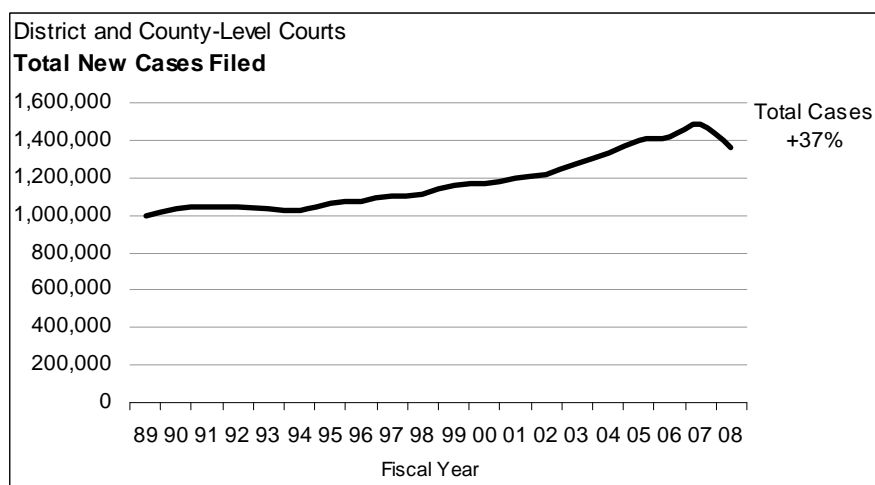


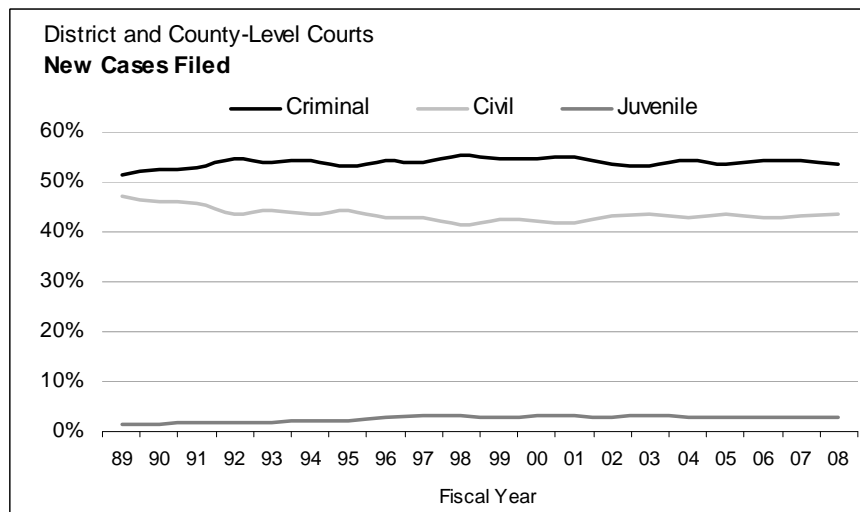
## Texas Caseload Trends by Case Type 1989–2008

### ALL NEW CASES IN DISTRICT AND COUNTY-LEVEL COURTS

Overall, the number of new cases filed in district and county-level courts increased 37 percent between 1989 and 2008. The number of new cases filed increased every year from 1995 to 2007 then dropped 8 percent from 2007 to 2008.



In an average year, criminal cases constituted 53 percent of the district and county-level courts' caseload, civil cases accounted for 44 percent, and juvenile cases accounted for 3 percent.

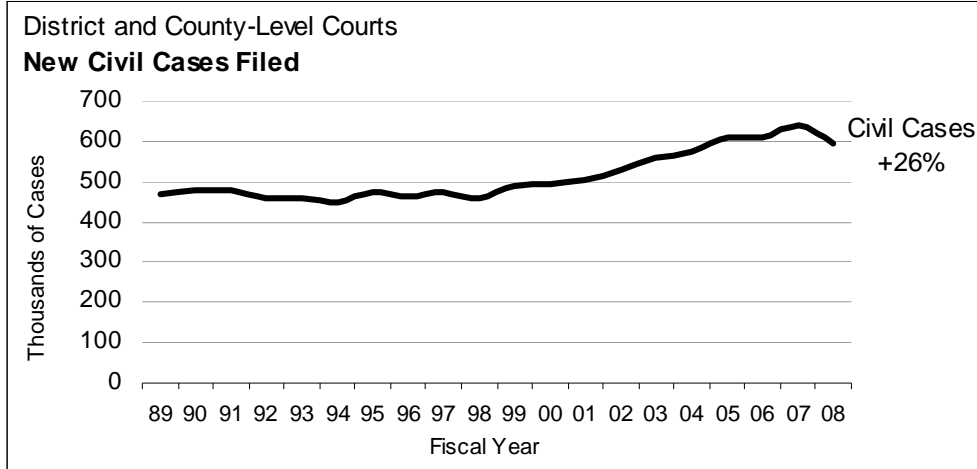


Over the last 20 years, juvenile cases were at their lowest percentage in 1989 at 1.4 percent, reached a high point in 1997 and 1998 at 3.2 percent, and declined slightly to 2.7 percent by 2008. Criminal cases accounted for 51 percent of cases in 1989, the lowest percentage in the last two decades. They reached a high of 56 percent in 1998 but declined slightly to 54 percent of total new filings in 2008. Civil cases followed an opposite trend with a high point in 1989 at 47 percent of total caseload and a low point in 1998 of 41 percent. By 2008, civil cases trended slightly up to 44 percent of total new filings.

