

ANNUAL
STATISTICAL REPORT
FOR THE
TEXAS JUDICIARY



FISCAL YEAR 2005

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FOR THE
TEXAS JUDICIARY**



FISCAL YEAR 2005

Published By

OFFICE OF COURT ADMINISTRATION
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DECEMBER 2005

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OFFICE OF COURT ADMINISTRATION

A Message from the Administrative Director

Welcome to the Annual Report of the Texas Judiciary. I hope this is a useful and relevant document for those interested in the administration of justice in our great state, and I welcome your suggestions for further enhancements to this and other reports issued by the Office of Court Administration/Texas Judicial Council staff.

In 2005, I was appointed by the Supreme Court of Texas as the fourth administrative director of the Office of Court Administration (OCA) and executive director of the Texas Judicial Council. I succeed Ms. Alicia Key in those roles, after the interim directorship of Ms. Carrice Marcovich.

It is a great pleasure and a privilege to become associated with the capable and professional staff in my new home, and I invite you to avail yourself of our services. We are dedicated to the effective administration of justice, providing high quality consulting, technology, funding, legal and support services to judges, courts, and judicial branch entities, and a wealth of knowledge and information for those interested in the courts and judiciary of Texas.

I wanted to take this opportunity to highlight my particular interest in strengthening the security and safety of our state court system. We are seeing an era of increasing disrespect for the independence of the judiciary, increased violence within and around the halls of justice, and the violent targeting of judges and their families. Our emphasis on court security addresses the need to prevent disturbances and violence that impede the core mission of courts – to administer justice. Such events also undermine confidence and respect for the courts, and terrorize the judges and staff who have dedicated themselves to the administration of justice, not to mention the lawyers and members of the public who avail themselves of the courts. We are addressing this issue through the formation of a Court Security Committee of the Texas Judicial Council. The committee includes excellent representation across the judiciary as well as the law enforcement community, and we anticipate developing meaningful statutory and funding recommendations for the 80th Texas Legislature.

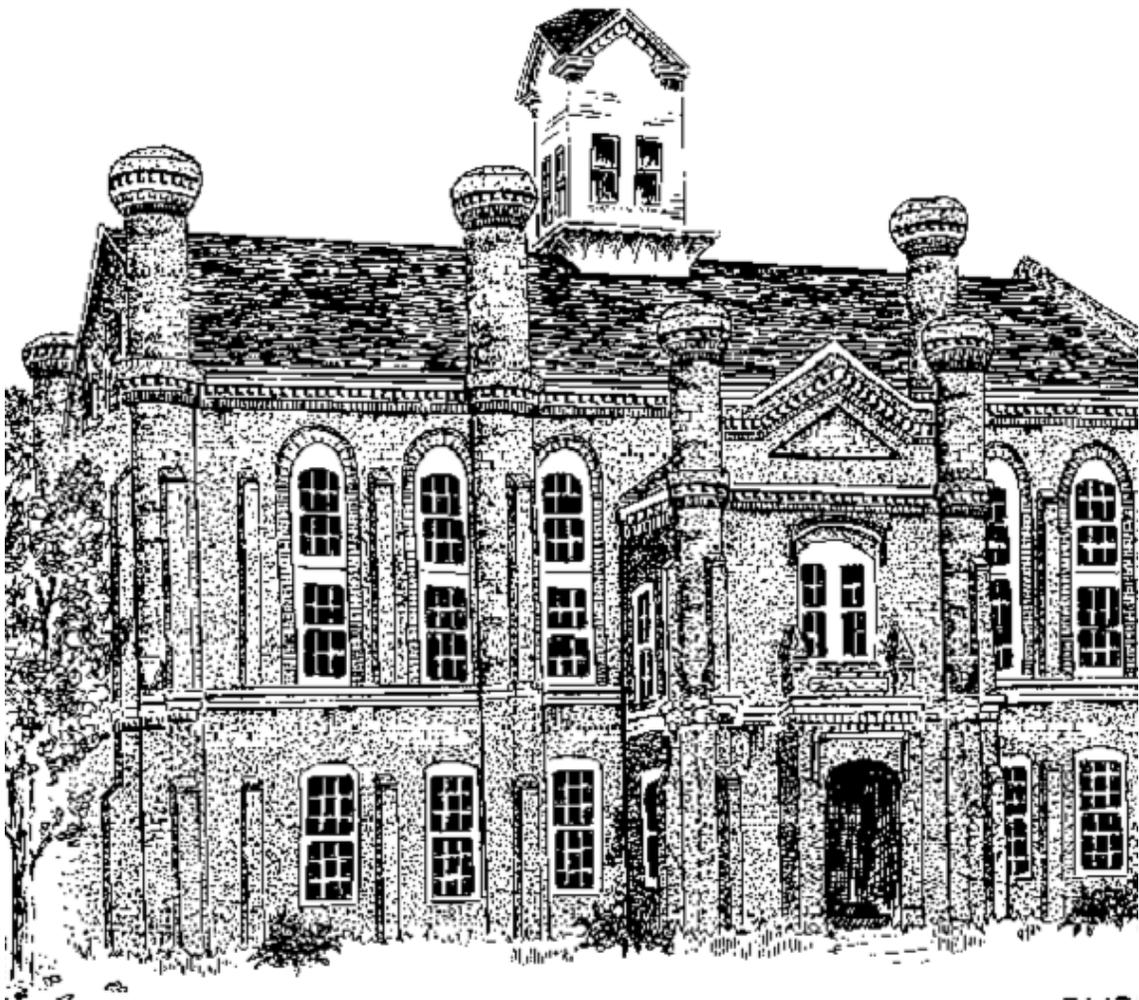
It is my commitment and vision to help lead a new era of collaboration and creativity for the advancement of the judicial branch and the administration of justice. Please let me know how our office can be of service to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Reynolds".

Carl Reynolds

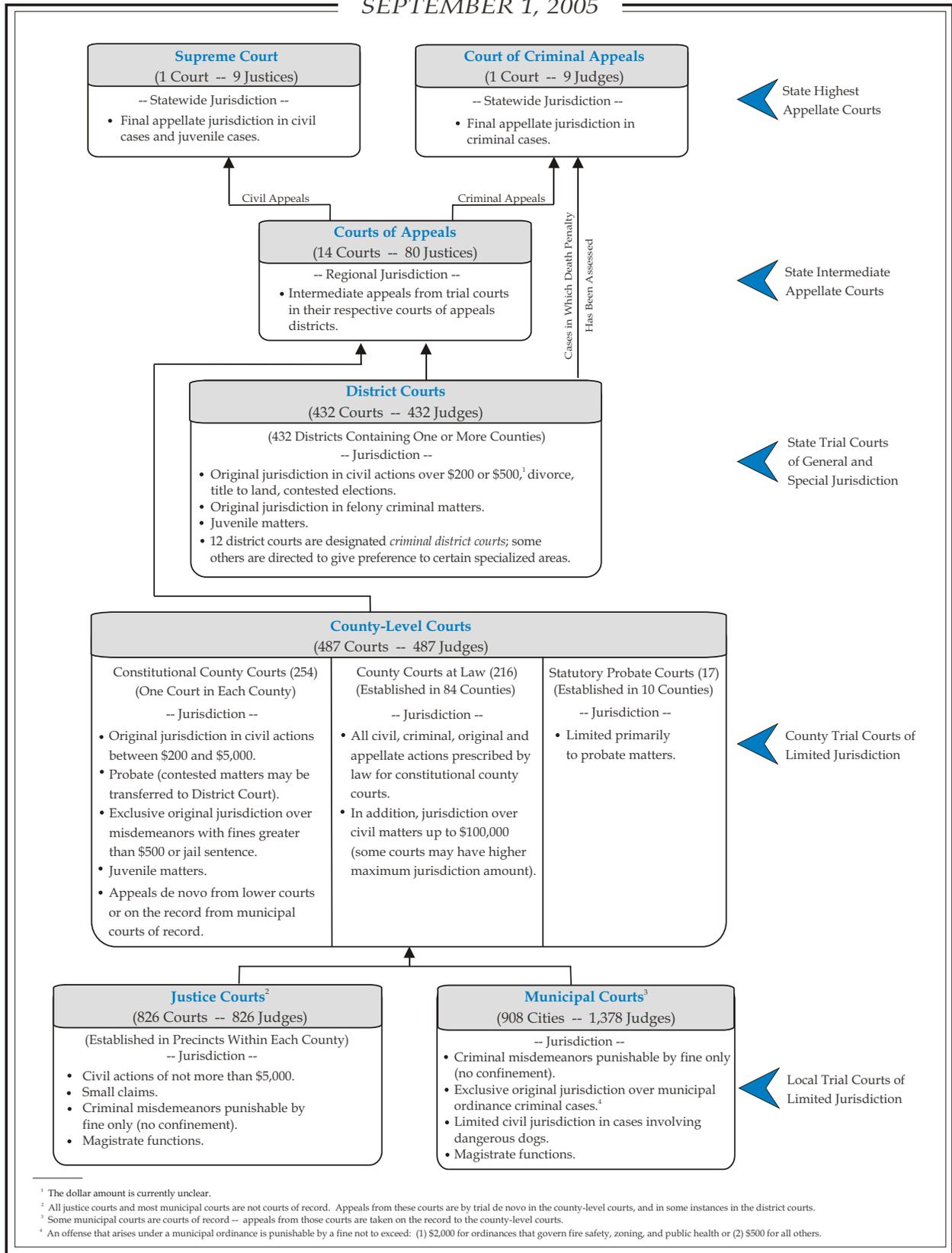
Texas Courts: A Descriptive Summary



Shelby County Courthouse

COURT STRUCTURE OF TEXAS

SEPTEMBER 1, 2005



Introduction

The basic structure of the present court system of Texas was established by an 1891 constitutional amendment. The amendment established the Supreme Court, 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 state law violations, limited to the geographical confines of the municipality.

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.

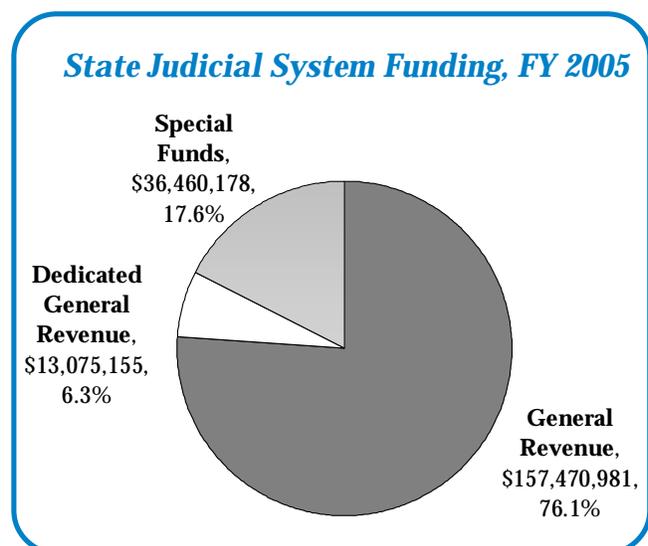
Jurisdiction of the various levels of courts is established by constitutional provision and by statute. Statutory jurisdiction is established by general statutes providing jurisdiction for all courts on a particular level, as well as by the statutes establishing individual courts. Thus, to determine the jurisdiction of any one 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 System

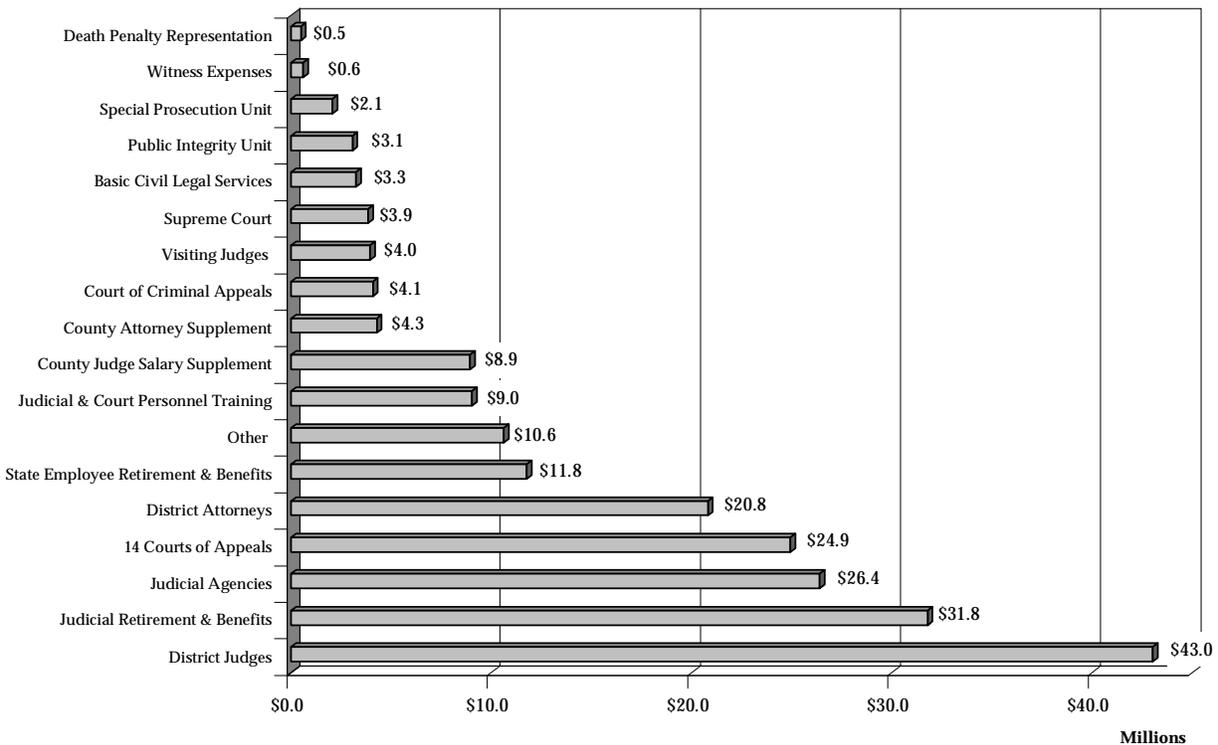
The State provides full funding for the Supreme Court and the Court of Criminal Appeals, as well as a base salary and some expenses for the appellate and district judges of Texas. Most counties supplement the base salary for judges of district courts and courts of appeals. Counties pay the costs of constitutional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

In fiscal year 2005, state appropriations for the Texas judicial system were down 3.5 percent from the previous fiscal year and accounted for less than 0.36 percent of all state appropriations (\$207,007,649 of the \$57,823,242,798 appropriated from all Funds in fiscal year 2005). Approximately 76 percent of the financing for the judicial system came from General Revenue in fiscal year 2005. Another 6 percent came from dedicated General Revenue funds, such as the Compensation to Victims of Crime Account and the Fair Defense Account, while the remaining 17.6 percent came from other funds, including the Judicial Fund, Judicial and Court Personnel Training Fund, other special State funds, and criminal justice grants.

In fiscal year 2005, salaries for district judges and travel expenses for those district judges with jurisdiction in more than one county accounted for approximately one-fifth of appropriations for the judicial system, and judicial retirement and benefits comprised another 15 percent.



State Judicial System Appropriations, FY 2005



Notes: 1. "Visiting Judges" includes salaries and per diem expenses.
 2. "Other" includes Social Security and Benefit Replacement Pay and Lease Payments.
 3. Judicial 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 \$6 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 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 a blend of 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 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 trial of 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 at the same time 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 Edinburgh.

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. Effective January 1, 2005, the 78th Legislature increased the number of justices on the Ninth Court of Appeals in Beaumont from three to four and reduced the number of justices on the Eighth Court of Appeals in El Paso from four to three.

Trial Courts

The trial courts are courts in which 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, the statutory county courts, and the 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 of the constitutions have provided that the judges of these courts must be chosen from defined districts (as opposed to statewide election). As of September 1, 2005, there were 432 district courts in Texas, though judges had not yet been appointed for the five new courts that came into effect on that date. In many locations, the geographical jurisdiction of two or more district courts is overlapping.

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, or family law matters. Ten 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. 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.

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 \$5,000; concurrent jurisdiction with the district courts in civil cases where the matter in controversy exceeds \$500 but does not exceed \$5,000; general jurisdiction over probate cases; juvenile jurisdiction; and exclusive original jurisdiction over misdemeanors, other than those involving official misconduct, where punishment for the offense 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

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, 2005, 216 statutory county courts and 17 statutory probate courts were operating in 84 (primarily metropolitan) counties to relieve the county judge of some or all of the judicial duties of office.

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 generally 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.

Justice Courts

As amended in November 1983, the Texas Constitution generally 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, 2005, 826 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 \$5,000. Justice courts also have jurisdiction over forcible entry and detainer cases and function as small claims courts. Trials in justice of the peace courts are not “of record.” Appeals from these courts are upon trial *de novo* in the constitutional county court, the county court at law, or the district court.

The justice of the peace is also important 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 both felony and 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.

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 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, 2005, municipal courts were operating in approximately 908 cities, and large cities usually have more than one municipal court or judge.

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

Trials in municipal courts are not generally “of record;” many appeals go to the county court, the county court at law, or the district court upon 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 general responsibility for the efficient administration of the judicial system and possesses the authority to make rules of administration applicable to the courts. 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, the presiding judge of the Court of Criminal Appeals, the chief justices of each of the 14 courts of appeals, and the judges of each of the trial courts are generally responsible for the administration of their respective courts. Furthermore, in counties with two or more district courts or two or more statutory county courts, a local administrative district judge or local administrative statutory county court judge is elected for a term not to exceed two years by the district judges or statutory county court judges in the county.¹¹ The local administrative judge is charged with implementing and executing the local rules of administration, supervising the expeditious movement of court caseloads, and other administrative duties.¹²

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 residing in each region as the presiding judge.

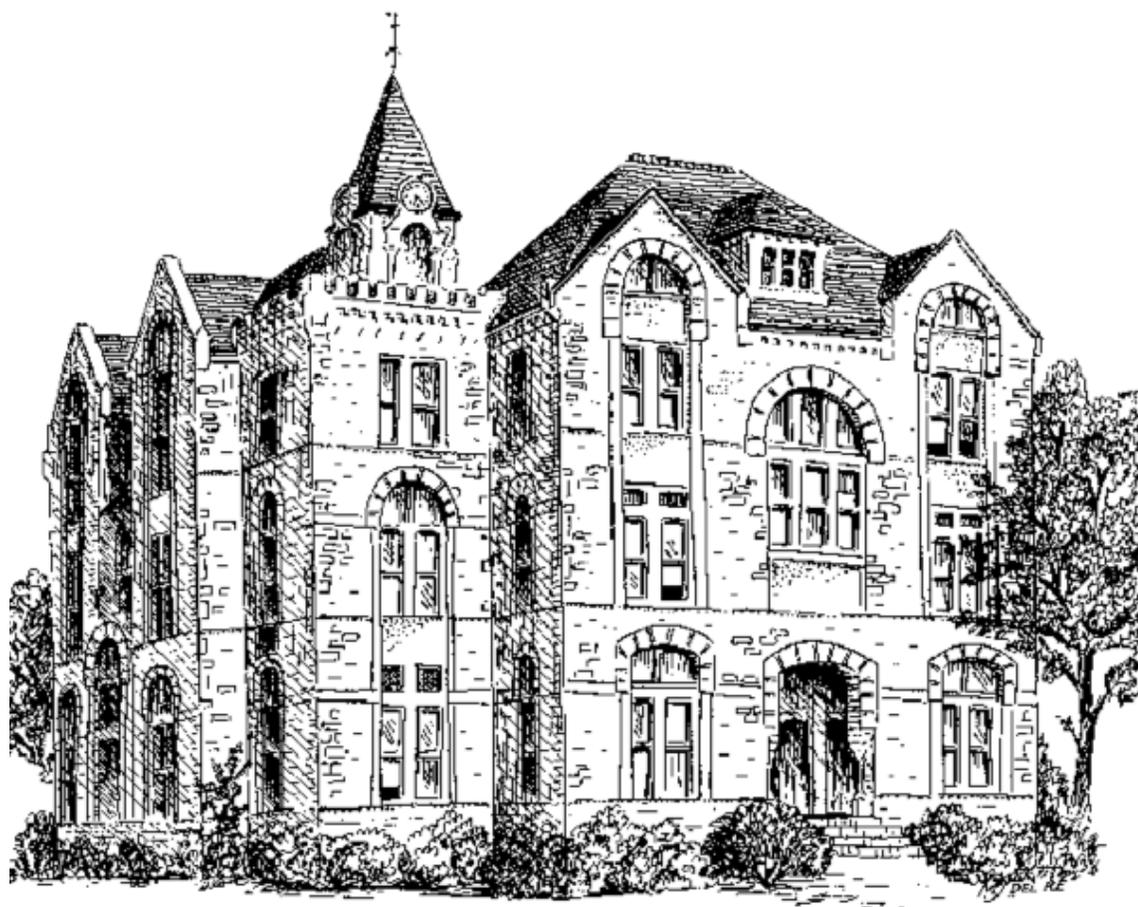
The chief justice of the Supreme Court may convene periodic conferences of the chief justices of the courts of appeals, as well as periodic conferences of the nine presiding judges, to ensure the efficient administration of justice in the courts of the state.

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 (HB 1, 78th Leg., R.S., Art. IV, page IV-2, Rider 2) that states, "It is the intent of the Legislature that the Supreme Court equalize the dockets of the fourteen 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." 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 Texas Supreme Court to administer funds for provision of basic civil legal services to the indigent.
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. In accordance with Section 74.091 or Section 74.0911, Texas Government Code.
12. The administrative responsibilities of the local administrative judge are detailed in Section 74.092, Texas Government Code.

