County experienced the heaviest incoming caseload, with an average of 2,729 cases added to the dockets of the county's 59 district courts. Bexar County's caseload was second highest, with an average of 2,621 cases filed per court (26 courts).

Clearance Rates - In 2010, 856,070 cases were disposed by district courts, a decrease of 0.5 percent from the previous year. The number of cases disposed per district judge decreased by 1.4 percent to 1,890 cases per judge.



Civil, Criminal and Juvenile Cases Added in FY 2010

Counties with Most Cases Added per District Court	Counties with Fewest Cases Added per District Court
Harris - 2,729	Borden - 4
Bexar - 2,621	Motley - 6
Harrison - 2,505	Loving - 8
Dallas - 2,458	McMullen - 13
Denton - 2,378	Terrell - 14



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

Overall, the case clearance rate decreased from 98.8 percent in 2009 to 96.4 percent in 2010, which is in line with the five-year average (96.3 percent). The civil case clearance rate decreased from 98.8 percent in 2009 to 94.5 percent in 2010, the criminal clearance rate increased from 98.6 percent to 100.0 percent, and the juvenile case clearance rate increased from 100.3 percent to 101.3 percent.

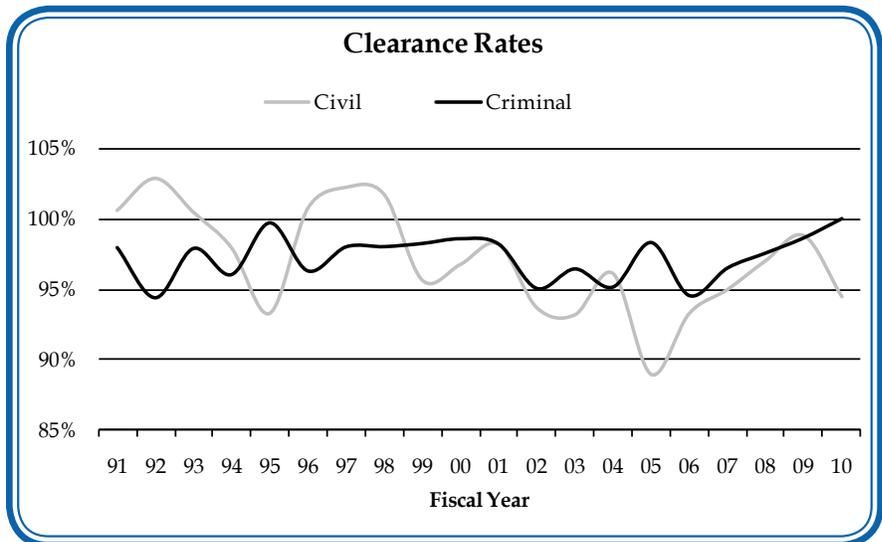
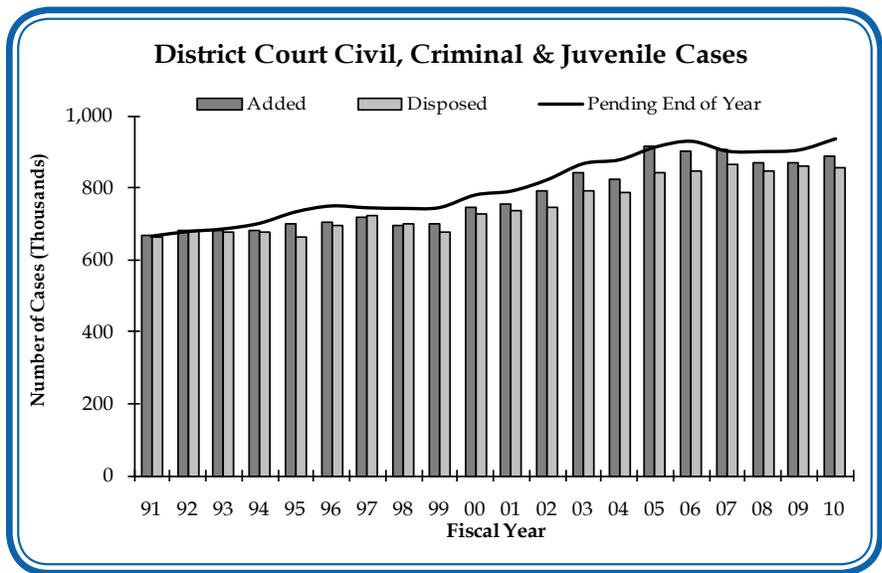
The number of cases reported pending at the end of fiscal year 2010 increased by approximately 31,000 cases to 936,478 cases. Counties reported that further court proceedings could not be conducted in approximately 29.8 percent (74,072 cases) of the criminal cases pending because the defendant could not be located, was undergoing inpatient mental health treatment, or was otherwise unavailable for adjudication.

Manner of Disposition - A total of 547,355 civil cases were disposed in 2010, 98,603 of which were show cause motions filed in family law matters and 2,361 were change of venue transfers.

Of the remaining 446,391 cases disposed during the year, nearly 30 percent were either dismissed by the plaintiff or dismissed for want of prosecution, while 27.4 percent were disposed of by bench trial. Overall, only 0.4 percent of civil cases were settled by a jury verdict. However, 4.8 percent of workers' compensation cases, 2.4 percent of injury or damage cases involving a motor vehicle, and 1.9 percent of other injury or damage cases were disposed by jury trial.

In 2010, district courts disposed of 277,201 criminal cases, a decrease of 1.0 percent from the number disposed of the previous year. Defendants were convicted in 53.8 percent of the 218,897 cases that did not involve transfers or a motion to revoke probation. Another 5.6 percent of cases were dismissed because the defendant was convicted in another case. The highest conviction rate occurred in felony DWI cases (84.8 percent), while the lowest rate (39.9 percent) occurred in cases involving sexual assault of an adult. Cases involving sexual assault of an adult had the highest rate of dismissal at 24.3 percent.³

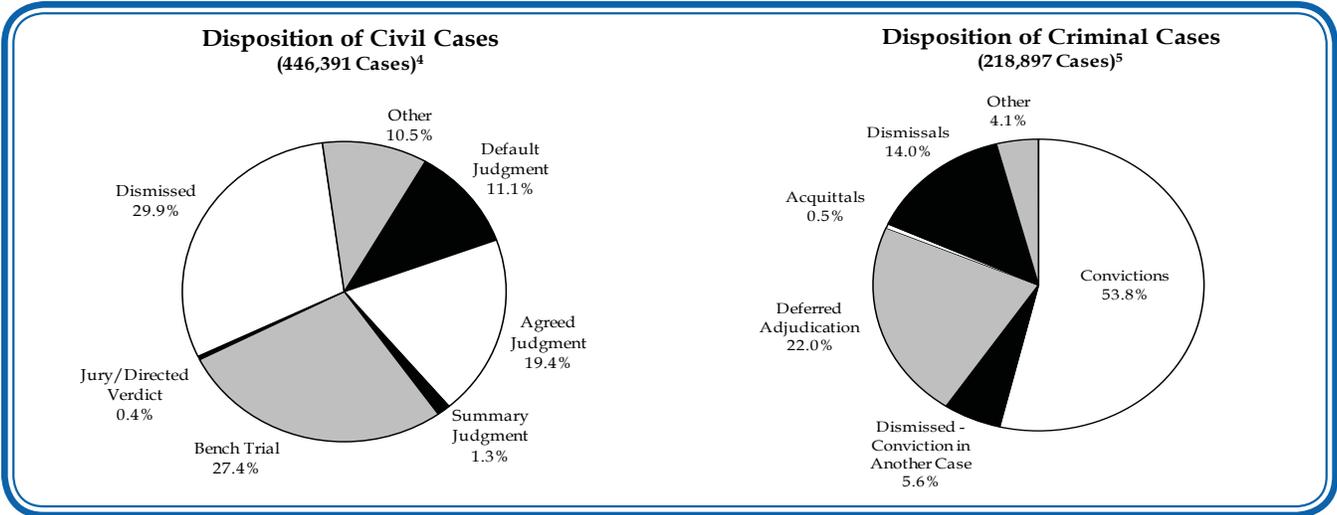
Overall, 97.8 percent of convictions resulted from a guilty or *nolo*



Civil Case Clearance Rates, FY 2010	
<i>In the Ten Most Populous Counties</i>	
Harris - 99.3%	Collin - 88.6%
Dallas - 78.2%	El Paso - 97.9%
Tarrant - 99.3%	Hidalgo - 51.6%
Bexar - 99.4%	Denton - 95.8%
Travis - 100.0%	Fort Bend - 87.6%

Criminal Case Clearance Rates, FY 2010	
<i>In the Ten Most Populous Counties</i>	
Harris - 100.8%	Collin - 91.5%
Dallas - 96.6%	El Paso - 96.6%
Tarrant - 102.7%	Hidalgo - 95.5%
Bexar - 99.6%	Denton - 96.2%
Travis - 105.1%	Fort Bend - 103.5%

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



contendere plea. Defendants were most likely to enter a guilty or *nolo contendere* plea in felony DWI cases (83.9 percent) and least likely in cases involving sexual assault of an adult (35.9 percent).

Less than two percent of all criminal cases (excluding transfers and motions to revoke probation) went to trial in 2010. Trial rates were significantly higher, however, in capital murder and murder cases, which went to trial in 21.3 percent and 18.2 percent of cases, respectively.

Of the 3,633 criminal cases that went to trial, 75.0 percent were tried before a jury. Defendants were convicted in 76.4 percent of cases that went to jury trial, compared to 56.0 percent of cases decided by a judge.

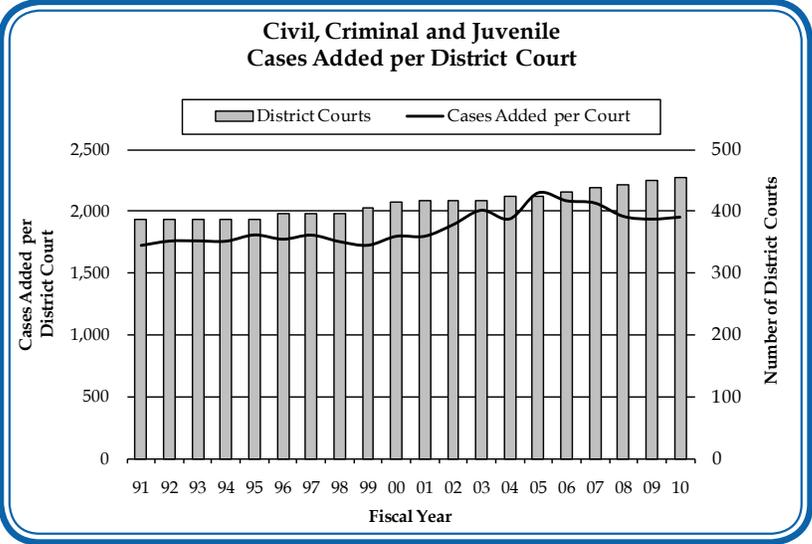
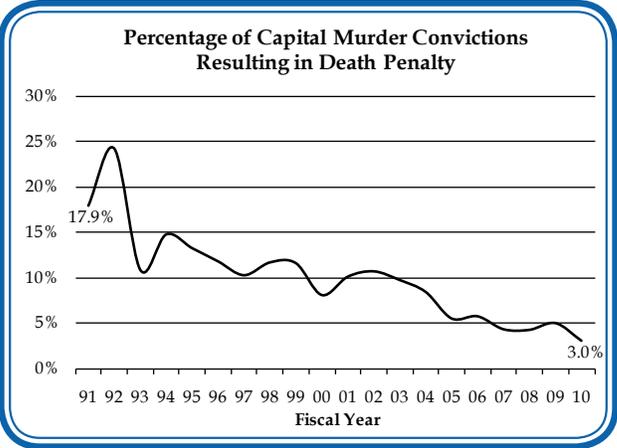
Death and Life Sentences - Death sentences were assessed in three percent (nine cases) of all capital murder convictions in 2010, a decrease from the five percent assessed in 2009. The 287 life sentences issued in 2010 represented a decrease of 6.8 percent from the number handed down the previous year (308).

Cases Filed per Court - In 2010, an average of 1,960 cases were filed per district court. With the addition of 16 district courts since 2007, the number of cases filed per district court remained virtually unchanged for the last three years.

Population Served per Court - From 2006 to 2010, the statewide average population served per court grew 0.7 percent per year, despite the implementation of 21 new district courts during this period. In 2010, the average population served per district court in Texas was 54,707. With nearly 110,000

Criminal Cases Reaching Trial: FY 2010

	Bench	Jury	All Trials
Convictions	509 (56.0%)	2,081 (76.4%)	2,590 (71.3%)
Acquittals	400 (44.0%)	643 (23.6%)	1,043 (28.7%)
Total	909 (100%)	2,724 (100%)	3,633 (100%)



4. Excludes show cause motions in family law matters.
 5. Excludes transfers and motions to revoke probation.

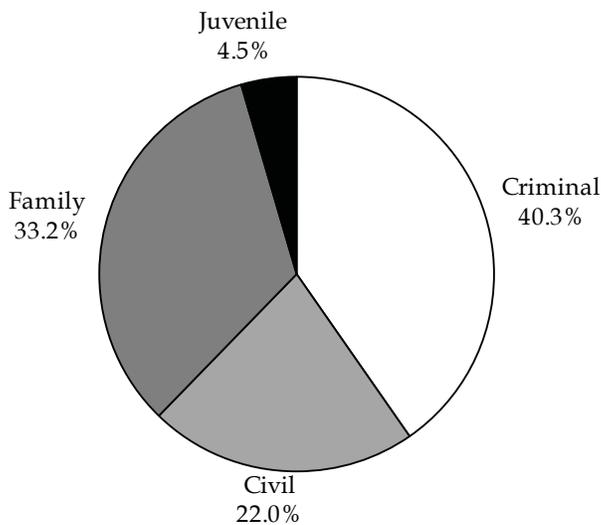
individuals served per court, Denton County topped the list of highest population served per court, twice the statewide average. Over all, the Dallas-Ft. Worth area experienced the highest population served per court with eight—Denton, Collin, Rockwall, Ellis, Tarrant, Dallas, Wise, and Parker—of the 21 counties that had a population served per court greater than the state average.

Measuring District Court Workload – During 2007-08, an 18-month study was conducted on the work and caseload of judicial officers in Texas.⁶ 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 2010, the result was an estimated need of 603 FTE judicial officers statewide as of September 1, 2010. Forty percent of the courts’ workload involved criminal cases, one-third involved family law cases, 22 percent involved civil cases, and juvenile cases accounted for the remaining 4.5 percent.

Counties with Highest Average Population Served per District Court FY 2010	
Denton - 109,769	Montgomery - 63,960
Fort Bend - 92,812	Bexar - 63,517
Collin - 87,959	Dallas - 62,865
Williamson - 82,137	Brazoria - 61,842
Rockwall - 81,391	Travis - 60,362
Ellis - 75,869	Webb - 60,360
Coryell - 72,529	Brazos - 59,997
Harris - 69,000	Wise - 59,415
Hidalgo - 67,377	Parker - 57,460
Tarrant - 66,293	Bell - 57,157
Harrison - 64,795	Statewide - 54,407

District Court Workload, FY 2010



6. 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>.
 7. Includes the number of district judges as of September 1, 2010 and the number of other judicial officers as of October 2007.