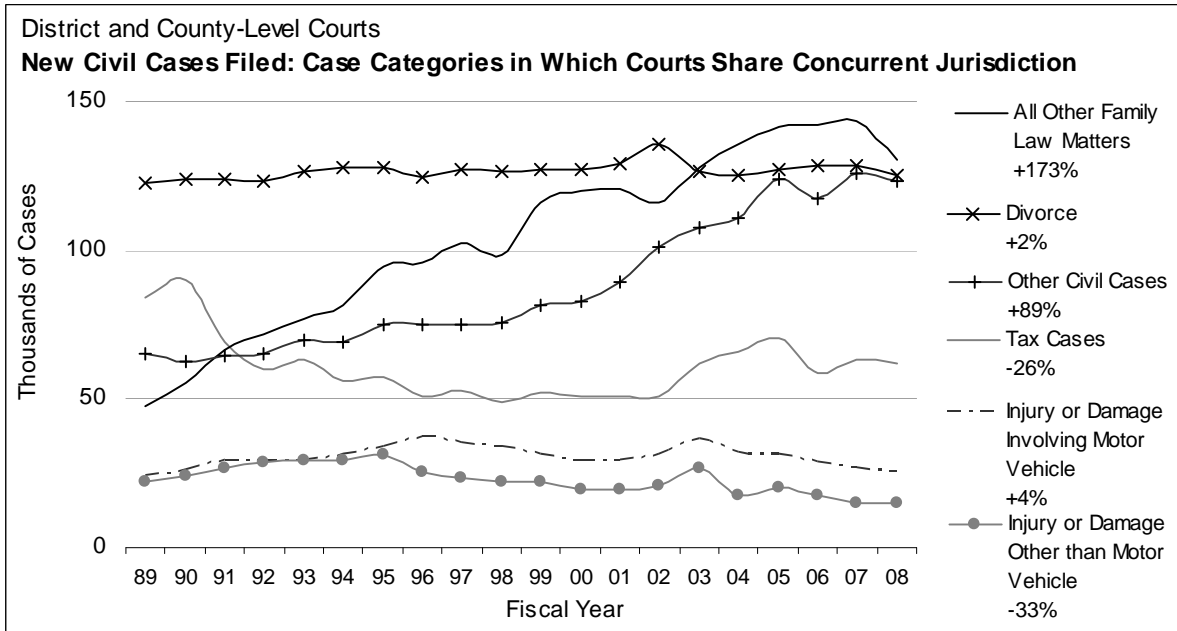
Texas Caseload Trends by Case Type

**CIVIL CASES**

In district and county-level courts, the number of new civil cases increased 26 percent between 1989 and 2008. After declining an average of less than 1 percent per year in the 1990s, civil filings increased an average of nearly 4 percent per year between 1999 and 2007. In 2008, however, civil filings dropped by 7 percent from the previous year.



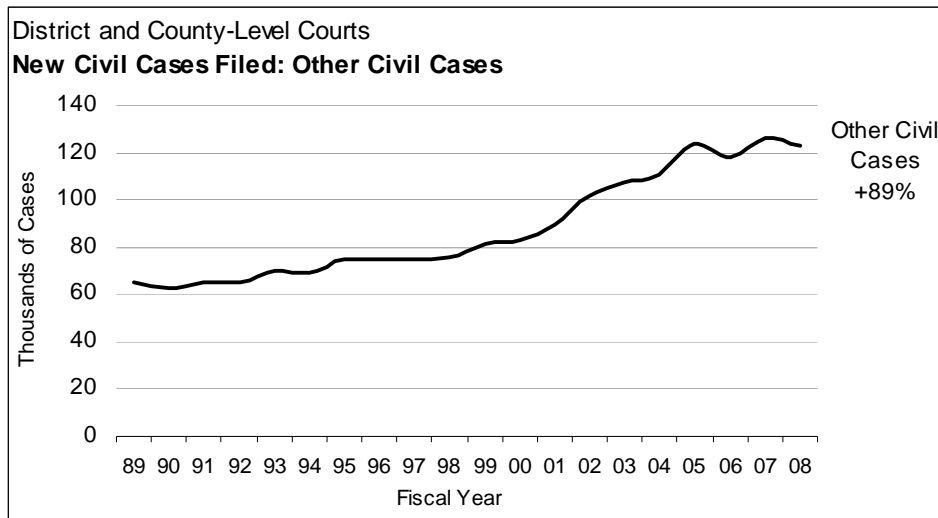
All civil case categories in which district and county-level courts share concurrent jurisdiction saw declines between 2007 and 2008. “All other family law matters” saw a decline of 9 percent, and “injury or damage involving motor vehicle” cases declined by 5 percent. While 2008 saw declines, filings of new cases in most of these categories have remained fairly steady over the past two decades. The exceptions are “all other family law matters” and “other civil cases,” which have increased substantially.



