

# Caseload Trends in the County-Level Courts

## Analysis of Activity for Year Ended August 31, 2002

### BACKGROUND

#### *Constitutional County Courts*

The Texas Constitution establishes one county court in each of the 254 counties of the state, but not all such courts exercise judicial functions.

Constitutional county courts have juvenile jurisdiction and concurrent civil jurisdiction with the justice of the peace courts in cases in which the matter in controversy exceeds \$200 but does not exceed \$5,000, exclusive of interest, and concurrent civil jurisdiction with district courts in cases in which the matter in controversy exceeds \$500 but does not exceed \$5,000, exclusive of interest. County courts also have the general jurisdiction of a probate court, and they have exclusive original jurisdiction of misdemeanors (other than those involving official misconduct) where the fine allowed exceeds \$500 or where a jail sentence may be imposed. They generally have appellate jurisdiction, usually by trial *de novo*, over cases originally tried in the justice of the peace and municipal courts.

#### *Statutory County Courts / Statutory Probate Courts*

Under its constitutional authority to establish such other courts as it may deem necessary and to prescribe the jurisdiction of such courts, the Legislature has established 200 statutory county courts and 16 statutory probate courts, primarily in metropolitan areas, to relieve the county judge of some or all of the judicial duties of office.

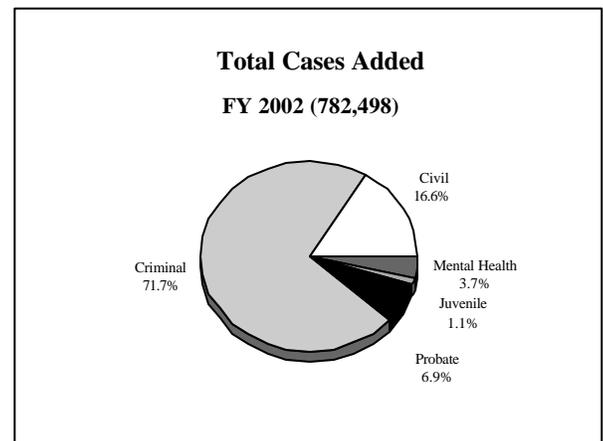
The legal jurisdiction of the statutory county courts varies considerably according to the statutes under which they were created. Some are intended to exercise subject-matter jurisdiction in only limited fields, such as civil, criminal, probate, or appellate (from justice courts or municipal courts). The concurrent civil jurisdiction of these statutory county courts with the district court extends to greater amounts in controversy than the constitutional county courts.

The jurisdiction of the statutory probate courts is limited primarily to probate matters.

**Note:** For purposes of this analysis, "county courts" includes constitutional county courts, statutory county courts, and statutory probate courts.

### CASE FILINGS

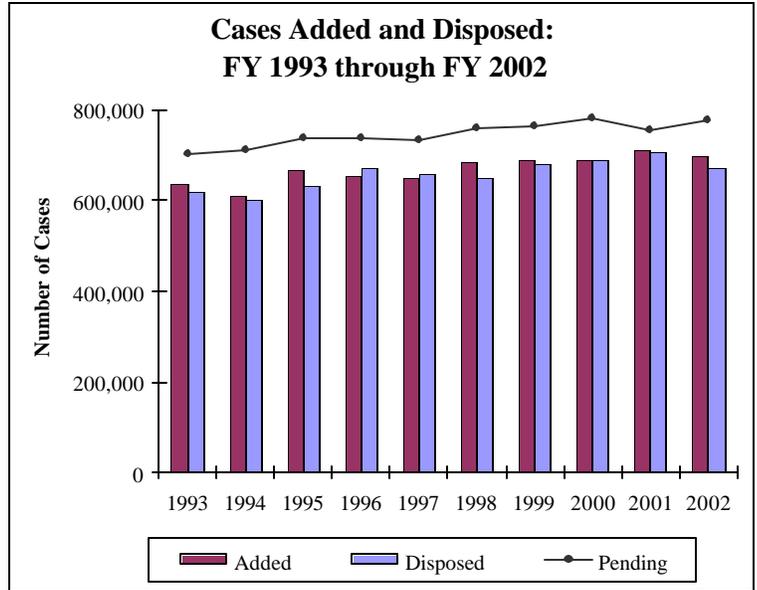
- **During FY 2002, the total number of cases added to the dockets of county courts declined by 2 percent.** In FY 2002, criminal cases accounted for 71.7 percent (561,265 cases) of the 782,498 total cases added to county court dockets. Civil cases accounted for another 16.6 percent (129,527 cases), probate cases represented 6.9 percent (54,329 cases), mental health cases comprised 3.7 percent (29,126 cases), and juvenile cases represented 1.1 percent (8,251 cases) of the total caseload added.
- **The number of civil cases added in county courts increased by 10,933 cases (9.2 percent) from FY 2001 to FY 2002.** In FY 2002, the total number of civil cases added was 129,527, compared to 118,594 cases added in FY 2001. Suits on debt cases comprised 32.3 percent of civil cases added, while divorce and all other family law matters accounted for 18.8 percent.
- **In FY 2002, the number of criminal cases added to the dockets of county courts declined from FY 2001 levels.** In FY 2002, 561,265 cases were added to the county criminal dockets, compared with 584,792 cases in FY 2001, a decline of 4.0 percent. Theft or worthless check cases accounted for 23.4 percent of the total number of criminal cases added, while DWI and DUID cases comprised 18.9 percent of the cases added.
- **Juvenile cases increased by 4.3 percent, from 7,908 cases added in FY 2001 to 8,251 cases added in FY 2002.** Conduct indicating a need for supervision cases accounted for 9.9 percent of the juvenile cases filed in county courts, while delinquent conduct cases comprised 90.1 percent of the juvenile cases filed in FY 2002.
- **Probate case filings during FY 2002 (54,329 cases) were slightly lower than the five-year average of 56,182 cases.** The number of mental health cases filed (29,126 cases) in FY 2002 was higher than the average number filed over the last five fiscal years (27,607 cases).