District Courts
Activity Summary by Case Type from September 1, 2009 to August 31, 2010

CRIMINAL CASES																
Cases on Docket:	Capital Murder	Murder	Assault or Attempted Murder	Sexual Assault of Adult	Indecency with or Sexual Assault of Child	Robbery	Burglary	Theft	Auto Theft	Arson	Drug Sale or Manufacture	Drug Possession	Felony D.W.I.	Other Felony	All Misdemeanors	Total Cases
Cases Pending 9/01/2009	969	3,169	23,088	2,665	12,285	10,966	20,388	29,477	5,338	1,013	20,099	48,887	15,157	53,726	5,282	252,509
Docket Adjustments	(6)	(106)	(314)	(83)	(294)	(227)	(411)	4	(342)	(48)	(846)	279	(249)	(1,107)	57	(3,693)
Cases Filed by Indictment	499	1,153	20,000	1,261	5,458	8,127	16,195	19,539	3,048	538	15,825	28,803	10,449	45,434	1,427	177,756
Cases Filed by Information	4	36	2,365	82	232	624	2,356	3,566	636	114	2,304	8,980	1,210	7,354	1,474	31,337
Other Cases Reaching Docket:																
<i>Motions to Revoke Probation Filed</i>	16	65	5,956	251	1,206	2,251	7,154	5,615	1,103	258	6,399	13,923	3,627	13,276	630	61,730
<i>Shock Probation Returned from TDC/JID</i>	3	3	47	5	14	54	120	25	5	2	75	82	38	109	1	583
<i>Transfers from Other Counties</i>	0	0	0	1	1	0	0	0	0	0	0	4	0	3	14	23
<i>All Other Cases</i>	18	51	619	43	121	281	437	385	68	26	532	793	198	1,478	836	5,886
Total Cases on Docket:	1,503	4,371	51,761	4,225	19,023	22,076	46,239	58,611	9,856	1,903	44,388	101,751	30,430	120,273	9,721	526,131
Dispositions:																
Convictions:																
<i>Guilty Pleas or Nolo Contendere</i>	196	576	9,906	463	2,149	5,110	10,356	13,258	2,159	293	10,195	21,453	10,587	26,448	1,487	114,636
<i>Not Guilty Plea - No Jury</i>	3	9	66	4	37	20	49	19	6	2	41	81	38	134	0	509
<i>Guilty Plea - Jury Verdict</i>	10	34	52	14	51	61	19	14	1	3	50	59	30	83	4	485
<i>Not Guilty Plea - Jury Verdict</i>	87	191	251	50	266	191	126	97	15	9	138	183	85	379	13	2,081
Total Convictions	296	810	10,275	531	2,503	5,382	10,550	13,388	2,181	307	10,424	21,776	10,740	27,044	1,504	117,711
Placed on Deferred Adjudication	4	39	5,512	186	1,179	1,570	4,827	5,518	600	192	4,849	10,733	124	12,373	446	48,152
Acquittals:																
<i>Non - Jury Trial</i>	1	4	102	7	16	9	28	23	9	9	27	54	27	81	3	400
<i>Jury Verdict</i>	6	27	131	28	84	25	33	19	10	4	18	47	38	87	4	561
<i>Directed Verdict or JNOV</i>	0	1	8	0	6	1	3	12	0	1	6	18	2	24	0	82
Total Acquittals	7	32	241	35	106	35	64	54	19	14	51	119	67	192	7	1,043
Dismissals:																
<i>Insufficient Evidence</i>	1	20	311	46	136	82	206	283	71	6	167	768	96	678	54	2,925
<i>Conviction in Another Case</i>	30	64	1,324	119	604	522	941	951	253	45	993	2,264	239	3,612	365	12,326
<i>Speedy Trial Act Limitation</i>	0	0	1	0	6	0	8	3	4	1	2	7	1	14	3	50
<i>Case Refined</i>	31	97	392	72	187	134	184	161	13	8	91	199	154	630	8	2,361
<i>Defendant Unapprehended</i>	0	0	5	0	1	1	7	34	6	0	6	42	4	60	0	166
<i>Defendant Granted Immunity</i>	0	0	6	0	2	6	11	6	2	1	5	10	2	12	0	63
<i>Other Dismissals</i>	70	152	3,277	277	896	903	1,655	2,908	533	75	1,452	4,545	797	6,913	635	25,088
Total Dismissals	132	333	5,316	514	1,832	1,648	3,012	4,346	882	136	2,716	7,835	1,293	11,919	1,065	42,979
Transfers:																
<i>On Change of Venue</i>	1	0	9	2	2	9	23	19	2	0	5	50	9	31	0	162
<i>To County Court</i>	0	0	106	4	12	16	50	70	1	2	3	59	60	286	517	1,186
Other Dispositions:																
<i>Placed on Shock Probation</i>	0	3	51	4	17	56	141	41	8	3	78	95	35	107	4	643
<i>Motion to Revoke Granted</i>	5	56	2,673	123	583	1,098	3,805	2,979	670	125	3,105	7,682	1,834	7,017	340	32,095
<i>Motion to Revoke Denied</i>	3	31	2,601	103	457	1,023	2,616	2,138	332	114	3,160	5,254	1,325	5,514	190	24,861
<i>All Other Dispositions</i>	16	58	956	60	206	340	764	734	124	37	744	1,455	400	2,428	47	8,369
Total Other Dispositions	24	148	6,281	290	1,263	2,517	7,326	5,892	1,134	279	7,087	14,486	3,594	15,066	581	65,968
Total Dispositions	464	1,362	27,740	1,562	6,897	11,177	25,852	29,287	4,819	930	25,135	55,058	15,887	66,911	4,120	277,201
Cases Pending 8/31/2010	1,039	3,009	24,021	2,663	12,126	10,899	20,387	29,324	5,037	973	19,253	46,693	14,543	53,362	5,601	248,930
Sentencing Information:																
Death Sentence	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9
Life Sentence	91	50	15	6	43	29	9	2	0	0	6	10	1	24	1	287
Lesser Offense Convictions	130	89	3,978	137	426	1,521	1,488	1,812	123	63	1,941	3,235	906	5,507	389	21,745
Cases - Unapprehended Defendants																74,072
Additional Court Activity:					Age of Cases Disposed:	60 Days or Less	61 to 90 Days	91 to 120 Days	Over 120 Days	TOTAL						
Jury Panels Examined	3,069				Number of Cases	86,747	25,774	22,967	141,713	277,201						
Jury Sworn & Evidence Presented	3,037															
Cases in Which Attorney Appointed	178,145															

Note:

1. Overall, there was a 98.6 percent reporting rate for the fiscal year. Please see page 57 for a list of missing reports.

District Courts
Activity Summary by Case Type from September 1, 2009 to August 31, 2010

CIVIL CASES											
	Injury or Damage Involving Motor Vehicle	Injury or Damage Other than Motor	Workers' Compensation	Tax Cases	Condemnation	Accounts, Contracts and Notes	Reciprocals (UIFSA)	Divorce	All Other Family Law Matters	Other Civil Cases	Total Cases
Cases on Docket:											
Cases Pending 9/01/2009	24,561	34,769	1,545	126,686	517	59,734	4,935	101,790	190,803	103,068	648,408
Docket Adjustments	(243)	145	(126)	(2,976)	(62)	(1,289)	(648)	265	(6,643)	(3,912)	(15,489)
New Cases Filed	17,296	12,141	440	62,819	233	53,953	2,770	122,064	121,464	70,265	463,445
Other Cases Reaching Docket:											
Show Causes Added	0	0	0	0	0	0	0	0	101,931	0	101,931
Other Cases Added	499	502	16	567	5	1,584	106	3,001	6,054	1,705	14,039
Total Cases on Docket:	42,113	47,557	1,875	187,096	693	113,982	7,163	227,120	413,609	171,126	1,212,334
Dispositions:											
Change of Venue Transfers	114	183	5	13	0	223	15	220	1,313	275	2,361
Default Judgments	607	345	3	12,432	4	12,601	228	8,031	7,332	7,820	49,403
Agreed Judgments	2,119	1,553	30	901	31	5,032	498	36,815	27,332	12,372	86,683
Summary Judgments	137	406	21	497	2	2,054	3	126	199	2,473	5,918
Final Judgments:											
After Trial - No Jury	1,336	1,083	136	12,495	37	4,185	853	48,822	39,574	13,710	122,231
By Jury Verdicts	346	212	20	30	1	213	6	147	232	294	1,501
By Directed Verdicts	9	12	0	12	1	27	6	81	45	57	250
Dismissed for Want of	2,030	1,552	44	5,790	9	6,978	332	14,302	12,592	6,530	50,159
Dismissed by Plaintiff	7,056	4,782	93	22,495	63	14,030	478	5,051	16,738	12,649	83,435
Show Causes Disposed	0	0	0	0	0	0	0	0	98,603	0	98,603
Other Dispositions	1,438	1,691	69	5,259	28	4,162	340	4,156	19,129	10,539	46,811
Total Dispositions	15,192	11,819	421	59,924	176	49,505	2,759	117,751	223,089	66,719	547,355
Cases Pending 8/31/2010	26,921	35,738	1,454	127,172	517	64,477	4,404	109,369	190,520	104,407	664,979
Court Jury Activity:											
Jury Fee Paid/Oath	26,444	Age of Cases Disposed:		3 Months or Less	Over 3 to 6 Months	Over 6 to 12 Months	Over 12 to 18 Months	Over 18 Months	TOTAL		
Jury Panel Examined	1,391	Number of Cases		179,352	104,144	111,034	45,857	106,968	547,355		
Jury Sworn Evid. Presented	1,440										
JUVENILE DOCKET											
Cases on Docket:	CINS	Delin	Total	Findings of Delinquent Conduct or CINS:				CINS	Delin	Total	
Cases Pending 9/01/2009	504	23,248	23,752	Placed on Probation:							
Docket Adjustments	(13)	(751)	(764)	<i>Under Parental Care</i>				119	11,922	12,041	
New Petitions Filed	270	22,596	22,866	<i>Under Foster Care</i>				4	124	128	
Motion to Revoke Probation Filed	15	4,728	4,743	<i>Residential Facility</i>				13	4,103	4,116	
Other Cases Added	5	3,481	3,486	Committed to TYC				0	876	876	
Total on Docket	781	53,302	54,083	Final Judgment Without Disp.				2	784	786	
Dispositions:				Total				138	17,809	17,947	
Finding of Delinquent Conduct/CINS:				Other Juvenile Court Activity:							
Trials by Judge	129	14,207	14,336	Detention Hearings				254	24,384	24,638	
Trials by Jury	0	68	68	Hearing to Modify Order				19	1,699	1,718	
Finding of No Delinquent Conduct/CINS:				Child Certified for Adult Crim. Court				0	170	170	
Trials by Judge	0	172	172	Attorneys Appointed				231	14,898	15,129	
Trials by Jury	0	13	13								
Directed Verdicts	0	2	2								
Probation Revoked	2	1,437	1,439								
Continue on Probation	8	2,125	2,133								
Change of Venue Transfer	2	196	198								
Dismissed & Other Dispositions	141	13,012	13,153								
Total	282	31,232	31,514								
Cases Pending 8/31/2010	499	22,070	22,569								
OTHER PROCEEDINGS											
	Post-Conviction Writs of Habeas Corpus	Other Writs of Habeas Corpus	Contempt, Extradition and Other Separately Docketed Proceedings	Bond Forfeiture Proceedings							
Pending 9/01/2009	13,941	3,948	12,130	36,501							
Docket Adjustments	(366)	(402)	(9,073)	(212)							
Total Added	3,262	6,202	6,511	6,416							
Total Disposed	2,645	5,940	5,568	6,154							
Pending 8/31/2010	14,192	3,808	4,000	36,551							

Note:
1. Overall, there was a 98.6 percent reporting rate for the fiscal year. Please see page 57 for a list of missing reports.



County-Level Courts

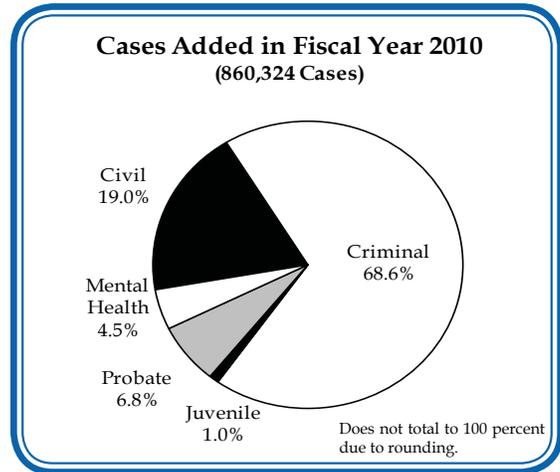
Cases Added— In 2010, more than 860,000 civil, criminal, juvenile¹, probate, and mental health cases were filed² in the state’s 503 county-level courts (254 constitutional courts³, 231 county courts at law, and 18 statutory probate courts). The number of cases filed in 2010 was the lowest number of cases added since 2004 and was a decrease of 12.2 percent since the peak in 2007.

Approximately 44 percent of civil, criminal, and juvenile cases were filed in the five largest counties – Harris, Dallas, Tarrant, Bexar, and Travis, which represent 44.4 percent of the state’s population.

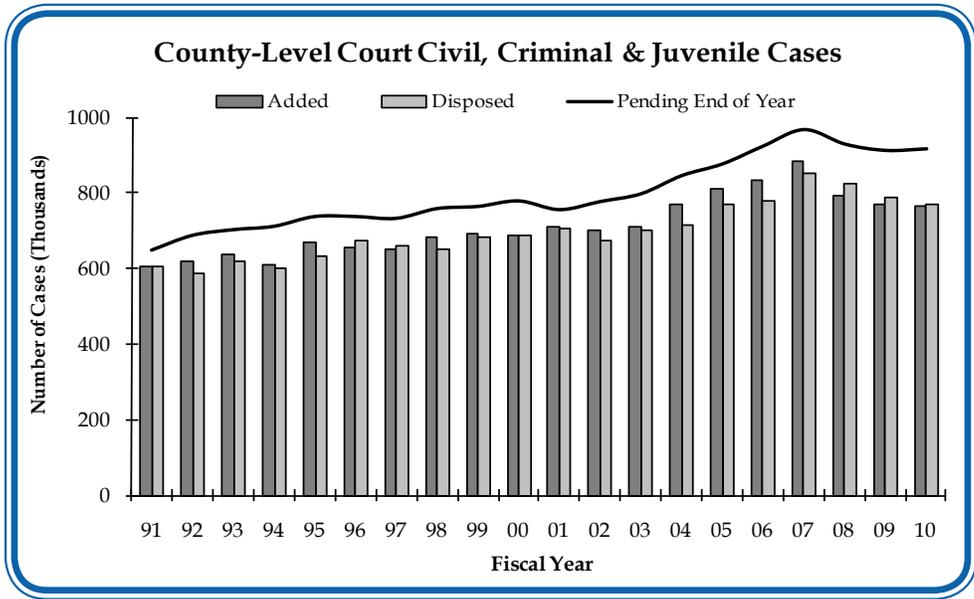
Despite a decline of nearly 20 percent in cases added since 2007, civil cases steadily grew as a percentage of the courts’ caseload over the past decade. In 2010, civil cases accounted for 19.0 percent of all cases filed, compared to 14.9 percent 10 years ago. The largest category of civil cases added in 2010 involved suits on debt (34.7 percent).

Criminal cases continued to constitute a large majority of the courts’ caseload (68.6 percent). The number of criminal cases added in 2010 declined for a third consecutive year, for a total decline of 12.0 percent since 2007. The largest category of criminal cases added in 2010 was “other criminal cases” (28.0 percent), and theft or worthless check cases was the second largest, accounting for 17.5 percent of all criminal cases.

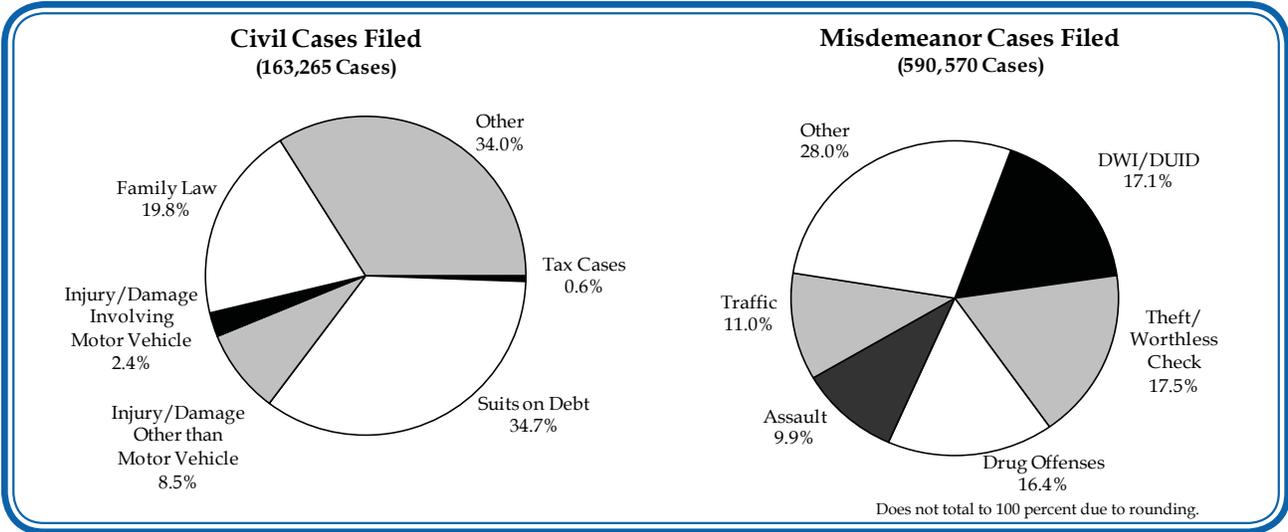
Clearance Rates— In 2010, county-level courts disposed of 769,348 civil, criminal and juvenile cases, a decrease of 2.2 percent from the previous year. While the number of dispositions fell at a greater rate than the number of filings in 2010, the courts still achieved a clearance rate of 100.9 percent. Although the clearance rate surpassed 100 percent, the number of cases pending at the end of the fiscal year increased by 0.5 percent from the previous year to 918,363 cases due to a report from Travis County indicat-



Counties with Highest Filing Rates per 1,000 Population	Filing Rates per 1,000 Pop. in Largest Counties
Kenedy - 753.4	Harris - 25.7
Loving - 133.3	Dallas - 34.9
Ward - 73.1	Tarrant - 22.6
Crockett - 72.7	Bexar - 33.6
Menard - 72.4	Travis - 46.8
Statewide - 30.8	



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



ing a much larger number of cases pending than previously reported.