### Texas Caseload Trends by Case Type

Filings of “all other family law matters” grew from 10 percent of the total civil caseload in 1989 to 22 percent in 2008, while the number of divorce cases filed remained steady. One factor that may be driving the increase in “all other family law matters” is the increase in child support cases. The Attorney General of Texas Child Support Division reports that child support cases with court orders rose 76 percent from 520,918 in 1999 to 915,221 in 2008. This statistic does not include privately arranged child support cases; however, it does indicate the large growth in this type of case. Cases for the termination of parental rights (child protection cases) are also in this category. The number of investigated cases that were confirmed by Texas Department of Protective and Regulatory Services increased 58 percent over the last decade from 26,265 in 1999<sup>1</sup> to 41,591 in 2008.<sup>2</sup>

Filings of “other civil cases” increased 89 percent between 1989 and 2008 and rose from 14 percent to 21 percent of the total civil caseload. Because this category contains all civil cases that do not clearly fall into another category, it is difficult to speculate the cause for this increase.

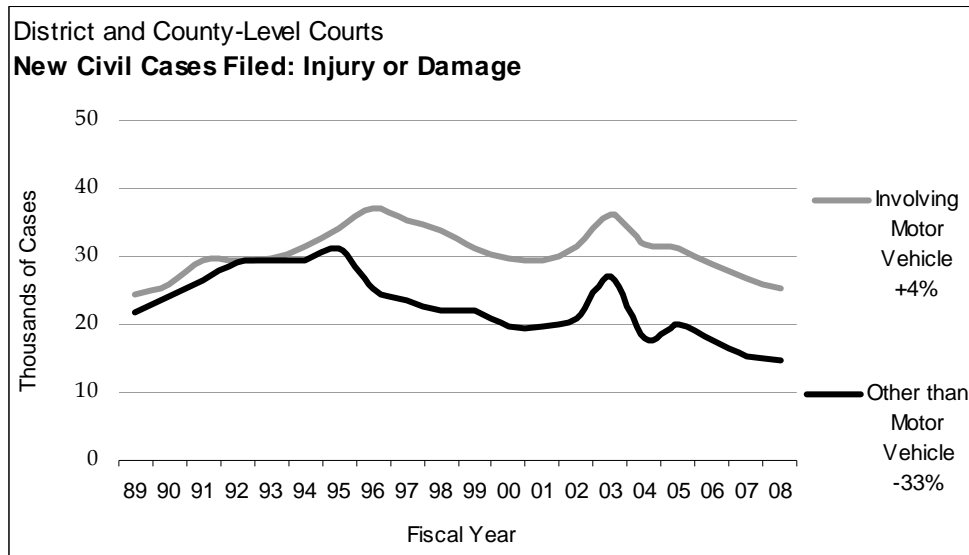


New filings for injury or damage involving a motor vehicle increased 4 percent between 1989 and 2008. This category reached its high points in 1996 (36,913 cases) and 2003 (36,199 cases), but steadily declined to 25,368 cases in 2008. New filings for other injury or damage cases followed a similar pattern with high points in 1995 (31,036 cases) and 2003 (26,996 cases). Cases in this category declined 33 percent over the past two decades.

<sup>1</sup> [http://www.dfps.state.tx.us/Documents/about/Data\\_Books\\_and\\_Annual\\_Reports/1999/databook/pdf/119\\_124FY99.pdf](http://www.dfps.state.tx.us/Documents/about/Data_Books_and_Annual_Reports/1999/databook/pdf/119_124FY99.pdf).

<sup>2</sup> [http://www.dfps.state.tx.us/documents/about/Data\\_Books\\_and\\_Annual\\_Reports/2008/Databook/CPSCConfirmed.pdf](http://www.dfps.state.tx.us/documents/about/Data_Books_and_Annual_Reports/2008/Databook/CPSCConfirmed.pdf).

## Texas Caseload Trends by Case Type



Several factors may have influenced the trends in tort cases. The first was the Supreme Court’s decision in *Dow Chemical Co. v. Alfaro* (1990),<sup>3</sup> which ruled that the Texas Legislature had abolished the doctrine of *forum non conveniens* in 1913. This ruling may have opened doors for lawsuits from around the world to be filed in Texas courts.<sup>4</sup> The number of new cases filed increased 20 percent between 1990 and 1993.

The 1996 drop in tort cases was likely due to the vast amount of tort reform legislation that occurred in the 74<sup>th</sup> Legislature (1995). Notably, SB 32<sup>5</sup> helped to close loopholes regarding venue that were created by the *Alfaro* decision.<sup>4</sup> Other legislation in the 74<sup>th</sup> Legislature that affected tort cases were: SB 25,<sup>6</sup> concerning limits to punitive damages; SB 28,<sup>7</sup> concerning joint and several liability; HB 668,<sup>8</sup> concerning the Deceptive Trade Practice Act; and SB 31,<sup>9</sup> concerning frivolous lawsuits. In 2003, the 78<sup>th</sup> Legislature passed HB 4,<sup>10</sup> which placed a cap on non-financial damages in cases filed prior to September 1, 2003 and which may explain the spike in 2003, as litigants attempted to file their cases before the cap went into effect. In 2005, the 79<sup>th</sup> Legislature passed SB 890,<sup>11</sup> which restored the election of dollar-for-dollar settlement credits and which may have led to the small increase in cases that year.

