

Analysis of Activity for the Year Ended August 31, 1999

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 Decline for the First Time in 13 years

As Figure 1 below indicates, the total pending caseloads of the 14 Courts of Appeals has been steadily increasing for over a decade. The 10,723 cases pending at the end of fiscal year 1999 reveals a more than 200 percent increase from the number of cases pending at the end of fiscal year 1986; however, fiscal year 1999, may mark the beginning of a new trend.

In this year, the total cases pending at the end

HIGHLIGHTS

- The Courts of Appeals achieved a clearance rate (total cases disposed / total cases added) of 106.7 percent.
- The total number of pending cases for the Courts of Appeals decreased for the first time in 13 fiscal years.
- The Courts of Appeals disposed of 11,736 cases during fiscal year 1999, which was three percent more than the previous fiscal year.
- In fiscal year 1999, the justices of the Courts of Appeals wrote 12,787 opinions, 12 percent more than in 1998.
- The court reversed, at least in part, the decision of the trial court in 9 percent of the cases disposed.
- The Supreme Court transferred 231 civil cases and 565 criminal cases among the Courts.

of the year decreased by more than 7 percent as compared to fiscal year 1998. This is the first time in 13 years that the total number of pending cases has decreased over the fiscal year.

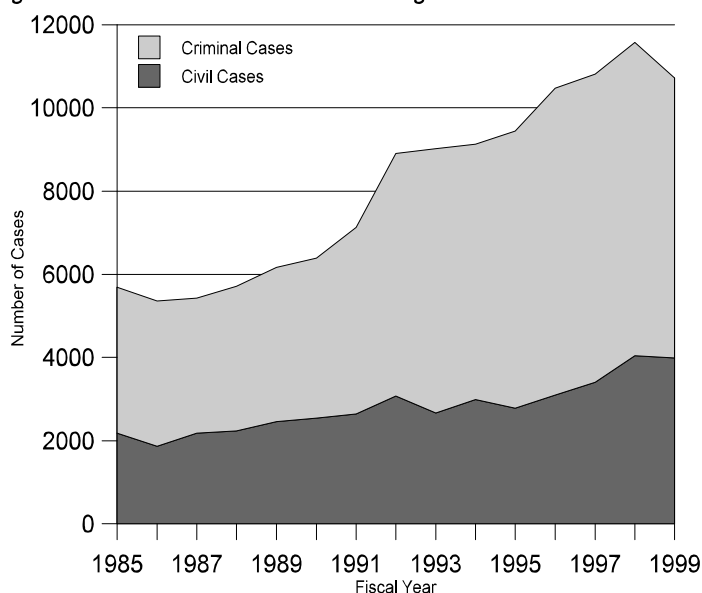
Of the 6,736 criminal cases pending in the Courts of Appeals at the end of fiscal year 1999, 48 percent had been on the docket less than 6 months, 29 percent from 6 to 12 months, and 23 percent more than 12 months.

Of the 3,987 civil cases pending in the Courts of Appeals at the end of fiscal year 1999, 46 percent had been on the docket less than 6 months, 27 percent from 6 to 12 months, and 27 percent for more than 12 months.

Cases Added to the Dockets

A 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 relatively steadily since fiscal year 1994, averaging almost seven percent per year.

