

Analysis of Activity for the Year Ended August 31, 2000

Overview

There are 14 Courts of Appeals in Texas that, since September 1, 1981, have heard intermediate appeals in civil and criminal cases.

Courts of Appeals are located in Fort Worth, Austin, San Antonio, Dallas, Texarkana, Amarillo, El Paso, Beaumont, Waco, Eastland, Tyler, Corpus Christi, and Houston. Houston has two Courts of Appeals. Each court has jurisdiction over a geographical district. The districts of the Houston courts are coterminous.

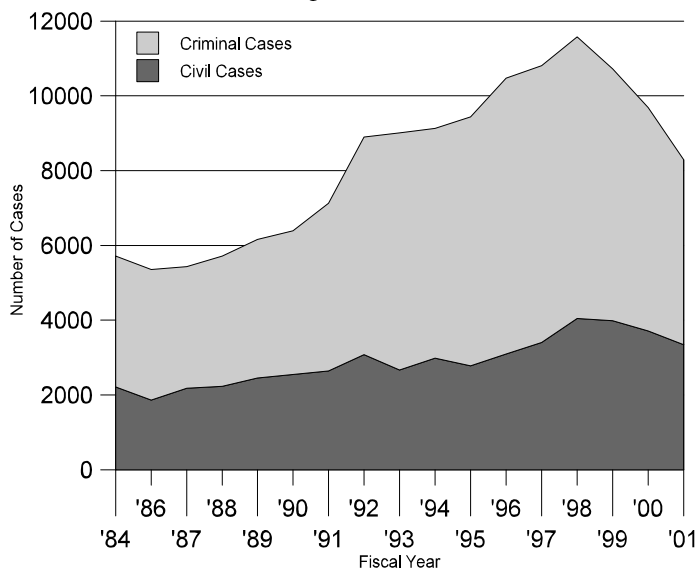
The number of justices for each court ranges from 3 each in five courts to 13 in Dallas, which is the largest. There are 80 justices statewide.

Pending Caseloads Continues to Decline

As Figure 1 below indicates, the total pending caseloads of the 14 Courts of Appeals has been increasing steadily over the past fifteen years. The 9,690 cases pending at the end of fiscal year 2000 reveals a more than 80 percent increase from the number of cases pending at the end of fiscal year 1986. However, since last fiscal year, it appears that there is now a new trend.

In fiscal year 1999, the total cases pending at

Statewide Total Cases Pending



HIGHLIGHTS

- The Courts of Appeals achieved a clearance rate (total cases disposed / total cases added) of 102.8 percent.
- The total number of pending cases for the Courts of Appeals decreased for the second year in a row—this time by nearly 10 percent.
- The Courts of Appeals disposed of 13,429 cases during fiscal year 2000, which was 14 percent more than the previous fiscal year.
- In fiscal year 1999, the justices of the Courts of Appeals wrote 12,798 opinions. Of these opinions 1,935 were published.
- The average number of cases under submission for more than 24 months was only 2.13 percent
- The Supreme Court transferred 289 civil cases and 680 criminal cases among the Courts.

the end of the year revealed a decrease of more than 7 percent from the previous year. In fiscal year 2000, again, the pending caseload decreased--this time by nearly 10 percent

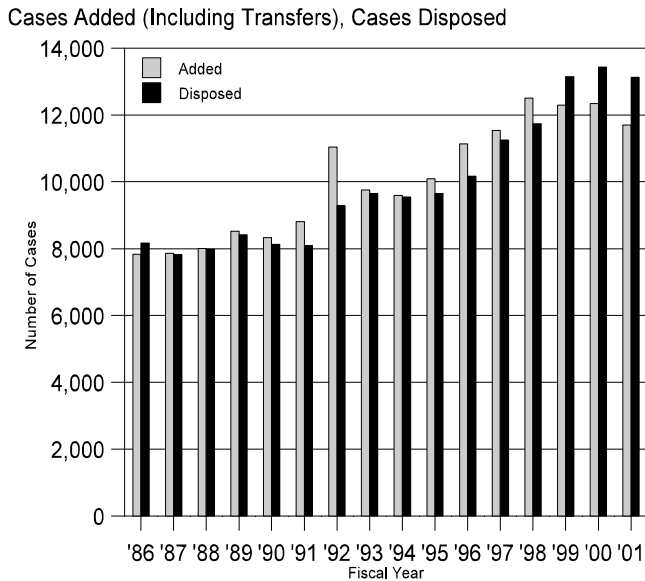
Of the 5,973 criminal cases pending in the Courts of Appeals at the end of fiscal year 2000, 52 percent had been on the docket less than 6 months, 27 percent from 6 to 12 months, and 21 percent more than 12 months.