Manner of Disposition – In 2010, a total of 158,825 civil cases were disposed, 4.2 percent (6,737) of which were show cause motions filed in family law matters. Of the remaining 152,088 cases disposed during the year, 33.0 percent were dismissed by the plaintiff or for want of prosecution and 15.5 percent were disposed of by default judgment. Only 0.6 percent of cases were settled by a jury verdict.

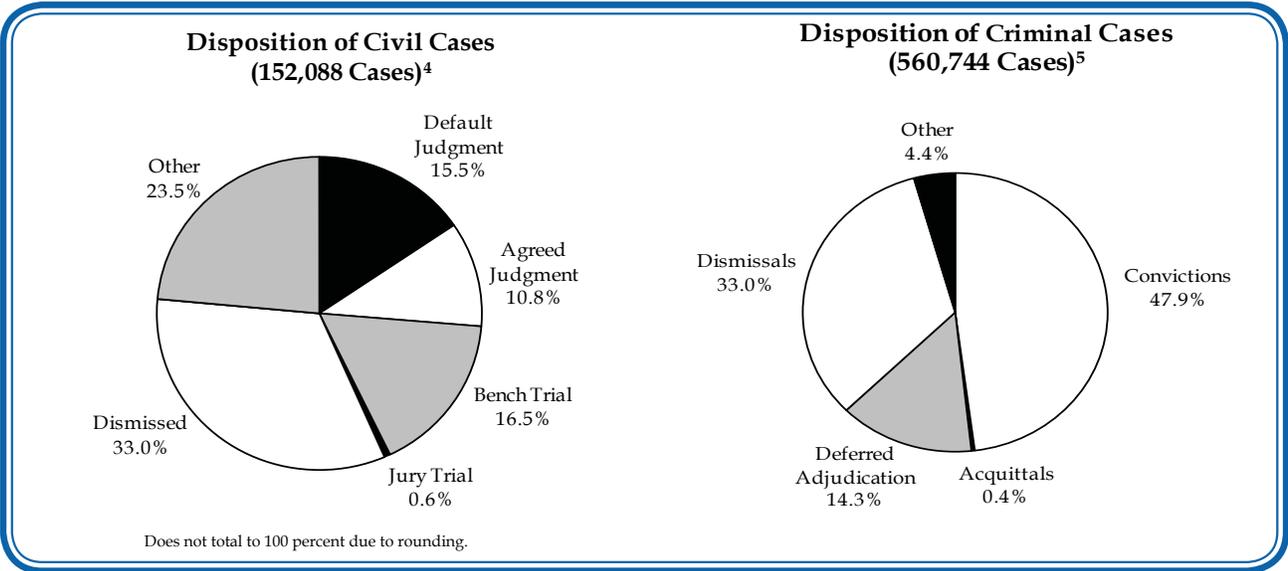
County-level courts disposed of 602,186 criminal cases in 2010, 41, 442 of which involved disposition of motions to revoke. In the remaining 560,744 cases disposed of, defendants were convicted in 47.9 percent, and acquitted in 0.4 percent, of the 560,744 cases that did not involve a motion to revoke probation. The highest conviction rate (74.4 percent) was in cases involving driving while intoxicated or under the influence, and

Civil Case Clearance Rates, FY 2010
In Ten Largest Counties

Harris - 95.6%	Collin - 96.8%
Dallas - 105.3%	El Paso - 104.9%
Tarrant - 99.0%	Hidalgo - 107.0%
Bexar - 87.0%	Denton - 91.3%
Travis - 77.9%	Fort Bend - 88.2%

Criminal Case Clearance Rates, FY 2010
In Ten Largest Counties

Harris - 101.7%	Collin - 103.9%
Dallas - 92.2%	El Paso - 105.5%
Tarrant - 104.8%	Hidalgo - 99.6%
Bexar - 97.9%	Denton - 105.3%
Travis - 104.1%	Fort Bend - 104.3%



4. Excludes show cause motions in family law matters.
5. Excludes transfers and motions to revoke probation.

the lowest rate (24.6 percent) occurred in traffic cases. Overall, 99.3 percent of convictions were the result of a guilty or *nolo contendere* plea.

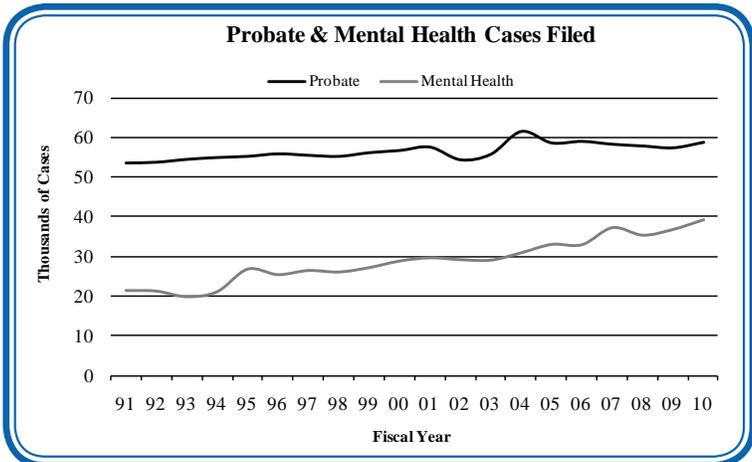
Less than one percent of all criminal cases (excluding motions to revoke probation) went to trial in 2010. Trial rates were slightly higher, however, for driving while intoxicated or under the influence cases and assault cases, which went to trial in 2.3 percent and 1.6 percent of cases, respectively.

	Bench	Jury	All Trials
Convictions	484 (31.7%)	1,475 (58.2%)	1,959 (48.3%)
Acquittals	1,043 (68.3%)	1,058 (41.8%)	2,101 (51.7%)
Total	1,527 (100%)	2,533 (100%)	4,060 (100%)

Of the 4,060 cases that went to trial, 62.4 percent were tried before a jury. Defendants were convicted in 58.2 percent of cases that went to jury trial, compared to 31.7 percent that were convicted in cases that were decided by a judge.

Dismissals constituted 33.0 percent of all criminal cases disposed of in 2010 (excluding motions to revoke probation). The highest rate of dismissal occurred in theft or worthless check cases (44.9 percent).

Probate and Mental Health Cases – More than 58,700 probate cases were filed in 2010 – an increase of 2.4 percent from the number filed the year before. Over the last decade, the number of probate cases filed each year remained relatively stable, increasing an average of 0.4 percent per year.



The number of mental health cases filed in 2010 increased 6.6 percent from the previous year to 39,055 cases. Over the last decade, mental health cases increased an average of 3.2 percent per year. Counties reported 24,169 new applications for involuntary mental health services commitment orders filed in 2010, 99.0 percent of which were for temporary, rather than extended, services. Of the 19,648 applications for temporary services disposed in 2010, proposed patients were committed to treatment in 28.4 percent of cases. Of the 177 applications for extended services disposed, proposed patients were committed in 96.2 percent of cases.

	New Applications Filed	Release Prior to Final Hearing	Disposition at Final Hearing	
			Release	Order
Temporary Mental Health Services	24,169	12,403	1,656	<i>Inpatient:</i> 5,435 <i>Outpatient:</i> 154
Extended Mental Health Services	249	3	4	<i>Inpatient:</i> 172 <i>Outpatient:</i> 5
Modification: Outpatient to Inpatient	10	0	0	4
Modification: Inpatient to Outpatient	85	0	1	22

County-Level Courts
Activity Summary by Case Type
September 1, 2009 to August 31, 2010

CRIMINAL CASES							
Cases on Docket:	DWI or DUID	Theft or Worthless Check	Drug Offenses	Assault	Traffic	Other Criminal Cases	Total Cases
Cases Pending 9/01/2009	123,409	223,572	60,990	61,532	55,540	139,796	664,839
Docket Adjustments	(3,252)	(722)	(381)	(61)	(358)	(995)	(5,769)
New Cases Filed	88,735	92,630	85,950	51,970	24,677	149,921	493,883
Cases Appealed From Lower Courts	0	262	158	131	38,352	3,103	42,006
Other Cases Reaching Docket:							
<i>Motions to Revoke Filed</i>	11,667	9,407	10,136	5,666	1,507	10,496	48,879
<i>All Other Cases Reaching Docket</i>	831	1,122	712	861	519	1,757	5,802
Total Cases on Docket	221,390	326,271	157,565	120,099	120,237	304,078	1,249,640
Dispositions:							
Convictions:							
<i>Guilty Pleas or Nolo Contendere</i>	65,465	37,532	41,069	22,082	15,405	84,860	266,413
<i>Not Guilty Plea - No Jury</i>	195	56	34	62	45	92	484
<i>Guilty Plea - Jury Verdict</i>	162	36	41	61	28	95	423
<i>Not Guilty Plea - Jury Verdict</i>	887	55	55	189	56	233	1,475
Total Convictions	66,709	37,679	41,199	22,394	15,534	85,280	268,795
Placed on Deferred Adjudication	1,003	17,248	15,755	7,499	22,451	16,283	80,239
Acquittals:							
<i>Non - Jury Trial</i>	438	33	39	362	15	156	1,043
<i>Jury Verdict</i>	509	23	24	235	16	192	999
<i>Directed Verdict or JNOV</i>	19	2	5	12	5	16	59
Total Acquittals	966	58	68	609	36	364	2,101
Dismissals:							
<i>Insufficient Evidence</i>	1,746	1,166	1,214	1,454	1,872	2,656	10,108
<i>Speedy Trial Act Limitation</i>	288	707	277	217	148	506	2,143
<i>Other Dismissals</i>	15,854	46,333	23,979	20,066	19,992	46,601	172,825
Total Dismissals	17,888	48,206	25,470	21,737	22,012	49,763	185,076
Other Dispositions:							
<i>Motion to Revoke Granted</i>	6,675	5,348	6,292	3,667	1,036	6,458	29,476
<i>Motion to Revoke Denied</i>	3,561	2,352	1,931	1,436	380	2,306	11,966
<i>All Other Dispositions</i>	3,124	4,152	4,516	2,787	3,111	6,843	24,533
Total Other Dispositions	13,360	11,852	12,739	7,890	4,527	15,607	65,975
Total Dispositions	99,926	115,043	95,231	60,129	64,560	167,297	602,186
Cases Pending 8/31/2010	121,464	211,228	62,334	59,970	55,677	136,781	647,454
Cases - Unapprehended Defendants							284,060
Cases Where Attorney Appointed as Counsel							182,738
Age of Cases Disposed	30 Days or Less	31 to 60 Days	61 to 90 Days	Over 90 Days	TOTAL		
Number of Cases	141,131	65,763	51,220	344,072	602,186		
PROBATE AND MENTAL HEALTH CASES							
	<u>Cases Filed</u>	<u>Hearings Held</u>					
Probate	58,707	77,547					
Mental Health	39,055	42,927					

Notes:

- Overall, there was a 98.8 percent reporting rate for the fiscal year. Please see page 57 for a list of missing reports.
- County courts at law in a number of counties have jurisdiction over felony cases. This activity is not reflected in the data currently collected in the County Court Monthly Report.

County-Level Courts
Activity Summary by Case Type
September 1, 2009 to August 31, 2010

CIVIL CASES								
Cases on Docket:	Injury or Damage Involving Motor Vehicle	Injury or Damage Other than Motor Vehicle	Tax Cases	Suits on Debt	Divorce	All Other Family Law Matters	Other Civil Cases	Total Cases
Cases Pending 9/01/2009	20,396	8,178	1,963	90,439	8,862	17,294	87,722	234,854
Docket Adjustments	(1,178)	62	(484)	26,115	(141)	(1,714)	(204)	22,456
New Cases Filed	13,622	3,842	930	53,545	11,149	12,020	51,143	146,251
Cases Appealed From Lower Courts	48	88	0	1,714	0	0	3,272	5,122
Show Cause Motions Filed	0	0	0	0	0	7,738	0	7,738
Other Cases Added	257	55	1	1,439	327	1,027	1,048	4,154
Total Cases on Docket	33,145	12,225	2,410	173,252	20,197	36,365	142,981	420,575
Dispositions:								
Default Judgments	1,201	356	105	15,412	386	437	5,666	23,563
Agreed Judgments	825	273	30	3,932	2,296	1,781	7,315	16,452
Judg. After Trial - No Jury	644	310	98	4,291	6,550	4,976	8,271	25,140
Judg. by Jury Verdicts	183	36	46	111	198	250	87	911
Dismissed for Want of Prosecution or by Plaintiff	5,821	1,666	476	21,769	1,385	2,192	16,927	50,236
Show Causes Disposed	0	0	0	0	0	6,736	1	6,737
Other Dispositions	3,491	1,599	26	8,046	630	3,230	18,764	35,786
Total Dispositions	12,165	4,240	781	53,561	11,445	19,602	57,031	158,825
Cases Pending 8/31/2010	20,980	7,985	1,629	119,691	8,752	16,763	85,950	261,750
Age of Cases Disposed								
	3 Months or Less	Over 3 to 6 Months	Over 6 to 12 Months	Over 12 to 18 Months	Over 18 Months	TOTAL		
Number of Cases	55,506	31,697	32,494	12,574	26,554	158,825		
JUVENILE CASES								
Cases on Docket:	CINS	Delin	Total	Findings of Delinquent Conduct or CINS:				
Cases Pending 9/01/2009	1,832	6,836	8,668					
Docket Adjustments	33	68	101					
New Petitions Filed	617	6,774	7,391	Placed on Probation				
Motions to Revoke Filed	23	746	769	Under Parental Care	239	4,096	4,335	
Other Cases Added	24	543	567	Under Foster Care	3	93	96	
Total on Docket	2,529	14,967	17,496	Residential Facility	37	586	623	
Dispositions:								
Find Delin Cond/CINS				Committed to TYC	0	269	269	
Trials by Judge	285	4,738	5,023	Judgment No Disp.	20	236	256	
Trials by Jury	3	9	12	Total	299	5,280	5,579	
Find No Delin Cond/CINS				Other Juvenile Court Activity:				
Trials by Judge	1	14	15	Detention Hearings	811	8,872	9,683	
Trials by Jury	3	3	6	Hearing to Modify Order	48	980	1,028	
Directed Verdicts	0	6	6	Child Cert. as Adult	0	56	56	
Probation Revoked	10	277	287	Attorneys Appointed	625	4,770	5,395	
Continue on Probation	1	256	257					
Change of Venue Transfer	6	93	99					
Dismissed & Other Disp.	209	2,423	2,632					
Total Dispositions	518	7,819	8,337					
Cases Pending 8/31/2010	2,011	7,148	9,159					

Note: Overall, there was a 98.8 percent reporting rate for the fiscal year. Please see page 57 for a list of missing reports.



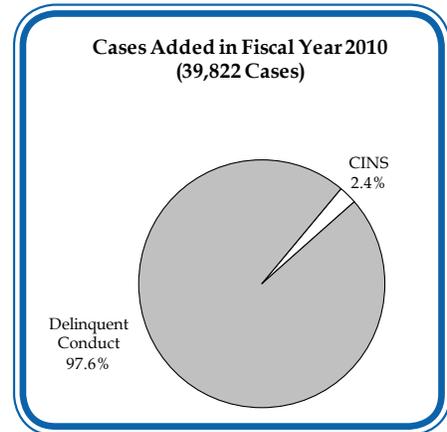
Juvenile Cases

Cases Added – The number of cases added to the juvenile dockets of district and county-level courts in 2010 – 39,822 cases – was 10.0 percent lower than the number added during the previous year and was the lowest number added since 1996 (39,214 cases).