New filings of suits on debt (county-level courts), tax cases (county-level and district courts), and accounts, contracts and notes cases (district courts) had a dichotomous trend for most of the last two decades. Debt cases in the county-level courts dropped dramatically between 1989 (48,257 cases) and 1994 (25,308 cases), but rose to a 20-year high in 2007 with 89,816 cases. In 2008, however, the number of debt cases filed dropped 27 percent from the previous year.

<sup>3</sup> *Dow Chemical Co. v. Alfaro*, 786 S.W. 2d 674 (Tex. 1990).

<sup>4</sup> Daniel, B.D. and Weiss, Michael D. “Tort Reform: Has Texas Ended Its Lawsuit Lottery?” Texas Public Policy Tort Reform Publications. October 15, 1995. Texas Public Policy Foundation. September 28, 2007.

<sup>5</sup> Act of May 18, 1995, 74<sup>th</sup> Leg. R.S., Chap 138, § 1-12, <http://www.legis.state.tx.us/tlodocs/74R/billtext/doc/SB00032F.doc>.

<sup>6</sup> Act of April 20, 1995, 74<sup>th</sup> Leg. R.S., Chap 19, § 1-3, <http://www.legis.state.tx.us/tlodocs/74R/billtext/doc/SB00025F.doc>.

<sup>7</sup> Act of May 18, 1995, 74<sup>th</sup> Leg. R.S., Chap 136 § 1-5, <http://www.legis.state.tx.us/tlodocs/74R/billtext/doc/SB00028F.doc>.

<sup>8</sup> Deceptive Trade Practice Act, 74<sup>th</sup> Leg. R.S., Chap 414 § 1-22, <http://www.legis.state.tx.us/tlodocs/74R/billtext/doc/HB00668F.doc>.

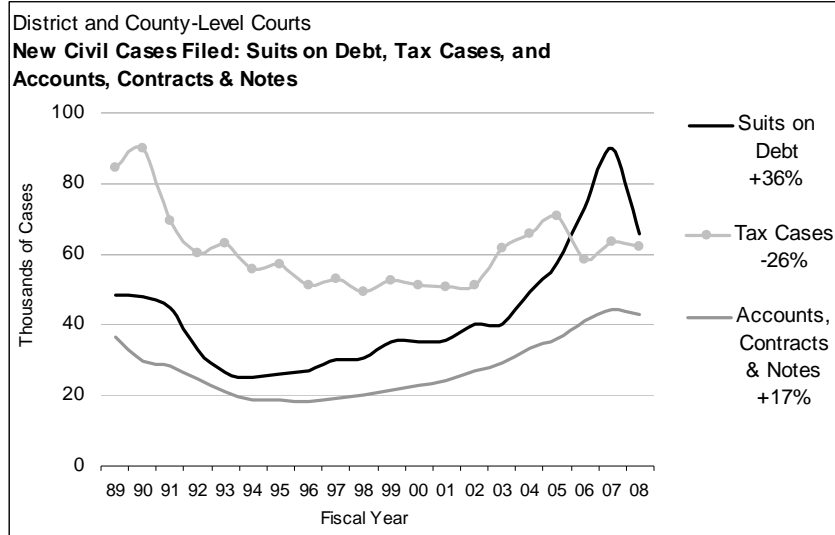
<sup>9</sup> Act of May 18, 1995, 74<sup>th</sup> Leg. R.S., Chap 137 § 1-3, <http://www.legis.state.tx.us/tlodocs/74R/billtext/doc/SB00031F.doc>.

<sup>10</sup> Medical Malpractice and Tort Reform Act, 78<sup>th</sup> Leg. R.S., Chap 204 § 1-23, <http://www.legis.state.tx.us/tlodocs/78R/billtext/pdf/HB00004F.pdf>.

<sup>11</sup> Act of May 17, 2005, 79<sup>th</sup> Leg. R.S., Chap 277 § 1-3, <http://www.legis.state.tx.us/tlodocs/79R/billtext/pdf/SB00890F.pdf>.

## Texas Caseload Trends by Case Type

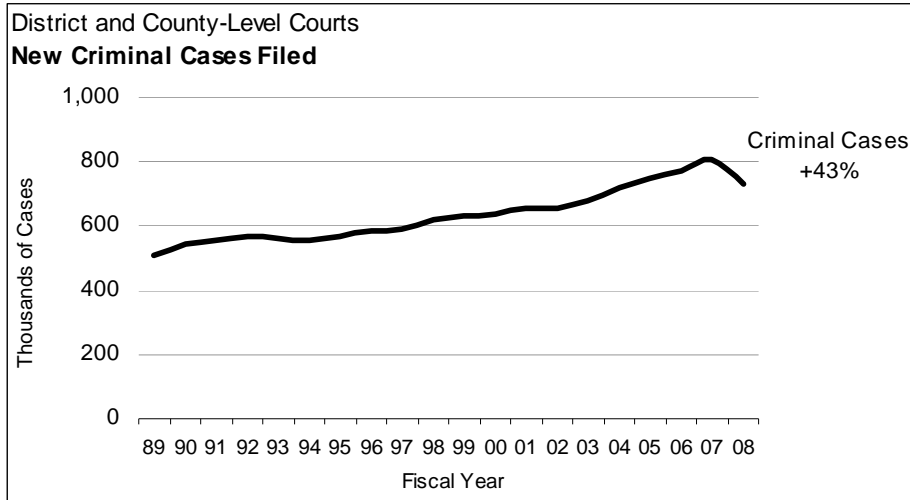
Tax cases saw a general downward trend between 1989 and 1998; however, the number of cases has generally risen in the past decade, increasing 19 percent between 1999 and 2008. In district courts, new filings for accounts, contracts, and notes (which include debt cases) followed a similar pattern. New filings dropped from 36,491 cases in 1989 to a low of 18,394 in 1996 then steadily rose until 2007. A 4 percent drop occurred between 2007 and 2008.