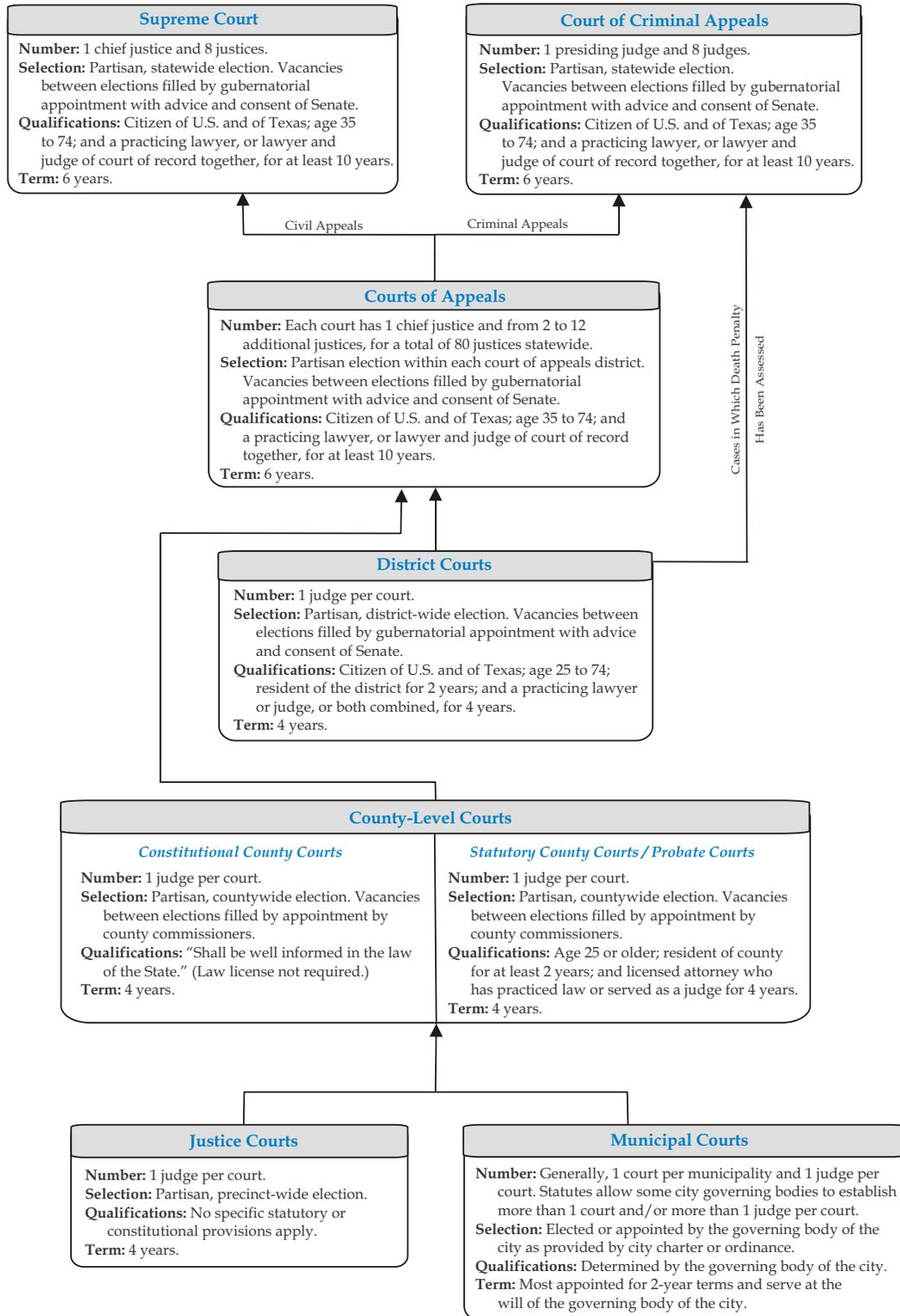
Information About Texas Judges

For the Fiscal Year
Ended August 31, 2005



Fayette County Courthouse

Judicial Qualifications and Selection in the State of Texas



Profile of Appellate and Trial Judges*

as of September 1, 2005

	Supreme Court	Court of Criminal Appeals	Court of Appeals	District Courts	Criminal District Courts	County Courts at Law	Statutory Probate Courts	County Courts	Justice Courts	Municipal Courts
NUMBER OF JUDGES:										
Number of Judge Positions	9	9	80	420	12	216	17	254	826	1,378
Number of Judges	9	9	79	415	10	216	17	254	826	1,367
Number of Vacant Positions	0	0	1	5	2	0	0	0	0	11
Number of Municipalities w/ Courts	--	--	--	--	--	--	--	--	--	908
Cities with No Courts	--	--	--	--	--	--	--	--	--	245
AGE OF JUDGES:										
	(n = 9)	(n = 9)	(n = 76)	(n = 403)	(n = 10)	(n = 193)	(n = 15)	(n = 221)	(n = 706)	(n = 1,092)
Mean	50	62	56	55	51	59	64	56	60	57
Oldest	60	72	73	74	61	81	74	79	93	89
Youngest	39	52	38	35	40	36	53	33	27	24
RANGE OF AGE:										
Under 25	0	0	0	0	0	0	0	0	0	1
25 through 34	0	0	0	0	0	0	0	3	11	25
35 through 44	3	0	7	56	1	45	0	8	62	158
45 through 54	4	2	34	167	4	76	1	58	191	329
55 through 64	2	6	28	153	5	53	10	101	271	343
65 through 74	0	1	7	28	0	14	4	44	130	171
75 through 84	0	0	0	0	0	5	0	7	37	62
Over 85	0	0	0	0	0	0	0	0	4	3
GENDER OF JUDGES:										
	(n = 9)	(n = 9)	(n = 79)	(n = 415)	(n = 10)	(n = 216)	(n = 17)	(n = 254)	(n = 815)	(n = 1,341)
Males	8	5	46	305	7	150	14	228	547	900
Females	1	4	33	110	3	66	3	26	268	441
ETHNICITY OF JUDGES:										
	(n=9)	(n=9)	(n=78)	(n=403)	(n=10)	(n=188)	(n=10)	(n=230)	(n=636)	(n=963)
African-American	2	0	2	11	2	6	0	2	21	32
American Indian or Alaska Native	0	0	1	2	0	0	0	0	2	7
Asian or Pacific Islander	0	0	1	1	0	0	0	0	0	7
Hispanic/Latino	1	0	12	49	1	32	1	18	108	132
White (Non-Hispanic)	6	9	62	337	7	148	9	207	503	779
Other	0	0	0	4	0	2	0	3	2	6
LENGTH OF SERVICE:										
	(n=9)	(n=9)	(n=79)	(n=414)	(n=10)	(n=209)	(n=15)	(n=247)	(n=762)	(n=1,091)
Average	3 Yr 9 Mo	6 Yr 5 Mo	6 Yr 6 Mo	9 Yr 6 Mo	8 Yr 10 Mo	8 Yr 1 Mo	14 Yr 5 Mo	7 Yr 3 Mo	9 Yr 9 Mo	8 Yr 7 Mo
Longest	16 Yr 8 Mo	12 Yr 8 Mo	18 Yr 8 Mo	29 Yr 10 Mo	15 Yr 4 Mo	29 Yr 5 Mo	24 Yr 0 Mo	34 Yr 8 Mo	40 Yr 3 Mo	45 Yr 2 Mo
RANGE OF SERVICE ON THIS COURT IN YEARS:										
Under 1 Year	4	0	5	28	1	7	0	4	19	88
1 through 4	3	3	34	106	2	60	0	91	189	360
5 through 9	1	4	15	95	1	59	3	60	180	274
10 through 14	0	2	23	94	5	42	6	66	262	163
15 through 19	1	0	1	60	1	31	2	17	52	97
20 through 24	0	0	0	29	0	6	4	3	41	57
25 through 29	0	0	0	4	0	3	0	5	15	27
30 through 34	0	0	0	0	0	0	0	1	4	16
35 through 39	0	0	0	0	0	0	0	0	0	6
40 through 44	0	0	0	0	0	0	0	0	1	2
Over 45	0	0	0	0	0	0	0	0	0	1
FIRST ASSUMED OFFICE BY:										
	(n=9)	(n=9)	(n=79)	(n=415)	(n=11)	(n=209)	(n=15)	(n=247)	(n=750)	(n=1,238)
Appointment	5 (56%)	1 (11%)	42 (53%)	171 (41%)	4 (36%)	70 (33%)	8 (53%)	43 (17%)	154 (21%)	1,221 (99%)
Election	4 (44%)	8 (89%)	37 (47%)	244 (59%)	7 (64%)	139 (67%)	7 (47%)	204 (83%)	594 (79%)	17 (1%)
EDUCATION:										
HIGH SCHOOL:										
Attended	--	--	--	--	--	--	--	--	38 (5%)	24 (2%)
Graduated	--	--	--	--	--	--	--	--	656 (93%)	1,029 (96%)
COLLEGE:										
Attended	0 (0%)	0 (0%)	0 (0%)	6 (1%)	0 (0%)	5 (3%)	0 (0%)	38 (16%)	156 (22%)	115 (11%)
Graduated	9 (100%)	9 (100%)	76 (97%)	392 (96%)	10 (100%)	189 (96%)	14 (93%)	149 (63%)	229 (33%)	693 (65%)
LAW SCHOOL:										
Attended	0 (0%)	0 (0%)	0 (0%)	2 (0%)	0 (0%)	2 (1%)	0 (0%)	0 (0%)	5 (1%)	7 (1%)
Graduated	9 (100%)	9 (100%)	78 (100%)	403 (99%)	10 (100%)	194 (99%)	15 (100%)	34 (14%)	52 (7%)	543 (51%)
LICENSED TO PRACTICE LAW:										
Number Licensed	9 (100%)	9 (100%)	79 (100%)	415 (100%)	10 (100%)	216 (100%)	17 (100%)	33 (13%)	53 (6%)	551 (40%)
Mean Year Licensed	1983	1974	1979	1979	1979	1981	1972	1978	1980	1980
RANGE OF YEAR LICENSED:										
Before 1950	0	0	0	0	0	0	0	67	132	245
1950 through 1954	0	0	0	1	0	1	1	0	0	3
1955 through 1959	0	1	2	3	0	3	0	1	1	7
1960 through 1964	0	0	2	12	0	3	2	2	0	20
1965 through 1969	0	1	4	33	1	12	1	6	7	48
1970 through 1974	1	2	13	70	2	24	5	6	10	76
1975 through 1979	2	3	18	102	1	37	6	2	6	97
1980 through 1984	2	2	24	93	3	46	2	6	12	93
1985 through 1989	1	0	10	56	2	58	0	4	4	69
1990 through 1994	3	0	6	39	1	29	0	4	10	84
1995 through 1999	0	0	0	8	0	3	0	2	3	46
Since 2000	0	0	0	0	0	0	0	0	0	8
ORIGINALLY CAME TO THIS COURT FROM:										
Attorney Private Practice	0 (0%)	1 (11%)	20 (25%)	--	--	--	--	--	--	--
Judge of Lower Court	6 (67%)	4 (44%)	14 (18%)	--	--	--	--	--	--	--
Legislative Service	1 (11%)	3 (33%)	3 (4%)	--	--	--	--	--	--	--
Other Governmental Service	0 (0%)	0 (0%)	0 (0%)	--	--	--	--	--	--	--
PREVIOUS EXPERIENCE:										
Prosecutor	0 (0%)	5 (56%)	19 (24%)	195 (47%)	7 (70%)	103 (48%)	4 (24%)	12 (5%)	--	--
Attorney Private Practice	6 (67%)	9 (100%)	46 (58%)	340 (82%)	9 (90%)	158 (73%)	15 (88%)	29 (11%)	--	--
Judge of Lower Court	4 (44%)	2 (22%)	16 (20%)	82 (20%)	1 (10%)	38 (18%)	5 (29%)	20 (8%)	--	--
County Commissioner	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	22 (9%)	--	--
MAYOR SERVING AS JUDGE:										
	--	--	--	--	--	--	--	--	--	21 (2%)

* Data may be incomplete, as this chart includes only information reported to OCA. Associate judges not included in data, except for municipal courts.

Salaries of Elected State Judges

September 1 through November 30, 2005

The State of Texas pays the base salaries of the state's appellate and district judges. Salaries for these judges have remained constant since fiscal year 1999 (beginning September 1, 1998).

In addition to the salary paid by the State, Chapter 31 of the Texas Government Code authorizes the counties in each court of appeals district to pay each justice of the court of appeals for that district a sum not to exceed \$15,000 per year for judicial and administrative services rendered. However, Section 659.012 of the Government Code limits the total salary for a justice of a court of appeals to a combined sum from state and county sources of \$1,000 less than the state salary paid to a justice of the Texas Supreme Court. This same provision limits the chief justices of the courts of appeals to receive a combined salary of \$500 less than the state salary paid to justices of the Supreme Court. To stay within the salary limit, the maximum additional compensation a justice may receive is \$4,650. If the additional compensation exceeds this amount, the state portion of the salary is reduced.

Various sections of Chapter 32 of the Texas Government Code authorize the state salaries of some district court judges to be supplemented from county funds. Section 659.012 of the Government Code limits, unless otherwise provided by law, the total annual salary for a district judge to a combined sum from state and county sources of \$2,000 less than the state salary provided for a justice of the Supreme Court. The 78th Legislature, during its regular session and third special session, amended certain sections of Chapter 32 to allow Collin, Ellis, Harris, Hill, Tarrant, Travis, and Williamson counties to pay the annual supplemental salary to district judges without restriction. Except for the judges in these seven counties, if a judge's supplement causes the judge's combined salary to exceed the maximum, the state portion of the salary is reduced.

Salary Summary for Elected State Judges as of September 1, 2005

Judge	State Salary	Additional/ Supplemental Compensation ¹	Other	Total
Supreme Court - Chief Justice	\$115,000	N/A		\$115,000
Supreme Court - Justice	\$113,000	N/A		\$113,000
Ct. of Criminal Appeals - Presiding Judge	\$115,000	N/A		\$115,000
Ct. of Criminal Appeals - Judge	\$113,000	N/A		\$113,000
Court of Appeals - Chief	\$107,850	up to \$4,650 ³		\$112,500
Court of Appeals - Justice	\$107,350	up to \$4,650 ³		\$112,000
Presiding Judge - Admin. Judicial Region (Active District Judge)	\$101,700	up to \$9,300 ⁴	not to exceed \$33,000 ⁵	up to \$134,000 ⁷
Presiding Judge - Admin. Judicial Region (Retired or Former Judge)	N/A	N/A	\$35,000 - 50,000 ⁶	up to \$50,000
District Judge - Local Admin. Judge who serves in county with more than 6 dist. cts.	\$106,700 ²	up to \$9,300 ⁴		\$116,000 ^{2,4}
District Judge	\$101,700	up to \$9,300 ⁴		\$111,000 ⁴

1. Additional compensation provided by counties in judicial and appellate districts for extrajudicial service performed by judges and justices. Tex. Gov't Code Sec. 31.001 and Ch. 32.

2. Includes \$5,000 state supplement. Tex. Gov't Code Sec. 659.0125.

3. The state salary of an appellate justice whose additional compensation exceeds \$4,650 will be reduced by the amount of the excess so that the maximum salary the justice receives from state and county sources is \$112,000 (justice) or \$112,500 (chief justice). Tex. Gov't Code Secs. 659.012 and 31.001.

4. Except for district judges in Collin, Ellis, Harris, Hill, Tarrant, Travis and Williamson counties, the state salary of a district judge whose county supplement exceeds \$9,300 will be reduced by the amount of the excess so that the maximum salary the judge receives from state and county sources is \$111,000. Tex. Gov't Code Secs. 659.012, 32.043, 32.070, 32.101, 32.109, 32.220, 32.227 and 32.246. In fiscal year 2005, the salary of 111 district judges ranged from \$116,732 - \$131,000.

5. Presiding judges salary set by Texas Judicial Council. Tex. Gov't Code 74.051(b). Paid by counties in administrative judicial region on a pro rata basis based on population.

6. Presiding judges salary based on number of courts and judges in region. Tex. Gov't Code Sec. 74.051(c). Paid by counties in administrative judicial region on a pro rata basis based on population.

7. A presiding judge who is an active judge in Collin, Ellis, Harris, Hill, Tarrant, Travis or Williamson counties whose county supplement exceeds \$9,300 may receive a combined salary in excess of \$134,000.

As of December 1, 2005

In August 2005, the 79th Legislature amended statutes relating to the compensation of state judges (79th Legislature, Second Called Session, H.B. 11).

Effective December 1, 2005, the annual state salary of a district judge increases 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 will limit the total annual salary for a district judge to a combined sum from state and county sources of \$5,000 less than the state salary provided for a justice of a court of appeals. Effective December 1, 2005, special provisions created in Chapter 32 during the 78th Legislature allowing unrestricted payment by certain counties of an annual supplemental salary to district judges will be eliminated.

The annual state salary of a justice of a court of appeals increases to 110 percent of the annual state salary of a district judge. In addition, the chief justice of an appellate court will receive \$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 will 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 Texas 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 increases to 120 percent of the annual state salary of a district judge. Moreover, the chief justice or presiding judge of these courts will receive \$2,500 more than the other justices or judges on the courts.

Salary Summary for Elected State Judges as of December 1, 2005

Judge	State Salary	Additional Compensation ¹	Other	Total
Supreme Court - Chief Justice	\$152,500	N/A		\$152,500
Supreme Court - Justice	\$150,000	N/A		\$150,000
Ct. of Criminal Appeals - Presiding Judge	\$152,500	N/A		\$152,500
Ct. of Criminal Appeals - Judge	\$150,000	N/A		\$150,000
Court of Appeals - Chief	\$140,000	up to \$7,500 ³		\$147,500
Court of Appeals - Justice	\$137,500	up to \$7,500 ³		\$145,000
Presiding Judge - Admin. Judicial Region (Active District Judge)	\$125,000	up to \$7,500 ³	not to exceed \$33,000 ⁴	up to \$165,500
Presiding Judge - Admin. Judicial Region (Retired or Former Judge)	N/A	N/A	\$35,000 - 50,000 ⁵	up to \$50,000
District Judge - Local Admin. Judge who serves in county with more than 5 dist. cts.	\$130,000 ²	up to \$7,500 ³		\$137,500 ^{2,3}
District Judge	\$125,000	up to \$7,500 ³		\$132,500 ³

1. Additional compensation provided by counties in judicial and appellate districts for extrajudicial service performed by judges and justices. Tex. Gov't Code Secs. 31.001 and 32.001.

2. Includes \$5,000 state supplement. Tex. Gov't Code Sec. 659.012(d).

3. The state salary of a district judge 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 \$132,500 (district judge), \$145,000 (appellate justice), or \$147,500 (appellate chief justice). Tex. Gov't Code Secs. 659.012, 31.001 and 32.001.

4. Presiding judges' salary set by Texas Judicial Council. Tex. Gov't Code 74.051(b). Paid by counties in administrative judicial region on a pro rata basis based on population.

5. Presiding judges' salary based on number of courts and judges in region. Tex. Gov't Code Sec. 74.051(c). Paid by counties in administrative judicial region on a pro rata basis based on population.

Newly Elected State Judges

Elected November 2004

(Assumed Office January 1, 2005)

Hon. Paul W. Green
Justice, Supreme Court
Succeeding Hon. Steven W. Smith

Hon. Charles A. Kreger
Justice, 9th Court of Appeals
Succeeding Hon. Don Burgess

Hon. Don Adams
Judge, Dallas Co. Criminal
District Court No. 2
Succeeding Hon. Cliff Stricklin

Hon. Devon Diane Anderson
Judge, 177th District Court
Succeeding Hon. Carol G. Davies

Hon. Angie Juarez Barill
Judge, 346th District Court
Succeeding Hon. Richard Roman

Hon. Laurine Jean Blake
Judge, 336th District Court
Succeeding Hon. Ray Grisham

Hon. Lonnie Cox
Judge, 56th District Court
Succeeding Hon. Norma Venso

Hon. Jim Patrick Fallon
Judge, 15th District Court
Succeeding Hon. James Fry

Hon. Jose Roberto Flores
Judge, 139th District Court
Succeeding Hon. Ernest Aliseda

Hon. Dennise Garcia
Judge, 303rd District Court
Succeeding Hon. Beth Maultsby

Hon. Oscar Hale, Jr.
Judge, 406th District Court
Succeeding Hon. Andres Reyes

Hon. Janelle M. Haverkamp
Judge, 235th District Court
Succeeding Hon. Jerry Woodlock

Hon. Bill Heatly
Judge, 50th District Court
Succeeding Hon. David Hajek

Hon. Bud Kirkendall
Judge, 2nd 25th District Court
Succeeding Hon. Gus Strauss

Hon. Sharon McCally
Judge, 334th District Court
Succeeding Hon. Mauricio Rondon

Hon. Mark Thomas Price
Judge, 89th District Court
Succeeding Hon. Juanita Pavlick

Hon. Lorraine A. Raggio
Judge, 162nd District Court
Succeeding Hon. Bill Rhea

Hon. Reva Towslee Corbett
Judge, 335th District Court
Succeeding Hon. Harold Towslee

Hon. Gisela Triana
Judge, 200th District Court
Succeeding Hon. Paul Davis

Hon. Jay Weatherby
Judge, 340th District Court
Succeeding Hon. Rae Leifeste

Hon. Thomas Wheeler
Judge, 350th District Court
Succeeding Hon. Jesse Holloway

Hon. Stephen Yelenosky
Judge, 345th District Court
Succeeding Hon. Patrick Keel

State Judges Appointed

September 1, 2004 to August 31, 2005

Hon. Wallace B. Jefferson
Chief Justice, Supreme Court
Appointed Sept. 15, 2004
Succeeding Hon. Thomas R. Phillips

Hon. Phil Johnson
Justice, Supreme Court
Appointed April 11, 2005
Succeeding Hon. Michael H. Schneider

Hon. David Michael Medina
Justice, Supreme Court
Appointed Dec. 10, 2004
Succeeding Hon. Wallace B. Jefferson

Hon. Brian Quinn
Chief Justice, 7th Court of Appeals
Appointed May 20, 2005
Succeeding Hon. Phil Johnson

Hon. Mackey Hancock
Justice, 7th Court of Appeals
Appointed June 15, 2005
Succeeding Hon. Brian Quinn

Hon. Hollis Horton III
Justice, 9th Court of Appeals
Appointed Jan. 1, 2005
Newly Created Seat

Hon. Rebecca Simmons
Justice, 4th Court of Appeals
Appointed April 14, 2005
Succeeding Hon. Paul W. Green

Hon. Alan Waldrop
Justice, 3rd Court of Appeals
Appointed August 25, 2005
Succeeding Hon. Mack Kidd

Hon. Don R. Willett
Justice, Supreme Court
Appointed August 24, 2005
Succeeding Hon. Priscilla Owen

Hon. Joe Frazier Brown, Jr.
Judge, 57th District Court
Appointed April 22, 2005
Succeeding Hon. Patrick Boone

Hon. Dan Moore
Judge, 173rd District Court
Appointed June 15, 2005
Succeeding Hon. Jack Holland

Hon. Horacio Pena, Jr.
Judge, 92nd District Court
Appointed June 15, 2005
Succeeding Hon. Ed Aparicio

Hon. Richard E. Price
Judge, 408th District Court
Appointed August 23, 2005
Succeeding Hon. Rebecca Simmons

Hon. William Charles Sowder
Judge, 99th District Court
Appointed August 23, 2005
Succeeding Hon. Mackey Hancock

Hon. William Stacy Trotter
Judge, 244th District Court
Appointed Sept. 28, 2004
Succeeding Hon. Gary Watkins

Hon. Cynthia McCrann Wheless
Judge, 417th District Court
Appointed Sept. 25, 2004
Newly Created Court

Other Judges and Judicial Officers

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 26 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

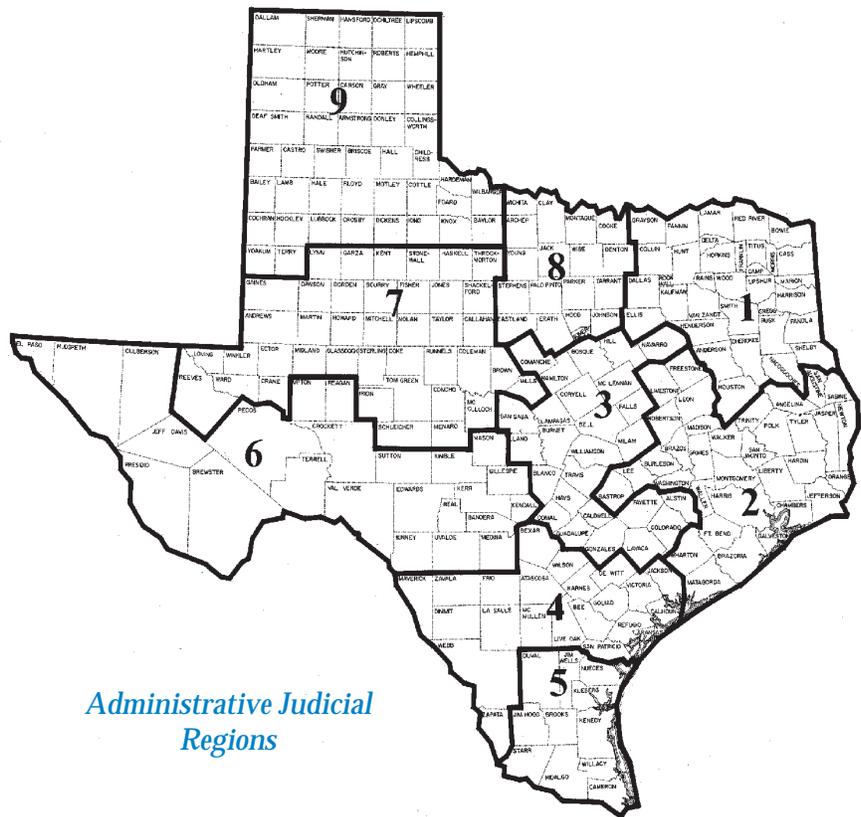
Like judicial officers appointed under Chapter 54 of the Government Code, district and county-level judges refer certain cases to associate judges appointed under Chapter 201 of the Family Code.

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.