## CASES DISPOSED

*Note: The figures in this section do not include probate or mental health cases because statistics on the disposition of those cases are not collected.*

- For FY 2002, the total number of cases disposed declined 4.7 percent from the previous fiscal year (673,756 in FY 2002 versus 706,919 in FY 2001).** Most of the decline was due to the drop in criminal dispositions, which fell 6.0 percent from 579,670 in FY 2001 to 544,921 in FY 2002. The number of total cases disposed in FY 2002 was slightly less than the previous five-year average of 677,284 cases.
- County courts had a clearance rate (total cases disposed/total cases added) of 96.4 percent for FY 2002.** The civil case clearance rate was 93.6 percent, the juvenile case clearance rate was 92.5 percent, and the criminal case clearance rate was 97.1 percent. Criminal cases comprised 79.2 percent of the total pending caseload, while civil cases comprised 20.2 percent and juvenile cases accounted for 0.6 percent.
- There was a slight increase of 1.6 percent in the number of civil cases disposed in FY 2002 compared to FY 2001.** Suits on debt made up 33.0 percent of all civil dispositions, while divorce and family law matters accounted for 19.0 percent. Of all civil dispositions in FY 2002, 33.4 percent were disposed within three months, 22.3 percent were disposed in three to six months, 21.4 percent were disposed in six to 12 months, and 22.9 percent were disposed more than 12 months after filing.
- In FY 2002, jury verdicts were rendered in 970 civil cases in county courts.** This is a dramatic increase (49.7 percent) over FY 2001, when the total number of civil jury verdicts was 648. For FY 1997 through FY 2001, the average number of jury verdicts was 877.
- The composition of the disposed criminal caseload in FY 2002 remained consistent with that of the previous fiscal year.** Of criminal cases disposed, 21.8 percent were theft or worthless check cases, 18.8 percent were driving while intoxicated or under the influence of drugs (DWI/DUID) cases, 12.6 percent were traffic cases, 11.1 percent were drug cases, 9.7 percent were assault cases, and 26.1 percent were other criminal violation cases. The figures for FY 2001 were 20.9 percent, 19.1 percent, 12.9 percent, 10.7 percent, 9.2 percent, and 27.1 percent, respectively. The age of cases disposed remained fairly consistent with the previous year. In FY 2002, 22.4 percent of all criminal cases were disposed in 30 days or less, and 55.5 percent were disposed more than 90 days after filing. The figures for FY 2001 were 23.3 percent and 54.6 percent, respectively.
- In FY 2002, deferred adjudications accounted for 71,380 of the dispositions in criminal cases, or 13.1 percent of the total number of criminal dispositions.** Deferred adjudication was most frequently used in traffic cases and drug offense cases — 28.6 percent of traffic cases and 19.8 percent of drug offenses were disposed by deferred adjudication.
- Acquittals in criminal cases increased slightly.** In FY 2002, defendants were acquitted in 2,608 criminal cases—a 3.5 percent increase from FY 2001. Excluding directed verdicts and JNOVs, defendants who pleaded *not guilty* were convicted in 54.4 percent of all cases. There was little difference between conviction rates in those cases decided by a jury and those decided by a judge alone.
- County courts disposed of 4.3 percent fewer juvenile cases in FY 2002 than in FY 2001.** The number of juvenile cases disposed in FY 2002 (7,633 cases) was almost identical to the 7,649 cases disposed on average over the previous five fiscal years. For conduct indicating need for supervision cases (CINS), an affirmative finding was made in 66.9 percent of cases, while 65.1 percent of delinquent conduct cases involved findings of delinquency.



|                    | Bench            | Jury              | Total            |
|--------------------|------------------|-------------------|------------------|
| <b>Convictions</b> | 1,036<br>(54.9%) | 1,518<br>(54.0%)  | 2,554<br>(54.4%) |
| <b>Acquittals</b>  | 851<br>(45.1%)   | 1,293*<br>(46.0%) | 2,144<br>(45.6%) |
| <b>Total</b>       | 1,887<br>(100%)  | 2,811<br>(100%)   | 4,698<br>(100%)  |

\* Does not include 464 directed verdicts of not guilty.