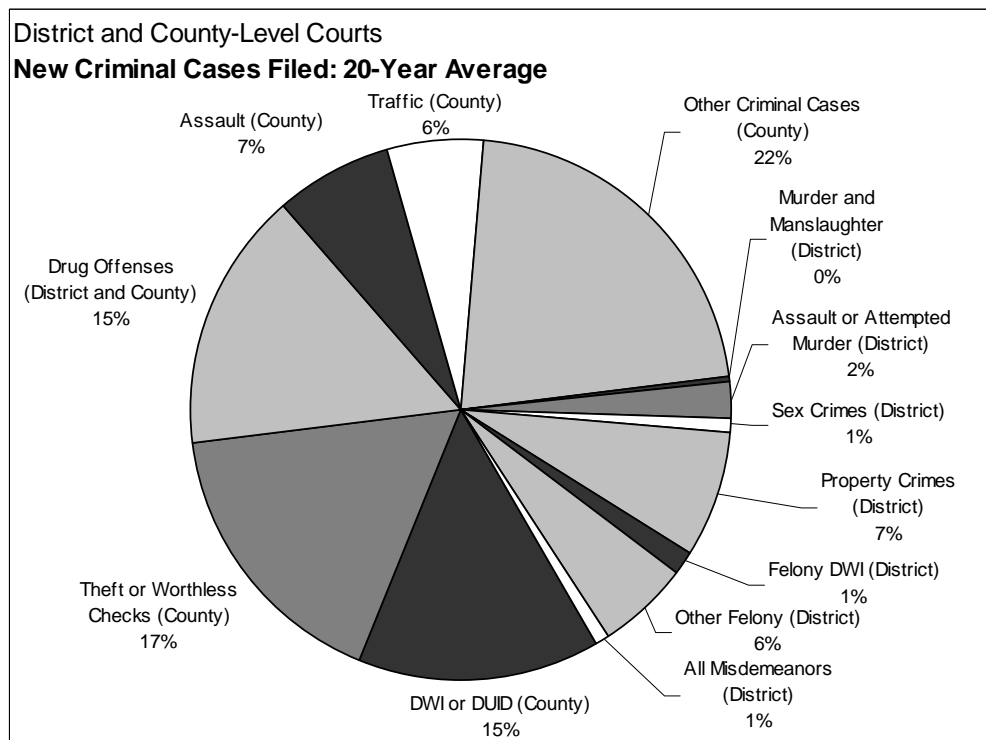
## Texas Caseload Trends by Case Type

### CRIMINAL CASES

The number of new criminal cases filed in district and county-level courts increased 43 percent between 1989 (510,159 cases) and 2008 (729,747 cases). While there has been a steady increase in filings over most of the 20-year period, a drop of 9 percent occurred between 2007 and 2008.