Assigned Judges in the Trial Courts

Statistics For the Year Ended August 31, 2005

	<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	54	0	0	1	0	0	0	55
Active District Judges	0	0	0	0	0	3	0	2	6	11
Senior District Judges	0	1	0	0	0	5	0	0	0	6
TOTAL Assignments	0	1	54	0	0	9	0	2	6	72
Days Served:										
Senior/Former Appellate Judges	0.0	0.0	106.0	0.0	0.0	1.0	0.0	0.0	0.0	107.0
Active District Judges	0.0	0.0	0.0	0.0	0.0	3.0	0.0	2.0	2.0	7.0
Senior District Judges	0.0	1.0	0.0	0.0	0.0	6.0	0.0	0.0	0.0	7.0
TOTAL Days Served	0.0	1.0	106.0	0.0	0.0	10.0	0.0	2.0	2.0	121.0
By Presiding Judges of Administrative Regions¹										
Assignments within the Administrative Regions:										
Number of Assignments:										
Active Appellate Judges	7	0	0	0	0	0	0	0	0	7
Senior/Former Appellate Judges	236	135	122	8	0	58	51	61	94	765
Active District Judges	38	107	35	16	24	25	39	159	68	511
Senior/Former District Judges	435	936	896	303	271	297	279	387	104	3,908
Active Statutory County Court Judges	5	28	6	0	43	1	1	31	3	118
Retired/Former Statutory County Ct. Judges	72	28	11	0	21	42	36	40	42	292
Active Justices of the Peace	0	0	4	0	0	0	0	0	0	4
TOTAL Assignments	793	1,234	1,074	327	359	423	406	678	311	5,605
Days Served:										
Active Appellate Judges	37.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	37.0
Senior/Former Appellate Judges	665.0	416.5	153.5	20.0	0.0	297.0	9.5	166.0	96.0	1,823.5
Active District Judges	102.0	90.0	9.0	22.0	11.5	27.0	12.0	97.0	47.0	417.5
Senior/Former District Judges	1,754.0	2,614.0	964.0	1,181.0	862.0	448.0	295.5	861.0	235.0	9,214.5
Active Statutory County Court Judges	32.0	38.0	1.0	0.0	4.0	0.0	2.0	26.0	0.0	103.0
Retired/Former Statutory County Ct. Judges	213.0	105.0	26.0	0.0	34.0	103.0	28.0	38.0	72.0	619.0
Active Justices of the Peace	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL Days Served	2,803.0	3,263.5	1,153.5	1,223.0	911.5	875.0	337.5	1,188.0	450.0	12,214.5
Assignments from Other Administrative Regions:										
Number of Assignments:										
Senior Appellate Judges	0	0	0	0	0	26	0	0	1	27
Active District Judges	3	5	3	0	6	2	0	1	1	21
Senior/Former District Judges	48	2	63	34	1	38	19	5	15	225
Active Statutory County Court Judges	0	9	3	27	0	0	0	1	0	40
Retired/Former Statutory County Ct. Judges	0	1	0	0	0	0	0	0	0	1
TOTAL Assignments	51	17	69	61	7	66	19	7	17	314
Days Served:										
Senior Appellate Judges	0.0	0.0	0.0	0.0	0.0	55.5	0.0	0.0	5.0	60.5
Active District Judges	3.0	18.0	0.0	0.0	22.0	13.0	0.0	1.0	1.0	58.0
Senior/Former District Judges	361.0	7.0	52.0	71.5	6.0	63.5	24.0	12.0	19.0	616.0
Active Statutory County Court Judges	0.0	16.0	1.0	83.5	0.0	0.0	0.0	5.0	0.0	105.5
Retired/Former Statutory County Ct. Judges	0.0	2.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.0
TOTAL Days Served	364.0	43.0	53.0	155.0	28.0	132.0	24.0	18.0	25.0	842.0
By the Supreme Court for Disciplinary Proceedings²										
Number of Assignments: Active District Judges	0	5	1	5	1	0	0	0	0	12
Days Served: Active District Judges	0.0	6.0	1.0	7.0	3.0	0.0	0.0	0.0	0.0	17.0
Total --- Trial Court Assignments										
Number of Assignments	844	1,257	1,198	393	367	498	425	687	334	6,003
Days Served	3,167.0	3,313.5	1,313.5	1,385.0	942.5	1,017.0	361.5	1,208.0	477.0	13,194.5
Assignments to Other Administrative Regions	11	14	75	10	3	6	62	8	3	192

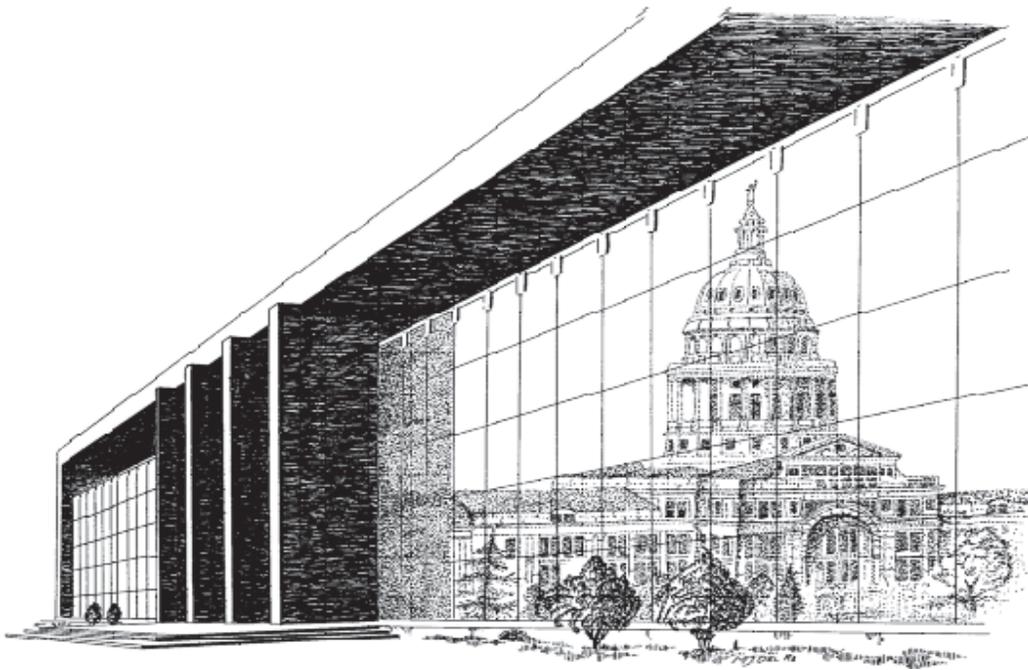
Notes:

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.

Caseload Trends in the Appellate Courts

Analysis of Activity for the Fiscal Year
Ended August 31, 2005



Reflection of State Capitol on Supreme Court Building



The Supreme Court

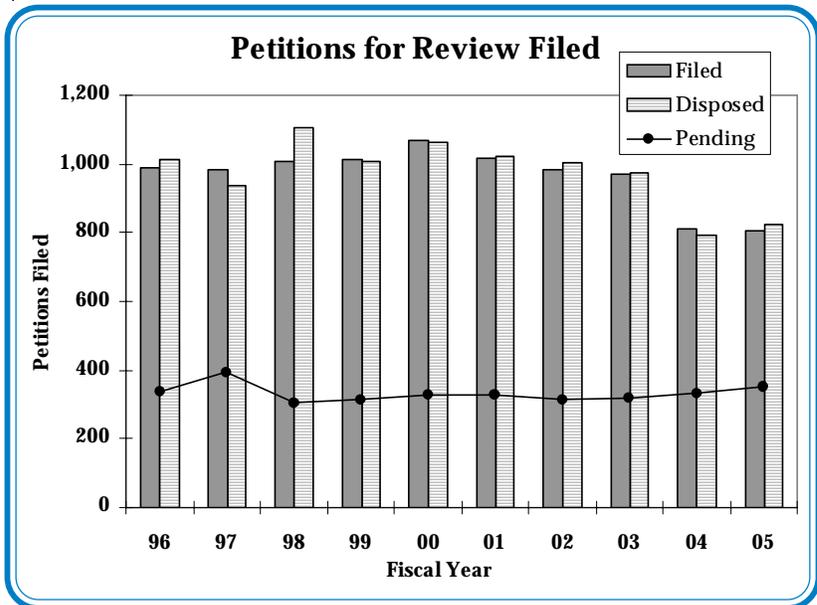
Petitions for Review¹ – In 2005, 805 petitions for review were filed in the Supreme Court, which was nearly identical to the number filed the previous year and was the lowest number filed since 1983 (703 petitions). Filings of petitions for review have declined each year since 2000.

For the first time since 1998, less than half (46.9 percent) of the petitions for review came from the five most populous counties—Harris, Dallas, Tarrant, Bexar and Travis. Furthermore, the percentage filed from Harris County (16.6 percent) was at the lowest level of the decade. Nearly one fifth of petitions for review were filed from the First Court of Appeals district (Houston).

The Supreme Court disposed of 823 petitions for review in 2005. While this was an increase over the 791 petitions disposed of the previous year, dispositions of petitions for review have generally declined since 2000, commensurate with the decline in the number of filings. Of the petitions for review disposed of in 2005, initial review was granted in 13.2 percent of the cases—the highest percentage since 1996.

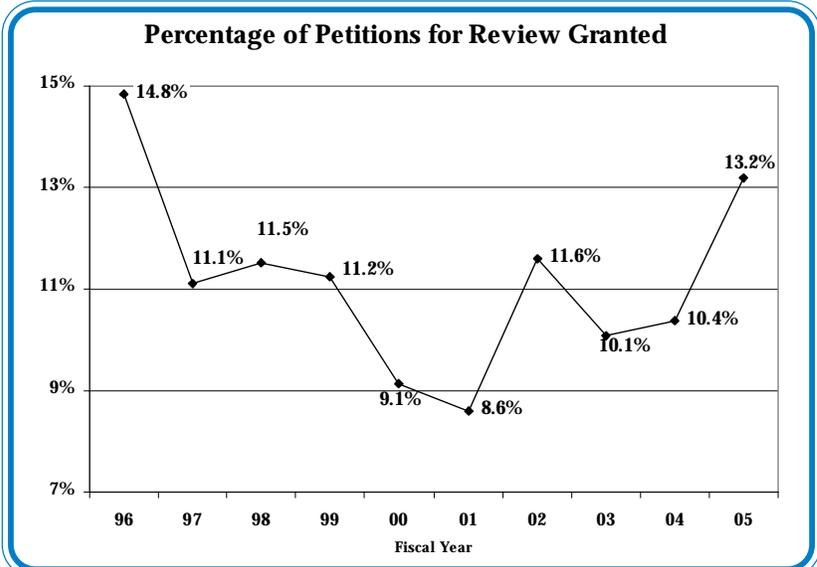
Initial review was granted most frequently (25 percent) in petitions filed from the 9th Court of Appeals district (Beaumont) and was granted least frequently (3 percent) in petitions filed from the 7th Court of Appeals district (Amarillo).

Although the Supreme Court achieved a clearance rate of 102 percent for petitions for review in 2005, the number of petitions pending at the end of the fiscal year increased from the previous year. In general, the number of petitions for



Percentage of Petitions for Review Granted in FY 2005, by Court of Appeals District

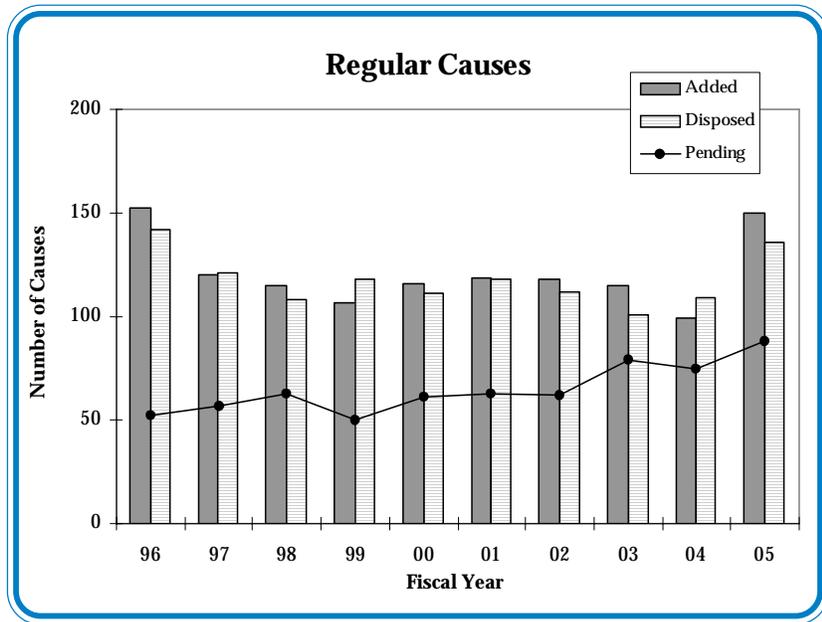
9th (Beaumont) - 25.0%	14th (Houston) - 10.9%
13th (Corpus Christi/Edinburg) - 22.6%	6th (Texarkana) - 10.8%
3rd (Austin) - 18.1%	11th (Eastland) - 9.0%
5th (Dallas) - 15.7%	4th (San Antonio) - 8.8%
12th (Tyler) - 14.3%	2nd (Fort Worth) - 7.9%
1st (Houston) - 12.2%	8th (El Paso) - 5.6%
10th (Waco) - 11.3%	7th (Amarillo) - 3.2%



review pending at the end of the fiscal year has continued to increase slightly since 1998.

Regular Causes² - The 150 regular causes added to the Supreme Court’s docket in 2005 was a significant increase over the 99 causes added during the previous year and was the largest number added since 1996 (152 causes). Over the last 10 years, an average of 121 regular causes were added to the court’s docket each year.

Although the court also disposed of more causes (136) than were disposed of in any other year since 1996, dispositions did not keep pace with the substantial increase in causes added, resulting in the largest number of causes (88) ever pending in the court at the end of a fiscal year.



The Supreme Court reversed the decision of the intermediate appellate court in 62.9 percent of cases in which it granted a petition for review and affirmed a decision in less than 10 percent of cases.

Case Processing Times - The time from filing to disposition for all cases disposed of in 2005 increased slightly compared to the previous year, from 151 to 164 days. The average length of time that an active case had been pending also increased from 168 days in 2004 to 179 days in 2005. However, the average time from date of oral argument to disposition decreased from the previous year—from 338 to 318 days.

Opinions Written - The justices of the Supreme Court issued 136 opinions in 2005, nearly 46 percent of which were majority opinions, 34 percent were per curiam, approximately 10 percent were concurring, and 9 percent were dissenting. Over the past five years, justices issued an average of 138 opinions per year.

1. 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.

2. “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.

Measure	Average Time
For cases disposed in FY 2005, time from filing to disposition	164 days
<i>For cases on docket in FY 2005:</i>	
For active cases, time from filing of case to end of reporting period (Aug. 31, 2005)	179 days
Time from filing to disposition of petition/motion	134 days
Time from granting of petition to oral argument	97 days
Time from filing of petition to release of per curiam opinion	470 days
Time from date of oral argument to date of disposition	318 days

Supreme Court Activity Fiscal Years 1996 through 2005

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	10-Yr. Avg.
Regular Causes:¹											
Added to docket	152	120	115	107	116	119	118	115	99	150	121
Disposed	142	121	108	118	111	118	112	101	109	136	118
Pending at end of year	52	57	63	49	61	63	62	79	75	88	65
Clearance rate	93.4%	100.8%	93.9%	110.3%	95.7%	99.2%	94.9%	87.8%	110.1%	90.7%	97.5%
Petitions for Review:²											
Filed	989	983	1,004	1,012	1,069	1,018	986	968	810	805	964
Disposed:											
<i>Granted</i>	150	104	125	113	97	96	116	98	82	109	110
<i>Other dispositions</i>	861	832	977	893	966	1,020	885	875	709	714	873
Pending at end of year	337	389	298	313	328	329	314	317	332	353	331
Clearance rate	102.2%	95.2%	109.8%	99.4%	99.4%	109.6%	101.5%	100.5%	97.7%	102.2%	102.0%
Other Writs and Motions:											
Filed	2,004	2,029	1,940	1,911	1,997	1,925	2,087	2,761	1,909	2,010	2,057
Disposed	2,028	1,980	1,992	1,940	2,011	1,877	2,117	2,775	1,788	2,031	2,054
Pending at end of year	196	244	129	170	139	199	187	186	308	295	205
Clearance rate	101.2%	97.6%	102.7%	101.5%	100.7%	97.5%	101.4%	100.5%	93.7%	101.0%	99.9%
Opinions Written											
	183	179	222	165	180	139	165	128	122	136	162

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, 2004 through August 31, 2005

	Affirmed	Modified	Reversed	Mixed	Dismissed	Other Disposition	Total
Granted Petitions for Review	10	1	66	9	10	9	105
% of Total Granted Petitions for Review	9.5%	0.95%	62.9%	8.6%	9.5%	8.6%	100.0%
	Initial Review Granted	Review Denied	Dismissed	Abated	Struck	Other Disposition	Total
Petitions for Review	109	661	25	3	16	9	823
% of Total Petitions for Review	13.2%	80.3%	3.0%	0.4%	1.9%	1.1%	100.0%



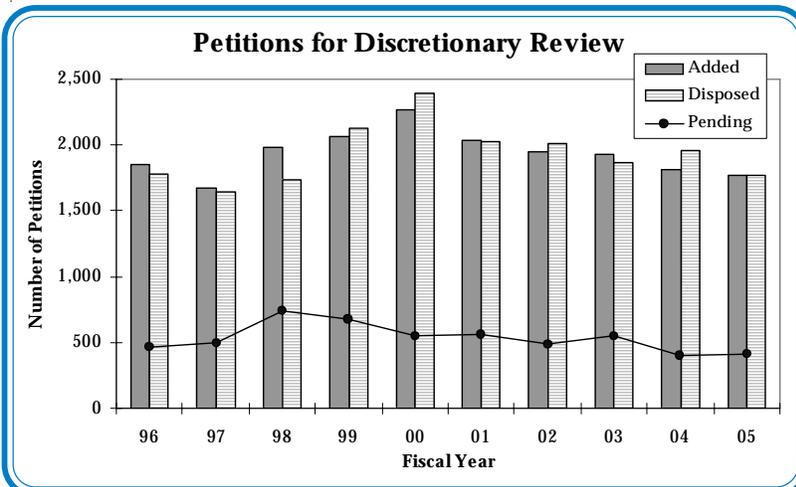
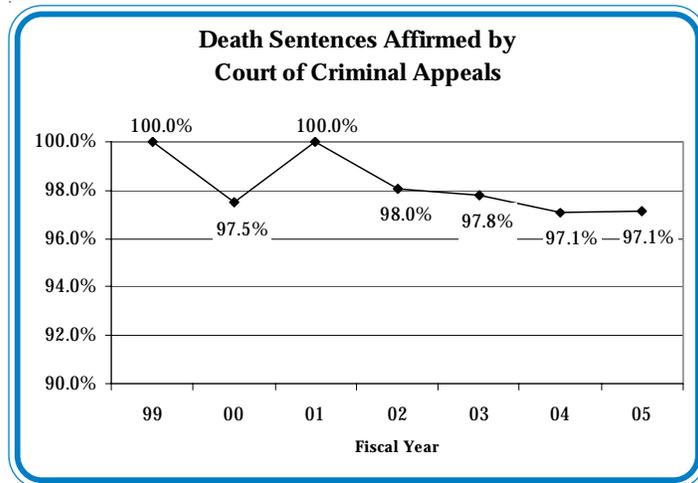
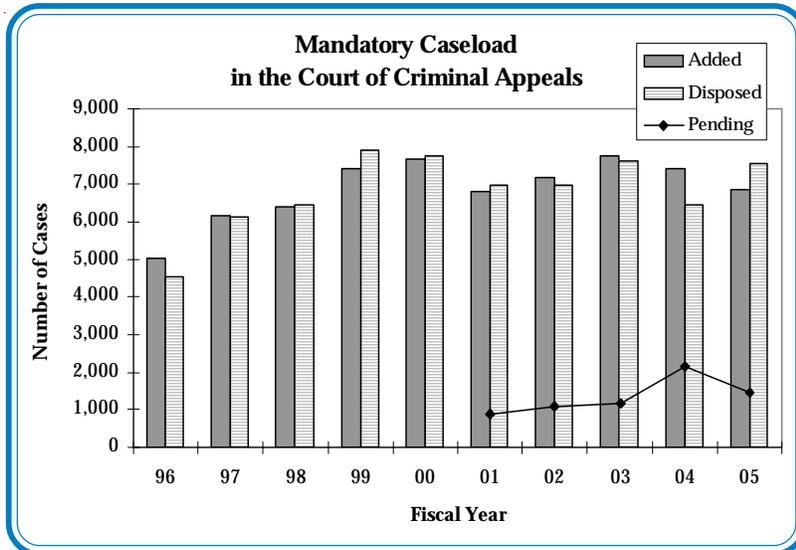
The Court of Criminal Appeals

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. Mandatory matters increased slightly over the past decade as a percentage of the court’s overall caseload, comprising approximately 71 percent of all cases added to the docket in 1996 and 78 percent in 2005. In 2005, applications for writs of habeas corpus accounted for 88 percent of the mandatory caseload.

Overall, filings of mandatory matters declined for the second consecutive year—down 11 percent from the peak of 7,726 cases filed in 2003 but nearly identical to the average of 6,869 cases filed each year over the past 10 years. However, the 583 original proceedings filed in 2005 was the lowest number filed since 1999, and the 239 direct appeals filed was the lowest number filed since 1994.

In 2005, the court disposed of 7,550 cases—approximately 17 percent more than were disposed of during the previous year. With the rise in dispositions and the decrease in filings, the court achieved a clearance rate of 110 percent for its mandatory caseload, resulting in a decline in the number of cases pending at the end of the year.

The court denied 56 percent of applications for writs of habeas corpus (and dismissed another 32 percent) and denied 82.5 percent of original proceedings, compared to only 4 percent of direct appeals for habeas corpus and extraordinary matters.



Death Penalty Appeals

Ten percent of the direct appeal cases filed in 2005 involved death penalty appeals, compared to 11 percent in 2004 and 14 percent in 2003.

In 2005, the court affirmed 34 death penalty sentences and modified one sentence to life in prison.

Discretionary Caseload - The number of petitions for discretionary review filed with the Court of Criminal Appeals declined over each of the past five years. The 1,767 petitions and redrawn petitions filed in 2005 was the lowest number filed since 1997.

More than 56 percent of petitions were filed from the five most populous counties—Harris, Dallas, Tarrant, Bexar, and Travis—and approximately one-quarter were filed from Harris County alone.

Consistent with the decline in filings, dispositions of petitions for discretionary review generally decreased each year since 2000. The 1,764 petitions and redrawn petitions disposed of in 2005 was the lowest number disposed since 1998. Despite the decrease in petitions disposed, the Court achieved a clearance rate of nearly 100 percent for this portion of its caseload.

Of the petitions and redrawn petitions for discretionary review disposed in 2005, initial review was granted in 7.2 percent of the cases—higher than the average 6.4 percent of petitions granted each year over the past five years.

Initial review was granted most frequently (18 percent) in petitions filed from the 10th Court of Appeals district (Waco) and was granted least frequently (2.5 percent) in petitions filed from the 9th Court of Appeals district (Beaumont).

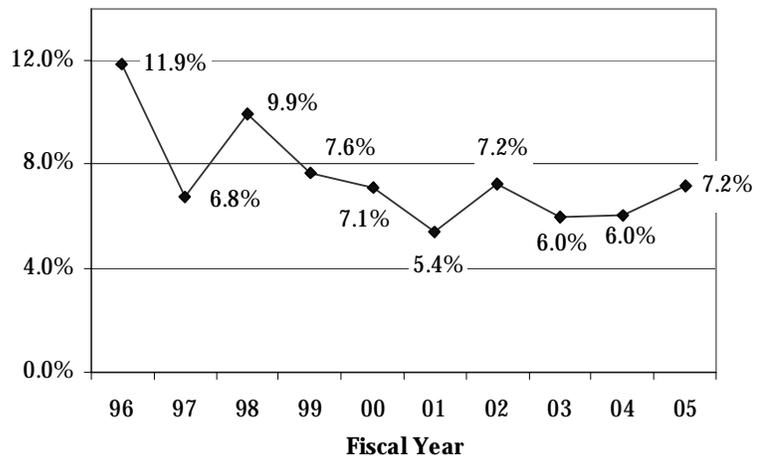
Although there was an increase from the previous year, the number of petitions, redrawn petitions, and granted petitions pending at the end of the fiscal year was the second lowest of the decade.

Opinions Written - The judges of the Court of Criminal Appeals issued 474 opinions in 2005, 35 percent of which were signed opinions, 42 percent were per curiam, 10 percent were concurring, and 12 percent were dissenting. Over the past five years, judges issued an average of 525 opinions per year.