In 2010, 97.6 percent of cases added were delinquent conduct cases – cases involving violations of laws punishable by incarceration if committed by an adult. The remaining cases were CINS cases (conduct indicating a need for supervision – behaviors that are classified as an offense because of the child’s status as a minor).² Approximately 78 percent of all juvenile cases were filed in district courts.

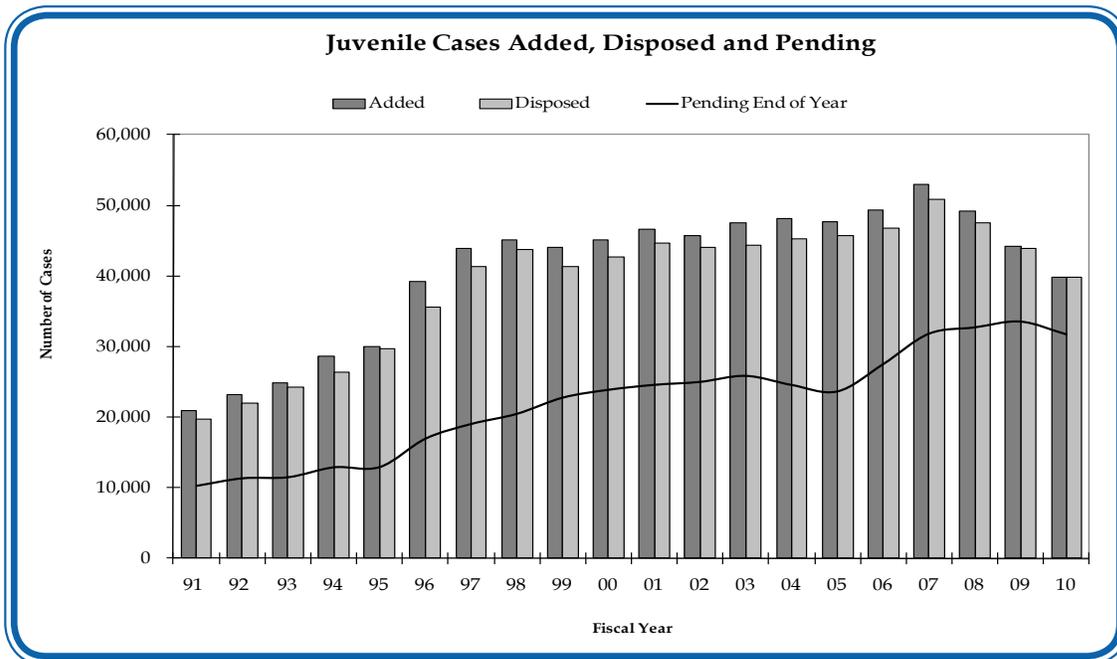
The five most populous counties in Texas – Harris, Dallas, Tarrant, Bexar, and Travis – accounted for 53.4 percent of juvenile cases added in 2010. Harris County alone accounted for 26.7 percent of all cases added. In an effort to address the rise in activity over the past decade, juvenile courts in the larger Texas counties have been using juvenile law masters, referees, and associate judges to assist with detention hearings and the adjudication of cases.

Statewide, the number of cases added in 2010 averaged 1.6 cases per 1,000 population. Calhoun County, with an estimated population of 20,573 in 2009, had the highest filing rate per capita at 10.9 cases per 1,000, and Deaf Smith County, population 18,353, ranked second at 5.6 cases filed per 1,000.



**Juvenile Cases Added per 1,000
Population in FY 2010**

Counties with Highest Filing Rates	Filing Rates in Largest Counties
Calhoun - 10.9	Harris - 2.6
Deaf Smith - 5.6	Dallas - 1.3
Jackson - 4.8	Tarrant - 1.0
Moore - 4.6	Bexar - 2.1
Hemphill - 4.0	Travis - 2.1



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

2. The Juvenile section of the District and County-Level Court Monthly Activity Reports captures information on only two case categories: delinquent conduct and conduct indicating a need for supervision. New reports that went into effect September 1, 2010 will collect much more detailed information.

Clearance Rates - During 2010, the district and county-level courts disposed of 39,851 cases on their dockets, resulting in a clearance rate of 100.1 percent—the highest clearance rate since 1988 (103.7 percent). In 2010, the clearance rate in district courts was 101.3 percent and was 95.5 percent in county-level courts.

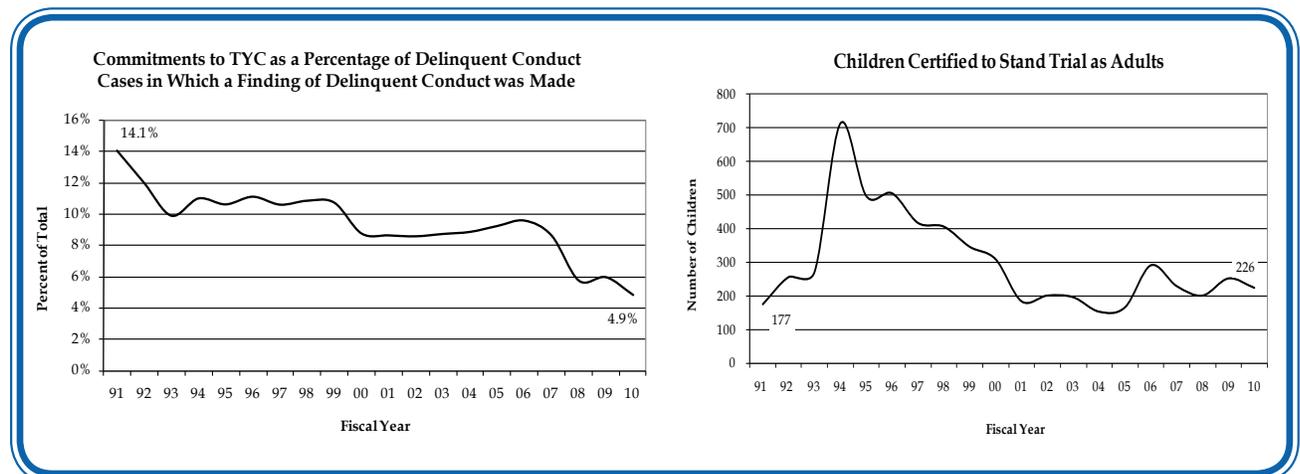
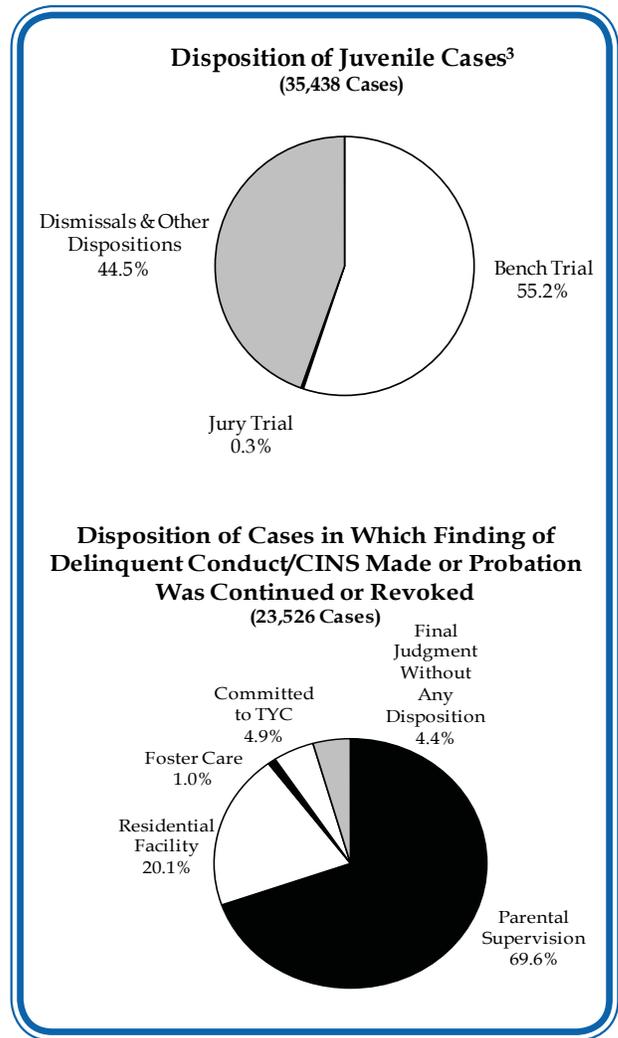
However, the number of cases pending at the end of 2010 (31,728 cases) dropped 5.3 percent from the number pending at the end of the previous year and was the first decrease in pending cases since 2005.

Manner of Disposition - Of the 39,851 cases disposed of in 2010, 4,413 (11.1 percent) involved transfers or motions to modify dispositions. Of the remaining 35,438 cases disposed of during the year, 55.2 percent were disposed of by a bench trial. Jury trials accounted for only 0.3 percent of dispositions, while dismissals and other dispositions accounted for the remaining 44.5 percent.

Overall, findings of delinquent conduct or CINS were made in 99.0 percent of cases decided by a judge⁴, compared to 74.8 percent of cases decided by a jury.

Of those cases in which a finding of delinquent conduct or CINS was made, or in which probation was continued or revoked, juveniles were most likely to be placed under parental supervision (69.6 percent of cases). In 20.1 percent of cases, juveniles were placed in a residential facility, and 1.0 percent were placed in foster care. 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 Texas Youth Commission (TYC) increased very slightly to 6.0 percent in 2009 but fell to 4.9 percent in 2010.

In 2010, 226 juveniles were certified for trial as adults, a decrease of 11.0 percent from the number certified the previous year.



3. Excludes transfers and motions to modify disposition.

4. Pleas of true made during an appearance before the judge are included in the "Trial by Judge" category in the Juvenile section of the District and County-Level Court Monthly Activity Reports.

Total of Reported Juvenile Activity

Combined District and County-Level Juvenile Activity from September 1, 2009 to August 31, 2010

98.5 Percent Reporting Rate 3,003 Reports Received Out of a Possible 3,048			
	CINS*	Delinquent	TOTAL
CASES PENDING September 1, 2009	2,336	30,084	32,420
Docket Adjustments	20	(683)	(663)
CASES ADDED DURING YEAR:			
New Petitions Filed	887	29,370	30,257
Motions to Revoke Filed	38	5,474	5,512
Other Cases Added	29	4,024	4,053
TOTAL CASES ADDED DURING YEAR	954	38,868	39,822
TOTAL CASES ON DOCKET	3,310	68,269	71,579
CASES DISPOSED OF DURING YEAR:			
Finding of Delinquent Conduct or CINS*	417	19,022	19,439
Finding of No Delinquent Conduct or CINS*	4	210	214
Transfers on Change of Venue	8	289	297
Motions to Revoke Disposed	21	4,095	4,116
Dismissals and Other Dispositions	350	15,435	15,785
TOTAL DISPOSITIONS DURING YEAR	800	39,051	39,851
CASES PENDING August 31, 2010	2,510	29,218	31,728
INFORMATION ON FINDINGS OF DELINQUENT CONDUCT OR CINS:			
Probation Granted or Continued:			
Under Parental Care	358	16,018	16,376
Under Foster Care	7	217	224
To Residential Facilities	50	4,689	4,739
Commitments to Texas Youth Commission	0	1,145	1,145
Judgments with No Disposition	22	1,020	1,042
MISCELLANEOUS INFORMATION:			
Detention Hearings Held	1,065	33,256	34,321
Hearings to Modify Court Orders Held	67	2,679	2,746
Children Certified for Trial as Adults	0	226	226
Attorneys Appointed	856	19,668	20,524

*Conduct Indicating a Need for Supervision.



Justice Courts

Cases Filed – More than 3 million cases were filed in the state’s justice courts in 2010. However, after two consecutive years of decline, the number of cases filed in 2010 was the lowest number filed since 2003.

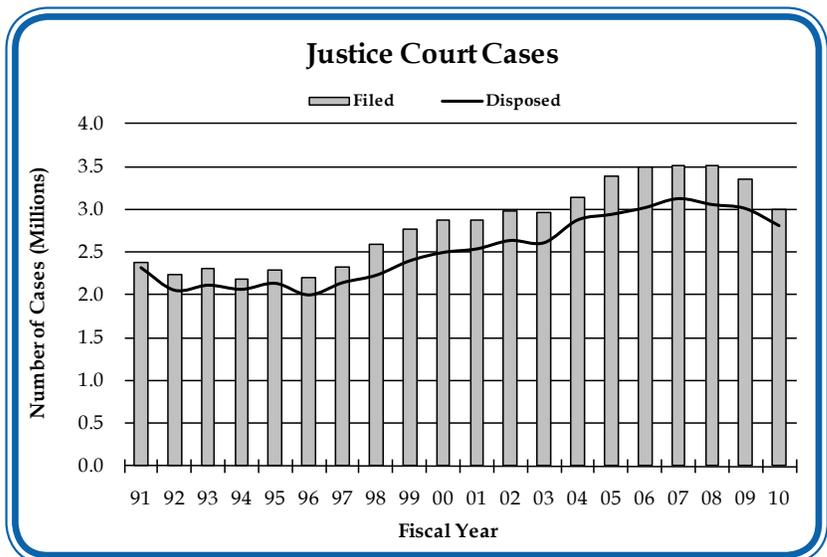
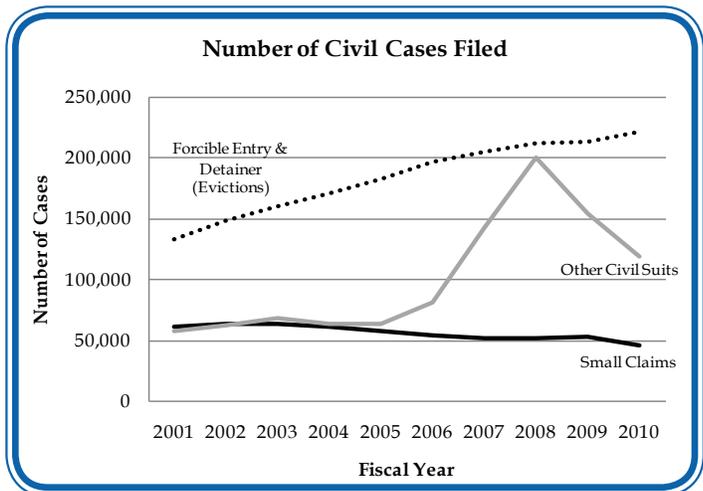
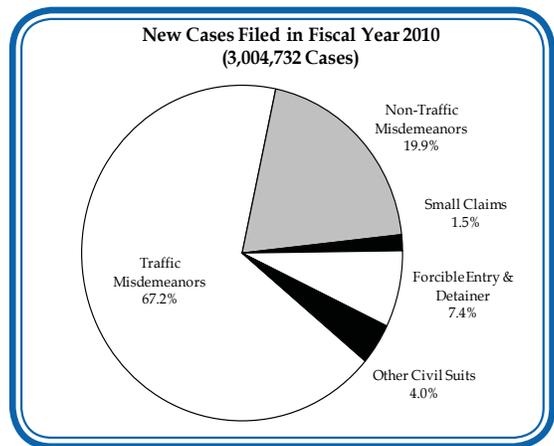
More than two-thirds (67.2 percent, or 2,020,575 cases) of all cases filed in 2010 involved traffic violations, and approximately 20 percent (597,573 cases) involved non-traffic misdemeanors. Forcible entry and detainer (eviction) cases accounted for 7.4 percent (221,711 cases) of all cases filed, up from 6.4 percent the previous year (213,678 cases). Small claims suits constituted 1.5 percent (45,995 cases), and other civil suits represented 4.0 percent (118,878 cases), of all cases filed.

After the change in 2007 in the jurisdiction of the justice courts in civil actions from \$5,000 to \$10,000, the number of other civil suits increased by an average of 289 percent per year for two years (from 80,952 in 2006 to 200,236 in 2008) then decreased an average of 336 percent for the next two years (from 200,236 in 2008 to 118,878 in 2010).