Of the 3,717 civil cases pending in the Courts of Appeals at the end of fiscal year 2000, 49 percent had been on the docket less than 6 months, 27 percent from 6 to 12 months, and 24 percent for more than 12 months.

Cases Added to the Dockets

The main contributor to the increasing number of pending cases over the years has been the large number of cases added to the dockets of the Courts of Appeals. The number of cases added has risen steadily since fiscal year 1994, averaging an almost seven percent increase each year.

In fiscal year 2000, a total of 10,914 new cases were filed in the Courts of Appeals during the fiscal year, which included 6,016 criminal cases and 4,898



civil cases. This was a decrease of 2 percent from the 11,114 total new cases filed in fiscal year 1999. New criminal cases filed decreased 4 percent from the 6,145 filed in fiscal year 1999, and civil cases decreased 1 percent from the 4,969 filed the previous year.

Figure 2 below shows the trends in the number of cases added and disposed in the Courts of Appeals over the past 10 years. In this case, cases added refers not only to new cases filed, but rehearings, granted, cases reinstated, cases remanded from the higher and transfers as well. As the charts reveals, the number of cases added has remained relatively stable over the last two years, henceforth, the explanation for the decrease in pending caseload appears to lie in the court's activities in regards to dispositions.

Cases Disposed

The courts disposed of 13,429 cases during the fiscal year, an average of 167.9 dispositions per justice. The 5,457 civil dispositions and 7,7,972 criminal dispositions marked a 2 percent increase over total dispositions in the previous fiscal year, and was 27 percent higher than the 10 year average of 10,595.

Criminal Dispositions

Criminal dispositions increased 13 percent from 7,895 dispositions in fiscal year 1999 to 7,972 dispositions in fiscal year 2000. The average lapse of time between the filing of a criminal case in a Court of Appeals and its dispositions was 10.5 months; the average amount of time between submission of a criminal appeal and its disposition was 1.6 months (a case is considered "submitted" when the court hears oral argument or when it is referred to the justices for formal consideration if no oral argument is heard).

Civil Dispositions

In fiscal year 2000, there were 5,457 civil dispositions by the Courts of Appeals, an increase of 4 percent from the 5,225 civil dispositions in fiscal year 1999. The average lapse of time between the filing of

a civil case in a Court of Appeals and its dispositions was 8.8 months; the average length of time between submission of a civil appeal and its disposition was 2.4 months.

Opinions Written

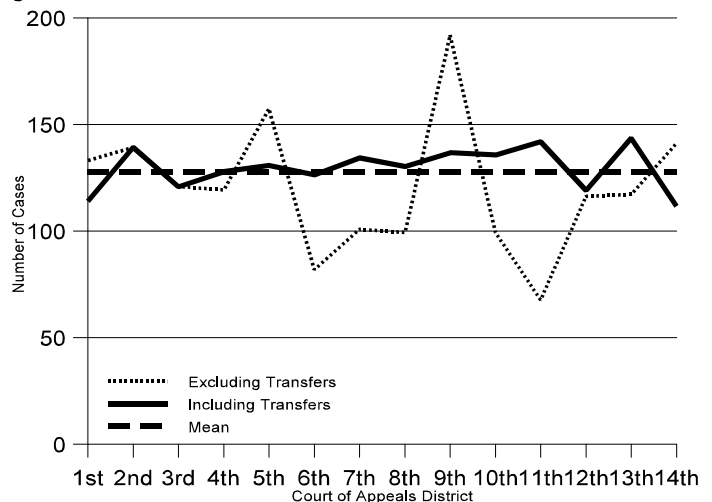
In fiscal year 2,000, the justices of the Courts of Appeals wrote 12,798 opinions, 11 more opinions than written in 1999. Of these opinions, 1,935 of them were published, 10,863 were not published.

Transferred Cases

While the 14 Courts of Appeals operate to a large extent as autonomous courts in specific geographic districts, some equalization of the dockets occurs by transfer of cases among the courts on order of the Supreme Court, pursuant to statutory authority. The Supreme Court transferred a total of 289 civil cases and 680 criminal cases among the courts in fiscal year 2000, compared with 222 civil cases and 425 criminal cases transferred in fiscal year 1999. In addition, the two Houston Courts (1st and 14th) are authorized by statute to transfer cases between those courts. Figure 3 below demonstrates how fiscal year 2000 transfers affected the number of cases added per justice for each of the courts.