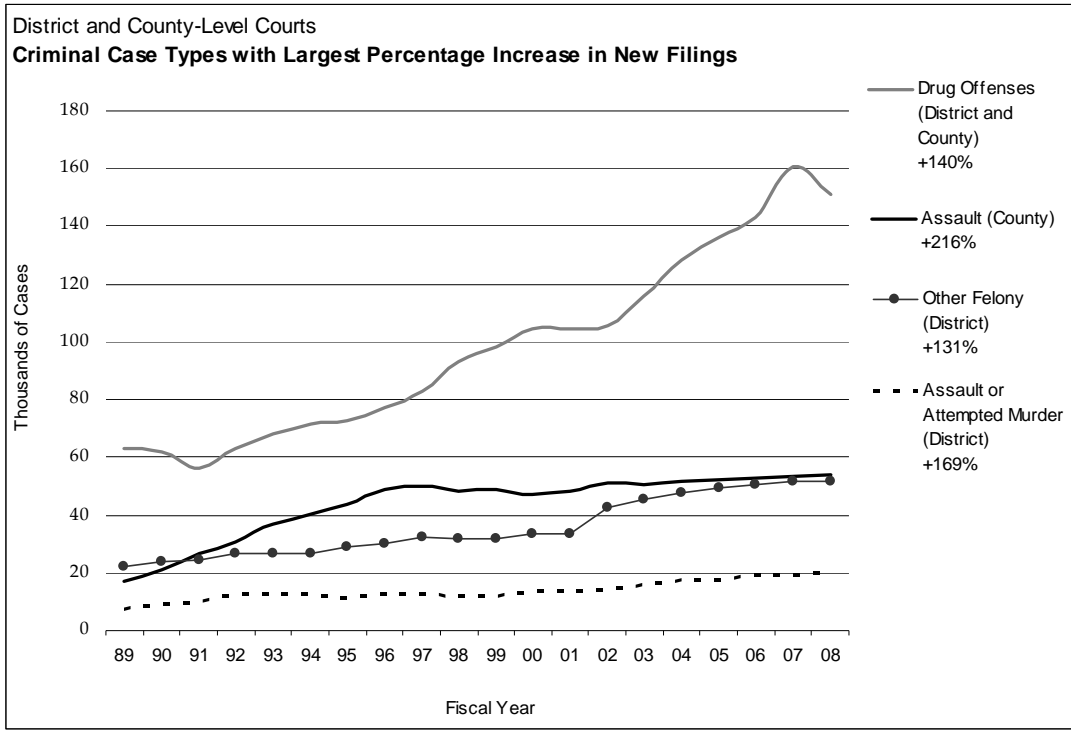


In an average year, the catch-all category “other criminal (misdemeanor) cases” in county-level courts accounted for the largest share of the criminal caseload with 22 percent of the total. Theft or worthless check cases (county-level courts) was the second largest category with 17 percent of the total, and DWI or DUID cases (county-level courts) and drug offenses each accounted for 15 percent of the total.

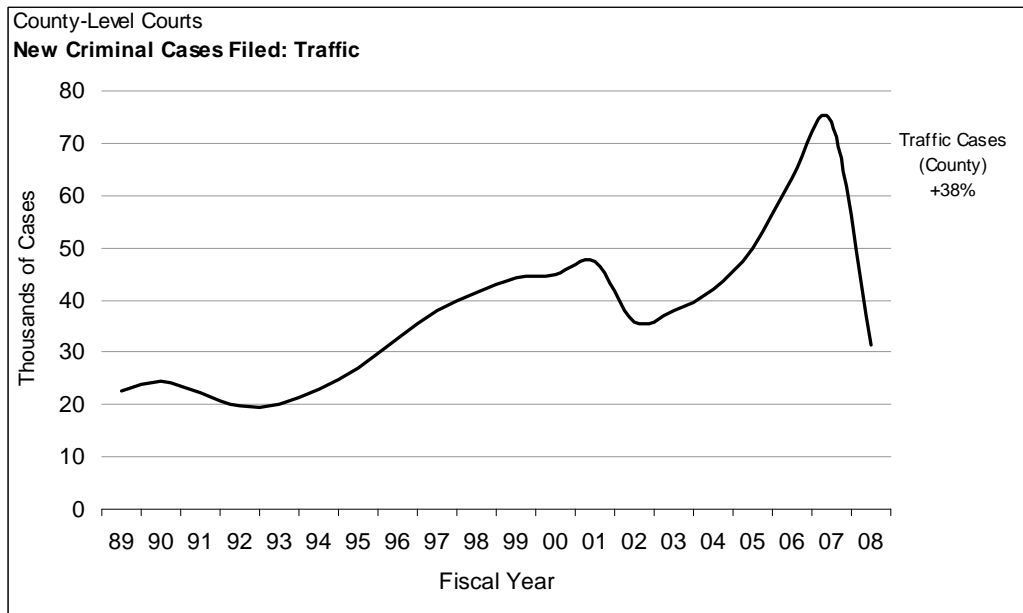


### Texas Caseload Trends by Case Type

Four categories of criminal cases increased more than 100 percent in the past 20 years. Misdemeanor assault cases increased 216 percent; felony and misdemeanor drug offense cases increased 140 percent; felony assault or attempted murder cases increased 169 percent; and other felonies increased 131 percent.