Figure 1: Statewide Total Cases Pending for the Past 15 Years

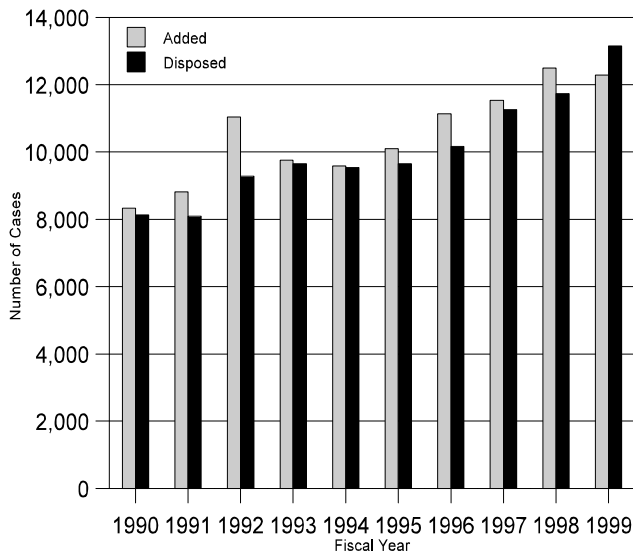


In fiscal year 1999, a total of 11,114 new

cases were filed in the Courts of Appeals during the fiscal year, which included 6,145 criminal cases and 4,969 civil cases. This was a decrease of 4 percent from the 11,566 total new cases filed in fiscal year 1998. New criminal cases decreased 4 percent from the 6,375 filed in fiscal year 1998, and civil cases decreased 4 percent from the 5,191 filed in fiscal year 1998.

Figure 2 below shows the trends in the number of cases added to the dockets of the Courts of Appeals over the past 10 years. Although the smaller amount of cases added clearly played a role in the reduction of pending case at the end of the year, the number of disposed cases in fiscal year 1999 appears to be the main reason for the overall decrease.

Figure 2: Cases Added (Including Transfers), Cases Disposed



Cases Disposed

The courts disposed of 13,150 cases during the fiscal year, an average of 165 dispositions (99 criminal and 66 civil) per justice. The 5,255 civil dispositions and 7,895 criminal dispositions marked a 12 percent increase over total dispositions in the previous fiscal year.

Criminal Dispositions

Criminal dispositions increased 13 percent from 7,014 dispositions in fiscal year 1998 to 7,895 dispositions in fiscal year 1999. The average lapse of time between the filing of a criminal case in a Court of Appeals and its dispositions was 12.5 months; the average amount of time between submission of a criminal appeal and its disposition was 1.8 months.

A case is “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 1999, there were 5,255 civil dispositions by the Courts of Appeals, an increase of 11 percent from the 4,722 civil dispositions in fiscal year 1998. The average lapse of time between the filing of a civil case in a Court of Appeals and its dispositions was 9.1 months; the average length of time between submission of a civil appeal and its disposition was 2.5 months.

Opinions Written

In fiscal year 1999, the justices of the Courts of Appeals wrote 12,787 opinions, 12 percent more than the 11,457 written in 1998.

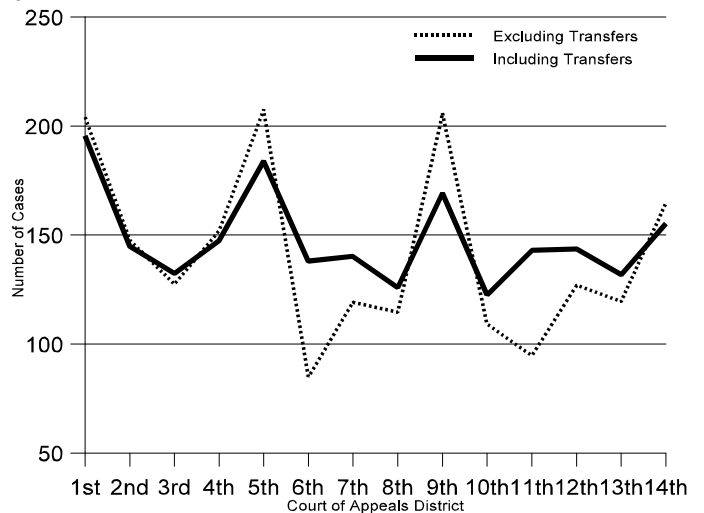
The courts reversed, at least in part, the decision of the trial court in 9 percent of the cases disposed, compared to 10 percent in fiscal year 1998.