Although criminal cases accounted for approximately 87 percent of total caseload in 2010, civil cases generally grew as a percentage of the justice courts’ caseload over the last decade.

The 10 largest counties, representing 58.5 percent of the state’s population, accounted for 49.1 percent of all new cases filed. Statewide, the per capita filing rate in justice courts was 0.12 cases. The highest per capita filing rate, 10.5, occurred in Kenedy County (population 369), and the second largest filing rate, 6.6, occurred in Loving County (population 45). In both of these counties, the vast majority of new cases filed in justice courts were traffic-related. The lowest filing rate, 0.03, occurred in Tarrant County (population 1,789,900).

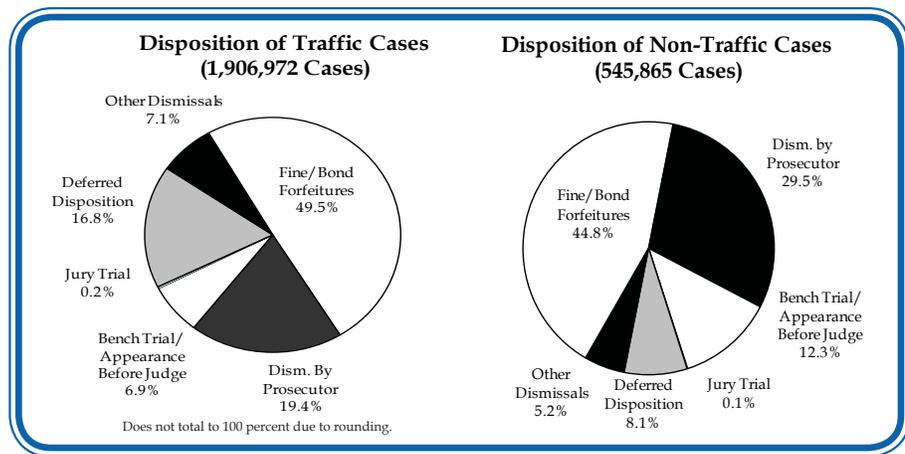
Clearance Rates – Justice courts disposed of 2,810,369 cases in 2010, a decrease of 6.7 percent from the previous year. Although dispositions decreased, the clearance rate rose to 93.5 percent (compared with 89.9 percent for the previous year) because the decline in filings was greater than the decline in dispositions. By case type, small claims



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

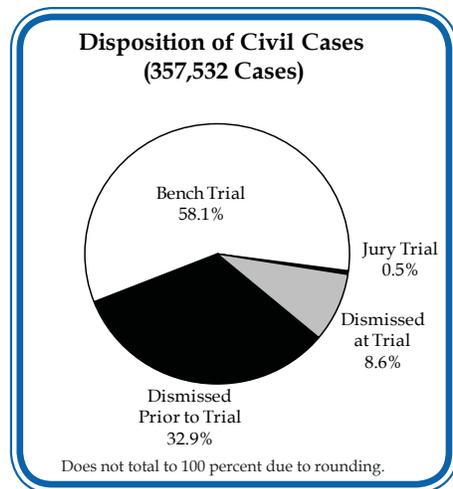
suits had the lowest clearance rate (91.0 percent) in 2010, while traffic cases had the highest (94.4 percent).

Manner of Disposition—In 2010, justice courts disposed of more than 1.9 million traffic cases and more than 545,000 non-traffic misdemeanor cases, slightly less than half (48.5 percent) of which were disposed of by payment of a fine (without appearing before a judge) or by a bond forfeiture. Approximately 15 percent of cases were disposed of by completion of deferred disposition or a driving safety course. More than eight 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.



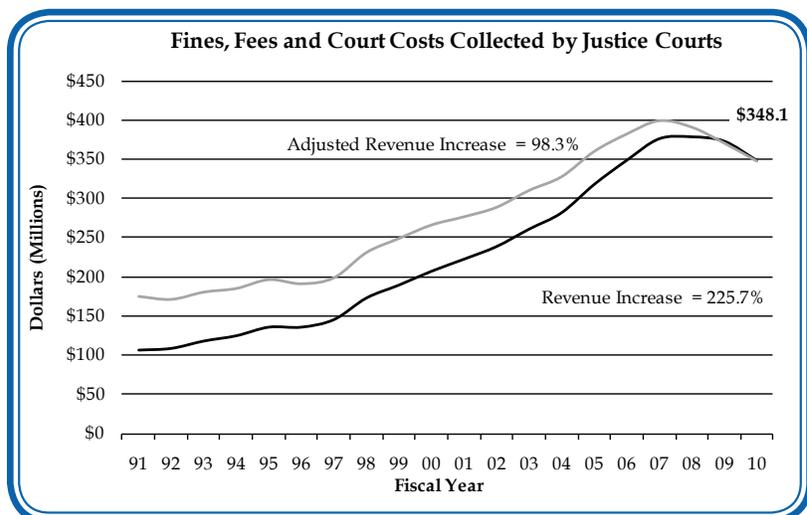
Overall, guilty findings were made in 96.9 percent of the 198,806 criminal cases that went to bench trial or were otherwise disposed of by an appearance before the judge.¹ In comparison, guilty verdicts accounted for 88.6 percent of the 5,160 cases that went to jury trial.

More than 58 percent of the 357,532 civil cases closed in 2010 were disposed of by bench trial and 0.5 percent went to jury trial. Approximately 33 percent were dismissed prior to trial and 8.6 percent were dismissed at trial.



Juvenile Activity—In 2010, the number of warnings administered (3,218) declined for the sixth consecutive year and was the lowest number reported in at least 20 years. The number of statements certified (3,317) and detention hearings held (1,639) also decreased and were the lowest numbers reported in at least two decades. Cases involving violation of local daytime curfew ordinances decreased by 50.2 percent from the previous year to 316 cases. Referrals to juvenile court decreased 15.2 percent, and cases involving juveniles held in contempt, fined, or denied driving privileges decreased 20.2 percent from the previous year. Cases involving failure to attend school decreased 4.5 percent from the previous year; however, over the past seven years, the number of these cases filed increased 56.0 percent, growing from 60,971 cases in 2004 (the earliest year for which data were available) to 94,818 cases in 2010.

Court Collections—The amount of fines, fees and court costs collected by justice courts generally increased over the past 20 years; however, in 2010, courts collected approximately \$348.1 million—a decrease of 6.6 percent from the amount collected the previous year. The amount collected in 2010 was 225.7 percent higher than that collected in 1991, or 98.3 percent higher when adjusted for inflation.² Excluding cases dismissed prior to or at trial, the amount collected per disposition averaged \$170.



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

Activity Report for Justice Courts

September 1, 2009 to August 31, 2010

99.8 Percent Reporting Rate						
9,844 Reports Received Out of a Possible 9,864						
	CRIMINAL CASES		CIVIL CASES			REPORTED TOTALS
	Traffic Misdemeanors	Non-Traffic Misdemeanors	Small Claims Suits	Forcible Entry & Detainer	Other Civil Suits	
NEW CASES FILED	2,020,575	597,573	45,995	221,711	118,878	3,004,732
DISPOSITIONS:						
Dispositions Prior to Trial:						
<i>Bond Forfeitures</i>	5,251	1,623	---	---	---	6,874
<i>Fined</i>	939,194	242,905	---	---	---	1,182,099
<i>Cases Dismissed</i>	369,394	161,137	15,140	51,772	50,625	648,068
Total Dispositions Prior to Trial	1,313,839	405,665	15,140	51,772	50,625	1,837,041
Dispositions at Trial:						
<i>Trial by Judge</i>						
Guilty	128,440	64,274	---	---	---	192,714
Not Guilty	3,168	2,924	---	---	---	6,092
Civil Trials	---	---	22,556	133,322	51,795	207,673
<i>Trial by Jury</i>						
Guilty	4,243	331	---	---	---	4,574
Not Guilty	496	90	---	---	---	586
Civil Trials	---	---	522	790	340	1,652
<i>Dismissed at Trial</i>	55,473	28,389	3,623	20,026	7,021	114,532
Total Dispositions at Trial	191,820	96,008	26,701	154,138	59,156	527,823
Cases Dismissed After:						
<i>Driving Safety Course</i>	182,892	---	---	---	---	182,892
<i>Deferred Disposition</i>	138,236	44,192	---	---	---	182,428
<i>Proof of Financial Responsibility</i>	80,185	---	---	---	---	80,185
Total Cases Dismissed After	401,313	44,192	---	---	---	445,505
TOTAL DISPOSITIONS	1,906,972	545,865	41,841	205,910	109,781	2,810,369
CASES APPEALED	30,604	2,145	653	3,448	579	37,429
JUVENILE ACTIVITY:						
Warnings Administered						3,218
Statements Certified						3,317
Detention Hearings Held						1,639
Failure to Attend School Cases Filed						94,818
Violation of Local Daytime Curfew Ordinance Cases Filed						316
Referred to Juvenile Court for Delinquent Conduct						5,698
Held in Contempt, Fined, or Denied Driving Privileges						8,699
OTHER ACTIVITY:						
Parent Contributing to Nonattendance Cases Filed						65,920
Peace Bond Hearings Held						2,456
Class A or B Misdemeanor Complaints Accepted						78,593
Felony Complaints Accepted						57,370
Examining Trials Conducted						1,498
Inquests Conducted						17,805
Safety Responsibility and Driver's License Suspension Hearings Held						15,023
Search Warrants Issued						3,292
Arrest Warrants Issued:						
Class C Misdemeanors Only					705,888	
Felonies and Class A and B Misdemeanors Only					100,101	
<i>Total Arrest Warrants Issued</i>						805,989
Magistrate Warnings Given						300,551
Emergency Mental Health Hearings Held						10,137
Magistrate's Orders for Emergency Protection						7,549
Conference Held Prior to Legal Action Resulting in:						
Legal Action Being Filed in Court			4,247	1,428	5,675	
No Legal Action Being Taken			2,049	1,281	3,330	
TOTAL REVENUE						\$348,143,645



Municipal Courts

Cases Filed – More than 7.5 million cases were filed in the state’s municipal courts in 2010, a decrease of 3.7 percent from the number of new cases filed the previous year. Traffic and parking cases constituted 82.7 percent of new cases filed.

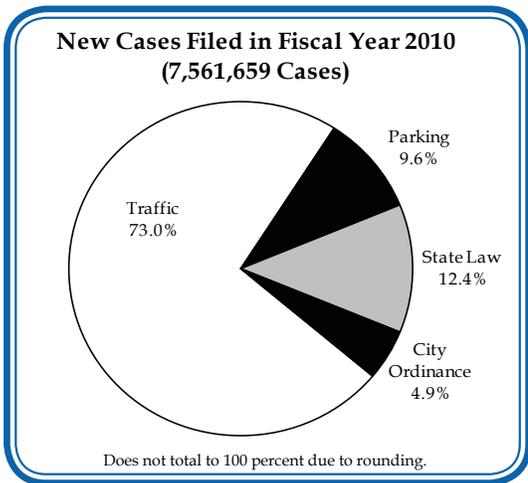
The 10 most populous cities, representing 42.4 percent of the state’s population living in cities and towns, accounted for 49.1 percent of all cases filed in municipal courts. Of the 10 most populous cities, Plano (population 273,611) had the lowest per capita filing rate (.24) and Houston (population 2,257,926) had the highest per capita filing rate (.63). Statewide, the per capita rate of cases filed in municipal courts was .39 cases. The highest per capita filing rate, 34.0, occurred in Westlake (population 246). The second highest per capita filing rate, 13.1, occurred in Estelline (population 152). These rates were considerably higher than the rates in all other cities in the state.

Clearance Rates – Municipal courts disposed of 6,852,239 cases in 2010 – a decline of 1.4 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 90.6 percent (compared with 88.5 percent the year before). By case type, traffic cases had the highest clearance rate (92.9 percent), while city ordinance cases had the lowest clearance rate (78.8 percent).

Manner of Disposition – In 2010, municipal courts disposed of nearly 5.8 million traffic and parking cases. The largest share of these cases, 34.9 percent, were disposed of by payment of a fine (without appearing before a judge) or by a bond forfeiture. Approximately 18 percent were disposed of after a bench trial or other appearance before a judge, 17.9 percent were disposed of after completion of deferred disposition or a driving safety course, and only 0.1 percent were disposed of by a jury trial.

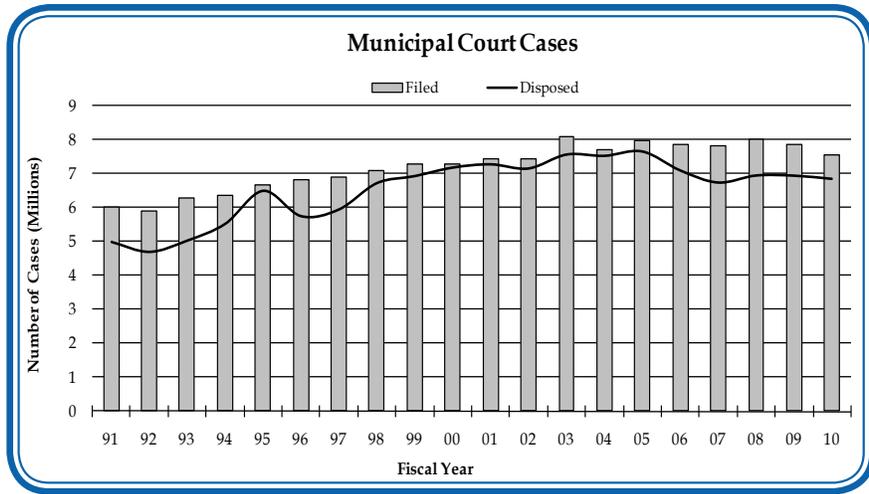
Municipal courts also disposed of more than one million state law and city ordinance cases (i.e., non-traffic cases). Approximately 34 percent of these cases were disposed of by payment of a fine or by bond forfeiture. While the jury trial rate for these cases (0.1 percent) was similar to the rate for 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 (25.7 percent) to dispose of the case.

Overall, guilty findings were made in almost all (97.0 percent) of the 1,296,374 cases that were not dismissed

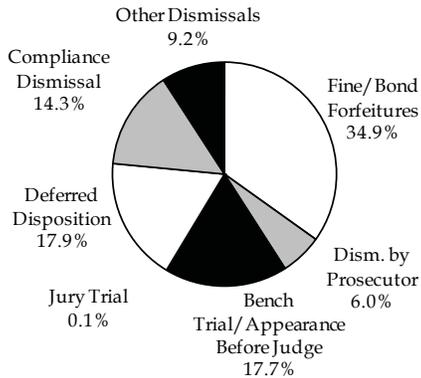


**Filings per Capita
FY 2010**

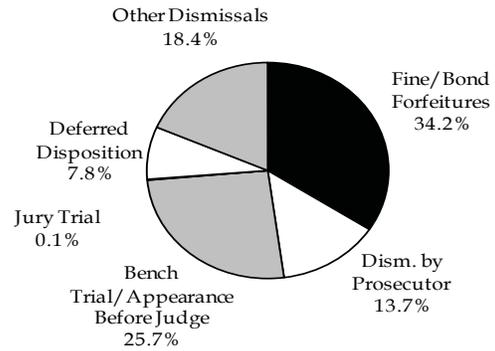
Cities with Highest Filings per Capita	Filings per Capita in 5 Most Populous Cities
Westlake - 34.0	Houston - .63
Estelline - 13.1	San Antonio - .31
Cumby - 6.4	Dallas - .28
Palmer - 6.0	Austin - .48
Itasca - 5.6	Fort Worth - .57
Statewide - .39	



Disposition of Traffic and Parking Cases (5,793,723 Cases)



Disposition of Non-Traffic Cases (1,058,516 Cases)



Charts do not total to 100 percent due to rounding.