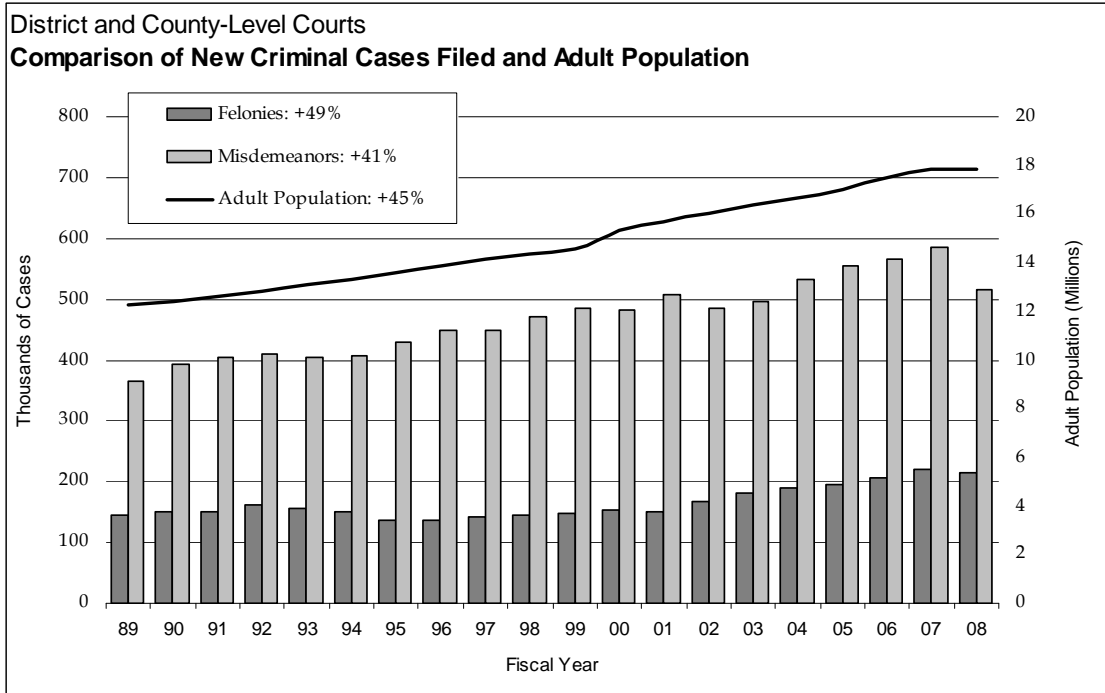


Until 2008, traffic cases had grown more than cases in any other category, up 226 percent from 1989 to 2007. A drop of 58 percent from 74,145 cases in 2007 to 31,398 cases in 2008 resulted in an overall increase of only 38 percent between 1989 and 2008. It is possible that this decrease is the result of limited resources being directed to more serious crimes.



### Texas Caseload Trends by Case Type

The number of new felony cases filed in the courts increased at a slightly higher rate than the growth of Texas' adult population. Although this population increased 45 percent between 1989 and 2008 (from 12 million to almost 18 million), the number of felony cases rose 49 percent, and misdemeanor cases increased 41 percent. Both felony and misdemeanor cases dropped between 2007 and 2008. Felonies dropped by almost 3 percent, and misdemeanors dropped nearly 12 percent.

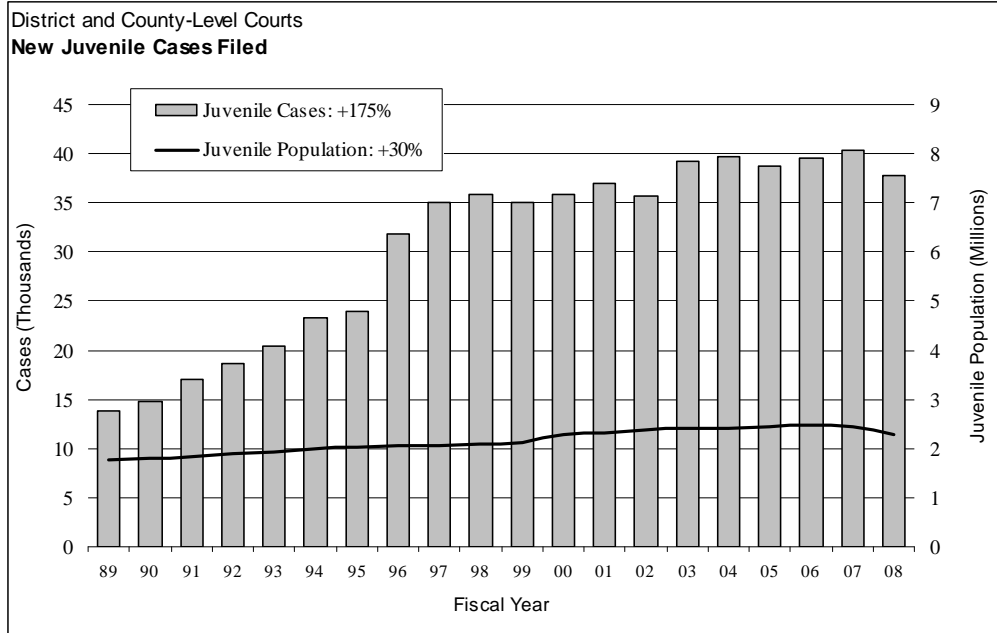




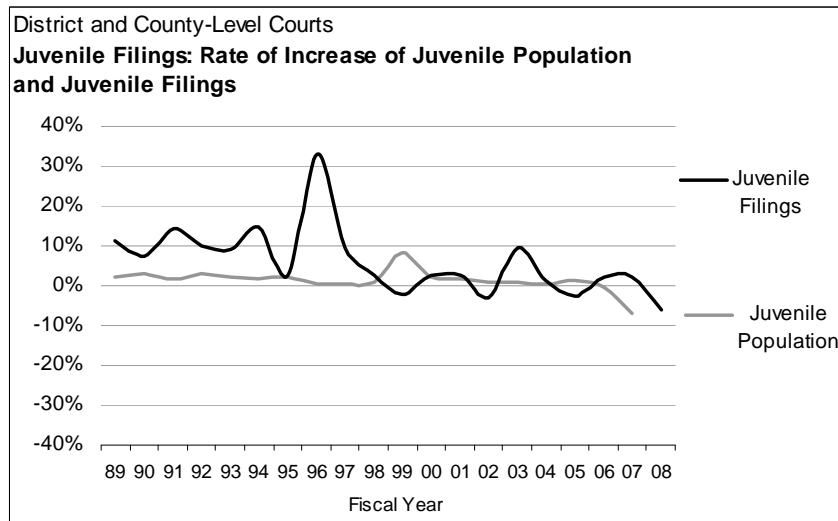
## Texas Caseload Trends by Case Type

### JUVENILE CASES

Although juvenile cases constituted only an average of 3 percent of new cases filed in district and county-level courts over the past 20 years, the number of cases increased dramatically during this timeframe. While the juvenile population in Texas increased by 30 percent in 20 years, the number of juvenile cases increased by 175 percent. The vast majority of new juvenile cases filed over the last two decades were delinquent conduct cases (97 percent). Conduct indicating a need for supervision (CINS) cases accounted for the remaining 3 percent.