Percentage of Petitions for Review Granted in FY 2005, by Court of Appeals District

10th (Waco) - 17.5%	14th (Houston) - 8.0%
8th (El Paso) - 16.2%	11th (Eastland) - 7.9%
13th (Corpus Christi/Edinburg) - 14.0%	2nd (Fort Worth) - 6.6%
6th (Texarkana) - 12.9%	1st (Houston) - 6.5%
4th (San Antonio) - 9.3%	3rd (Austin) - 6.1%
12th (Tyler) - 9.2%	5th (Dallas) - 2.8%
7th (Amarillo) - 8.5%	9th (Beaumont) - 2.5%

Percentage of Petitions for Discretionary Review Granted



Court of Criminal Appeals Case Processing Times FY 2005

Average time from filing to disposition for cases involving:

<i>Capital punishment</i>	595 days
<i>Application for writ of habeas corpus</i>	39 days
<i>Petition for discretionary review</i>	80 days

Court of Criminal Appeals Activity Fiscal Years 1996 through 2005

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Direct Appeals: ¹											10-Yr. Avg.
Added to docket	318	422	298	363	387	256	278	308	245	239	313
Disposed	323	447	301	377	381	254	295	306	253	239	318
Pending at end of year	132	107	104	90	109	110	92	89	84	84	100
Clearance rate	101.6%	105.9%	101.0%	103.9%	98.4%	99.2%	106.1%	99.4%	103.3%	100.0%	101.6%
Applications for Writ of Habeas Corpus:²											5-Yr. Avg.
Filed	4,730	5,782	6,416	7,074	7,281	5,964	6,167	6,660	6,342	6,046	6,236
Disposed	4,232	5,709	6,187	7,573	7,383	6,123	5,968	6,611	5,448	6,609	6,152
Pending at end of year	1,019	1,151	1,274	869	931	694	900	948	1,836	1,267	1,129
Clearance rate	89.5%	98.7%	96.4%	107.1%	101.4%	102.7%	96.8%	99.3%	85.9%	109.3%	98.7%
Original Proceedings:³											5-Yr. Avg.
Filed	-----	-----	-----	-----	-----	602	732	758	834	583	702
Disposed	-----	-----	-----	-----	-----	602	702	721	761	702	698
Pending at end of year	-----	-----	-----	-----	-----	68	101	147	219	99	127
Clearance rate	-----	-----	-----	-----	-----	100.0%	95.9%	95.1%	91.2%	120.4%	99.4%
Petitions for Discretionary Review: ⁴											10-Yr. Avg.
Filed	2,061	1,791	2,161	2,229	2,446	2,146	2,097	2,039	1,935	1,897	2,080
Disposed	2,002	1,771	1,866	2,318	2,578	2,128	2,160	2,028	2,068	1,886	2,081
Pending at end of year	576	596	891	802	669	685	618	629	496	507	647
Clearance rate	97.1%	98.9%	86.3%	104.0%	105.4%	99.2%	103.0%	99.5%	106.9%	99.4%	100.0%
Motions Considered	2,578	1,731	2,229	2,400	1,103	1,911	1,774	1,479	1,597	1,383	1,819
Opinions Written	749	747	652	798	709	472	595	612	471	474	628

NOTES:

- Direct appeals include death penalty appeals, DNA appeals, and appeals involving habeas corpus or extraordinary matters.
- Prior to fiscal year 2001, original proceedings were included in "Applications for Writ of Habeas Corpus, etc." 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.
- 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.
- 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, 2004 through August 31, 2005

	Affirmed	Modified	Reversed	Abated	Total		
Death Penalty Appeal	34	1	0	1	36		
DNA Appeal	1	0	1	0	2		
	Granted	Denied/Refused	Remanded	Dismissed	Struck	Untimely	Total
Habeas Corpus & Extraordinary Matters	183	8	2	8	0	0	201
Petitions for Discretionary Review	127	1,401	0	10	154	72	1,764
	Affirmed	Reversed	Reversed & Remanded	Remanded	Mixed	Dismissed	Total
Granted Petitions for Discretionary Review	44	13	48	8	1	8	122
	Filed & Set	Denied	Remanded	Dismissed	Returned	Abated	Total
Applications for Writ of Habeas Corpus	208	3,695	364	2,113	228	1	6,609
Original Proceedings	0	578	0	7	0	116	701*
	Granted	Denied	Filed & Set	Remanded	Total		
Motions for Reconsideration	1	4	1	2	8		
Motions for Stay of Execution	4	7	0	0	11		

* One motion for leave to file original mandamus was disposed as "prior order withdrawn."



The Intermediate Courts of Appeals

Cases Filed – The number of filings has remained relatively stable since 1998. However, the number of new cases filed in 2005 (10,394) was the lowest since 2001, continuing the slight decline of new filings over the last three years. The number of other cases¹ added to the courts' dockets (1,360) also declined slightly for the second consecutive year.

Civil cases accounted for approximately 48 percent, and criminal cases nearly 52 percent, of all new filings in 2005. Over the last decade, new civil filings have grown both in number as well as a proportion of all new cases filed.

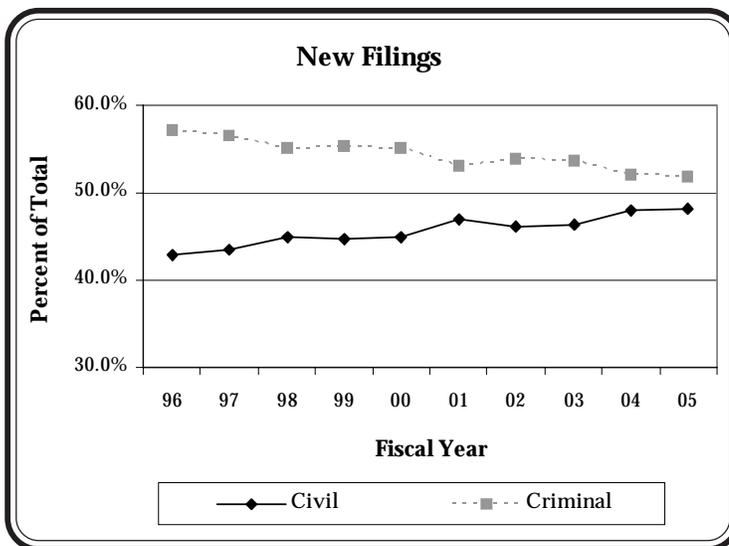
More than half (51.5 percent) of all appeals filed in 2005 came from the state's five most populous counties—Harris, Dallas, Tarrant, Bexar and Travis—and one-fifth came from Harris County alone.

Cases Disposed – In 2005, the intermediate appellate courts disposed of 12,058 cases—an increase over the previous year's dispositions, but lower than the number disposed of each year from 1999 through 2003. More than two-fifths (43.5 percent) of the cases disposed of in 2005 were affirmed, 5.8 percent were reversed, 2.4 percent had a mixed disposition, and 28.5 percent were dismissed.

The average time between filing and disposition was 8.5 months for civil cases and 9.3 months for criminal cases, increasing for the first time since 1999.

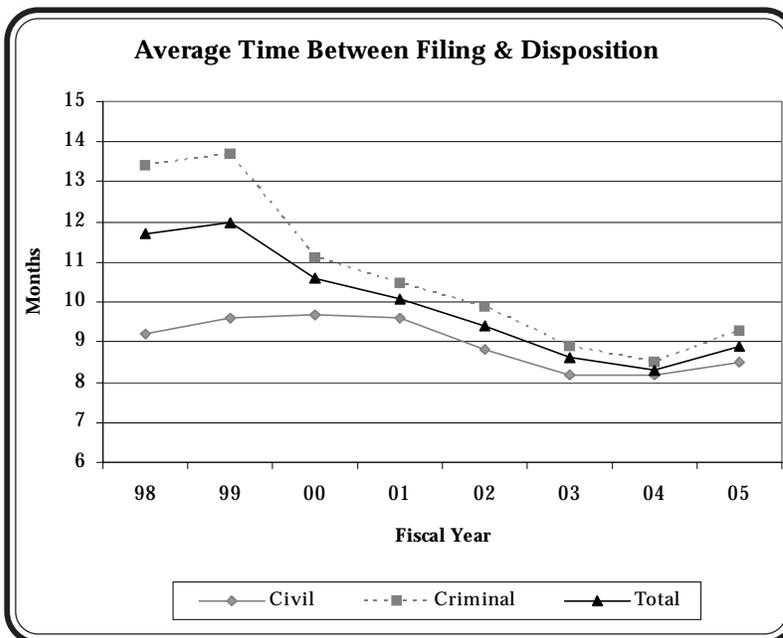
The average time between submission and disposition for civil cases was 2.8 months (identical to the previous two years), while the average time for criminal cases was 1.9 months (a slight increase over the previous year).

The number of cases disposed by the courts of appeals exceeded the number of cases filed in 2005, resulting in a clearance rate of 102.6 percent—higher than the rates achieved in the previous two years.

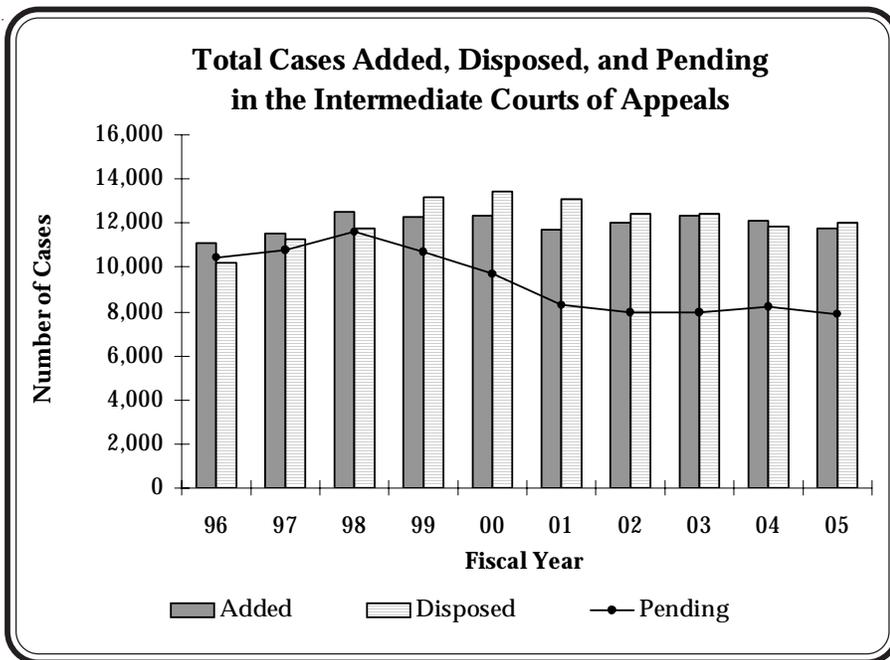


Top Five Counties from Which Appeals Were Filed in FY 2005

Civil Cases	Criminal Cases	Overall
Harris - 19.4 %	Harris - 20.0%	Harris - 19.7 %
Dallas - 12.9 %	Dallas - 15.5 %	Dallas - 14.3 %
Bexar - 7.0 %	Tarrant - 7.0 %	Tarrant - 6.5 %
Travis - 6.4 %	Bexar - 5.7 %	Bexar - 6.3 %
Tarrant - 6.0 %	Jefferson - 3.7 %	Travis - 4.7 %



Cases Pending – At the end of 2005, a total of 7,913 cases were pending statewide, down 3 percent from the number pending at the end of the previous year. More than half (54.6 percent) of these cases had been pending for fewer than six months, and 83.7 percent had been pending for less than one year. While the percentage of cases pending more than two years increased slightly (from 1.2 in 2004 to 1.4 percent in 2005), it was the second lowest percentage during the past decade and was significantly lower than the 7.4 percent pending this length of time at the end of 1996.



Opinions Written –

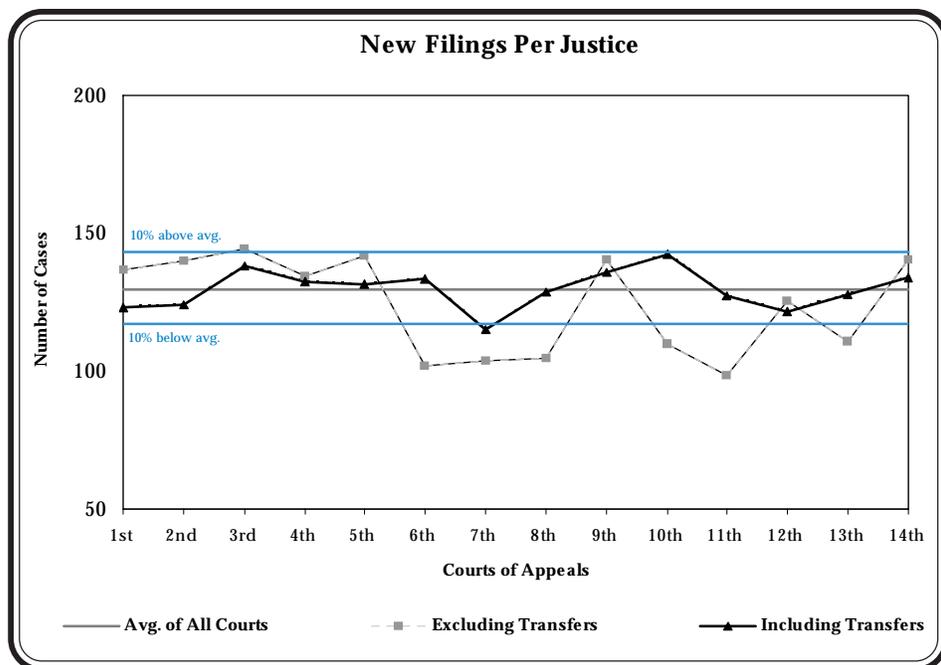
During 2005, the justices of the intermediate appellate courts issued 11,461 opinions, more than half of which were published. The rate of publication increased significantly over the past three years, from 15.6 percent in 2002 to 55.3 percent in 2005, due to a change in the Texas Rules of Appellate Procedure.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 larger new case filing rates to those with smaller rates.

In 2005, the statewide average number of new filings per justice was 130 cases prior to any transfers. The number of new cases filed per justice ranged from 99 cases in the Eleventh Court of Appeals (Eastland) to 145 cases in the Third Court of Appeals (Austin). The average percentage difference of the 14 courts from the statewide average was 12.3 percent.

A total of 555 cases were transferred among the intermediate appellate courts during the year in an effort to equalize the workloads of the courts. The Fifth Court of Appeals (Dallas) transferred out the most cases (132 cases), while the Thirteenth Court of Appeals (Corpus Christi/Edinburgh) received the largest number of transferred cases (103 cases).

As a result of these transfers, the number of cases filed per justice ranged from a low of 115 cases per justice in the Seventh Court of Appeals



(Amarillo) to a high of 143 cases filed per justice in the Tenth Court of Appeals (Waco). After transfers, the average percentage difference of the 14 courts from the statewide average was only 4.4 percent—far better than the goal of 10 percent set by the Texas Legislature.³

1. Rehearings granted, cases reinstated, cases remanded from higher courts, and transferred cases.
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.
3. “It is the intent of the Legislature that the Supreme Court equalize the dockets of the fourteen 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” (78th Legislature, H.B. 1, Supreme Court Rider 2).

Intermediate Appellate Courts

Activity for the Fiscal Years 1996 through 2005

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	10-Yr. Avg.
Civil Cases:											
Cases Added											
<i>New filings</i>	4,596	4,666	5,191	4,969	4,898	4,792	4,877	4,888	4,999	5,013	4,889
<i>Other cases</i>	152	135	167	241	279	347	343	351	326	378	272
Disposed	4,465	4,517	4,722	5,254	5,457	5,515	5,404	5,172	5,220	5,441	5,117
Pending at end of year	3,097	3,405	4,047	3,987	3,717	3,346	3,229	3,288	3,427	3,398	3,494
Clearance rate	94.0%	94.1%	88.1%	100.8%	105.4%	107.3%	103.5%	98.7%	98.0%	100.9%	99.1%
Avg. time between filing & disposition (months)	n/a	n/a	9.2	9.6	9.7	9.6	8.8	8.2	8.2	8.5	9.0
Avg. time between submission & disposition (months)	n/a	n/a	2.7	2.5	2.1	2.4	2.3	2.8	2.8	2.8	2.6
Criminal Cases:											
Cases Added											
<i>New filings</i>	6,146	6,088	6,375	6,145	6,016	5,436	5,686	5,671	5,444	5,381	5,839
<i>Other cases</i>	245	630	769	936	1,150	1,122	1,079	1,431	1,342	982	969
Disposed	5,699	6,732	7,014	7,894	7,972	7,614	6,995	7,248	6,610	6,617	7,040
Pending at end of year	7,373	7,404	7,528	6,739	5,973	4,948	4,748	4,588	4,740	4,515	5,855
Clearance rate	89.2%	100.2%	98.2%	111.5%	111.2%	116.1%	103.4%	102.1%	97.4%	104.0%	103.4%
Avg. time between filing & disposition (months)	n/a	n/a	13.4	13.7	11.1	10.5	9.9	8.9	8.5	9.3	10.7
Avg. time between submission & disposition (months)	n/a	n/a	1.9	1.8	1.3	1.6	1.6	1.9	1.7	1.9	1.7
All Cases:											
Cases Added											
<i>New filings</i>	10,742	10,754	11,566	11,114	10,914	10,228	10,563	10,559	10,443	10,394	10,728
<i>Other cases</i>	397	765	936	1,177	1,429	1,469	1,422	1,782	1,668	1,360	1,242
Disposed	10,164	11,255	11,736	13,148	13,429	13,129	12,399	12,420	11,830	12,058	12,157
Pending at end of year	10,470	10,809	11,575	10,723	9,690	8,292	7,977	7,876	8,167	7,913	9,349
Clearance rate	91.2%	97.5%	93.9%	107.0%	108.8%	112.3%	103.5%	100.6%	97.7%	102.6%	101.6%
Avg. time between filing & disposition (months)	n/a	n/a	11.7	12.0	10.6	10.1	9.4	8.6	8.3	8.9	10.0
Avg. time between submission & disposition (months)	n/a	n/a	2.2	2.0	1.6	1.9	1.9	2.2	2.2	2.3	2.0
Opinions Written	9,950	10,480	11,457	12,787	12,798	12,691	11,959	11,404	11,363	11,461	11,635

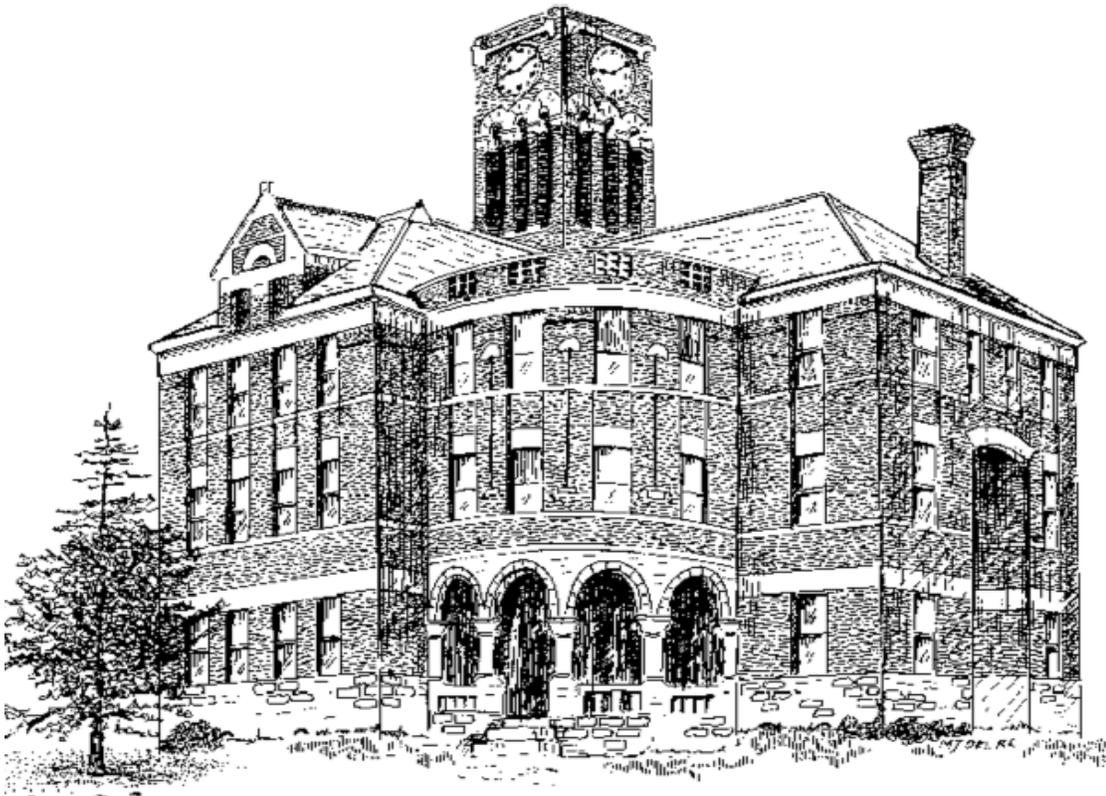
Activity for the Fiscal Year Ended August 31, 2005

	1 st Houston	2 nd Fort Worth	3 rd Austin	4 th San Antonio	5 th Dallas	6 th Texarkana	7 th Amarillo	8 th El Paso	9 th Beaumont	10 th Waco	11 th Eastland	12 th Tyler	13 th Corpus Christi/ Edinburg	14 th Houston
Number of Justices	9	7	6	7	13	3	4	3	4	3	3	3	6	9
Civil Cases:														
Cases Added	563	457	506	545	803	162	208	196	232	218	185	174	519	623
Disposed	675	417	428	545	795	140	242	261	237	244	172	186	534	565
Pending at end of year	484	254	363	269	424	82	164	108	112	141	133	99	334	431
Clearance rate (%)	119.9	91.3	84.6	100.0	99.0	86.4	116.4	133.2	102.2	111.9	93.0	106.9	102.9	90.7
Avg. time between filing & disposition (months)	11.2	6.8	8.0	6.6	7.1	6.2	9.1	10.0	6.7	10.6	8.8	8.1	10.5	8.0
Avg. % of cases filed but not yet disposed for > 24 months	3.32	0.98	1.29	0.56	0.74	0.00	3.66	0.82	0.00	2.44	0.80	0.00	10.74	1.51
Avg. time between submission & disposition (months)	2.1	2.4	3.5	1.4	1.9	1.0	2.5	3.1	1.9	2.2	2.7	2.5	7.8	2.0
Avg. % of cases under submission for > 12 months	3.30	4.73	8.83	1.38	3.51	0.00	5.50	1.44	0.00	1.31	0.59	0.00	42.76	2.04
Criminal Cases:														
Cases Added	618	550	386	414	1,419	271	335	205	316	282	226	208	430	703
Disposed	640	647	361	505	1,401	232	366	264	305	358	235	210	456	637
Pending at end of year	499	418	329	297	814	176	245	195	133	201	186	149	292	581
Clearance rate	103.6	117.6	93.5	122.0	98.7	85.6	109.3	128.8	96.5	127.0	104.0	101.0	106.1	90.6
Avg. time between filing & disposition (months)	9.4	10.2	9.2	9.9	7.2	7.4	9.9	14.8	6.1	11.4	10.4	9.1	10.2	9.4
Avg. % of cases filed but not yet disposed for > 24 months	0.19	0.20	0.43	2.11	0.30	0.00	1.35	1.35	0.06	0.11	0.14	0.00	1.76	0.63
Avg. time between submission & disposition (months)	1.0	2.8	3.6	1.6	1.6	1.2	1.6	3.3	1.6	1.1	2.8	1.4	2.4	1.8
Avg. % of cases under submission for > 12 months	3.21	0.82	1.84	0.46	1.41	0.00	0.82	0.66	0.00	0.00	0.20	0.00	11.45	3.05
All Cases:														
Cases Added	1,181	1,007	892	959	2,222	306	416	314	548	500	411	382	949	1,326
Disposed	1,315	1,064	789	1,050	2,196	372	608	525	542	602	407	396	990	1,202
Pending at end of year	983	672	692	566	1,238	258	409	303	245	342	319	248	626	1,012
Clearance rate	111.4	105.7	88.5	109.5	98.8	85.9	112.0	130.9	98.9	120.4	99.0	103.7	104.3	90.7
Avg. time between filing & disposition (months)	10.3	8.8	8.5	8.2	7.2	6.9	9.5	12.4	6.3	11.1	9.7	8.6	10.4	8.8
Avg. % of cases filed but not yet disposed for > 24 months	1.85	0.45	0.87	1.41	0.43	0.00	2.25	1.14	0.03	1.06	0.41	0.00	6.36	1.00
Avg. time between submission & disposition (months)	1.5	2.7	3.6	1.5	1.7	1.1	1.9	3.2	1.6	1.5	2.8	1.8	5.1	1.9
Avg. % of cases under submission for > 12 months	2.91	2.33	5.49	0.79	2.47	0.00	3.85	0.99	0.00	0.68	0.33	0.00	34.19	2.52
Opinions Issued	1,303	996	932	1,091	1,689	353	586	523	557	711	358	391	858	1,113
Published Opinions	781	510	725	623	784	187	252	269	292	398	161	200	510	649

Note: The Eighth Court of Appeals consisted of 4 justices, and the Ninth Court of Appeals consisted of 3 justices, from September 1 through December 31, 2004.

Caseload Trends in the Trial Courts

Analysis of Activity for the Fiscal Year
Ended August 31, 2005



Lee County Courthouse

The Decline of Trials Nationwide and in Texas' District and County-Level Courts

National Trends

Recent analyses of court activity reveal declines in the number of civil and criminal trials held in the federal¹ and state courts, as well as declines in the rates at which these trials are held. While the declines have been long-term, the reduction has been more pronounced since the mid-1980s.