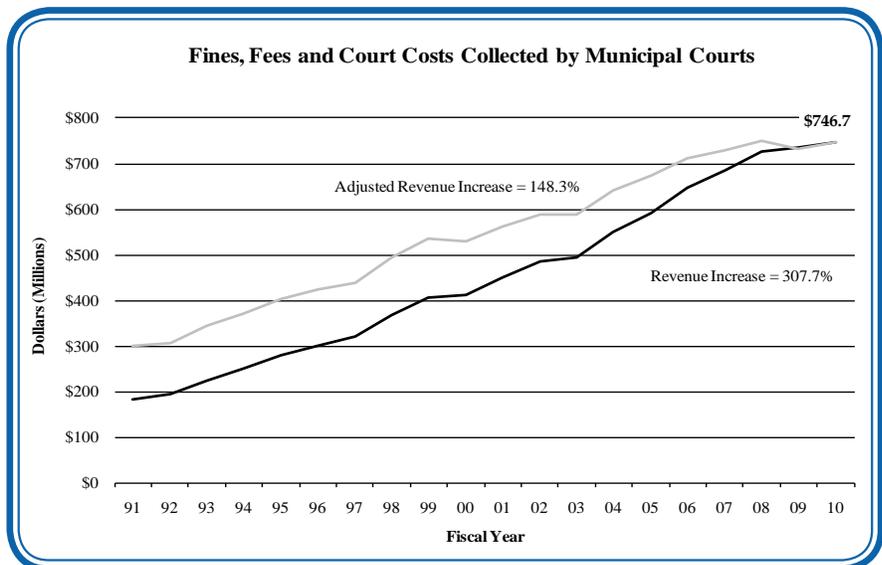
and went to bench trial or were otherwise disposed of by an appearance before the judge.¹ In contrast, guilty verdicts accounted for 75.2 percent of the 5,107 cases that went to jury trial.

Juvenile Case Activity – Juvenile cases filed in municipal courts decreased 9.8 percent from the previous year to 274,300 – the lowest number reported since 2002. Transportation Code (traffic) cases accounted for 43.0 percent of the juvenile cases filed in 2010. The number of cases filed under most of the juvenile case categories has fluctuated over the years. Since 2004, however, cases involving driving under the influence of alcohol declined an average of 7.3 percent per year.

Magistrate Activity – In 2010, municipal courts issued 9,529 search warrants, more than 2.8 million arrest warrants, 10,440 magistrate orders for emergency protection, and 311,341 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 57.3 percent between 2001 and 2010 (from 1,626 in 2001 to 694 in 2010), and warnings administered to juveniles declined 66.2 percent (from 5,186 in 2001 to 1,755 in 2010). From 2009 to 2010, activity in both categories dropped sharply (by approximately 19 percent).

Court Collections – The amount of fines, fees and court costs collected by municipal courts generally increased over the last 20 years. In 2010, the courts collected approximately \$747 million – an increase of 1.7 percent from the previous year. The amount collected in 2010 was 307.7 percent higher than that collected 20 years previously in 1991, or 148.3 percent higher when adjusted for inflation.²

Excluding cases dismissed prior to trial or at trial, the amount collected per disposition averaged approximately \$130.



1. Guilty and *nolo contendere* pleas are included in the “Trial by Judge” category in the Municipal Court Activity Report.
 2. Using Consumer Price Index Conversion Factors, <http://oregonstate.edu/cla/polisci/download-conversion-factors>.

Activity Report for Municipal Courts September 1, 2009 to August 31, 2010

99.9 Percent Reporting Rate 10,991 Reports Received Out of a Possible 11,004					
	<u>Traffic Misdemeanors</u>		<u>Non-Traffic Misdemeanors</u>		<u>REPORTED TOTALS</u>
	Non - Parking	Parking	State Law	City Ordinance	
NEW CASES FILED	5,521,029	729,572	938,977	372,081	7,561,659
DISPOSITIONS:					
Dispositions Prior to Trial:					
<i>Bond Forfeitures</i>	35,063	2,245	9,137	1,927	48,372
<i>Fined</i>	1,514,893	468,496	266,277	84,435	2,334,101
<i>Cases Dismissed</i>	313,359	36,618	95,444	49,204	494,625
Total Dispositions Prior to Trial	1,863,315	507,359	370,858	135,566	2,877,098
Dispositions at Trial:					
<i>Trial by Judge</i>					
Guilty	860,913	127,130	198,478	70,552	1,257,073
Not Guilty	15,834	20,198	2,060	1,209	39,301
<i>Trial by Jury</i>					
Guilty	2,660	50	645	488	3,843
Not Guilty	812	11	244	197	1,264
<i>Dismissed at Trial</i>	525,226	5,557	130,996	64,256	726,035
Total Dispositions at Trial	1,405,445	152,946	332,423	136,702	2,027,516
Cases Dismissed After:					
<i>Driver Safety Course</i>	451,432	--	--	--	451,432
<i>Deferred Disposition</i>	580,639	2,786	62,202	20,765	666,392
<i>Proof of Financial Responsibility</i>	340,655	--	--	--	340,655
<i>Compliance Dismissal</i>	489,146	--	--	--	489,149
Total Cases Dismissed After	1,861,872	2,786	62,202	20,765	1,947,625
TOTAL DISPOSITIONS	5,130,632	663,091	765,483	293,033	6,852,239
COMMUNITY SERVICE ORDERED	193,955	880	49,162	15,945	259,942
CASES APPEALED	10,007	210	1,788	571	12,576
JUVENILE ACTIVITY:					
Transportation Code Cases Filed					118,037
Non-Driving Alcoholic Beverage Code Cases Filed					36,047
DUI of Alcohol Cases Filed					2,592
Health & Safety Code Cases Filed					7,717
Failure to Attend School Cases Filed					18,252
Education Code Cases Filed					9,315
Violation of Local Daytime Curfew Ordinance Cases Filed					10,213
All Other Non-Traffic Fine-Only Cases Filed					72,127
Waiver of Jurisdiction of Non-Traffic Cases					4,471
Referred to Juvenile Court for Delinquent Conduct					1,425
Held in Contempt, Fined, or Denied Driving Privileges					7,944
Warnings Administered					1,755
Statements Certified					694
OTHER ACTIVITY:					
Parent Contributing to Nonattendance Cases Filed					6,499
Safety Responsibility and Driver's License Suspension Hearings Held					3,740
Search Warrants Issued					9,529
Arrest Warrants Issued					
Class C Misdemeanors					2,754,839
Felonies and Class A and B Misdemeanors					72,697
<i>Total Arrest Warrants Issued</i>					2,827,536
Magistrate Warnings Given					
Class A and B Misdemeanors					227,789
Felonies					83,552
<i>Total Magistrate Warnings Given</i>					311,341
Emergency Mental Health Hearings Held					2,428
Magistrate's Orders for Emergency Protection					10,440
TOTAL REVENUE					\$746,718,456

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

for District Courts

for County-Level Courts

County	Reports Not Submitted	County	Reports Not Submitted
Bexar	A report for juvenile cases was missing (August).	Anderson	Due to problems with a new case management system, all civil, criminal, probate and mental health reports were missing from the County Clerk's Office. Civil reports were submitted from the District Clerk's Office.
Edwards	Due to problems with a new case management system, no reports were submitted for civil and juvenile cases. A report for other proceedings was also missing (August).	Edwards	Due to problems with a new case management system, no reports were submitted for civil, juvenile, probate and mental health cases.
El Paso	A report for juvenile cases was missing (August).	Fort Bend	Reports for criminal and juvenile cases were missing for August.
Galveston	Due to a software change, two reports for civil cases were missing (July and August).	Galveston	Due to a software change, two reports for civil cases for the county courts at law were missing for July and August.
Guadalupe	Four reports for civil cases were missing (May through August).	Grimes	No reports were submitted.
Hudspeth	No reports were submitted.	Hudspeth	No reports were submitted.
Kerr	One report for criminal cases was missing for one court (July).	Sherman	Due to problems with the case management system, no reports were submitted.
Newton	No reports submitted for March through August.		
Sherman	Due to problems with the case management system, no reports were submitted.		
Zavala	No reports were submitted.		

Justice Courts That Did Not Submit All Monthly Activity Reports for the Fiscal Year

County	Court	Reports Submitted
Lamar	Precinct 2 Place 1	2
Presidio	Precinct 1 Place 1	2

Municipal Courts That Did Not Submit All Monthly Activity Reports for the Fiscal Year

Court	Reports Submitted
Marfa	0
Rice	11

Other Required Reports for the Fiscal Year Ended August 31, 2010

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 2010, OCA received one report of a case in which a request was made for an affirmative finding that a hate crime was committed. The request was granted, and an affirmative finding was made. The list of reported cases 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 2010, OCA received 12 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 2010, OCA received reports for 23 cases. All records received by OCA since September 2007 are posted at <http://www.txcourts.gov/oca/jurycharges.asp>.

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 2010, OCA received a total of 183 incident reports, half of which were submitted by district courts (91 incidents), 17 percent by county-level courts (31 incidents), one percent by justice courts (three incidents), 17 percent by municipal courts (31 incidents), and 15 percent by courthouses serving multiple court types (27 incidents).

Thirty-five percent of all reported incidents were related to criminal cases involving Class B misdemeanors or higher level offenses (65 incidents). Sixteen percent of all reported incidents were not related to a particular case (30 incidents). Fourteen percent of incidents involved Class C misdemeanor offenses (26 incidents), and 13 percent of reported incidents involved family cases (23 incidents).

Of the reported incidents, 37 percent involved disorderly behavior (78 incidents). The next most common behavior reported was threats (both written and verbal), with 20 percent of reported incidents (43 incidents).

Fourteen percent of the 183 reported incidents resulted in injury (25 incidents). In 86 percent of incidents, no injuries were reported (158 incidents). Of the 25 reported incidents that resulted in injury, 60 percent were related to cases involving Class B misdemeanor or higher level offenses (15 incidents) and 24 percent were related to family law cases (six incidents).

The following are examples of incidents that occurred in the trial courts during FY 2010:

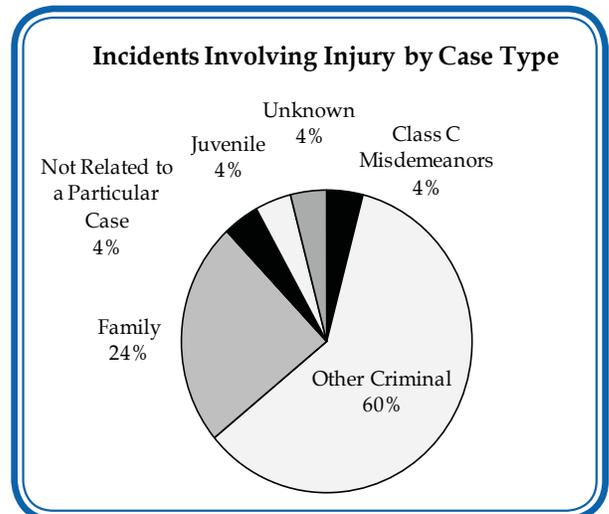
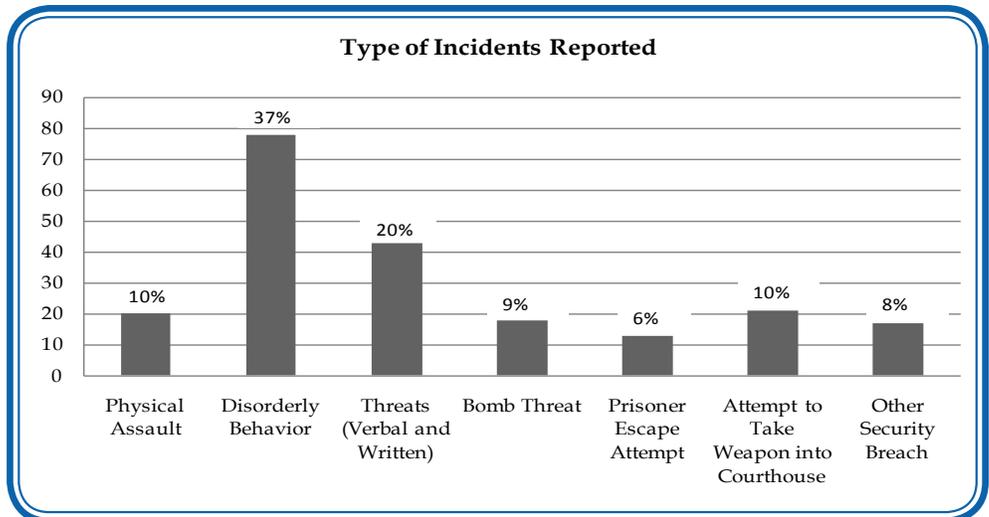
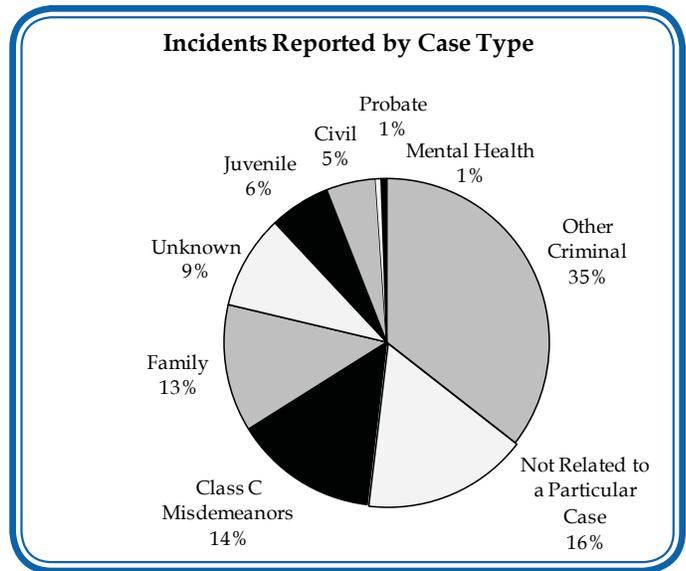
District Courts. 1) A witness leaving the family court building was physically assaulted by an individual in the parking garage adjacent to the Family Law Center. County employees intervened and the suspect left the scene. The victim was taken to the hospital. 2) The parties began verbally assaulting each other, then it progressed to physical assault. One of the parties, who was confined to a wheelchair, was pushed out of the wheelchair and fell to the ground. Deputies arrived at the scene and separated the parties. Three females were taken into custody.

County-Level Courts. The defendant was in custody awaiting a hearing on numerous misdemeanors and began pulling down the suspended ceiling tiles in an effort to get into the ceiling and escape. When he was discovered, he was standing on the bench covered in insulation.

Justice Courts. A defendant sent an explicit letter threatening the use of a weapon against the judge and constables. The defendant was charged with a felony and apprehended.

Municipal Courts. 1) A defendant became angry when the judge found him guilty and began yelling vulgarities in the courtroom. The judge ordered the defendant to be removed from the courtroom and the defendant was arrested for disorderly conduct. 2) A phone message was left on the court's voice mail stating there was a bomb in the court. No bombs were found. The caller was located, arrested, and charged.

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



Annual Reports
of the
Judicial Support Agencies,
Boards and Commissions

for the Fiscal Year
Ended August 31, 2010



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 JCC.



Office of Court Administration

2010 Activities of OCA by Division

Executive Operations - The Office of Court Administration (OCA) is led by an Administrative Director, Mr. Carl Reynolds, who is also the Executive Director of the Texas Judicial Council, and is supported by an Executive Assistant. 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.

In the summer of 2009, the Director was elected to the board of directors of the Conference of State Court Administrators, leading to additional national activity during FY 2010. In October 2009, the Director helped the Supreme Court's Permanent Judicial Commission for Children, Youth and Families to host the Third National Judicial Leadership Summit on the Protection of Children. This remarkably successful program triggered collaborative efforts around the country, specifically to improve educational outcomes for children in foster care and to address racial disproportions.

tionality. During the fiscal year, the Director assisted the Department of Criminal Justice with the implementation of a Reentry Task Force, participated in another task force on continuity of mental health care at the request of the Department of State Health Services, and chaired a subcommittee of the State Bar Committee on Legal Services to the Poor in Criminal Matters. Also in FY 2010, the Director's blog has been in existence for a full year, with 55 posts on a variety of court administration topics; see www.courtex.blogspot.com.

The Director's Assistant continued service as clerk to the Process Server Review Board and is assisted by a full-time employee dedicated to this entity.

Research and Court Services Division - During FY 2010, 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; and to improve the administrative operation of the courts. 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 point 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, 2010, 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 addition, nine voluntary programs were at least partially implemented in the cities of Bishop, De Kalb, Denton, Lewisville, McKinney, Nacogdoches, North Richland Hills, Sinton, and Van during FY 2010.

In FY 2010, the primary focus of division staff was to work 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, division 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. Division staff also began providing regional training on the compliance audit process.

Additionally, division staff continued to assist or offer assistance to local voluntary collection improvement program efforts; conduct regional collections training workshops 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. In cooperation with the Texas Department of Criminal Justice, division staff also developed and distributed standardized guidelines for withdrawing funds from inmate trust accounts.

