

Caseload Trends in the Fourteen Courts of Appeals

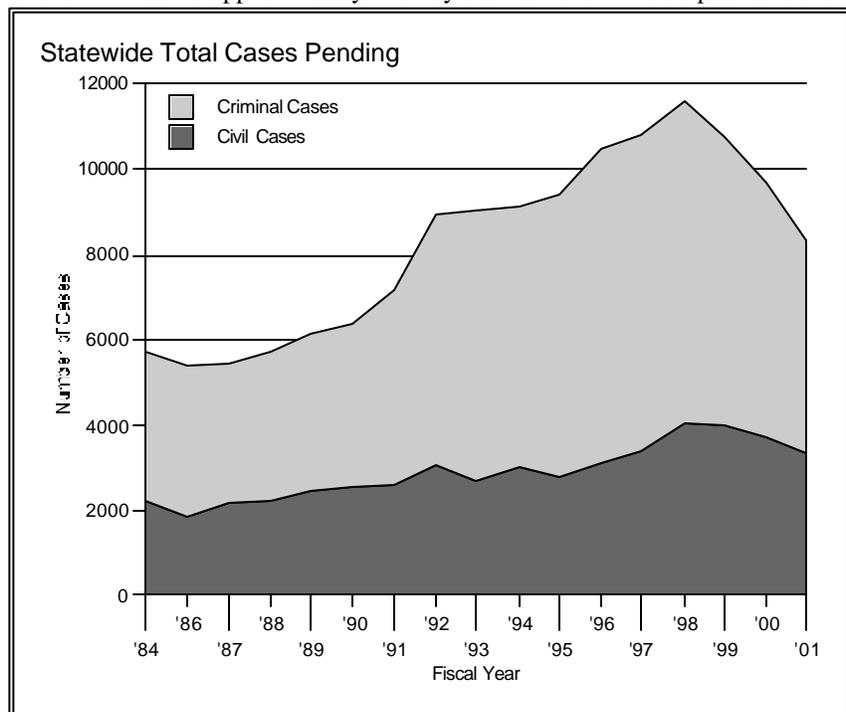
OVERVIEW

Texas has 14 Courts of Appeals. Since September 1, 1981, these courts have heard intermediate appeals in civil and criminal cases. The number of justices for each court ranges from three each in five courts to 13 in Dallas, which is the largest court. There are 80 justices statewide.

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.

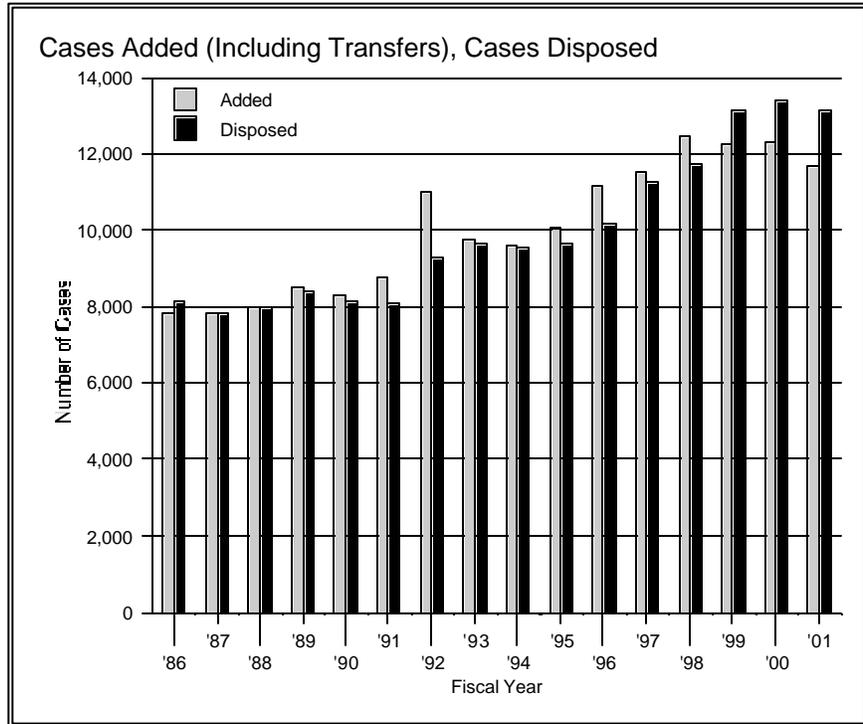
BACKLOG IN THE COURTS OF APPEALS

- During FY 2001, the Courts of Appeals continued to cut into caseload backlog.** Total pending caseloads of the 14 Courts of Appeals increased by 116 percent from FY 1986 to FY 1998, when it peaked at 11,575 pending cases. However, in the three years from FY 1998 to FY 2001, the Courts of Appeals eliminated 3,283 cases from their total backlog. The 8,292 cases pending at the end of FY 2001 is approximately midway between the FY 1998 peak and the FY 1986 nadir and it represents the lowest year-end total since FY 1991. Not only has the reduction of backlog continued for three consecutive years, it has accelerated each year. Pending caseloads decreased by 7 percent in FY 1999, 10 percent in FY 2000, and over 14 percent in FY 2001.
- Criminal case backlog declined at twice the rate of civil case backlog over the last three years.** During the last three years, civil case backlogs have declined by 17 percent (702 cases), while criminal case backlogs declined at twice that rate (2,581 cases). Thus, criminal cases have dropped from 65 percent to 60 percent of the total backlog.
- The age of pending cases improves for the third consecutive year.** In FY 2000, for the first time since FY 1991, over half of the pending cases had been on the docket for less than 6 months. That figure remained over 50 percent again in FY 2001. Also, cases pending less than 12 months increased to 81 percent, a ten-point increase over the FY 1998 figure and the highest since FY 1992. Finally, only 2 percent of cases had been on the docket for more than two years. This is a dramatic improvement over FY 1995 results when almost 10 percent of the cases were on the docket for more than two years.
- The age of criminal pending cases was very similar to that of civil pending cases in FY 2001.** Of the 4,947 criminal cases pending in the Courts of Appeals at the end of FY 2001, 51 percent had been on the docket less than 6 months, 82 percent less than 12 months, and only 1.7 percent were on the docket more than 24 months. Of the 3,345 civil cases pending in the Courts of Appeals at the end of FY 2001, 50 percent had been on the docket less than 6 months, 81 percent less than 12 months, and only 2.5 percent for more than 24 months.