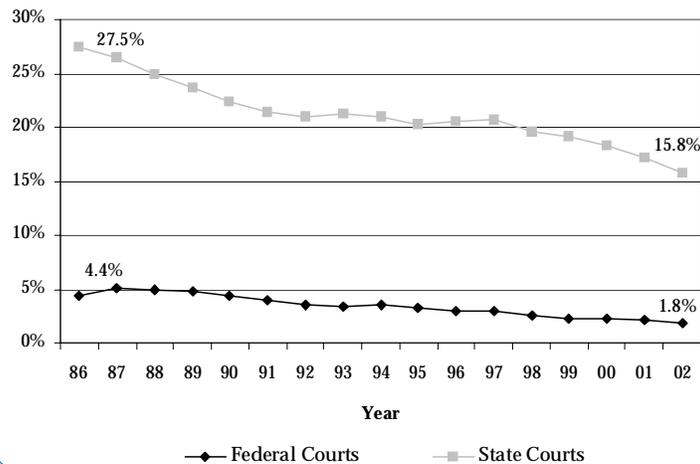
Civil Cases - From 1986 to 2002, the number of civil cases disposed of in federal courts decreased by 2 percent, while the number of cases disposed of by bench trial fell by 74 percent and the number disposed of by jury trial declined by approximately 47 percent. Consequently, the bench trial rate fell from 2.3 percent in 1986 to 0.6 percent in 2002, and the jury trial rate declined from 2.1 to 1.1 percent.

The number of civil cases disposed of in the general jurisdiction courts of 22 states² increased by 35 percent from 1986 to 2002. However, the number of cases disposed of by bench trial fell by 22 percent, and the number disposed of by jury trial declined 24 percent. Thus, the bench trial rate went from 26.5 percent in 1986 to 15.2 percent in 2002, and the rate of jury trial declined from 1.0 to 0.6 percent.

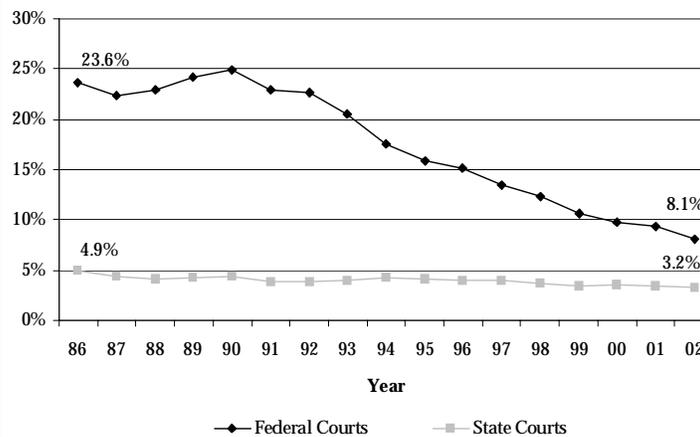
Criminal Cases - From 1986 to 2002, the number of criminal dispositions rose by nearly 54 percent in federal courts, while the number of cases disposed of by bench trial fell by 43 percent and the number disposed of by jury trial declined by 48 percent. Consequently, the bench trial rate fell from 13.4 percent in 1986 to 4.7 percent in 2002, and the jury trial rate declined from 10.2 to 3.5 percent.

The number of felony cases disposed of in the general jurisdiction courts of 22 states² increased by 38 percent from 1986 to 2002. In contrast, the number of bench trials fell by 16 percent, and the number of jury trials declined 4 percent. As a result, the bench trial rate went from 1.7 percent in 1986 to 1.0 percent in 2002, and the jury trial rate declined from 3.2 to 2.2 percent.

Percentage of Civil Cases Resolved by Trial



Percentage of Criminal Cases Resolved by Trial



1. All federal court data from Galanter, The Vanishing Trial: An Examination of Trial and Related Matter in Federal and State Courts, *Journal of Empirical Legal Studies*, Vol. 1, Issue 3, November 2004. All state court data from Ostrom, et al., Examining Trial Trends in State Courts: 1976-2002, *Journal of Empirical Legal Studies*, Vol. 1, Issue 3, November 2004.

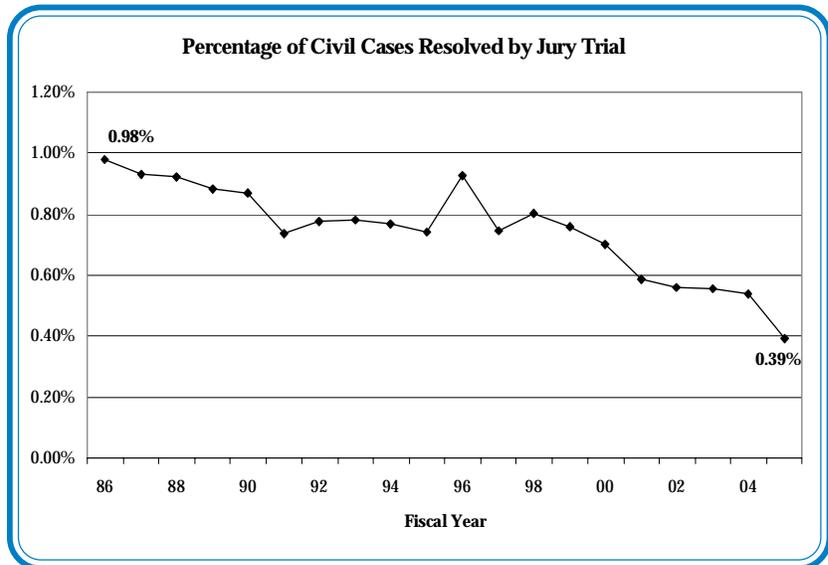
2. Includes data for Texas district courts.

Trials in Texas

Consistent with nationwide trends, the number of civil and criminal cases disposed of in Texas district and county-level courts grew substantially over the last 20 years, while civil and criminal trial rates declined.

Civil Cases – In 2005, district and county-level courts disposed of approximately 60 percent³ more civil cases than were disposed of in 1986. The number of cases disposed of by a bench or jury trial also increased but only by less than four percent over the same period. As a result, the rate that cases went to trial decreased from 29 percent in 1986 to 19 percent in 2005.

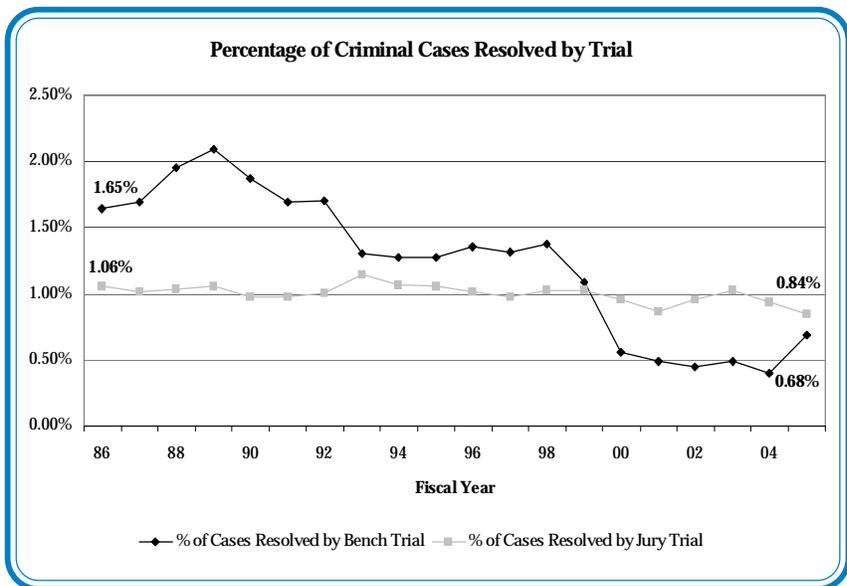
The number of cases disposed of by bench trial increased by 5 percent over the period, from 141,042 in 1986 to 148,146 in 2005. However, the bench trial rate fell from 28 percent to 18.5 percent over the same period.



While the number of bench trials increased slightly, the number of cases disposed by jury trial actually declined. In 2005, 3,132 cases were disposed of by jury trial, compared to 4,938 in 1986—a drop of nearly 37 percent. In addition, the jury trial rate dropped from 0.98 percent in 1986 to 0.39 percent in 2005.

Criminal Cases – Although criminal dispositions grew by approximately 39 percent⁴ from 1986 to 2005 in the district and county-level courts, the number of cases disposed by trial decreased by nearly 22 percent over the same period. As a result, the rate that cases went to trial decreased by 43 percent, from 2.7 percent in 1986 to 1.5 percent in 2005.

The number of cases disposed of by bench trial decreased by nearly 22 percent over the period, from 15,118 in 1986 to 11,841 in 2005. Furthermore, the bench trial rate fell 59 percent, from 1.65 percent to 0.68 percent over the same period.



While the number of civil jury trials decreased over the past two decades, the number of criminal cases disposed by jury trial increased. In 2005, 6,544 cases were disposed of by jury trial, compared to 5,909 in 1986—an increase of nearly 11 percent. However, the jury trial rate dropped 21 percent, from 1.06 percent in 1986 to 0.84 percent in 2005.

3. Does not include dispositions of show cause motions or cases transferred.

4. Does not include dispositions of motions to revoke probation or cases transferred.



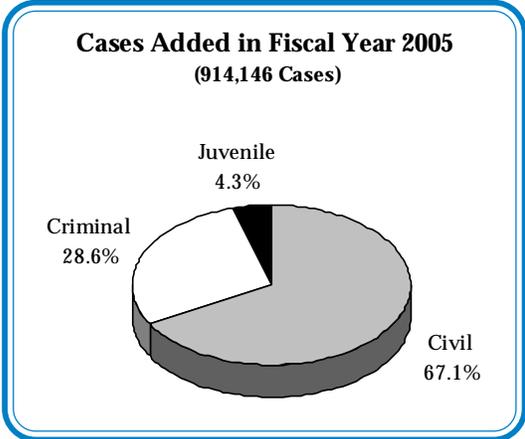
District Courts

Cases Added – The number of civil, criminal, and juvenile¹ cases filed in the state’s 424 district courts in 2005 increased by an average of 2.8 percent per year over the last decade and by 4.2 percent per year over the last five years. In 2005, more than 914,000 cases were added to the courts’ dockets—an increase of more than 8 percent over the previous year and the largest number ever filed—for an average of 2,156 cases per district judge.

Approximately half of all cases were filed in the five largest counties—Harris, Dallas, Tarrant, Bexar, and Travis. More than 20 percent of cases were filed in Harris County alone. However, Hill County experienced the heaviest incoming caseload, with nearly 4,000 cases added to the docket of the county’s one district court.

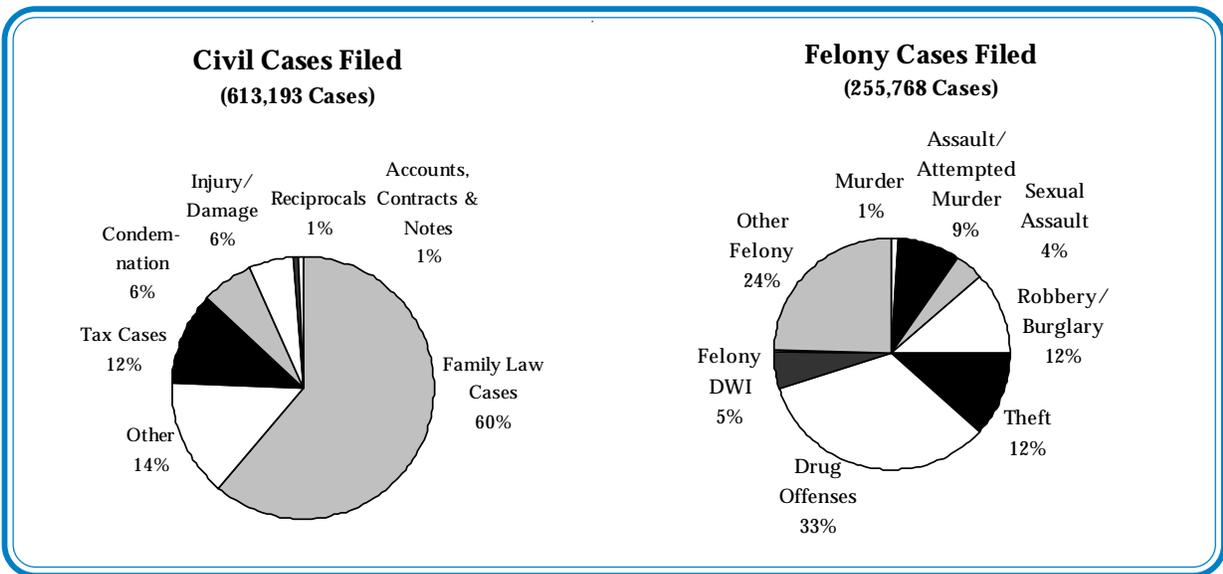
Civil cases accounted for 67 percent of all cases filed during the fiscal year—the highest percentage in the last decade. Civil filings grew by 12.4 percent over the previous year, exceeding the average increase of 4.8 percent per year over the last five years. Sixty percent of all civil cases added in 2005 involved divorce or other family law matters, which was nearly identical to the proportion added in 1995.

Criminal filings increased for the fifth consecutive year, growing an average of 3 percent per year over the period. One-third of felony cases added to the dockets in 2005 involved drug possession, sale, or manufacture offenses.



Civil, Criminal and Juvenile Cases Added in Fiscal Year 2005

Counties with Most Cases Added per District Court	Counties with Fewest Cases Added per District Court
Hill - 3,989	King - 3
Harris - 3,343	Loving - 7
Bexar - 3,065	Borden - 8
Jefferson - 2,973	Terrell - 15
Bell - 2,931	Roberts - 16



1. Juvenile caseload is discussed in the Juvenile Cases section.

Clearance Rates – In 2005, district courts disposed of a record 840,670 civil, criminal and juvenile cases—well above the average of 784,217 disposed each year over the past five years. On average, each district judge disposed of 1,983 cases, 90 more than were disposed per judge in 2004.

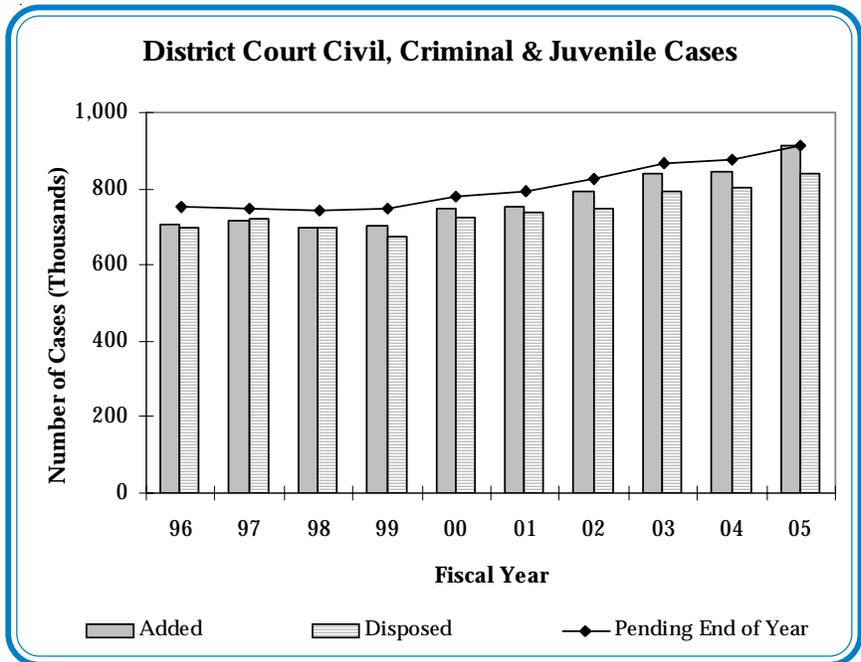
Despite the increase in dispositions, the overall case clearance rate for the district courts fell to 92 percent—the lowest rate of the decade—as the number of cases added to the courts’ dockets outpaced dispositions. The decline in the clearance rate was due specifically to the large increase in civil cases filed during the year, which grew 12.4 percent compared to an increase of only 4.8 percent in civil case dispositions, resulting in a clearance rate of 89 percent. Clearance rates for criminal cases, on the other hand, improved to 98.3 percent, up from 95.2 percent in 2004.

The number of cases pending at the end of the fiscal year reached an unprecedented 913,673 cases, or 2,155 cases per district judge. However, counties reported that further court proceedings could not be conducted in more than seven percent of these cases (69,121 cases) because the defendant could not be located, was undergoing inpatient mental health treatment, or was otherwise unavailable for adjudication. Hill County, with nearly 5,000 cases pending, reported the greatest number of cases pending per court at the end of the fiscal year, more than twice the statewide average.

Manner of Disposition – A total of 545,614 civil cases were disposed in 2005, more than 112,000 of which were show cause motions filed in family law matters. Of the remaining 433,271 cases disposed during the year, the largest proportion (28 percent) was disposed of by bench trial. However, 32 percent of cases were either dismissed by the plaintiff or dismissed for want of prosecution.

Overall, only 0.5 percent of cases were settled by a jury verdict. However, 3 percent of workers’ compensation cases, 2.7 percent of injury or damage cases involving a motor vehicle, and 2 percent of other injury or damage cases were disposed by jury trial.

District courts disposed of a record 256,998 criminal cases in 2005, five percent more than were disposed the year before. Defendants were convicted in 55 percent of the 206,270 cases



Civil Case Clearance Rates, FY 2005

Counties with Highest Rates

- Roberts - 186%
- Lampasas - 179%
- Polk - 168%
- Motley - 164%
- Upton - 163%

In Largest Counties

- Harris - 68%
- Dallas - 100%
- Tarrant - 96%
- Bexar - 94%
- Travis - 86%

Criminal Case Clearance Rates, FY 2005

Counties with Highest Rates

- Hemphill - 235%
- Glasscock - 233%
- Dimmit - 208%
- Hansford - 200%
- Throckmorton - 194%

In Largest Counties

- Harris - 98%
- Dallas - 97%
- Tarrant - 102%
- Bexar - 91%
- Travis - 122%

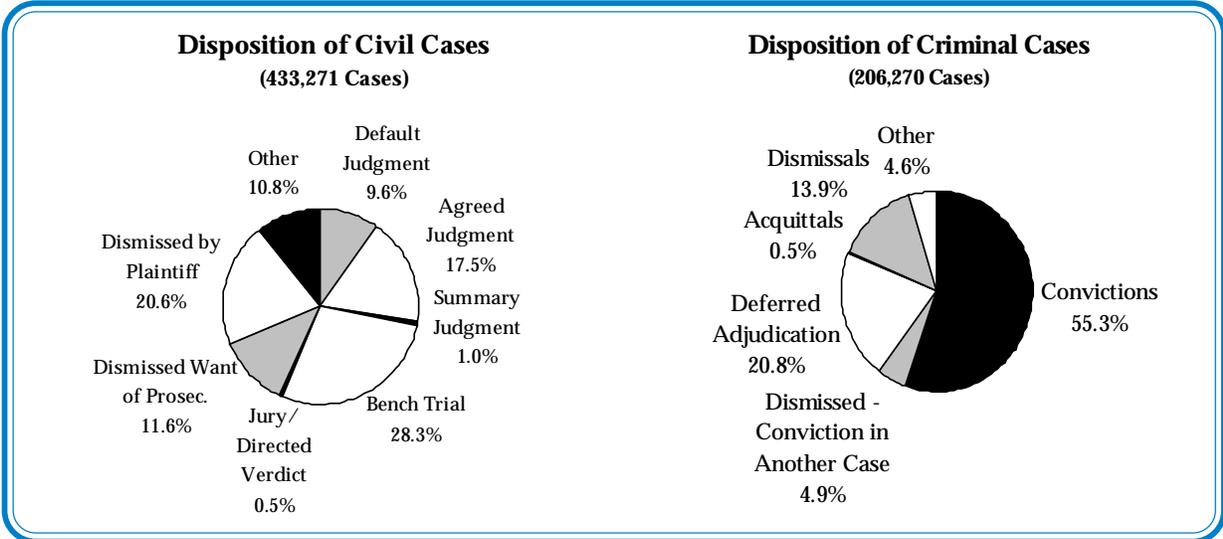
Civil, Criminal and Juvenile Cases Pending August 31, 2005

Counties with Most Cases Pending per District Court

- Hill - 4,909
- Travis - 4,363
- Angelina - 3,888
- Hidalgo - 3,768
- Van Zandt - 3,621

Counties with Fewest Cases Pending per District Court

- King - 3
- Loving - 3
- McMullen - 10
- Terrell - 18
- Roberts - 40



that did not involve a motion to revoke probation. Another five percent of cases were dismissed because the defendant was convicted in another case. The highest conviction rate occurred in felony DWI cases (81 percent), while the lowest rate (40 percent) occurred in cases involving sexual assault of an adult (which also had the highest rate of dismissal at nearly 23 percent²).

Criminal Cases Reaching Trial: FY 2005

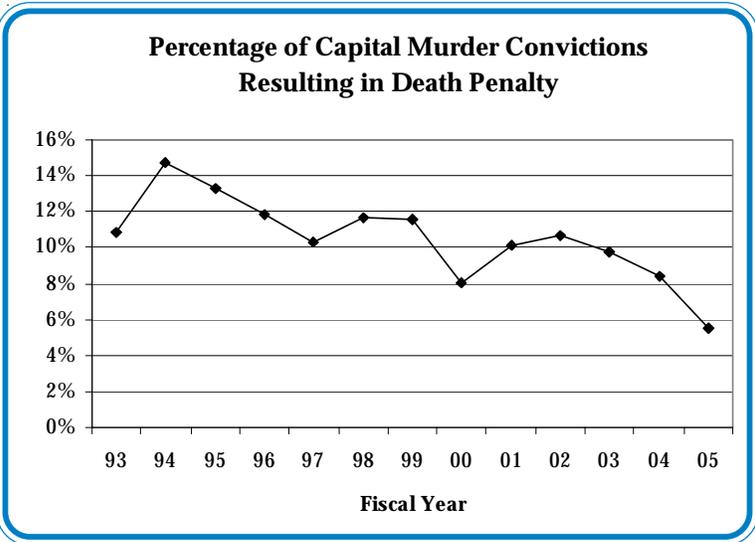
	Bench	Jury	All Trials
Convictions	873 (70.1%)	2,511 (79.9%)	3,384 (77.1%)
Acquittals	373 (29.9%)	630 (20.1%)	1,003 (22.9%)
Total	1,246 (100%)	3,141 (100%)	4,387 (100%)

Overall, 97 percent of convictions resulted from a guilty or *nolo contendere* plea. Defendants were most likely to enter a guilty or *nolo contendere* plea in felony DWI cases (79 percent) and auto theft cases (61 percent).

Two percent of all cases (excluding motions to revoke probation) went to trial in 2005. Trial rates were significantly higher, however, for capital murder and murder cases, which went to trial in 30 percent and 21 percent of cases, respectively.

Of the 4,387 criminal cases that went to trial, approximately 72 percent were tried before a jury. Defendants were convicted in nearly 80 percent of cases that went to jury trial, compared to roughly 70 percent of cases decided by a judge.

Death and Life Sentences – Declining for the third consecutive year, death sentences were assessed in 5.5 percent of all capital murder convictions in 2005. The 15 death sentences handed down was the lowest number recorded in at least 30 years.³ Conversely, the 539 life sentences assessed during the year represented a 52 percent increase over the previous year and was the largest number handed out in at least 30 years.



2. Dismissal rates do not include cases dismissed due to conviction in another case or due to the refiling of a case.
 3. The Texas Judicial Council began collecting statistics on death and life sentences in fiscal year 1974.