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. Acting on a mandate of the 81st Texas Legislature (under OCA Rider 7, S.B. 1, 2009) and a request of the Texas Judicial Council Committee on Judicial Data Management, division staff continued working on the Judicial Data Project, in which OCA created workgroups of judges, clerks and others to review the data elements currently used by trial courts in reporting case activity and to recommend to the Judicial Council changes to the monthly case activity reports so they more accurately reflect the workload of those courts.

The district and county-level court phase of the project was completed in spring 2008, with the Judicial Council approving changes to the district and county-level court monthly case activity reports and instructions, which took effect September 1, 2010. During FY 2010, division staff engaged in numerous activities to facilitate the implementation of the new reports, including making presentations on the upcoming monthly report changes at district and county clerk conferences and regional meetings; conducting seven regional training sessions (attended by more than 500 individuals); and providing frequent technical assistance to clerks and case management software providers.

In fall 2008, the Judicial Council approved three model case information sheets developed as part of the Judicial Data Project, which would be submitted by an attorney or pro se litigant when filing a civil or family law case in a district or county-level court. A case information sheet is intended to take the burden off clerks in categorizing cases and make the attorney or pro se litigant indicate what type of case is filed, thereby resulting in increased accuracy of the identification of case types.

During FY 2009, at the suggestion of the Supreme Court Advisory Committee (SCAC), OCA staff developed a proposed consolidated civil case information sheet for consideration by the Judicial Council. After posting it for comment on its website and considering proposed revisions based on the comments received, the Judicial Council, in April 2010, adopted the proposed consolidated civil case information sheet, as revised, and the instructions for its completion.

Also, division staff continued to provide information to the SCAC to assist the Committee as they studied and developed their recommendation to the Supreme Court for a Rule of Civil Procedure that requires a party to submit a civil case information sheet when a civil case or post-judgment petition for modification or motion for enforcement in a family law is filed in a district or county-level court. On August 16, 2010, the Supreme Court adopted the final version of Rule of Civil Procedure 78a requiring the submission of a civil case information sheet and the civil case information sheet that the rule requires (i.e., the civil case information sheet previously approved by the Judicial Council). The final version of the rule took effect September 1, 2010.

Throughout FY 2010, division staff provided periodic updates on the civil case information sheet and Rule of Civil Procedure 78a to the district and county clerks, as well as district and county-level judges. Division staff also prepared responses to frequently asked questions, which were included in the updates, and provided training and technical assistance to the clerks to assist them with the implementation of the civil case information sheet. Further, OCA legal staff prepared a glossary for pro se litigants to help them in completing the civil case information sheet, which was approved by the Judicial Council on August 27, 2010.

At its December 11, 2009 meeting, the Judicial Council approved the proposed new monthly case activity reports and instructions for the justice and municipal courts, which were previously posted on the Judicial Council's website for comment. The new reports will take effect September 1, 2011. During FY 2010, division staff engaged in numerous activities to facilitate the implementation of the new reports including hosting a meeting with case management software providers to discuss the monthly report changes; making numerous presentations to municipal and justice court clerks; and providing frequent technical assistance to clerks and case management software providers.

During FY 2010, OCA began to work on updating information systems to implement the revised reporting categories in September 2010. 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.

H.B. 3352 and the NICS Improvement Act. OCA is the representative for the Texas judicial branch for the 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. Division staff completed the annual estimate of court records (due each May) related to provisions of the NICS Improvement Act. Division staff also participated in meetings with representatives of the County and District Clerks' Association concerning implementation issues surrounding H.B. 3352, passed last session, which requires clerks to report information to the Criminal Justice Information System (CJIS) through the Department of Public Safety on individuals who have been found incompetent to handle their own affairs and are therefore not eligible to purchase a handgun. As a result of these meetings, division staff developed a Frequently Asked Questions document to assist clerks in reporting these cases and implementing the provisions of the bill that require the clerks to report cases from September 1989 to the present; made presentations on H.B. 3352 at seven regional training sessions; conducted a survey to obtain information on the number of cases that need to be reported and what issues or challenges the clerks are facing in implementing the bill; and provided frequent assistance to clerks by answering questions.

Judicial Compensation Commission. The division 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 for 2010.

Surveys. Over the year, division staff also conducted a number of surveys concerning topics such as court expenses,

judicial compensation, trial and appellate court records preservation (for the Supreme Court Task Force on Court Records Preservation), and customer service (for OCA and for the Certified Shorthand Reporter Exam).

Court Services Program. The Court Services Program provides assistance and services to courts to improve their case management and other administrative programs, increase their accessibility to the public, enhance the quality of justice, and support continuity of their operations in the event of an emergency.

Technical Assistance on Caseflow Management. During FY 2010, division staff provided on-site training on case management, calendar management, and other administrative matters to a court coordinator in Liberty County, as well as indigent case management training to a court coordinator and the county indigent defense coordinator in Burnet County.

Division staff continued working with a committee comprised of court coordinators and court managers on the development of a handbook for court coordinators in district, statutory county, and specialty courts.

Also, pursuant to an offer by the federal Bureau of Justice Assistance's (BJA) Criminal Courts Technical Assistance Project (CCTAP) at American University to provide training and technical assistance to improve caseflow management and case scheduling to state court administrative offices and state and local courts, OCA requested a workshop for judges and judicial system personnel regarding effective caseflow management strategies and follow-up technical assistance for a select number of counties attending the training. The BJA's CCTAP conducted a session on "Fundamentals of Effective Caseflow Management" at the Texas Indigent Defense Workshop held in October 2009. The 82 participants included judges and court administrators and represented 23 counties. The CCTAP later conducted a review of the criminal caseflow process in the district courts and county courts at law in Lubbock County (at the county's request) to provide recommendations to reduce delay.

Improving Rural Courts Seminar. OCA hosted a seminar on strengthening the ability of state court systems and rural court leaders to improve court operations in rural areas, which was conducted by the Justice Management Institute and sponsored by the Bureau of Justice Assistance. The seminar was held on August 2-5, 2010, in Austin. Teams from Arizona, Arkansas, Mississippi, New Mexico, and Texas participated in the seminar.

Domestic Violence Resource Attorney (DVRA). OCA obtained a \$96,286 S.T.O.P Violence Against Women Act Fund grant to hire a full-time attorney who serves as a single point of contact to support court efforts to combat domestic violence, sexual assault, and stalking. The DVRA joined OCA in January 2010 and is developing a judges' bench book on legal and other issues in domestic violence, sexual assault, and stalking cases. OCA is partnering with the Texas Council on Family Violence (TCFV) on this project. OCA agreed to provide a cash match of \$1,552 and TCFV agreed to provide an in-kind match of \$50,500, resulting in a total project cost of \$148,338. The grant period is September 1, 2009 through December 31, 2010. During FY 2010, the DVRA also provided technical assistance to the courts on domestic violence cases.

Interpreter Services in Domestic Violence Cases. In FY 2010, OCA applied for grant funding to establish a remote-site call center staffed by licensed Spanish court interpreters who will provide interpretation services for court hearings in civil domestic violence cases. Funding for the project was awarded in fall 2010.

Emergency Preparedness. H.B. 1861, which was passed during the last legislative session, provides for the inclusion of the judiciary in emergency preparedness under state law. In October 2009, OCA staff and the Presiding Judge of the Second Administrative Judicial Region attended an orientation meeting at the State Operations Center so they may assist the state and the judiciary in ensuring that essential court functions continue during an emergency. Division staff attended basic emergency management and planning workshops sponsored by the Texas Division of Emergency Management, reviewed materials on emergency preparedness, and met with the Chair of the Supreme Court's Task Force to Ensure Judicial Readiness and others to become familiar with the subject matter area. During Hurricane Alex, division staff worked with the Presiding Judges of the Second and Fifth Administrative Judicial Regions, State Bar, and affected counties on emergency-related matters, including obtaining and posting information on court closures.

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), 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). Accomplishments for FY 2010 are discussed in the report for JCIT.

In 2010, Information Services completed the statewide biennial equipment refresh project. The division was also responsible for setting up the entire IT infrastructure for the new OCW site.

The Information Services Division worked on the following ongoing projects:

- The initial release of the Texas Appeals Management and e-filing System (TAMES) continued development and will be implemented in the appellate courts in 2011.
- The Texas Data-Enabled Courts for Kids (TexDECK) system and the Child Protection Case Management System (CPCMS) are undergoing enhancements, including the addition of outcome measure reports (promulgated by the U.S. Department of Justice. Information Services is also rewriting the Child Support Case Management System (CSCMS), which will be completed in 2011.
- The division is working to replace the Judicial Data Management System (JDMS) with the new Court Activity Reporting and Directory (CARD) system. The CARD system will collect court activity data in a format that meets the new reporting requirements adopted by the Texas Judicial Council in 2008.
- 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.
- 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. The division is currently evaluating sites for a back-up repository outside of the Austin area for additional redundancy. The new back-up site will become operational in 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 2010 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 Task Force to Ensure Judicial Readiness in Times of Emergency; the Judicial Districts Board; the Task Force on Indigent Defense; the Judicial Compensation Commission; the Guardianship Certification Board (GCB); and the Court Reporters Certification Board (CRCB). Division attorneys drafted new rules and amendments for the GCB and the CRCB. The division updated the district clerk civil filing fees report and the district court suits and actions chart. A 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. A division attorney also made presentations throughout the year to judges and clerks on issues including the Texas court system, probable cause for search warrants, the Confrontation Clause, judicial readiness in time of emergency, filing and docketing civil cases, researching the law, the court technology and court security funds, resources for clerks, and the Texas

Judicial Council's Legislative proposals.

Specialty Courts Program. The specialty courts program includes the child protection courts and the child support courts programs. 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 finalize 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 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 appellate courts and the Presiding Judges of the administrative judicial regions regarding legislative, budgetary, and human resources issues.

In FY 2010, OCA's accounting and payroll processes, as well as the system of internal controls, were audited by the agency's contracted internal auditor. The audit concluded that OCA has adequate internal controls and an effective management reporting system for its accounting and payroll processes. In June 2010, the division conducted its annual strategic planning and staff development retreat. The staff identified areas where process improvements can be made and made assignments to various staff to begin working on projects identified as priority.

During this fiscal year, OCA (along with the appellate courts and all other agencies in Texas government) was asked to reduce its appropriated budget by five percent. The Finance and Operations Division staff identified where cuts could be made with minimal impact on the agency's staffing and services. 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 of these efforts, OCA and the courts of appeals received relief from a portion of the cuts. OCA's specialty courts and indigent defense programs received exemptions from the five percent reductions and the courts of appeals' budgets were reduced by only two percent, rather than the full five percent required for most agencies.

Division staff also worked on a survey for the Committee on Court Resources. The committee, appointed by Chief Justice Wallace B. Jefferson, gathered information about local baseline court expenses, the extent to which local budget cuts affected the courts, and innovative ideas implemented by local governments that could be shared with others to achieve greater efficiencies in the court system across the state. Those counties that responded to the survey represented 65 percent of the state's population. Based on their responses, it is estimated that local governments across Texas spend almost \$800 million on the judicial system. This amount does not include costs for district attorneys and other local departments related to the operation of the courts.

In FY 2010, the Finance and Operations Division was instrumental in establishing operations for the new Office of Capital Writs. The office was created by SB 1091, 81st Legislature, R.S., with an implementation date of September 1, 2010. Because the appropriations for the new office were included in OCA's appropriation pattern, OCA worked with the State Comptroller's Office, the Texas Facilities Commission, the Department of Information Resources, and other agencies to set up accounting systems, office space, internet connectivity, phone service, and numerous other administrative and operational functions. The division also assisted with developing and posting job notices for the new agency's nine employees.

Court Reporters Certification Division - The division 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 the conduct of disciplinary hearings on complaints filed against court reporters and court reporting firms. Accomplishments for FY 2010 are discussed under the report for the CRCB.

Guardianship Certification Program - The division 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 2010 are discussed under the report for the GCB.



Texas Judicial Council

Legislation. During FY 2010 the Judicial Council developed and adopted approximately 30 legislative proposals, with more expected as the 82nd Legislative Session approached.

Committees. Often the Council appoints committees to study issues affecting the administration of justice. The active committees in FY 2010 were the Committee on Court Resources, the Committee on Judicial Selection, and the Committee on Judicial Data Management.

Committee on Court Resources. Formed in January 2010, the Committee on Court Resources had several goals. One goal was 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%

The committee also aspires to identify and promote the use of promising practices at the local level. In that vein, Rick Figueroa and many OCA staff members attended a Travis County Court Day on May 7, hosted by Judge Naranjo from the Committee. The Committee began planning in earnest for the first annual Texas Judicial Council workshop for local leaders in justice administration to share promising practices, plan local strategies, and chart a collaborative and economical course for Texas courts in November of 2011. The summit will be open to twenty local teams of four to six participants, including a county judge or commissioner, a district or county court at law judge, and a district or county clerk. Other participants, depending on the local focus for action, could include a district or county attorney, county chief information officer or administrator, court administrator or coordinator, chief probation officer or pretrial services officer, or domestic relations or child welfare or other court-related staff. Prior to the summit, each team will respond to a survey, identifying an area of focus and developing further information for use in planning.

Committee on Judicial Selection. The Committee on Judicial Selection is charged with examining potential changes related to the judicial selection process in light of *Citizens United v. Federal Election Commission*, 130 S. Ct. 876 (2010), and *Caperton v. A.T. Massey Coal Co.*, 129 S. Ct. 2252 (2009). The committee report draft from August of the reporting period addresses several topics:

- the Judicial Campaign Fairness Act;
- recusal standards;
- frequency of campaigns;
- straight-ticket voting; and
- criteria for judicial qualifications.

Committee on Judicial Data Management. Section 71.035 of the Texas Government Code provides that “the council shall gather judicial statistics and other pertinent information from the several state judges and other court officials of this state.” In an effort to improve the accuracy and usefulness of the data reported to OCA each month for publication in the *Annual Report for the Texas Judiciary*, the Committee on Judicial Data Management asked OCA to:

“...assemble a workgroup of clerks and other interested persons or entities to make recommendations regarding: 1) the elimination of one or more of the current data elements; 2) the addition of one or more data elements; 3) the revision of one or more of the current data elements; 4) the clear and concise definition for each data element; 5) the development of a civil cover sheet; and 6) the improvement of the quality and accuracy of the annual report of the Texas judicial system.”

The review of the trial court data elements, known as the Judicial Data Project, began in 2004. Because the number of data elements reported by the trial courts is extensive, OCA decided to create a workgroup for each level of trial court (i.e., district, county, and justice/municipal) and to further divide the workgroup for the district courts, and the workgroup for the county-level courts, into sub-workgroups. During the past few years, the workgroups and sub-workgroups have met and developed recommendations regarding changes to the monthly case activity reports and instructions. The district and county-level court phase of the project was completed in spring 2008, with the Council approving changes to the monthly case activity reports and instructions for those courts.

The municipal and justice court phase of the Judicial Data Project was completed in FY 2010. On September 18, 2009, the Council’s intention to amend its reporting rules by adding new reporting requirements for the justice and municipal courts was published in the *Texas Register*, with a 30-day comment period. Additionally, the Council posted the proposed monthly reporting forms and instructions for the municipal and justice courts on its website for comment. At its meeting on December 11, 2009, the Council considered the comments regarding the proposed monthly reporting forms and instructions that were received. No comments regarding the proposed amendments to its reporting rules were received. The Council adopted the proposed amendments to its reporting rules, without changes, and approved, without changes, the proposed monthly case activity forms and instructions for the justice and municipal courts. The adopted amendments to the reporting rules were published in the *Texas Register* on January 1, 2010.

As part of the Judicial Data Project, the OCA data workgroups were asked to develop a civil case information sheet (formerly referred to as a “cover sheet”). In fall 2008, the Judicial Council approved three model case information sheets, which are discussed in the report of the OCA on page 63. During FY 2009, at the suggestion of the Supreme Court Advisory Committee, OCA staff developed a proposed consolidated civil case information sheet for consideration by the Council. At its meeting on August 28, 2009, the Council considered the proposed consolidated civil case information sheet and approved the posting of it on its website for comment. At its meeting on March 19, 2010, the Council considered proposed revisions to the civil case information sheet based on the comments received. In April 2010, the Council adopted the proposed consolidated civil case information sheet, as revised, and the instructions for its completion.