The following transfers between the Courts of Appeals were made on orders of the Supreme Court:

Figure 3: Cases Filed and Added Per Justice



September 1999

- 8 civil cases from the 1st (Houston) to 6th (Texarkana)
- 12 criminal cases from the 1st (Houston) to 6th (Texarkana)
- 5 civil cases from the 1st (Houston) to 12th (Tyler)
- 15 criminal cases from the 1st (Houston) to 12th (Tyler)
- 18 civil cases from the 1st (Houston) to 6th (Texarkana)
- 2 criminal cases from the 1st (Houston) to 6th (Texarkana)
- 2 civil cases from the 5th (Dallas) to 11th (Eastland)
- 18 criminal cases from the 5th (Dallas) to 11th (Eastland)
- 7 civil cases from the 5th (Dallas) to 8th (El Paso)
- 23 criminal cases from the 5th (Dallas) to 8th (El Paso)
- 9 civil cases from the 5th (Dallas) to 10th (Waco)
- 16 criminal cases from the 5th (Dallas) to 10th (Waco)
- 4 civil cases from the 5th (Dallas) to 11th (Eastland)
- 16 criminal cases from the 5th (Dallas) to 11th (Eastland)
- 7 civil cases from the 9th (Beaumont) to 7th (Amarillo)
- 13 criminal cases from the 9th (Beaumont) to 7th (Amarillo)
- 10 civil cases from the 9th (Beaumont) to 7th (Amarillo)
- 10 criminal cases from the 9th (Beaumont) to 7th (Amarillo)
- 3 civil cases from the 14th (Houston) to 3rd (Austin)
- 17 criminal cases from the 14th (Houston) to 3rd (Austin)
- 10 civil cases from the 14th (Houston) to 13th (Corpus Christi)
- 20 criminal cases from the 14th (Houston) to 13th (Corpus Christi)

November 1999

- 1 civil case from the 6th (Texarkana) to 14th (Houston)
- 1 criminal case from the 5th (Dallas) to 11th (Eastland)
- 1 civil case from the 13th (Corpus Christi) to 1st (Houston)

December 1999

- 11 civil cases from the 1st (Houston) to 13th (Corpus Christi)
- 4 criminal cases from the 1st (Houston) to 13th (Corpus Christi)
- 10 criminal cases from the 1st (Houston) to 12th (Tyler)
- 10 criminal cases from the 1st (Houston) to 3rd (Austin)
- 5 civil cases from the 1st (Houston) to 13th (Corpus Christi)
- 15 criminal cases from the 1st (Houston) to 13th (Corpus Christi)
- 20 criminal cases from the 5th (Dallas) to 7th (Amarillo)
- 8 civil cases from the 5th (Dallas) to 8th (El Paso)
- 7 criminal cases from the 5th (Dallas) to 8th (El Paso)
- 15 criminal cases from the 5th (Dallas) to 10th (Waco)
- 2 civil cases from the 5th (Dallas) to 7th (Amarillo)
- 13 criminal cases from the 5th (Dallas) to 7th (Amarillo)
- 7 civil cases from the 5th (Dallas) to 8th (El Paso)
- 8 criminal cases from the 5th (Dallas) to 8th (El Paso)
- 7 civil cases from the 5th (Dallas) to 10th (Waco)
- 8 criminal cases from the 5th (Dallas) to 10th (Waco)
- 9 civil cases from the 9th (Beaumont) to 6th (Texarkana)
- 16 criminal cases from the 9th (Beaumont) to 6th (Texarkana)
- 11 civil cases from the 9th (Beaumont) to 6th (Texarkana)
- 11 criminal cases from the 9th (Beaumont) to 6th (Texarkana)
- 5 civil cases from the 14th (Houston) to 11th (Eastland)
- 20 criminal cases from the 14th (Houston) to 11th (Eastland)
- 4 civil cases from the 14th (Houston) to 11th (Eastland)
- 16 criminal cases from the 14th (Houston) to 11th (Eastland)
- 1 civil case from the 6th (Texarkana) to 14th (Houston)