District Courts
Activity Summary by Case Type from September 1, 2004 to August 31, 2005

CRIMINAL DOCKET																
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 9/01/2004	800	2,636	18,026	2,563	10,262	7,172	18,309	25,299	5,967	1,088	17,814	46,324	12,055	48,035	6,076	222,426
Docket Adjustments	(14)	66	351	51	(44)	105	462	(190)	44	94	369	(466)	308	111	744	2,003
Cases Filed by Indictment	446	1,123	15,737	1,319	5,886	6,378	12,686	15,300	4,064	720	15,022	34,310	8,582	43,153	1,114	165,840
Cases Filed by Information	9	24	1,603	56	209	512	2,006	2,666	1,021	83	3,504	11,981	890	5,900	3,470	33,934
Other Cases Reaching Docket:																
<i>Motions to Revoke Probation Filed</i>	9	104	4,832	283	1,356	1,827	6,286	4,567	1,496	310	4,805	14,579	3,202	12,013	1,068	56,737
<i>Shock Probation Returned from TDCJ/ID</i>	1	7	76	9	34	84	223	92	22	9	180	400	63	277	4	1,481
<i>Transfers from Other Counties</i>	0	1	0	1	6	0	1	0	0	0	0	0	1	5	4	19
<i>All Other Cases</i>	14	39	427	42	106	195	331	175	48	38	345	622	99	936	56	3,473
Total Cases on Docket:	1,265	4,000	41,052	4,324	17,815	16,273	40,304	47,909	12,662	2,342	42,039	107,750	25,200	110,430	12,536	485,913
Dispositions:																
Convictions:																
<i>Guilty Pleas or Nolo Contendere</i>	139	498	8,108	485	1,860	4,146	8,681	9,891	3,303	380	11,070	25,992	7,754	24,635	3,104	110,046
<i>Not Guilty Plea - No Jury</i>	3	11	90	14	49	37	71	77	17	7	81	139	82	185	10	873
<i>Guilty Plea - Jury Verdict</i>	13	43	66	14	81	69	31	19	7	4	42	59	26	116	5	595
<i>Not Guilty Plea - Jury Verdict</i>	118	191	306	87	361	279	146	66	23	9	165	236	98	410	16	2,511
Total Convictions	273	743	8,570	600	2,351	4,531	8,929	10,053	3,350	400	11,358	26,426	7,960	25,346	3,135	114,025
Placed on Deferred Adjudication	4	50	4,422	253	1,288	994	3,445	3,923	836	252	4,080	11,499	315	10,752	765	42,878
Acquittals:																
<i>Non - Jury Trial</i>	0	4	51	8	4	13	26	24	10	6	13	82	11	117	4	373
<i>Jury Verdict</i>	4	37	91	26	120	24	27	17	2	5	22	64	25	109	11	584
<i>Directed Verdict or JNOV</i>	0	0	5	1	6	2	3	5	0	0	3	5	2	13	1	46
Total Acquittals	4	41	147	35	130	39	56	46	12	11	38	151	38	239	16	1,003
Dismissals:																
<i>Insufficient Evidence</i>	4	13	237	35	89	69	146	212	93	14	144	890	73	782	77	2,878
<i>Conviction in Another Case</i>	32	49	973	123	488	373	673	618	251	57	808	2,040	222	3,209	287	10,203
<i>Speedy Trial Act Limitation</i>	0	1	8	0	6	2	5	11	1	0	1	17	3	24	0	79
<i>Case Refiled</i>	33	61	340	64	198	148	167	198	24	9	205	350	128	731	39	2,695
<i>Defendant Unapprehended</i>	2	1	12	0	3	2	16	29	9	0	15	27	10	37	15	178
<i>Defendant Granted Immunity</i>	1	1	7	1	4	2	5	9	1	0	7	11	1	24	3	77
<i>Other Dismissals</i>	39	131	2,343	305	948	711	1,508	2,314	687	109	1,315	4,476	647	6,447	691	22,671
Total Dismissals	111	257	3,920	528	1,736	1,307	2,520	3,391	1,066	189	2,495	7,811	1,084	11,254	1,112	38,781
Transfers:																
<i>On Change of Venue</i>	0	0	2	1	0	0	4	7	1	0	2	3	2	20	17	59
<i>To County Court</i>	0	1	54	4	7	10	41	81	18	1	4	31	64	290	322	928
Other Dispositions:																
<i>Placed on Shock Probation</i>	0	4	67	6	17	50	177	42	12	5	178	164	42	155	6	925
<i>Motion to Revoke Granted</i>	7	57	2,567	130	696	1,037	3,831	2,653	1,043	167	3,395	7,588	1,697	6,886	606	32,360
<i>Motion to Revoke Denied</i>	0	46	1,594	80	489	606	1,938	1,547	352	153	1,145	5,044	1,122	3,933	319	18,368
<i>All Other Dispositions</i>	21	50	873	91	188	309	766	502	162	58	674	1,481	324	2,034	138	7,671
Total Other Dispositions	28	157	5,101	307	1,390	2,002	6,712	4,744	1,569	383	5,392	14,277	3,185	13,008	1,069	59,324
Total Dispositions	420	1,249	22,216	1,728	6,902	8,883	21,707	22,245	6,852	1,236	23,369	60,198	12,648	60,909	6,436	256,998
Cases Pending 8/31/2005	845	2,751	18,836	2,596	10,913	7,390	18,597	25,664	5,810	1,106	18,670	47,552	12,552	49,521	6,100	228,915
Sentencing Information:																
Death Sentence	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15
Life Sentence	131	39	62	22	53	44	20	7	3	1	11	55	13	76	2	539
Lesser Offense Convictions	99	90	2,718	101	392	1,194	1,131	1,358	151	78	1,303	2,736	584	3,720	874	16,529
Cases - Unapprehended Defendants																69,121
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			3,452		Number of Cases		81,452		27,597		24,517		123,432		256,998	
Jury Sworn & Evidence Presented			3,440													
Cases in Which Attorney Appointed			164,179													

Note: There was a 100 percent reporting rate for the fiscal year.

District Courts
Activity Summary by Case Type from September 1, 2004 to August 31, 2005

CIVIL DOCKET											
	Injury or Damage Involving Motor Vehicle	Injury or Damage Other than Motor Vehicle	Workers' Compensation	Tax Cases	Condem- nation	Accounts, Contracts and Notes	Recip- rocals (UIFSA)	Divorce	All Other Family Law Matters	Other Civil Cases	Total Cases
Cases on Docket:											
Cases Pending 9/01/2004	26,598	35,677	2,154	122,256	475	42,242	5,086	87,483	225,937	94,040	641,948
Docket Adjustments	89	223	(4)	1,772	0	236	(71)	(24)	(46,621)	1,020	(43,380)
New Cases Filed	14,344	16,595	333	68,820	181	35,916	3,339	115,812	130,105	73,482	458,927
Other Cases Reaching Docket:											
<i>Show Causes Added</i>	0	0	0	0	0	0	0	0	124,017	0	124,017
<i>Other Cases Added</i>	495	2,845	41	2,194	5	2,809	123	2,470	4,118	15,149	30,249
Total Cases on Docket:	41,526	55,340	2,524	195,042	661	81,203	8,477	205,741	437,556	183,691	1,211,761
Dispositions:											
Change of Venue Transfers	98	1,233	12	38	3	254	16	297	1,177	438	3,566
Default Judgments	403	381	12	10,681	9	8,172	352	8,078	6,740	6,834	41,662
Agreed Judgments	2,547	2,211	36	1,186	18	2,738	586	33,164	23,200	10,233	75,919
Summary Judgments	210	664	15	155	0	1,601	17	154	190	1,265	4,271
Final Judgments:											
<i>After Trial - No Jury</i>	1,683	1,130	225	13,235	52	2,684	903	48,053	38,986	15,889	122,840
<i>By Jury Verdicts</i>	432	365	17	71	1	128	2	150	177	299	1,642
<i>By Directed Verdicts</i>	15	18	0	30	0	17	10	43	183	42	358
<i>Dismissed by Want of Prosecution</i>	2,409	2,755	83	4,794	12	6,101	468	16,209	10,725	6,623	50,179
<i>Dismissed by Plaintiff</i>	6,672	6,527	117	26,940	64	9,144	731	5,453	20,378	13,517	89,543
<i>Show Causes Disposed</i>	0	0	0	0	0	0	0	0	112,343	0	112,343
<i>Other Dispositions</i>	1,996	3,716	45	5,241	27	3,239	381	3,428	15,459	9,759	43,291
Total Dispositions	16,465	19,000	562	62,371	186	34,078	3,466	115,029	229,558	64,899	545,614
Cases Pending 8/31/2005	25,061	36,340	1,962	132,671	475	47,125	5,011	90,712	207,998	118,792	666,147
Court Jury Activity:											
Jury Fee Paid/Oath	22,663			Age of Cases Disposed:		3 Months	Over 3 to 6	Over 6 to 12	Over 12 to 18	Over 18	
Jury Panel Examined	1,691			or Less	Months	Months	Months	Months	Months	TOTAL	
Jury Sworn Evid. Presented	1,960	Number of Cases		179,044	103,269	111,527	48,778	102,996	545,614		
JUVENILE DOCKET											
Cases on Docket:	CINS	Delin	Total	Findings of Delinquent Conduct or CINS:				CINS	Delin	Total	
Cases Pending 9/01/2004	546	17,080	17,626	Placed on Probation:							
Docket Adjustments	14	(473)	(459)	<i>Under Parental Care</i>				315	15,334	15,649	
New Petitions Filed	728	29,528	30,256	<i>Under Foster Care</i>				13	142	155	
Motion to Revoke Probation Filed	84	4,838	4,922	<i>Residential Facility</i>				26	4,514	4,540	
Other Cases Added	12	4,279	4,291	Committed to TYC				0	2,253	2,253	
Total on Docket	1,384	55,252	56,636	Final Judgment Without Disp.				20	783	803	
Dispositions:				Total				374	23,026	23,400	
Finding of Delinquent Conduct/CINS:				Other Juvenile Court Activity:							
<i>Trials by Judge</i>	330	18,894	19,224	Detention Hearings				528	22,442	22,970	
<i>Trials by Jury</i>	1	46	47	Hearing to Modify Order				18	1,314	1,332	
Finding of No Delinquent Conduct/CINS:				Child Certified for Adult Crim. Court				0	135	135	
<i>Trials by Judge</i>	0	218	218	Attorneys Appointed				403	19,510	19,913	
<i>Trials by Jury</i>	0	21	21								
<i>Directed Verdicts</i>	0	1	1								
Probation Revoked	2	2,254	2,256								
Continue on Probation	47	1,770	1,817								
Change of Venue Transfer	3	186	189								
Dismissed & Other Dispositions	565	13,720	14,285								
Total Dispositions	948	37,110	38,058								
Cases Pending 8/31/2005	436	18,142	18,578								
OTHER PROCEEDINGS											
	Post-Conviction Writs of Habeas Corpus	Other Writs of Habeas Corpus	Contempt, Extradition and Other Separately Docketed Proceedings	Bond Forfeiture Proceedings							
Pending 9/01/2004	11,896	2,609	2,705	34,010							
Docket Adjustments	(10)	(316)	(135)	(1,011)							
Total Added	5,042	9,425	5,564	9,585							
Total Disposed	4,646	8,516	5,253	7,794							
Pending 8/31/2005	12,282	3,202	2,881	34,790							

Note: There was a 100 percent reporting rate for the fiscal year.

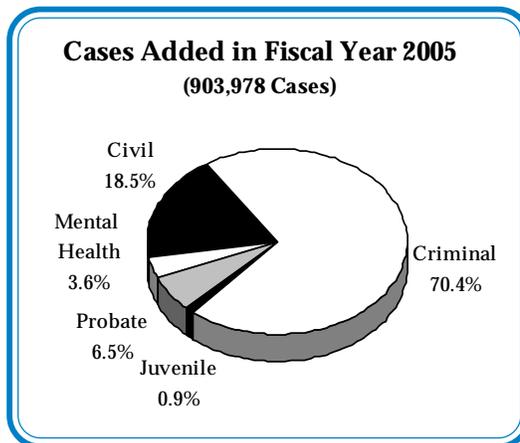


County-Level Courts

Cases Added – The number of civil, criminal, juvenile¹, probate, and mental health cases filed in the state’s 483 county-level courts (254 constitutional courts², 212 county courts at law, and 17 statutory probate courts) increased by an average of 2 percent per year over the last decade and by 3 percent per year over the last five years. In 2005, more than 900,000 cases were added to the courts’ dockets—an increase of 5 percent over the previous year and the largest number ever filed.

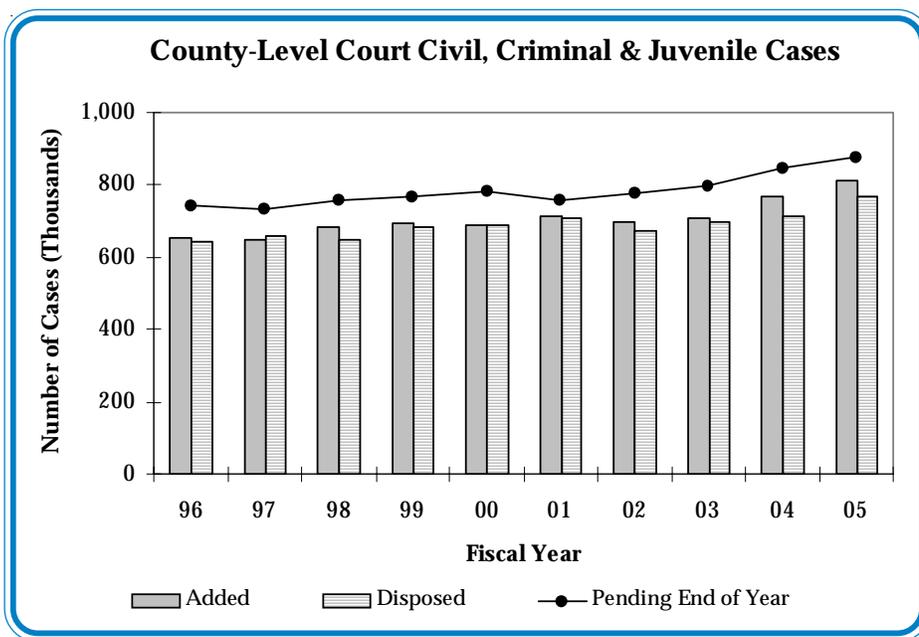
More than 40 percent of all cases were filed in the five largest counties—Harris, Dallas, Tarrant, Bexar, and Travis.

Over the decade, civil cases grew as a percentage of the courts’ caseload. Civil cases accounted for approximately 19 percent of all cases filed during the fiscal year, compared to 13 percent in 1996. In 2005, civil filings grew by 9 percent over the previous year, exceeding the average increase of 8 percent per year over the last five years. The largest category of civil cases added in 2005 involved suits on debt (35 percent).



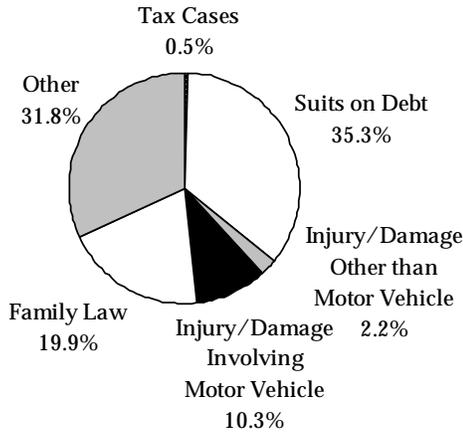
Despite the growth in civil cases, criminal cases continued to constitute a large majority of the courts’ caseload (70 percent). From 1995 to 2002, the average annual change in criminal cases added to the dockets was -0.3 percent, while the average annual change from 2003 to 2005 was 7.6 percent. Theft or worthless check cases accounted for 20 percent of all criminal cases added during 2005.

Clearance Rates – In 2005, county-level courts disposed of a record 767,882 civil, criminal and juvenile cases—well above the average of 712,429 disposed over each of the past five years. Overall, the case clearance rate for the courts increased slightly to 89 percent, trailing the ten-year average of approximately 91 percent. While the courts disposed of more cases in each category than they did the year before, the civil case clearance rate actually declined from 91 to 88 percent due to a

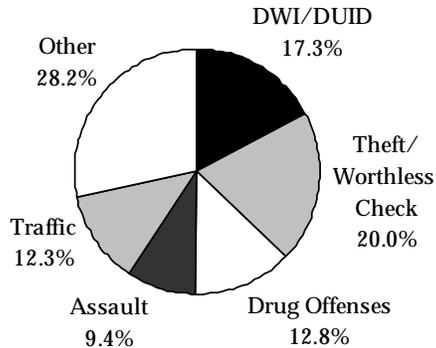


1. Juvenile caseload is discussed in the Juvenile Cases section.
 2. The actual judicial functions of the constitutional county courts vary greatly by county. Some courts may have very limited jurisdiction and/or activity or may have no judicial function at all (such as in the state’s largest counties).

Civil Cases Filed
(167,577 Cases)



Misdemeanor Cases Filed
(636,728 Cases)



large increase in filings of new cases, as well as a substantial increase (44 percent) in show cause motions filed in family law cases.

The number of cases pending at the end of the fiscal year reached an unprecedented 878,406 cases, nearly four percent more than were pending the year before.

Manner of Disposition – A total of 146,939 civil cases were disposed in 2005, approximately 8,100 of which were show cause motions filed in family law matters. Of the remaining 138,785 cases disposed during the year, nearly a third were dismissed by the plaintiff or for want of prosecution, and the next largest proportion (18.4 percent) were disposed of by default judgment. Only 0.8 percent of cases were settled by a jury verdict.

Civil Case Clearance Rates, FY 2005

Counties with Highest Rates

Stonewall - 1,583%*
Foard - 400%
Hansford - 260%
Tyler - 230%
Zavala - 229%

In Largest Counties

Harris - 96%
Dallas - 90%
Tarrant - 88%
Bexar - 74%
Travis - 61%

* Dismissed most of cases on docket.

Criminal Case Clearance Rates, FY 2005

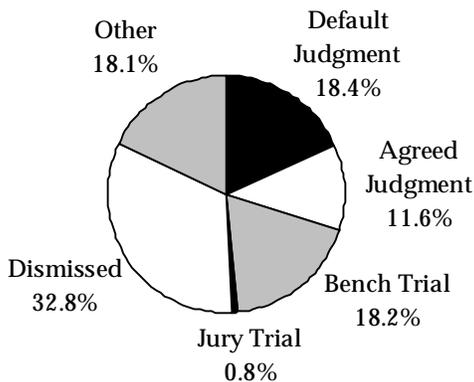
Counties with Highest Rates

Edwards - 225%
Jim Wells - 162%
Liberty - 154%
Kenedy - 153%
Crane - 151%

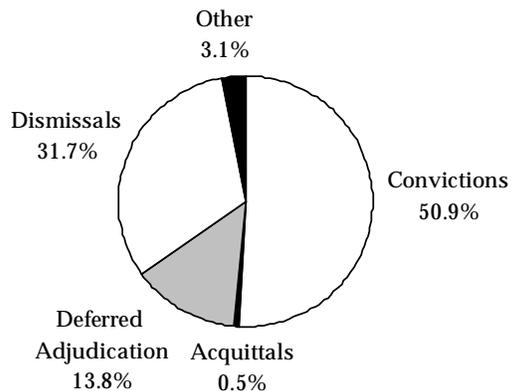
In Largest Counties

Harris - 96%
Dallas - 97%
Tarrant - 101%
Bexar - 89%
Travis - 93%

Disposition of Civil Cases
(138,785 Cases)



Disposition of Criminal Cases
(570,327 Cases)



County-level courts disposed of more than 613,000 criminal cases in 2005, eight percent more than were disposed the year before.

Defendants were convicted in 51 percent, and acquitted in 0.5 percent, of the 570,327 cases that did not involve a motion to revoke probation. The highest conviction rate (78 percent) was in cases involving driving while intoxicated or under the influence, and the lowest rate (35 percent) occurred in traffic cases. Overall, 99 percent of convictions were the result of a guilty or *nolo contendere* plea.

	Bench	Jury	All Trials
Convictions	1,046 (48.5%)	1,792 (52.7%)	2,838 (51.1%)
Acquittals	1,110 (51.5%)	1,611 (47.3%)	2,721 (48.9%)
Total	2,156 (100%)	3,403 (100%)	5,559 (100%)

Less than one percent of all cases (excluding motions to revoke probation) went to trial in 2005. Trial rates were slightly higher, however, for driving while intoxicated or under the influence cases and assault cases, which went to trial in 2.5 percent and 2 percent of cases, respectively.

Of the 5,559 cases that went to trial, approximately 61 percent were tried before a jury. Defendants were convicted in 53 percent of cases that went to jury trial, compared to 49 percent of cases decided by a judge.

Dismissals constituted 32 percent of all cases disposed in 2005 (excluding motions to revoke probation). The highest rate of dismissal occurred in theft or worthless check cases (49 percent).

Probate and Mental Health Cases – More than 58,000 probate cases were filed in 2005, approximately 3,000 fewer than were filed the year before. Over the last decade, the number of probate cases filed each year remained relatively stable, increasing an average of 0.7 percent per year.

Mental health cases, on the other hand, increased an average of 2 percent over the decade. Nearly 33,000 cases were filed in 2005, 30 percent more than were filed in 1996, and more than 38,000 mental health hearings were held. Counties reported 18,306 new applications filed in 2005 for involuntary mental health services commitment orders, approximately 98 percent of which were for temporary, rather than extended, services. Of the 16,571 applications for temporary services disposed in 2005, proposed patients were committed to treatment in 42 percent of cases. Of the 280 applications for extended services disposed, proposed patients were committed in 93 percent of cases.

	New Applications Filed	Release Prior to Final Hearing	Disposition at Final Hearing	
			Release	Order
Temporary Mental Health Services	18,009	8,429	1,149	<i>Inpatient:</i> 6,806 <i>Outpatient:</i> 187
Extended Mental Health Services	297	15	5	<i>Inpatient:</i> 254 <i>Outpatient:</i> 6
Modification: Outpatient to Inpatient	20	1	0	18
Modification: Inpatient to Outpatient	30	2	24	76

County-Level Courts
Activity Summary by Case Type
September 1, 2004 to August 31, 2005

CRIMINAL DOCKET							
Cases on Docket:	DWI or DUID	Theft or Worthless Check	Drug Offenses	Assault	Traffic	Other Criminal Cases	Total Cases
Cases Pending 9/01/2004	115,362	256,601	48,683	52,541	53,501	130,253	656,941
Docket Adjustments	(1,808)	(2,758)	(996)	(1,295)	62	218	(6,524)
New Cases Filed	95,488	115,359	71,192	51,954	49,947	163,036	546,976
Cases Appealed From Lower Courts	0	225	154	137	24,578	2,762	27,856
Other Cases Reaching Docket:							
<i>Motions to Revoke Filed</i>	13,933	11,000	9,921	6,719	3,093	12,395	57,061
<i>All Other Cases Reaching Docket</i>	589	907	549	884	511	1,395	4,835
Total Cases on Docket	223,564	381,334	129,503	110,940	131,692	310,059	1,287,145
Dispositions:							
Convictions:							
<i>Guilty Pleas or Nolo Contendere</i>	71,364	41,431	34,960	21,768	25,690	91,898	287,111
<i>Not Guilty Plea - No Jury</i>	289	218	75	126	90	248	1,046
<i>Guilty Plea - Jury Verdict</i>	158	19	41	55	34	124	431
<i>Not Guilty Plea - Jury Verdict</i>	998	124	85	215	72	298	1,792
Total Convictions	72,809	41,792	35,161	22,164	25,886	92,568	290,380
Placed on Deferred Adjudication	630	16,076	14,962	7,230	21,804	18,292	78,994
Acquittals:							
<i>Non - Jury Trial</i>	274	122	56	361	62	235	1,110
<i>Jury Verdict</i>	693	72	51	286	32	297	1,431
<i>Directed Verdict or JNOV</i>	51	24	15	25	23	42	180
Total Acquittals	1,018	218	122	672	117	574	2,721
Dismissals:							
<i>Insufficient Evidence</i>	1,116	885	685	915	2,487	2,060	8,148
<i>Speedy Trial Act Limitation</i>	827	914	465	444	368	872	3,890
<i>Other Dismissals</i>	13,509	55,438	17,124	17,932	20,885	43,889	168,777
Total Dismissals	15,452	57,237	18,274	19,291	23,740	46,821	180,815
Other Dispositions:							
<i>Motion to Revoke Granted</i>	7,419	5,769	5,596	3,941	1,452	6,842	31,019
<i>Motion to Revoke Denied</i>	3,914	2,311	1,614	1,224	587	2,230	11,880
<i>All Other Dispositions</i>	3,228	2,813	2,474	1,801	2,526	4,714	17,556
Total Other Dispositions	14,561	10,893	9,684	6,966	4,565	13,786	60,455
Total Dispositions	104,426	126,187	78,187	56,317	76,098	172,011	613,226
Cases Pending 8/31/2005	119,138	255,147	51,316	54,623	55,594	138,048	673,919
Cases - Unapprehended Defendants							265,166
Cases Where Attorney Appointed as Counsel							173,972
Age of Cases Disposed	30 Days or Less	31 to 60 Days	61 to 90 Days	Over 90 Days	TOTAL		
Number of Cases	150,099	75,520	57,282	330,325	613,226		
PROBATE AND MENTAL HEALTH DOCKET							
	Cases Filed	Hearings Held					
Probate	58,558	83,143					
Mental Health	32,920	38,252					

Note: There was a 100 percent reporting rate for the fiscal year.