CASES ADDED TO THE DOCKETS

- The number of cases added is slowly dropping from its record high in FY 1998.** After a record 12,502 cases were added in FY 1998, the Courts of Appeals have seen a slow drop in that number. In fiscal years 1999 and 2000, the number of cases added remained just over 12,000 before falling to 11,696 in FY 2001. Although this drop is encouraging, the FY 2001 figure is still the fourth largest annual caseload ever recorded for the Courts of Appeals. The last period of relative stability in total cases added, which took place in the mid-1980s, saw this figure hover around 8,000 cases. [Cases added includes new filings, rehearings granted, cases reinstated, and cases remanded from higher courts.]
- New filings decreased by 6.3 percent in FY 2001.** In FY 2001, a total of 10,228 new cases were filed in the Courts of Appeals, which included 5,436 criminal cases and 4,792 civil cases. This was a decrease of 6.3 percent from the 10,914 total new cases filed in FY 2000. The number of new criminal cases filed decreased 9.6 percent from the 6,016 filed in FY 2000, and civil cases decreased 2.2 percent from the 4,898 filed the previous year.



CASES DISPOSED

- Dispositions topped more than 13,000 cases for only the third time ever in FY 2001.** The 13,130 cases disposed by the Courts of Appeals represents the third highest annual disposition total ever recorded for the appellate courts. All three years of 13,000 plus dispositions have come in the past three years. Outside of these three years, the highest total on record came in FY 1997 when 11,736 cases were disposed.
- Despite the 2.2 percent decrease in dispositions from last year, the efficiency of the Courts of Appeals was probably greatest in FY 2001.** Dispositions dropped by only 299 cases, while the total cases on the docket dropped by 1,697 cases (7.3 percent).¹ Thus, the courts disposed of 61.3 percent of the total cases on the docket in FY 2001, bettering the FY 2000 figure of 58.1 percent and the ten-year average of 52.9 percent. Further, the clearance rate for the Courts of Appeal also reached an all-time high in FY 2001 (see next bulleted section).
- The clearance rate for the Courts of Appeals hit an all-time high of 112.3 percent in FY 2001.** The total number of cases added was 11,696, while dispositions totaled 13,130. This improved over last year's mark of 109 percent as 647 fewer cases were added, yet dispositions only dropped by 299. This is the third consecutive year that the clearance rate topped 100 percent; however, it is only the third time in fifteen years that such has been the case.
- Criminal dispositions decreased 4.5 percent, from 7,972 dispositions in FY 2000 to 7,615 dispositions in FY 2001.** The average lapse of time between the filing of a criminal case in a Court of Appeals and its disposition was 10.5 months; the average amount of time between submission of a criminal appeal and its disposition was 1.8 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). These times to disposition are roughly equivalent to FY 2000 figures.

¹ Total cases on the docket includes all cases added and cases pending at the beginning of the year.

- **The 5,515 civil dispositions by the courts in FY 2001 was an increase of 1.1 percent from the 5,457 civil dispositions in FY 2000.** The average lapse of time between the filing of a civil case in a Court of Appeals and its disposition was 8.7 months; the average length of time between submission of a civil appeal and its disposition was 2.4 months. These times to disposition are roughly equivalent to FY 2000 figures.

OPINIONS WRITTEN

- **In FY 2001, the justices of the Courts of Appeals wrote 12,691 opinions.** This was 107 fewer opinions than were written in FY 2000. Of these opinions, 2,187 of them were published, 10,504 were not published. Also, sitting judges wrote 92.4 percent (11,722) of the opinions while visiting judges wrote the other 7.6 percent (969).

TRANSFERRED CASES

- **The docket equalization program for the Courts of Appeals resulted in 968 transferred cases in FY 2001.** The objective of the program is to reduce the disparities among the 14 Courts of Appeals regarding the average number of new cases filed per judge.

Pursuant to orders of the Supreme Court, a total of 343 civil cases and 625 criminal cases were transferred among the courts in FY 2001, compared with 289 civil cases and 680 criminal cases transferred in FY 2000.

- **The docket equalization program reduced caseload disparities by two-thirds.** The average number of new cases filed per judge for all fourteen courts was almost 128. Pre-transfer filings ranged from 68 per judge in the 11th Court of Appeals (Eastland) to 192 per judge in the 9th Court of Appeals (Beaumont). Eleven of the fourteen Courts of Appeals averaged more than 10 cases above or below the overall filings rate per justice.

However, when transfers are included, the new filings rate for five courts remained more than 10 cases above or below the overall filings rate per justice. Including transfers, the average difference from the overall rate dropped from 25.1 cases to only 8.4 cases. The new filings rates, including transfers, ranged from 111.7 per justice in the 14th Court of Appeals (Houston) to 141.2 per justice in the 13th Court of Appeals (Corpus Christi).