The number of juvenile cases more than doubled over the past 20 years (13,777 in 1989 to 37,827 in 2008). The annual rate of increase of the juvenile population averaged 1 percent per year. However, the annual rate of increase of juvenile filings fluctuated greatly. The average rate of increase between 1989 and 2008 was 6 percent per year, but an increase of 33 percent occurred in 1996.



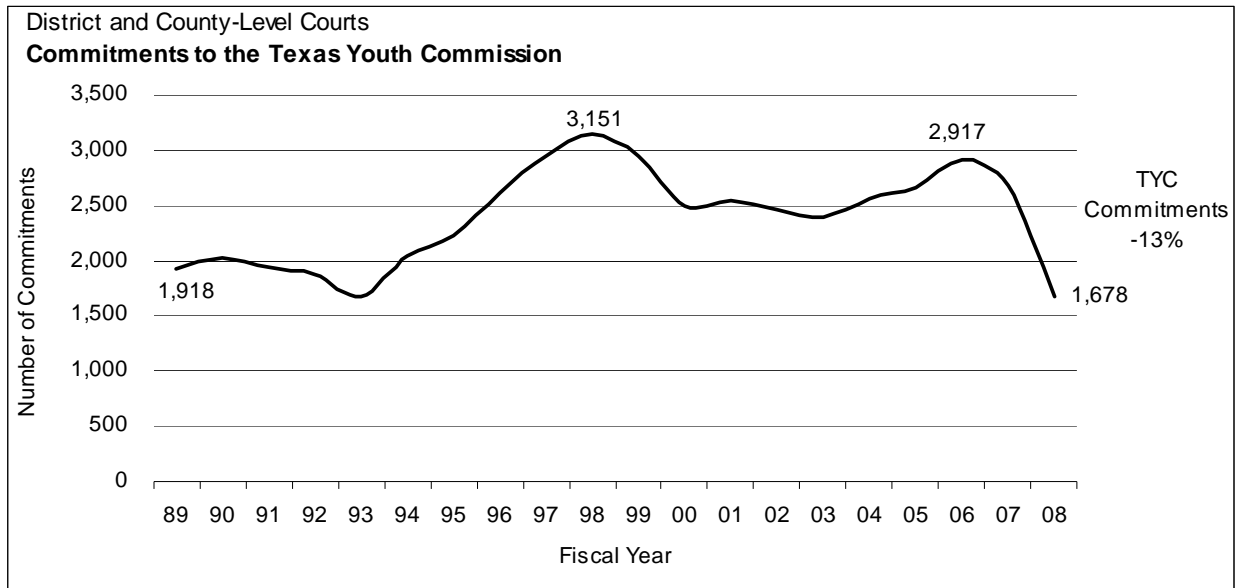
## Texas Caseload Trends by Case Type

Reports from the Texas Youth Commission (TYC) corroborate that there was a significant increase in juvenile arrests in the 1990s.<sup>12</sup> Legislation that became effective in 1996 considerably changed the state’s juvenile justice system, including the promotion of the concept of punishment for criminal acts, lowering the certification age from 15 to 14 for capital and first degree felonies, expanding determinate sentencing practices, and requiring all felonies, weapons offenses and misdemeanor assault offenses to be reviewed by the prosecutor.

This “get-tough” approach led to an increase in the TYC population. In 1991, the number of youth in TYC residential care exceeded 2,000. By 2001, the population had increased approximately 180 percent to peak at 5,599.<sup>13</sup> In 2007, accusations of abuse and safety concerns led to reforms mandated by SB 103 of the 80<sup>th</sup> Legislature. SB 103 required the elimination of misdemeanant commitments to TYC and the reduction of residential populations.<sup>14,15</sup>

SB 103 also authorized funding of community-based programs for juvenile offenders who, by statute, are no longer eligible for TYC commitment. In FY 2008, 676 juveniles received services provided by intensive community-based pilot programs.<sup>16</sup> Concerns about TYC operations resulted in other changes in TYC commitments. Some judges decided to significantly reduce the number of TYC commitments because of TYC’s operational problems. In Travis County, for instance, juvenile commitments to TYC were reduced from 87 in 2006 to 10 in 2008.

From 1989 to 2006, commitments to TYC rose 52 percent. From 2006 to 2008, commitments dropped by 42 percent. Overall, TYC commitments dropped 13 percent from 1989 to 2008.



<sup>12-14</sup>Texas Youth Commission. *A Brief History of the Texas Youth Commission*, <http://www.tyc.state.tx.us/about/history.html>, accessed June 1, 2009.

<sup>15</sup>Act of June 8, 2007, 80<sup>th</sup> Leg., R.S., Chap. 263, §1-78, <http://www.legis.state.tx.us/tlodocs/80R/billtext/pdf/SB00103F.pdf>.

<sup>16</sup>Texas Juvenile Probation Commission. (2009). *Intensive Community Based Programs for Juvenile Offenders: A Report on the Implementation of Pilot Programs Established Under SB 103, FY 2008*. <http://www.tjpc.state.tx.us/publications/reports/RPTOTH200902.pdf>.