County-Level Courts
Activity Summary by Case Type
September 1, 2004 to August 31, 2005

CIVIL DOCKET									
Cases on Docket:	Injury or Damage Involving Motor Vehicle	Injury or Damage Other than Motor Vehicle	Tax Cases	Suits on Debt	Divorce	All Other Family Law Matters	Other Civil Cases	Total Cases	
Cases Pending 9/01/2004	22,677	7,616	2,083	61,428	8,373	14,257	63,860	180,294	
Docket Adjustments	(124)	(6)	(19)	(400)	30	(377)	(636)	(1,532)	
New Cases Filed	16,766	3,439	853	57,597	10,811	10,965	50,316	150,747	
Cases Appealed From Lower Courts	26	127	3	473	0	0	2,549	3,178	
Show Cause Motions Filed	0	0	0	0	0	8,782	0	8,782	
Other Cases Added	390	71	3	1,159	879	1,928	440	4,870	
Total Cases on Docket	39,735	11,247	2,923	120,257	20,093	35,555	116,529	346,339	
Dispositions:									
Default Judgments	2,049	373	79	16,876	447	725	5,050	25,599	
Agreed Judgments	1,403	310	25	3,917	2,695	1,570	6,119	16,039	
Judg. After Trial - No Jury	1,345	361	266	4,566	6,227	4,787	7,754	25,306	
Judg. by Jury Verdicts	243	31	2	235	203	227	191	1,132	
Dismissed for Want of Prosecution or by Plaintiff	8,586	1,952	277	19,226	1,255	2,365	11,895	45,556	
Show Causes Disposed	0	0	0	0	0	8,154	0	8,154	
Other Dispositions	2,248	802	49	4,941	339	2,044	14,730	25,153	
Total Dispositions	15,874	3,829	698	49,761	11,166	19,872	45,739	146,939	
Cases Pending 8/31/2005	23,861	7,418	2,225	70,496	8,927	15,683	70,790	199,400	
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	50,268	32,382	31,114	13,319	19,856	146,939			
JUVENILE DOCKET									
Cases on Docket:	CINS	Delin	Total	Findings of Delinquent Conduct or CINS:			CINS	Delin	Total
Cases Pending 9/01/2004	919	3,837	4,756						
Docket Adjustments	(18)	(129)	(147)	Placed on Probation					
New Petitions Filed	731	6,463	7,194	Under Parental Care			375	3,791	4,166
Motions to Revoke Filed	31	567	598	Under Foster Care			0	13	13
Other Cases Added	8	395	403	Residential Facility			23	533	556
Total on Docket	1,671	11,133	12,804						
Dispositions:									
Find Delin Cond/CINS				Committed to TYC			0	406	406
Trials by Judge	380	4,545	4,925	Judgment No Disp.			14	214	228
Trials by Jury	0	27	27	Total			412	4,957	5,369
Find No Delin Cond/CINS				Other Juvenile Court Activity:					
Trials by Judge	4	34	38	Detention Hearings			679	8,561	9,240
Trials by Jury	0	14	14	Hearing to Modify Order			43	615	658
Directed Verdicts	0	1	1	Child Cert. as Adult			0	33	33
Probation Revoked	29	234	263	Attorneys Appointed			551	5,357	5,908
Continue on Probation	3	150	153						
Change of Venue Transfer	6	97	103						
Dismissed & Other Disp.	173	2,020	2,193						
Total Dispositions	595	7,122	7,717						
Cases Pending 8/31/2005	1,076	4,011	5,087						

Note: There was a 100 percent reporting rate for the fiscal year.



Juvenile Cases

Cases Added - From 1989 to 1997, the number of juvenile cases added¹ each year to the dockets of the district and county-level courts exploded, increasing an average of 12 percent per year. Since 1998, juvenile activity has remained relatively stable, growing at an average of one percent per year.

In 2005, 96.7 percent of the 47,664 cases added were delinquent conduct cases—cases involving violations of laws punishable by incarceration if committed by an adult. Approximately 83 percent of all juvenile cases were filed in district courts.

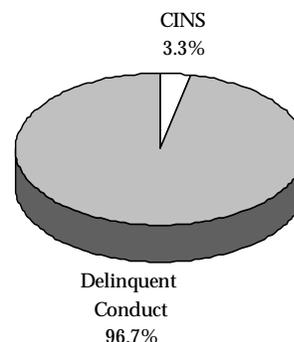
The 10 most populous counties in Texas—Harris, Dallas, Tarrant, Bexar, Travis, El Paso, Hidalgo, Denton, Collin, and Fort Bend—accounted for nearly 65 percent of the juvenile cases added in 2005. Harris County alone accounted for 30 percent of all cases added. In an effort to address the rise in activity 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 2005 averaged 1.7 cases per 1,000 population, while the rate in the 10 most populous counties was nearly identical at 1.6 cases. Kenedy County, with an estimated population of 407 in 2004, had the highest filing rate per capita at 12.3, and Kleberg County, population 31,357, ranked second at 6.2. Only two of the 10 most populous counties—Harris and Travis—ranked in the top 20.²

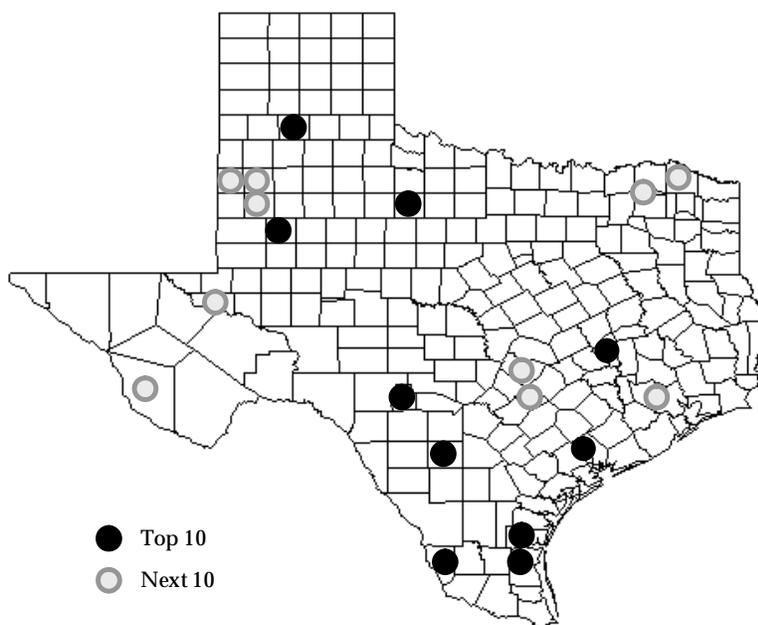
Clearance Rates - During the fiscal year, the district and county-level courts disposed of 45,775 cases on their dockets, resulting in a clearance rate of 96 percent—up from 94 percent the year before and above the five-year average of 95 percent.

Although district courts were charged with the large majority of the juvenile caseload, the district

Cases Added in Fiscal Year 2005
(47,664 Cases)



Counties With Highest Juvenile Case Filings Per Capita in Fiscal Year 2005



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

2. Bexar County could not be included in the analysis. OCA was only able to use data for September 2004 from Bexar County due to errors in reports submitted for October 2004 through August 2005.

court juvenile case clearance rate (96.2 percent) exceeded the rate for the county-level courts (95.0 percent).

With the courts disposing of a greater share of their caseloads in 2004 and 2005, the number of cases pending at the end of the fiscal year (23,664 cases) declined for a second consecutive year from the number pending at the end of the previous year. During the previous 10 years (1994 to 2003), the number of pending cases increased annually and nearly doubled overall.

Manner of Disposition –

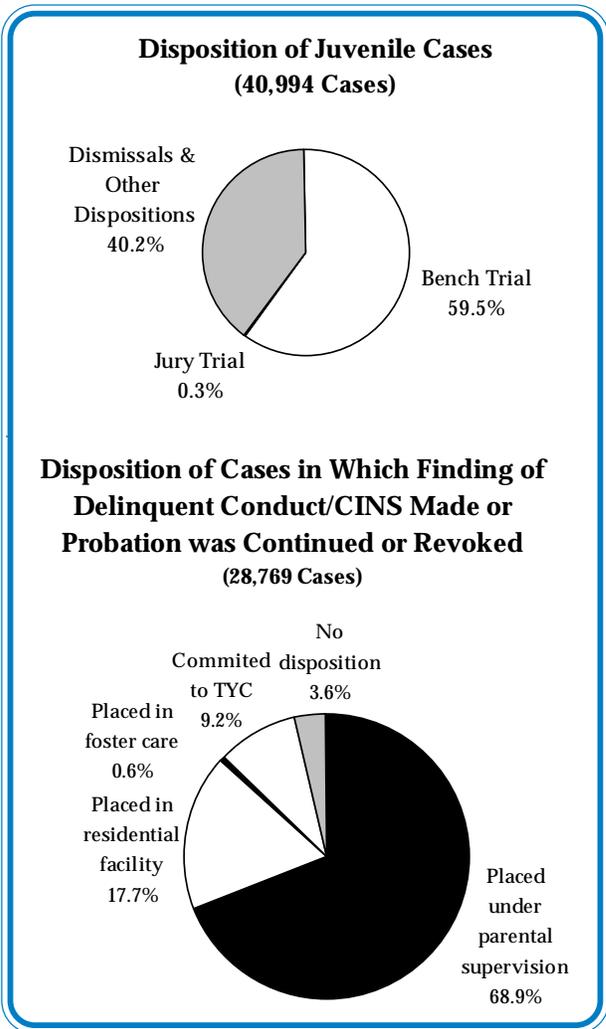
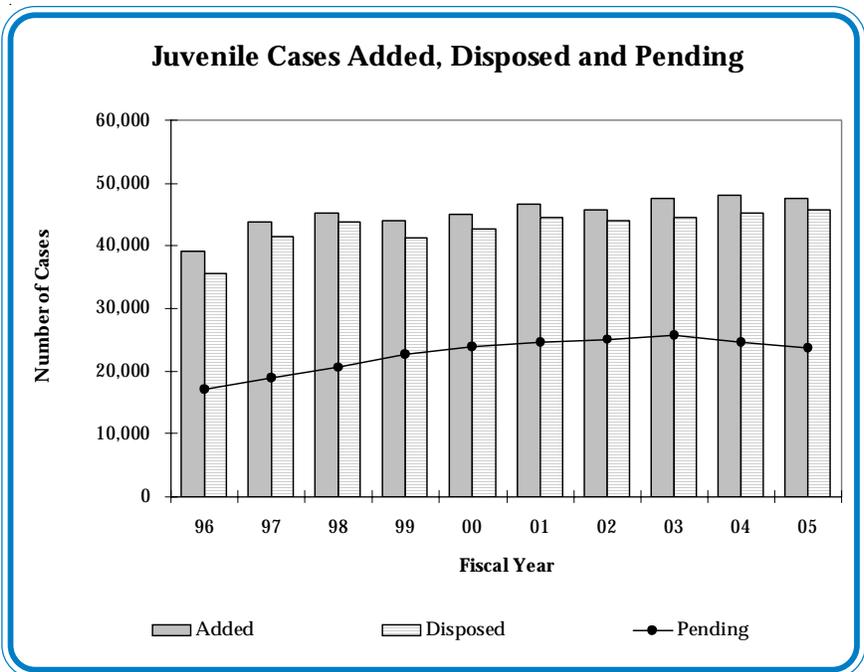
Of the 45,775 cases disposed in 2005, approximately 10 percent involved transfers or motions to modify disposition. Of the remaining 40,994 cases disposed during the year, roughly 60 percent were disposed by a bench trial. Jury trials accounted for only 0.3 percent of the cases disposed. Dismissals and other dispositions accounted for the remaining 40 percent of dispositions.

Findings of delinquent conduct or CINS were made in 99 percent of cases that were decided by a judge,³ compared to two-thirds 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 percent of cases). In approximately 18 percent of cases, juveniles were placed in a residential facility, and less than one percent were placed in foster care. Juveniles were committed to the Texas Youth Commission in 9 percent of cases, a percentage that has remained consistent since 2000.

In 2005, 168 juveniles were certified for trial as adults, slightly more than 155 certified in 2004, which was the lowest point of the last decade. From 1996 to 2001, the number of juveniles certified dropped from 507 to 186. Since 2001, the number has remained just at or below 200.

3. Pleas of true made during an appearance before the judge are included in the “Trial by Judge” category in the juvenile activity 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, 2004 to August 31, 2005

99.4 Percent Reporting Rate			
3,030 Reports Received Out of a Possible 3,048			
	CINS*	Delinquent	TOTAL
CASES PENDING September 1, 2004	1,465	20,916	22,381
Docket Adjustments	(4)	(602)	(606)
CASES ADDED DURING YEAR:			
New Petitions Filed	1,459	35,991	37,450
Motions to Revoke Filed	115	5,405	5,520
Other Cases Added	20	4,674	4,694
TOTAL CASES ADDED DURING YEAR	1,594	46,070	47,664
TOTAL CASES ON DOCKET	3,055	66,384	69,439
CASES DISPOSED OF DURING YEAR:			
Finding of Delinquent Conduct or CINS*	711	23,512	24,223
Finding of No Delinquent Conduct or CINS*	4	289	293
Transfers on Change of Venue	9	283	292
Motions to Revoke Disposed	81	4,408	4,489
Dismissals and Other Dispositions	738	15,740	16,478
TOTAL DISPOSITIONS DURING YEAR	1,543	44,232	45,775
CASES PENDING August 31, 2005	1,512	22,152	23,664
INFORMATION ON FINDINGS OF DELINQUENT CONDUCT OR CINS:			
Probation Granted or Continued:			
Under Parental Care	690	19,125	19,815
Under Foster Care	13	155	168
To Residential Facilities	49	5,047	5,096
Commitments to Texas Youth Commission	0	2,659	2,659
Judgments with No Disposition	34	997	1,031
MISCELLANEOUS INFORMATION:			
Detention Hearings Held	1,207	31,003	32,210
Hearings to Modify Court Orders Held	61	1,929	1,990
Children Certified for Trial as Adults	0	168	168
Attorneys Appointed	954	24,867	25,821

*Conduct Indicating a Need for Supervision.



Justice Courts

Cases Filed – Nearly 3.4 million cases were filed in the state’s justice courts in 2005—the largest number of filings ever reported.¹ Since 1996, the number of filings grew an average of 4.1 percent per year.

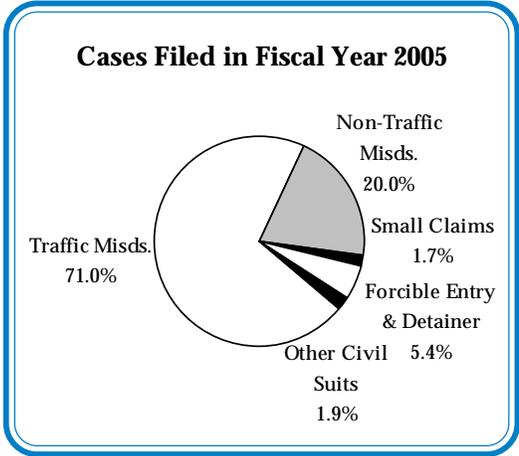
Although filings steadily increased over the years, the composition of the justice courts’ caseload remained basically unchanged. As usual, the great majority—91 percent—of new filings consisted of criminal cases, nearly 78 percent of which involved traffic violations. Forcible entry and detainer cases accounted for 60 percent of new civil cases filed during the fiscal year, while small claims suits and other civil suits constituted 19 percent and 21 percent, respectively.

The 10 largest counties, representing approximately 57 percent of the state’s population, accounted for 44 percent of all new cases filed. All but one of these counties had per capita filing rates equal to or lower than the statewide average of 0.1. The highest per capita filing rate occurred in Kenedy County, population 407, which was more than four times higher than the next largest filing rate.

Clearance Rates – Justice courts disposed of 2,941,981 cases in 2005, a slight increase over the previous year. While dispositions increased by 2 percent, the average case clearance rate fell from 91.4 to 86.9 percent—the lowest rate since 2000 (86.8 percent). As the number of dispositions increased steadily over the past decade, the number of new cases filed rose to a greater extent each year, resulting in annual clearance rates ranging predominantly between 86 and 89 percent. By case type, non-traffic misdemeanors had the lowest clearance rate (79 percent) in 2005, while forcible entry and detainer cases had the highest (nearly 93 percent).

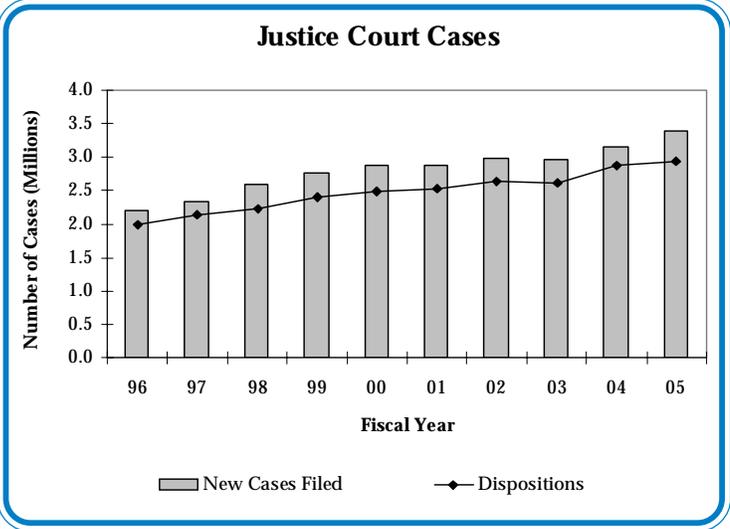
Manner of Disposition – In 2005, justice courts disposed of approximately 2.1 million traffic cases and 535,000 non-traffic misdemeanor cases, half of which were disposed of by payment of a fine (without appearing before a judge) or by a bond forfeiture. Nine percent of cases were disposed of by bench trial or other appearance before a judge, and only 0.1 percent was disposed of by jury trial.

Overall, guilty findings were made in 95 percent of the 246,692 cases that went to bench trial or were otherwise disposed of

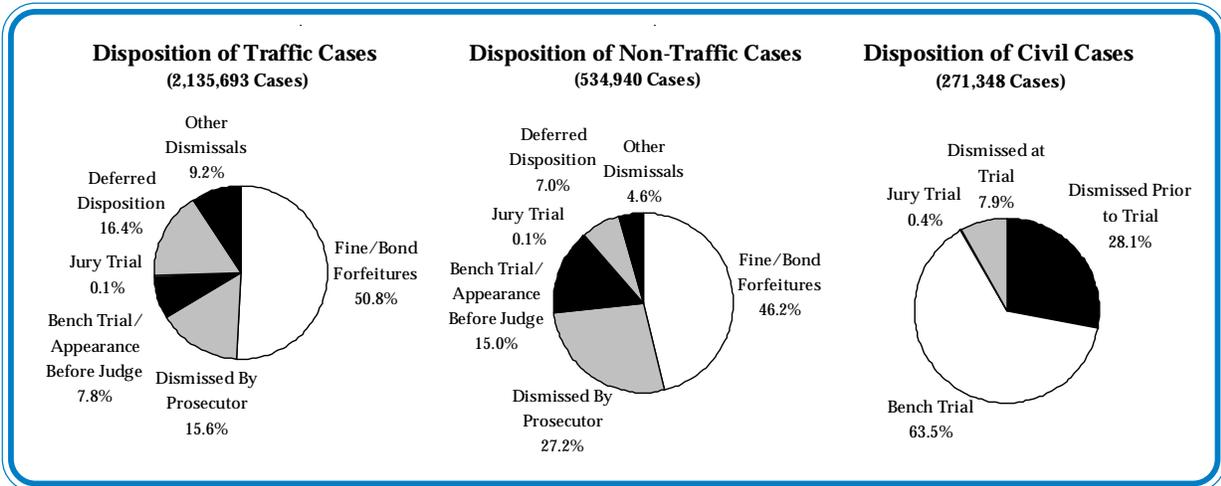


Filings per Capita in Fiscal Year 2005

Counties with Highest Filings per Capita	Filings per Capita in Largest Counties
Kenedy - 9.6	Harris - 0.2
Armstrong - 2.3	Dallas - 0.1
Kimble - 2.1	Tarrant - 0.03
Crockett - 1.9	Bexar - 0.1
Culberson - 1.8	Travis - 0.1



1. While the reported number of new filings was 7.5 percent higher than the number reported the year before, the reporting rate of the justice courts also increased by 6.7 percent, as 562 more reports were received in 2005 than in 2004.

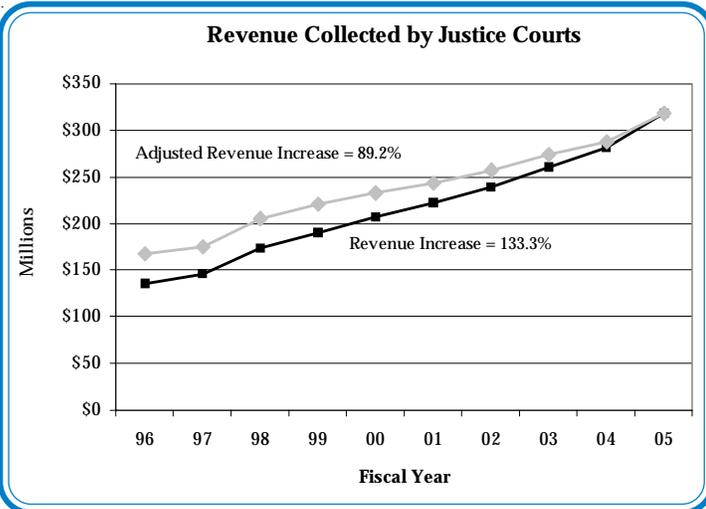


by an appearance before the judge.² In contrast, guilty verdicts accounted for approximately 85 percent of the 3,431 cases that went to jury trial.

A majority (63.5 percent) of the 270,000 civil cases closed in 2005 were disposed of by bench trial. More than a quarter were disposed before trial, and only 0.4 percent went to jury trial.

Juvenile Activity - In 2005, the number of juvenile warnings, detention hearings, violations of local daytime curfew ordinances, and referrals to juvenile court for delinquent conduct were all somewhat lower than in 2004. There was an increase in the number of failure to attend school cases filed (up more than 19 percent from 2004) and in the number of cases where the defendant was held in contempt, fined, or denied driving privileges (up almost 18 percent).

Court Revenue - The amount of revenue collected by justice courts increased steadily over the last decade. In 2005, courts collected revenue in excess of \$317 million—an increase of nearly 13 percent from the previous year. The amount collected in 2005 was 133 percent higher than that collected in 1996, or 89 percent higher when adjusting for inflation.³ Excluding cases dismissed prior to or at trial, the amount of revenue collected per disposition averaged \$138, compared to \$131 in 2004.



2. Guilty and *nolo contendere* pleas are included in the "Trial by Judge" category in the Justice Court Monthly Activity Reports.
3. Using Consumer Price Index Conversion Factors.