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 222 civil cases and 425 criminal cases among the courts in fiscal year 1999, compared with 231 civil cases and 565 criminal cases transferred in fiscal year 1998. 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 1999 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



October 1998

7 civil cases from 5th (Dallas) to 2nd (Fort Worth)
13 criminal cases from 5th (Dallas) to 2nd (Fort Worth)
10 civil cases from 5th (Dallas) to 6th (Texarkana)
25 criminal cases from 5th (Dallas) to 6th (Texarkana)
15 civil cases from 5th (Dallas) to 6th (Texarkana)
25 criminal cases from 5th (Dallas) to 6th (Texarkana)
5 civil cases from 5th (Dallas) to 11th (Eastland)
15 criminal cases from 5th (Dallas) to 11th (Eastland)
20 civil cases from 9th (Beaumont) to 11th (Eastland)
15 criminal cases from 9th (Beaumont) to 11th (Eastland)

March 1999

4 criminal cases from 5th (Dallas) to 6th (Texarkana)

April 1999

14 civil cases from 9th (Beaumont) to 6th (Texarkana)
6 criminal cases from 9th (Beaumont) to 6th (Texarkana)
11 civil cases from 9th (Beaumont) to 6th (Texarkana)
9 criminal cases from 9th (Beaumont) to 6th (Texarkana)
6 civil cases from 5th (Dallas) to 11th (Eastland)
19 criminal cases from 5th (Dallas) to 11th (Eastland)
7 civil cases from 5th (Dallas) to 7th (Amarillo)
18 criminal cases from 5th (Dallas) to 7th (Amarillo)
7 civil cases from 5th (Dallas) to 11th (Eastland)
13 criminal cases from 5th (Dallas) to 11th (Eastland)
7 civil cases from 5th (Dallas) to 7th (Amarillo)
16 criminal cases from 5th (Dallas) to 7th (Amarillo)
8 civil cases from 14th (Houston) to 12th (Tyler)
17 criminal cases from 14th (Houston) to 12th (Tyler)
7 civil cases from 14th (Houston) to 8th (El Paso)
13 criminal cases from 14th (Houston) to 8th (El Paso)
10 civil cases from 1st (Houston) to 13th (Corpus Christi)
25 criminal cases from 1st (Houston) to 13th (Corpus Christi)
2 civil cases from 2nd (Fort Worth) to 10th (Waco)
18 criminal cases from 2nd (Fort Worth) to 10th (Waco)
20 criminal case from 4th (San Antonio) to 3rd (Austin)

June 1999

3 civil cases from 5th (Dallas) to 11th (Eastland)
22 criminal cases from 5th (Dallas) to 11th (Eastland)
7 civil cases from 5th (Dallas) to 8th (El Paso)
18 civil cases from 5th (Dallas) to 8th (El Paso)
6 civil cases from 5th (Dallas) to 12th (Tyler)
19 criminal cases from 5th (Dallas) to 12th (Tyler)
9 civil cases from 5th (Dallas) to 11th (Eastland)
11 criminal cases from 5th (Dallas) to 11th (Eastland)
3 civil cases from 14th (Houston) to 6th (Texarkana)
17 criminal cases from 14th (Houston) to 6th (Texarkana)
8 civil cases from 14th (Houston) to 6th (Texarkana)
12 criminal cases from 14th (Houston) to 6th (Texarkana)
20 criminal cases from 1st (Houston) to 13th (Corpus Christi)
14 civil cases from 1st (Houston) to 13th (Corpus Christi)
6 criminal cases from 1st (Houston) to 13th (Corpus Christi)
7 civil cases from 9th (Beaumont) to 7th (Amarillo)
13 criminal cases from 9th (Beaumont) to 7th (Amarillo)
6 civil cases from 9th (Beaumont) to 7th (Amarillo)
9 criminal cases from 9th (Beaumont) to 7th (Amarillo)
3 civil cases from 2nd (Fort Worth) to 10th (Waco)
17 criminal cases from 2nd (Fort Worth) to 10th (Waco)
2 civil case from 4th (San Antonio) to 3rd (Austin)
8 criminal case from 4th (San Antonio) to 3rd (Austin)

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 1998 and 1999, 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 1999 was 106.7 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 1998 and 1999, the courts established a target of 0 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 1999 was 2.24 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 1998 and 1999, the courts established a target of 0 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 1999 was 2.56 percent.