Task Force on Indigent Defense

FY 2010 marks the ninth 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 is a permanent standing committee of the Texas Judicial Council, staffed as a component of the Office of Court Administration (OCA). 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. The mission of the Task Force is to promote justice and fairness to all indigent persons accused of criminal conduct. The Task Force assists counties in providing quality, cost-effective representation that meets the needs of local communities and the requirements of state and constitutional laws.

In FY 2010, the Task Force and its committees held ten public meetings. The Task Force and staff also converged for a strategic planning session in March to take stock of the progress of indigent defense policies in Texas and to chart a strategic vision 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 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. Formula grants provide money to counties for increased indigent defense costs that arise from improved indigent defense services using a standard allocation formula. Funds are distributed to all counties who apply, document their increased expenditures, and maintain a countywide indigent defense plan that complies with statutes and standards requirements set by the Task Force.

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.

\$7.1 million in discretionary grants were awarded to the following counties in FY 2010: Harris County to establish a new pilot public defender program; Montgomery County to create a managed assigned counsel program; Dickens County to create the Caprock Regional Public Defender Office; Lubbock County to expand the West Texas Regional Public Defender Office; Bell County to create a web-based core solution that tracks county compliance with the Fair Defense Act; Taylor County to establish a multi-county video conferencing system with Callahan and Jones counties; and Dallas County to implement video conferencing improvements.

Fiscal Monitoring. The Task Force is required by Texas Government Code §71.062(a)(3) 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 §71.062(b) 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 major review of the Bexar 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/tfid. The website provides public access to all county plans, expenditures, guides, model forms, rules, publications, e-newsletters and press releases.

Significant Accomplishments of FY 2010

- The Task Force published *Representing the Mentally Ill Offender: An Evaluation of Advocacy Alternatives*, a two-year study that examined mental health courts and mental health public defender offices in Tarrant, Dallas and Travis Counties. The study found that criminal offenders with mental impairments who are treated for their illness instead of being jailed are less likely to commit crimes again for up to 18 months.
- Last session, the Texas Legislature passed H.B. 498 establishing the Timothy Cole Advisory Panel on Wrongful Convictions, which was named after Timothy Cole, the first Texan to be posthumously exonerated of a crime through DNA testing. This legislation went into effect September 1, 2009. The Panel was directed to advise the Task Force in the preparation of a study regarding the causes of wrongful convictions and make recommendations to prevent future wrongful convictions. The Panel met formally on four occasions and also held a number of subcommittee meetings throughout the year. In August, the Panel submitted its report and research to the Task Force for publication and distribution. The Panel specifically addressed eyewitness identification procedures, the recording of custodial interrogations, open discovery policies, post-conviction procedures, and the feasibility of creating an innocence commission to investigate wrongful convictions. In total, the Panel made 11 specific recommendations for reform. Pursuant to H.B. 498, the report and recommendations were presented to the Governor, Lieutenant Governor, Speaker of the House, and standing committees with members on the Panel. The report is available online at the Task Force website: <http://www.txcourts.gov/tfid/pdf/FINALTCAPreport.pdf>.
- The Task Force Director presented “State Collaborations for Systemic Reform – Learning from Setbacks” at the U.S. Department of Justice National Symposium on Indigent Defense.
- County, state and federal stakeholders attended the 7th Annual Indigent Defense Workshop to discover methods, processes, ideas and tools to increase the proficiencies of indigent defense systems, the quality of representation for the poor, caseload management practices, management of jail populations and other issues related to the overall criminal justice system in Texas. Video downloads of the presentations are available at <http://www.txcourts.gov/tfid/videos2.htm>.

Grantee Accomplishments

- The Travis County Mental Health Public Defender Office created a documentary film entitled “A Different Kind of Law: Holistic Justice for the Mentally Ill.” Visit www.txcourts.gov/tfid to view the film.
- The Harris County Veterans Court was featured on PBS. To view the program, go to: <http://www.pbs.org/wnet/need-to-know/culture/uniform-justice/2135/>.

FY 2010 Annual and Expenditure Report for the Task Force. The Task Force is statutorily required to submit an Annual and Expenditure Report. The full report for FY 2010 may be viewed and downloaded at www.txcourts.gov/tfid.

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 November 2010, 72 district and county clerks in 47 counties have implemented electronic filing. These cover 254 district courts, 76 county courts at law, 18 probate courts, and 26 justice courts using electronic filing. These jurisdictions cover approximately 75 percent of the state's population.

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.

Work continued in FY 2010 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. JCIT participates with the TAMES project steering committee and assists with developing rules of appellate procedure required to implement the project.

JCIT is working on standards for document filing types so that Texas.gov may efficiently implement e-filing in courts and provide a familiar set of document types to attorneys, regardless of the court in which they are filing. Soon this work will encompass indigent e-filing and criminal case e-filing.

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.

Support to OCA Projects. JCIT is working with OCA for broad-based, diverse advice on how to construct and implement OCA projects in a way that best supports the activities of a variety of trial courts throughout the state. This includes OCA projects such as TAMES and Automated Registry.



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Llano County Courthouse - Llano

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 curriculums 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, as the governing body, 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 17 meetings were held in Austin during FY 2010: four Board meetings, four Review Committee meetings, one Continuing Education Committee meeting, four Certification/Uniform Format Manual Committee meetings, and four Rules Committee meetings, including a meeting of the subcommittee on contracting issues.

Complaints. The Board received a total of 30 complaints filed in FY 2010—26 complaints filed against court reporters and four complaints filed against court reporting firms. The Board held 13 formal hearings, which resulted in disciplinary actions assessed against five court reporters and two court reporting firms with six matters dismissed.

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 2010. TCRA administered four exams to 283 applicants in Austin, Houston, and Dallas, resulting in 46 new certifications issued—five in oral stenography and 41 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 1,073 individual certifications out of a licensee base of 2,617 licensees with approximately 59 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 90 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 17 new registrations for court reporting firms and renewed 175 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.

Public Information Requests – Rule 12. Staff processed 24 open record requests.

Iron Data Licensing System. Future projects proposed and pending approval at fiscal year-end include 1) extending the online renewal window by six months for court reporters to renew online from September 1st to June 30th; 2) adding online registration renewal capabilities for court reporting firms based on a September 1st to June 30th renewal window; and 3) working on a fix for the system to recognize that all three legs of Part A of the exam must be passed in one sitting to assign a passing grade to that portion of the exam.

Rules Governing the Court Reporting Profession. The Board and staff initiated a comprehensive review of its rules. Proposed revisions were completed on the Standards and Rules including, but not limited to, changes in the processing of complaints filed against court reporters and court reporting firms and the method by which an applicant's criminal history is obtained. Criminal history is currently self-reported by the applicant. The proposed rules set out a process for the Board to obtain criminal histories directly from DPS and the FBI via fingerprint submissions by the applicant. At fiscal year-end, revisions to the Standards and Rules were pending at the Supreme Court of Texas.

The revised Uniform Format Manual (UFM) was submitted to the Supreme Court and adopted July 1, 2010. Section 8 was added to the UFM relating to the electronic submission of court reporters' records to the Courts of Appeals as part of the Texas Appeals Management and e-filing System (TAMES) project. The "Figures" section of the UFM provides guidelines on the formatting of records and is currently under review by the Certification/UFM Committee.

The Board also 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.

The Board will continue the comprehensive review of its rules in FY 2011, beginning with the Continuing Education Rules.

Policies. A comprehensive review of the Board's policies was also conducted in FY 2010 and will continue into FY 2011. Policies that were incorporated into the proposed Standards and Rules pending before the Supreme Court include defaulted student loans and the Ex Parte Policy that prohibits a party to a complaint from contacting a member of the Board in regard to a complaint except in the course of official proceedings before the Board.

Website. The Board maintains a website at 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.



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Concho County Courthouse - Paint Rock

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 (OCA) 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 four meetings in Austin during the fiscal year.

Complaints. There were 20 complaints against process servers on the Supreme Court of Texas Statewide List of Certified Process Servers that were reviewed by the Board. Five process servers' authorizations to serve were suspended. One process server's certification was revoked. As of August 31, 2010, nine complaints were pending investigation.

Approval of Applications. The Board approved 1,722 new applicants and 182 renewal applicants. A total of 439 process servers had their certification expire and, of those, 123 persons reapplied and were reinstated.

When the orders were adopted by the Supreme Court, effective July 1, 2005, 1,265 process servers were "grandfathered in" by virtue of meeting pre-existing requirements in Harris, Dallas, and Denton counties. As of August 31, 2010, the total number of certified process servers had reached 5,448.

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/> 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.



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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. Two public members were appointed during FY 2010 to replace members who had resigned: one resigned during the fiscal year and one had resigned in FY 2009.

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 2010, 69 guardians were granted certification, 39 were granted provisional certification, and 46 individuals moved from provisional to "full" certification. (The 46 individuals who went from provisional to "full" guardianship are included in the total number of guardians.) Four provisionally certified guardians voluntarily surrendered their respective certifications. A total of 332 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. Fifty-three certified guardians successfully re-certified during FY 2010, for a total of 160 re-certified guardians at the close of the fiscal year. The Rules governing Guardianship Certification allow certified guardians to apply for re-certification up to 90 days past their certification expiration date. Twelve certified guardians passed the 90-day mark during the fiscal year, rendering them ineligible for re-certification; their certifications are expired.

Provisional certifications are valid for only one two-year period, unless a waiver is sought from and granted by the GCB. Five provisionally certified guardians made requests for waivers; one withdrew her request before the GCB considered it. The four requests considered by the GCB were granted. One individual who was granted an extension did not comply with GCB instructions and requests for information; her provisional certification expired at the end of the extension. The other three were granted extensions until the end of calendar year 2010 (FY 2011). A total of 12 provisional certifications expired during the fiscal year.

Complaints. Three complaints were filed in FY 2010. On two complaints, the provisionally certified guardians voluntarily surrendered their provisional certifications before the GCB took action. Board staff was unable to locate the subject of the third complaint, and therefore no action was taken during the fiscal year. The subject's provisional certification will expire in FY 2011.

One certified and one provisionally certified guardian were suspended by the GCB in FY 2009 pending compliance with the relevant Rules. Neither individual complied, and each of their certifications expired in FY 2010.

Board and Committee Meetings Held. The full GCB met four times in FY 2010 for its regular quarterly meetings. The GCB also held two special called meetings. The first was to consider the application for certification by a non-certified individual who had been providing guardianship services; his application was granted. The second special

called meeting was held to consider three requests for waivers by provisionally certified guardians; all three requests were granted. The Minimum Standards Committee met three times, the Rules Committee met four times, and the Application Review Committee met seven times. The Denial of Certification Review Committee and the Disciplinary Review Committee did not meet during FY 2010.

Rules Governing Guardianship Certification. Two sets of proposed amendments to the Rules were submitted for public comment during the preceding fiscal year. The first was approved by the Board for submission to the Supreme Court of Texas in FY 2009, and the second was approved during FY 2010. Both sets of proposed amendments to Rules III, V, VI, VII, IX, X, XI, XII, XIII, XIV, and XVI were submitted to and approved by the Supreme Court. A proposed amendment to Rule XII regarding recusal of a GCB member during the disciplinary process was not adopted, but the other proposed amendments to Rule XII were approved. Highlights of the amended Rules include the addition of a timeframe in which an application for certification or provisional certification must be completed; changes to the continuing education requirements; revised reporting requirements to reflect statutory changes; and restrictions for a provisionally certified guardian's designated certified guardian supervisor. New Rule XVI was added to provide guidelines for the GCB to use in considering the criminal history of an application for certification, provisional certification, or re-certification.

Additional proposed amendments to the Rules Governing Guardianship Certification had been submitted for public comment and were pending Board approval for submission to the Supreme Court at the close of the fiscal year.

Minimum Standards for Guardianship Services. As noted above, the Minimum Standards Committee met three times during the fiscal year. The Committee reviewed all standards, which were initially adopted in FY 2007. The Minimum Standards Committee presented recommended changes to several standards, including the addition of language regarding conflicts of interest, to the GCB. The GCB referred the issues back to the Committee for further study. The Committee will re-present its recommendations to the GCB at the first full board meeting in the coming fiscal year.

Policies. The GCB amended its Access to Board Records policy to reflect statutory changes regarding an applicant's criminal history record information, passed during the 81st Legislative Session. The GCB is now authorized to share with a court the criminal history record information obtained by the GCB when issuing or renewing an individual's certification, eliminating the need for county clerks to obtain separate criminal history reports on those individuals. The Public Meetings Policy was revised to allow applicants and others with business before the GCB to address the Board in closed session under certain circumstances. The Attendance at Board Meetings Policy, adopted last fiscal year, went into effect during FY 2010.



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 of Texas, the Court of Criminal Appeals of Texas, 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. A new chair was appointed in 2009.

Commission and Committee Meetings. For the 2009-2010 biennium, the Commission held its first meeting on January 20, 2010, in Austin. At this meeting, the Commission decided to continue using the committee structure established during the previous biennium.

The Public Comment Committee took comment on issues related to judicial compensation at a meeting on April 15, 2010 at the Texas State Bar.

The Data Gathering Committee worked with staff of the OCA to compile and analyze data concerning the factors that must be considered by the Commission. The chair of the Data Gathering Committee and the Judicial Information Manager for the OCA presented a summary of the Committee's findings to the Commission at its meeting on July 16, 2010.

The Commission held an additional meeting on October 8, 2010 to finalize and approve its report.

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



Photo courtesy of TexasCourthouses.com

Caldwell County Courthouse - Lockhart

Explanation of Case Categories by Court Level

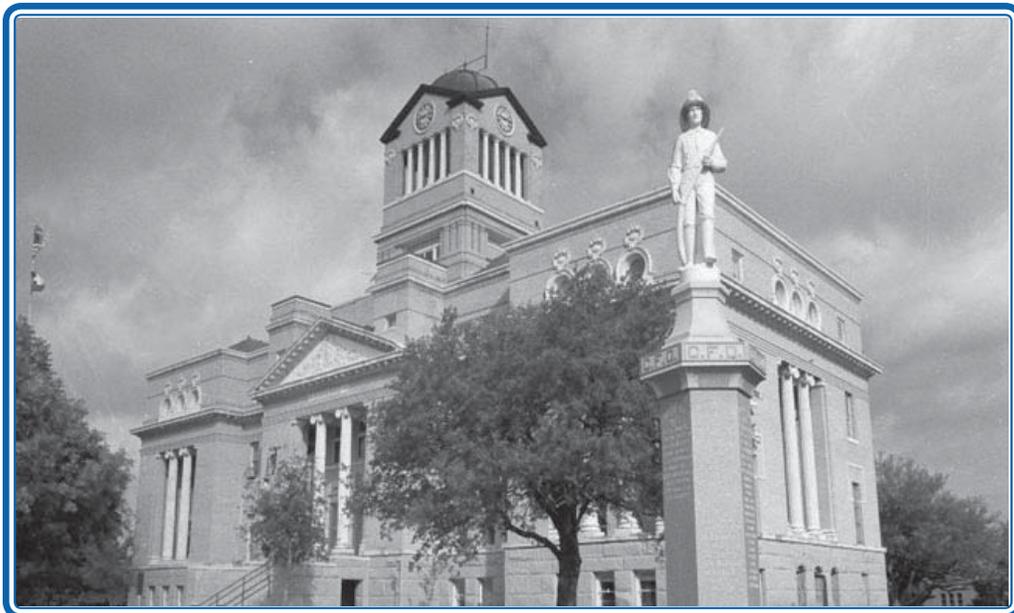


Photo courtesy of TexasCourthouses.com

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 (Article 21.24, Code of Criminal Procedure), only one case per person named in the indictment is reported. The case is reported under the classification for the most serious offense alleged.

The case type categories are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ALL MISDEMEANORS: Any offense classified as a misdemeanor.

CIVIL DOCKET

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

The case type categories are:

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

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

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

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

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

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

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

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

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

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

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

JUVENILE DOCKET

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

OTHER PROCEEDINGS

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

County-Level Courts

Explanation of Case Categories

CRIMINAL DOCKET

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

The case type categories are:

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

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

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

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

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

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

CIVIL DOCKET

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

The case type categories are:

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

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

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

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

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

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

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

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

JUVENILE DOCKET

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

PROBATE AND MENTAL HEALTH CASES

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

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

Justice Courts

Explanation of Case Categories

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

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

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

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

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

Municipal Courts

Explanation of Case Categories

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

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

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

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

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

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

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