The following courts did not submit activity reports for the entire fiscal year:

Brewster 3-1	Reeves 4-1
Culberson 2-1	Runnels 1-1
Culberson 4-1	San Patricio 4-1
Hidalgo 1-1	Sherman 3-1
Hidalgo 4-1	Trinity 3-1
Hidalgo 4-2	Tyler 2-1
Kleberg 1-1	Tyler 4-1
La Salle 3-1	Webb 2-2
Marion 2-1	Willacy 5-1
McLennan 8	Zavala 4-1

The following courts submitted incomplete reports for the fiscal year:

Brooks 1-1: 92% *	Falls 3-1: 8%	Knox 1& 2: 17%	Pecos 1-1: 92%
Brooks 3-1: 92%	Hall 4-1: 67%	Lavaca 3-1: 25%	Shelby 2-1: 92%
Cameron 1-1: 42%	Hardin 1-1: 75%	Lee 4-1: 92%	Shelby 5-1: 83%
Cameron 3-1: 92%	Hardin 5-1: 67%	Matagorda 1-1: 58%	Terrell 1,3 & 4: 75%
Cooke 1-1: 92%	Hidalgo 1-2: 67%	Morris 1: 8%	Upton 1-1: 58%
Culberson 3-1: 17%	Hudspeth 2-1: 92%	Newton 1-1: 67%	Webb 4-1: 75%
Dallas 1-2: 75%	Hudspeth 3-1: 17%	Nueces 5-2: 33%	Willacy 2-1: 83%
El Paso 4-1: 67%			

* Percentage of reports received

Activity Report for Justice of the Peace Courts
September 1, 2004 to August 31, 2005

96.2 Percent Reporting Rate 9,532 Reports Received Out of a Possible 9,912						
	CRIMINAL CASES		CIVIL CASES			REPORTED TOTALS
	Traffic Misdemeanors	Non-Traffic Misdemeanors	Small Claims Suits	Forcible Entry & Detainer	Other Civil Suits	
NEW CASES FILED	2,404,902	677,994	57,383	182,118	63,142	3,385,539
DISPOSITIONS:						
Dispositions Prior to Trial:						
<i>Bond Forfeitures</i>	6,048	3,213	---	---	---	9,261
<i>Fined</i>	1,079,213	243,915	---	---	---	1,323,128
<i>Cases Dismissed</i>	334,210	145,369	17,376	39,289	19,714	555,958
Total Dispositions Prior to Trial	1,419,471	392,497	17,376	39,289	19,714	1,888,347
Dispositions at Trial:						
<i>Trial by Judge</i>						
Guilty	159,429	74,924	---	---	---	234,353
Not Guilty	6,916	5,423	---	---	---	12,339
Civil Trials	---	---	27,781	113,791	30,786	172,358
<i>Trial by Jury</i>						
Guilty	2,570	335	---	---	---	2,905
Not Guilty	383	143	---	---	---	526
Civil Trials	---	---	540	405	158	1,103
<i>Dismissed at Trial</i>	41,169	24,363	3,953	15,521	2,034	87,040
Total Dispositions at Trial	210,467	105,188	32,274	129,717	32,978	510,624
Cases Dismissed After:						
<i>Driving Safety Course</i>	208,100	---	---	---	---	208,100
<i>Deferred Disposition</i>	142,421	37,255	---	---	---	179,676
<i>Proof of Financial Responsibility</i>	155,234	---	---	---	---	155,234
Total Cases Dismissed After	505,755	37,255	---	---	---	543,010
TOTAL DISPOSITIONS	2,135,693	534,940	49,650	169,006	52,692	2,941,981
CASES APPEALED	17,683	1,762	673	1,773	210	22,101
JUVENILE ACTIVITY:						
Warnings Administered						9,696
Statements Certified						4,266
Detention Hearings Held						3,331
Failure to Attend School Cases Filed						72,513
Violation of Local Daytime Curfew Ordinance Cases Filed						433
Referred to Juvenile Court for Delinquent Conduct						5,296
Held in Contempt, Fined, or Denied Driving Privileges						10,141
OTHER ACTIVITY:						
Parent Contributing to Nonattendance Cases Filed						48,630
Peace Bond Hearings Held						2,023
Class A or B Misdemeanor Complaints Accepted						82,086
Felony Complaints Accepted						59,458
Examining Trials Conducted						3,875
Inquests Conducted						17,146
Safety Responsibility and Driver's License Suspension Hearings Held						4,760
Search Warrants Issued						2,848
Arrest Warrants Issued:						
Class C Misdemeanors Only						794,283
Felonies and Class A and B Misdemeanors Only						93,410
<i>Total Arrest Warrants Issued</i>						887,693
Magistrate Warnings Given						308,206
Emergency Mental Health Hearings Held						11,651
Magistrate's Orders for Emergency Protection						6,561
Conference Held Prior to Legal Action Resulting in:						
Legal Action Being Filed in Court			Criminal	Civil	Total	
			9,404	2,253	11,657	
No Legal Action Being Taken			4,411	8,227	12,638	
TOTAL REVENUE						\$317,539,101



Municipal Courts

Cases Filed – Roughly eight million cases were filed in the state’s municipal courts in 2005, slightly above the average of about 7,740,000 cases that were filed over each of the last five years. Consistent with previous years, traffic and parking cases constituted approximately 83 percent of the incoming caseload.

The 10 largest cities, representing 33 percent of the state’s population, accounted for half of all cases filed. Seven of the 10 cities had per capita filing rates slightly above the statewide average of 0.45. The highest per capita filing rates, however, occurred in Westlake (a suburb of Fort Worth with a population of 206) and Estelline (with a population of 169, located in Hall County) and were considerably higher than the rates in all other cities of the state.

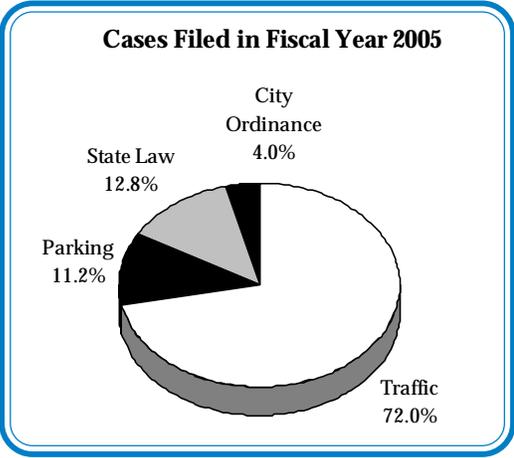
Clearance Rates – Municipal courts disposed of 7,659,420 cases in 2005—continuing the upward trend in the number cases disposed over the past decade. Although dispositions increased by 1.7 percent from the previous year, the average case clearance rate fell slightly from 97.6 to 95.8 percent—slightly below the five-year average of 96.1 percent. By case type, traffic (non-parking) cases had the highest clearance rate (100 percent) while state law and city ordinance cases both had the lowest clearance rate (83 percent).

Manner of Disposition – In 2005, municipal courts disposed of nearly 5.6 million traffic cases, the largest share—approximately 37 percent—of which was disposed of by payment of a fine (without appearing before a judge) or by a bond forfeiture. Sixteen percent were disposed of after a bench trial or other appearance before a judge, and only 0.1 percent were disposed of by a jury trial.

Municipal courts also disposed of more than 1.1 million state law and city ordinance cases (i.e., non-traffic cases). One third of these cases were disposed of by payment of a fine or by a bond forfeiture. While the jury trial rate was the same as for traffic cases (0.1 percent), defendants in these cases were more likely to have a bench trial or other appearance before the judge (27.5 percent) in order to dispose of the case.

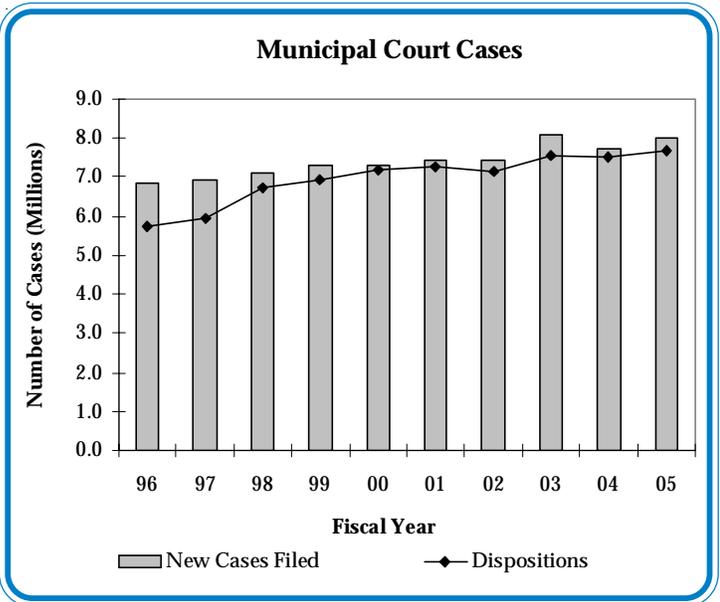
Overall, guilty findings were made in approximately 98.7 percent of the 1,345,130 cases that were not dismissed and went to bench trial or were otherwise disposed of by an appearance before the judge.¹ In

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



Filings per Capita in Fiscal Year 2005

Cities with Highest Filings per Capita	Filings per Capita in Largest Cities
Westlake - 58.5	Houston - 0.7
Estelline - 17.3	San Antonio - 0.3
Montgomery - 7.8	Dallas - 0.5
Domino - 7.5	Austin - 0.6
Martindale - 5.6	Fort Worth - 0.6



contrast, guilty verdicts accounted for 73.5 percent of 5,175 cases that went to jury trial.

Juvenile Case

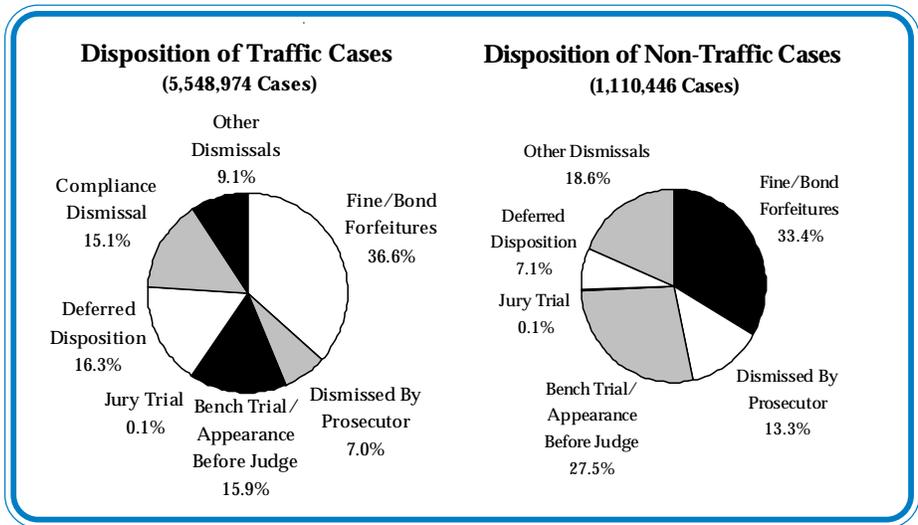
Activity – In 2005, 340,527 juvenile cases were filed in the municipal courts, down from a record high of more than 372,000 cases filed during the previous year but nearly identical to the number filed in 2003. Transportation Code cases constituted the only category in which the

number of cases filed in 2005 exceeded the average number of cases filed over the last five years. Since 2001, the number of cases in which municipal courts waived jurisdiction and referred a juvenile to juvenile court generally declined—from 7,354 cases in 2000 to 3,941 in 2005.

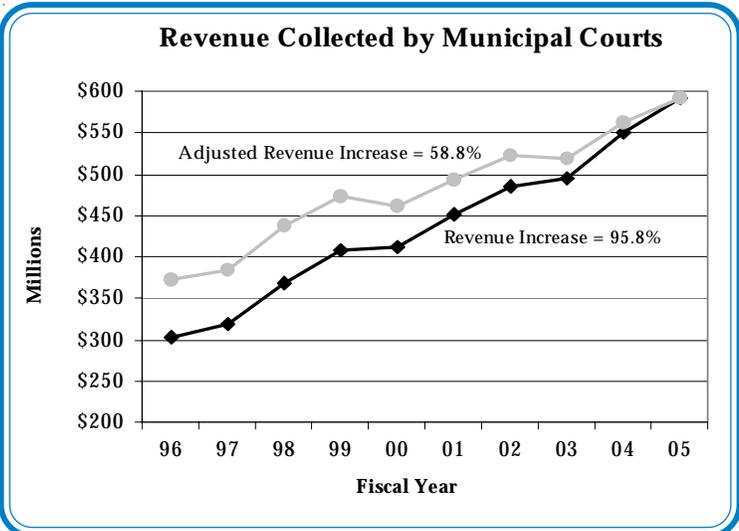
Magistrate Activity – In 2005, municipal courts issued approximately 6,700 search warrants, more than 2.3 million arrest warrants, nearly 7,500 magistrate orders for emergency protection, and more than 250,000 magistrate warnings to adults, continuing the upward trend in these areas of court activity over recent years. Magistrate activity in juvenile cases, however, declined over the past few years. Warnings administered to juveniles declined steadily from 5,419 warnings in 2000 to 3,316 in 2005, and certifications of juvenile statements declined from 1,555 in 2003 to 1,265 in 2005.

Court Revenue – The amount of revenue collected by municipal courts increased steadily over the last 10 years. In 2005, the courts collected revenue in excess of \$592 million—an increase of more than \$40 million from the previous year. The amount collected in 2005 was 96 percent higher than that collected in 1996, or 59 percent higher when adjusted for inflation.²

Excluding cases dismissed prior to trial or at trial, the amount of revenue collected per disposition averaged approximately \$170—an increase of 90 percent from the previous year, which may be due, in part, to improvements in reporting compliance.



2. Using Consumer Price Index Conversion Factors.



The following cities did not submit activity reports for the entire fiscal year:

- Garrison
- La Ward
- Milford

The following cities submitted incomplete reports for the fiscal year:

Briaroaks: 8% *	Gordon: 83%	Old River-Winfree: 83%
Caney City: 83%	Groesbeck: 25%	Pine Forest: 75%
Childress: 83%	Kirbyville: 58%	Rio Hondo: 83%
Clint: 42%	Maypearl: 83%	San Augustine: 83%
Elsa: 58%	Natalia: 33%	Trinity: 92%
Fate: 33%		

* Percentage of reports received

Activity Report for Municipal Courts

September 1, 2004 to August 31, 2005

99.0 Percent Reporting Rate 10,789 Reports Received Out of a Possible 10,896					
	Traffic Misdemeanors		Non-Traffic Misdemeanors		REPORTED TOTALS
	Non - Parking	Parking	State Law	City Ordinance	
NEW CASES FILED	5,754,794	898,584	1,023,009	318,051	7,994,438
DISPOSITIONS:					
Dispositions Prior to Trial:					
<i>Bond Forfeitures</i>	44,168	1,684	17,515	2,411	65,778
<i>Fined</i>	1,725,004	625,887	275,880	75,602	2,702,373
<i>Cases Dismissed</i>	357,226	99,196	100,583	47,107	604,112
Total Dispositions Prior to Trial	2,126,398	726,767	393,978	125,120	3,372,263
Dispositions at Trial:					
<i>Trial by Judge</i>					
Guilty	987,129	40,310	238,246	62,043	1,327,728
Not Guilty	12,352	415	2,919	1,716	17,402
<i>Trial by Jury</i>					
Guilty	2,707	84	669	344	3,804
Not Guilty	789	28	349	205	1,371
<i>Dismissed at Trial</i>	579,758	13,970	152,087	54,260	800,075
Total Dispositions at Trial	1,582,735	54,807	394,270	118,568	2,150,380
Cases Dismissed After:					
<i>Driver Safety Course</i>	436,643	---	---	---	436,643
<i>Deferred Disposition</i>	629,712	1,777	58,885	19,625	709,999
<i>Proof of Financial Responsibility</i>	523,852	---	---	---	523,852
<i>Compliance Dismissal</i>	466,283	---	---	---	466,283
Total Cases Dismissed After	2,056,490	1,777	58,885	19,625	2,136,777
TOTAL DISPOSITIONS	5,765,623	783,351	847,133	263,313	7,659,420
COMMUNITY SERVICE ORDERED	166,267	1,389	35,960	10,421	214,037
CASES APPEALED	13,547	113	2,280	400	16,340
JUVENILE ACTIVITY:					
Transportation Code Cases Filed					166,766
Non-Driving Alcoholic Beverage Code Cases Filed					35,403
DUI of Alcohol Cases Filed					3,453
Health & Safety Code Cases Filed					11,242
Failure to Attend School Cases Filed					13,420
Education Code Cases Filed					10,149
Violation of Local Daytime Curfew Ordinance Cases Filed					10,315
All Other Non-Traffic Fine-Only Cases Filed					89,779
Waiver of Jurisdiction of Non-Traffic Cases					3,941
Referred to Juvenile Court for Delinquent Conduct					783
Held in Contempt, Fined, or Denied Driving Privileges					11,542
Warnings Administered					3,316
Statements Certified					1,265
OTHER ACTIVITY:					
Parent Contributing to Nonattendance Cases Filed					7,413
Safety Responsibility and Driver's License Suspension Hearings Held					867
Search Warrants Issued					6,701
Arrest Warrants Issued					
Class C Misdemeanors					2,289,578
Felonies and Class A and B Misdemeanors					71,535
Total Arrest Warrants Issued					2,361,113
Magistrate Warnings Given					
Class A and B Misdemeanors					174,860
Felonies					80,850
Total Magistrate Warnings Given					255,710
Emergency Mental Health Hearings Held					835
Magistrate's Orders for Emergency Protection					7,472
TOTAL REVENUE					\$592,162,820

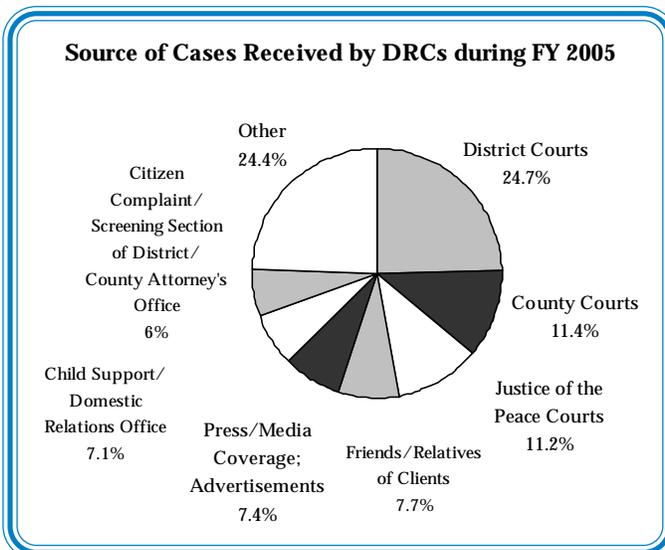


Alternative Dispute Resolution Centers

Courts often refer cases to mediation in an effort to expedite resolution of disputes and reduce the number of cases that must be heard by the court. In addition, alternative dispute resolution centers are often able to resolve disputes early, diverting potential cases that would have otherwise been filed in the courts.

Under Chapter 152 of the Civil Practice and Remedies Code, counties are authorized to establish an alternative dispute resolution system. In 2005, there were 17 dispute resolution centers (DRCs) operating in Texas. Most DRCs were formed as non-profit centers that have contracts for providing resolution services to the counties. Although the services offered by the DRCs vary, all centers offer family and civil mediation.

To maintain an alternative dispute resolution system, counties may collect a filing fee of up to \$15 on most civil cases heard by a district court, county-level court, or probate court and may set a court cost of up to \$5 in certain civil cases filed in justice courts.¹ Some DRCs are funded solely by the filing fees, while other centers may receive supplemental funding from the counties or cities they serve or from grants, fees paid by clients, and fees for mediation training. Most centers depend on trained volunteers to serve as the neutral mediators in cases handled by the DRC.



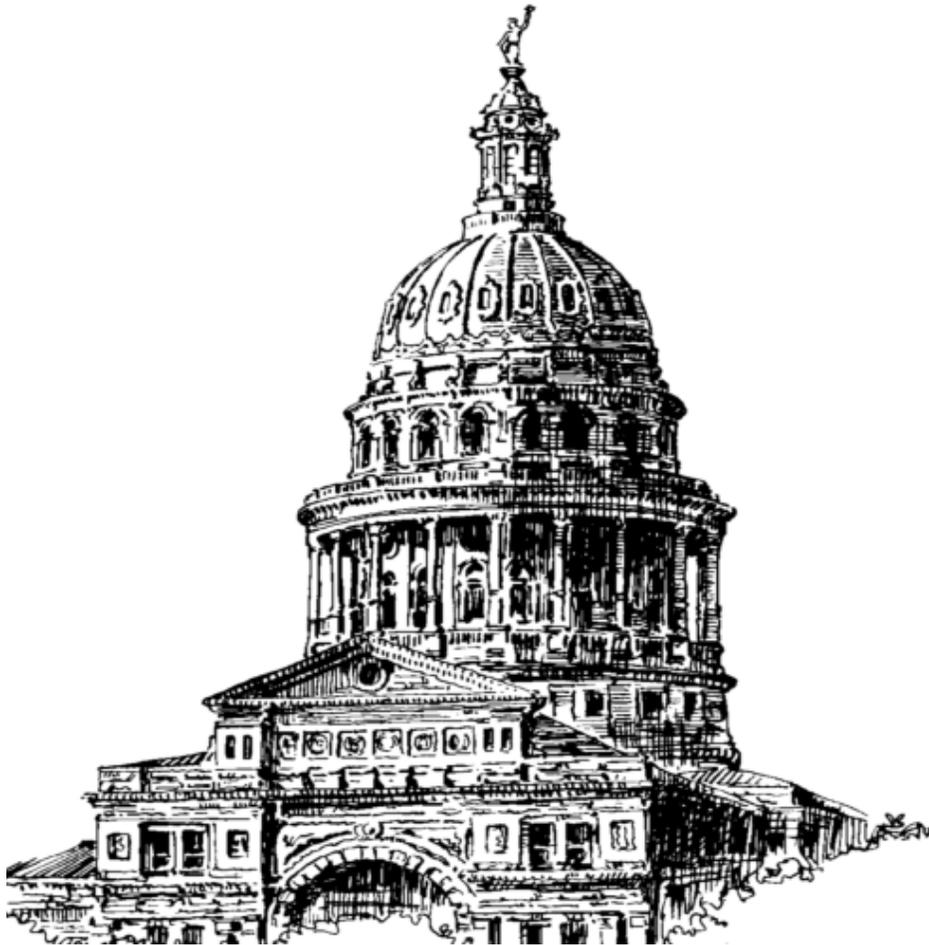
Summary of Activity September 1, 2004 through August 31, 2005

Center	Cases Pending 9/1/2004	Docket Adjustment	Cases Received	Cases Closed			Cases Pending 8/31/2005	Clearance Rate
				Prior to Hearing	Hearing Held	Unresolved but Closed		
Amarillo - Potter & Randall counties	21	6	478	229	225	14	37	97.9%
Austin - Travis County	No Reports Received							
Beaumont - Jefferson County	36	-1	1,322	676	401	224	56	98.4%
Bryan/College Station - Brazos County	31	0	175	24	142	20	20	106.3%
Conroe - Montgomery County	1	-1	891	83	710	55	43	95.2%
Corpus Christi - Nueces County	444	-431	177	19	100	62	9	102.3%
Dallas - Dallas County	473	0	2,370	705	931	715	492	99.2%
Denton - Denton County	No Reports Received							
El Paso - El Paso County ²	162	2	162	15	75	68	41	97.5%
Fort Worth - Tarrant County	1,167	-1	1,101	211	683	329	1,044	111.1%
Houston - Harris County	388	-686	3,477	273	2,245	405	257	84.1%
Kerrville - Kerr County	No Reports Received							
Lubbock - Lubbock & surrounding counties	785	0	2,528	1,157	706	808	642	105.7%
Paris - Lamar County	No Reports Received							
Richmond - Fort Bend County	No Reports Received							
San Antonio - Bexar County	776	0	5,761	4,779	585	776	397	106.6%
Waco - McLennan County	No Reports Received							
TOTALS	4,122	-1,114	18,280	8,156	6,728	3,408	2,997	100.7%

1. Filing fees authorized by Chapter 152, Civil Practice and Remedies Code.

2. OCA received five reports for September 2004 through January 2005 from the center in El Paso.

Explanation of Case Categories by Court Level



Dome of the Texas State Capitol

District Courts

Explanation of Case Categories

CRIMINAL DOCKET

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

The case-type categories are:

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

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

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

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

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

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

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

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

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

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

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

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

FELONY D.W.I.: A **felony** offense under 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.

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

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

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

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

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

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

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

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

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

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

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

JUVENILE DOCKET

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

OTHER PROCEEDINGS

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

County-Level Courts

Explanation of Case Categories

CRIMINAL DOCKET

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

The case-type categories are:

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

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

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

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

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

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

CIVIL DOCKET

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

The case-type categories are:

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

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

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

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

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

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

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

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

JUVENILE DOCKET

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

PROBATE AND MENTAL HEALTH CASES

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

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

Justice Courts

Explanation of Case Categories

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

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

Small claims suits include all suits for the recovery of money (damages or debt up to \$5,000) brought to the justice of the peace as judge of the small claims court in accordance with Chapter 28 of the Texas Government Code.

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

Other civil suits include all other suits within the civil jurisdiction of the justice of the peace court, including those for recovery of money (damages or debt up to \$5,000) and for foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction as provided by Section 27.031 of the Texas Government Code.

Municipal Courts

Explanation of Case Categories

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

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

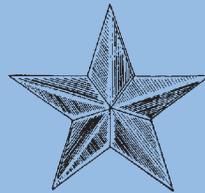
Parking misdemeanors include violations of state law or municipal ordinance involving the improper standing of a vehicle (for example, Parking on Highway Right of Way, Parking Within an Intersection, Overparking, etc.).

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

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

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

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Published by the

**OFFICE OF COURT ADMINISTRATION
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