March 2000

- 16 civil cases from the 1st (Houston) to 11th (Eastland)
- 9 criminal cases from the 1st (Houston) to 11th (Eastland)
- 9 civil cases from the 1st (Houston) to 11th (Eastland)
- 16 criminal cases from the 1st (Houston) to 11th (Eastland)
- 8 civil cases from the 5th (Dallas) to 13th (Corpus Christi)
- 23 criminal cases from the 5th (Dallas) to 13th (Corpus Christi)
- 6 civil cases from the 5th (Dallas) to 8th (El Paso)
- 23 criminal cases from the 5th (Dallas) to 8th (El Paso)
- 1 criminal cases from the 5th (Dallas) to 8th (El Paso)
- 8 civil cases from the 5th (Dallas) to 10th (Waco)
- 17 criminal cases from the 5th (Dallas) to 10th (Waco)
- 1 civil cases from the 5th (Dallas) to 3rd (Austin)
- 9 criminal cases from the 5th (Dallas) to 3rd (Austin)
- 1 criminal cases from the 5th (Dallas) to 12th (Tyler)
- 16 civil cases from the 9th (Beaumont) to 6th (Texarkana)
- 9 criminal cases from the 9th (Beaumont) to 6th (Texarkana)
- 4 civil cases from the 9th (Beaumont) to 6th (Texarkana)
- 16 criminal cases from the 9th (Beaumont) to 6th (Texarkana)
- 5 civil cases from the 1st (Houston) to 7th (Amarillo)
- 15 criminal cases from the 1st (Houston) to 7th (Amarillo)
- 1 civil cases from the 1st (Houston) to 7th (Amarillo)
- 19 criminal cases from the 1st (Houston) to 7th (Amarillo)

May 2000

- 1 criminal case from the 3rd (Austin) to 12th (Tyler)

June 2000

- 3 civil cases from the 1st (Houston) to 10th (Waco)
- 22 criminal cases from the 1st (Houston) to 10th (Waco)
- 10 criminal cases from the 1st (Houston) to 4th (San Antonio)
- 4 civil cases from the 1st (Houston) to 12th (Tyler)
- 5 criminal cases from the 1st (Houston) to 12th (Tyler)
- 1 criminal case from the 1st (Houston) to 12th (Tyler)
- 5 civil cases from the 1st (Houston) to 7th (Amarillo)
- 5 criminal cases from the 1st (Houston) to 7th (Amarillo)
- 7 civil cases from the 5th (Dallas) to 13th (Corpus Christi)
- 23 criminal cases from the 5th (Dallas) to 13th (Corpus Christi)
- 8 civil cases from the 5th (Dallas) to 8th (El Paso)
- 22 criminal cases from the 5th (Dallas) to 8th (El Paso)
- 10 civil cases from the 5th (Dallas) to 8th (Eastland)
- 20 criminal cases from the 5th (Dallas) to 11 (Eastland)
- 10 civil cases from the 9th (Beaumont) to 6th (Texarkana)

Performance Measures Implemented

In fiscal year 1998, the Courts of Appeals began tracking and reporting to the Legislature a new set of key performance measures: the clearance rate, the average percent of cases under submission for more than 12 months, and the average percent of cases filed but not disposed for more than 24 months.

Clearance Rate

The clearance rate addresses the issue of an increasing pending caseload from the perspective that the number of pending cases increases when the number of cases filed and added exceeds the number of cases disposed during the year. The clearance rate is calculated by dividing the number of cases disposed by the number of cases filed and added, and is expressed as a percent. For fiscal years 2000, the courts established a target of 100 percent, indicating that they expect to dispose of at least as many cases as have been added to their docket. The statewide average clearance rate for fiscal year 2000 was 102.8 percent.

Average Percent of Cases Under Submission for More than 12 Months

The average percent of cases under submission for more than 12 months focuses on the average amount of older cases under submission. This measure is an average of all month-end results for the fiscal year, and is calculated by taking the number of cases which have not been disposed of within 12 months from the date of submission divided by the total number of cases under submission as of the end of each month. For fiscal years 2000, the courts established a target of zero percent, indicating that they expect to dispose of all cases within 12 months of the date of submission. The statewide average percent of cases under submission for more than 12 months in fiscal year 2000 was 2.51 percent.

Average Percent of Cases Filed But Not Yet Disposed for More than 24 Months

The average percent of cases filed but not yet disposed for more than 24 months focuses on the average amount of older cases pending cases. This measure is an average of all month-end results for the fiscal year, and is calculated by taking the number of cases which have not been disposed of within 24 months from the date of filing divided by the total number of cases filed but not disposed as of the end of each month. For fiscal years 2000, the courts established a target of zero percent, indicating that they expect to dispose of all cases within 24 months of the date of filing. The statewide average percent of cases filed but not yet disposed for more than 24 months in fiscal year 2000 was 2.13 percent.

Figure 3: Age of Pending Cases (in months)

