

JUSTICE OF THE PEACE COURTS

ANALYSIS OF ACTIVITY FOR YEAR ENDED AUGUST 31, 1994

Approximately 885* justice of the peace courts were in operation in the State during the state fiscal year which ended August 31, 1994. Each court was requested to submit a one-page report on activity of that court each month. Statewide, a total of 9,185 reports were submitted, out of a possible 10,591 for the year (an 87 percent reporting rate).

SIXTY-SIX PERCENT OF ALL FILINGS ARE TRAFFIC CASES

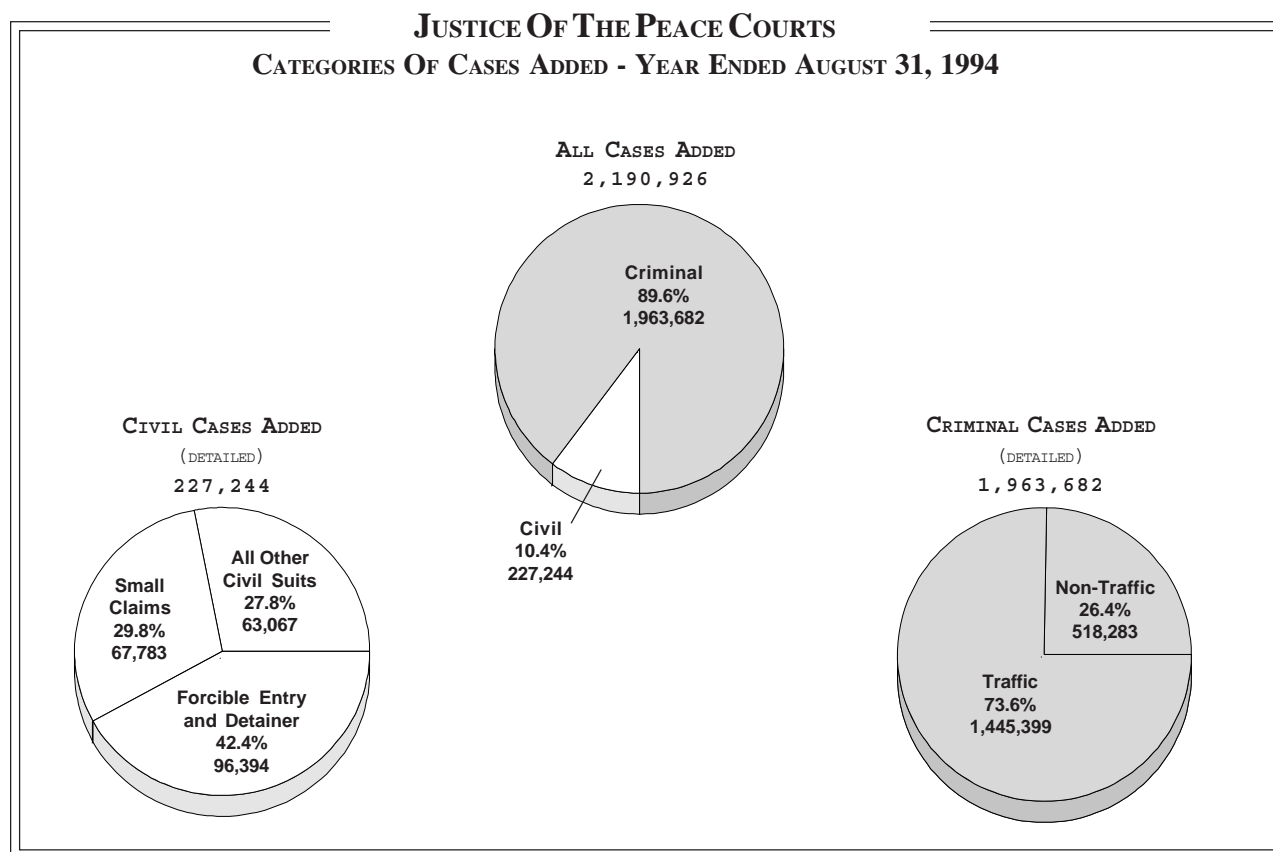
Criminal misdemeanor cases comprised 89.6 percent of the cases filed in the reporting courts. Of these misdemeanor filings, 73.6 percent were traffic cases (66 percent of all cases filed). During the fiscal year, 1,445,399 traffic cases were reported filed. Non-traffic criminal cases comprised 26.4 percent of the criminal cases filed. Civil cases provided 10.4 percent of the new cases filed. Small claims filings comprised 29.8 percent of all civil filings, 42.4 percent were forcible entry and detainer suits, and 27.8 percent were other civil actions.

In addition to cases filed, the reporting courts held 4,621 hearings to determine if a peace bond should be issued. In their capacity as a state magistrate, the reporting justices of the peace accepted 65,546 complaints within the jurisdiction of the county

courts and 51,222 within the jurisdiction of the district courts (felonies). There were 2,143 examining trials held (preliminary hearings of district or county court cases) and 15,892 inquests conducted. Drivers license suspension hearings totaled 25,278. Arrest warrants were issued for 550,951 persons. Also, 3,312 search warrants were issued, and 188,363 defendants charged with county or district court offenses were given statutory warnings. Emergency mental commitment hearings were conducted on 8,935 occasions, and 19,373 matters relating to juveniles were transacted.

DISPOSITIONS

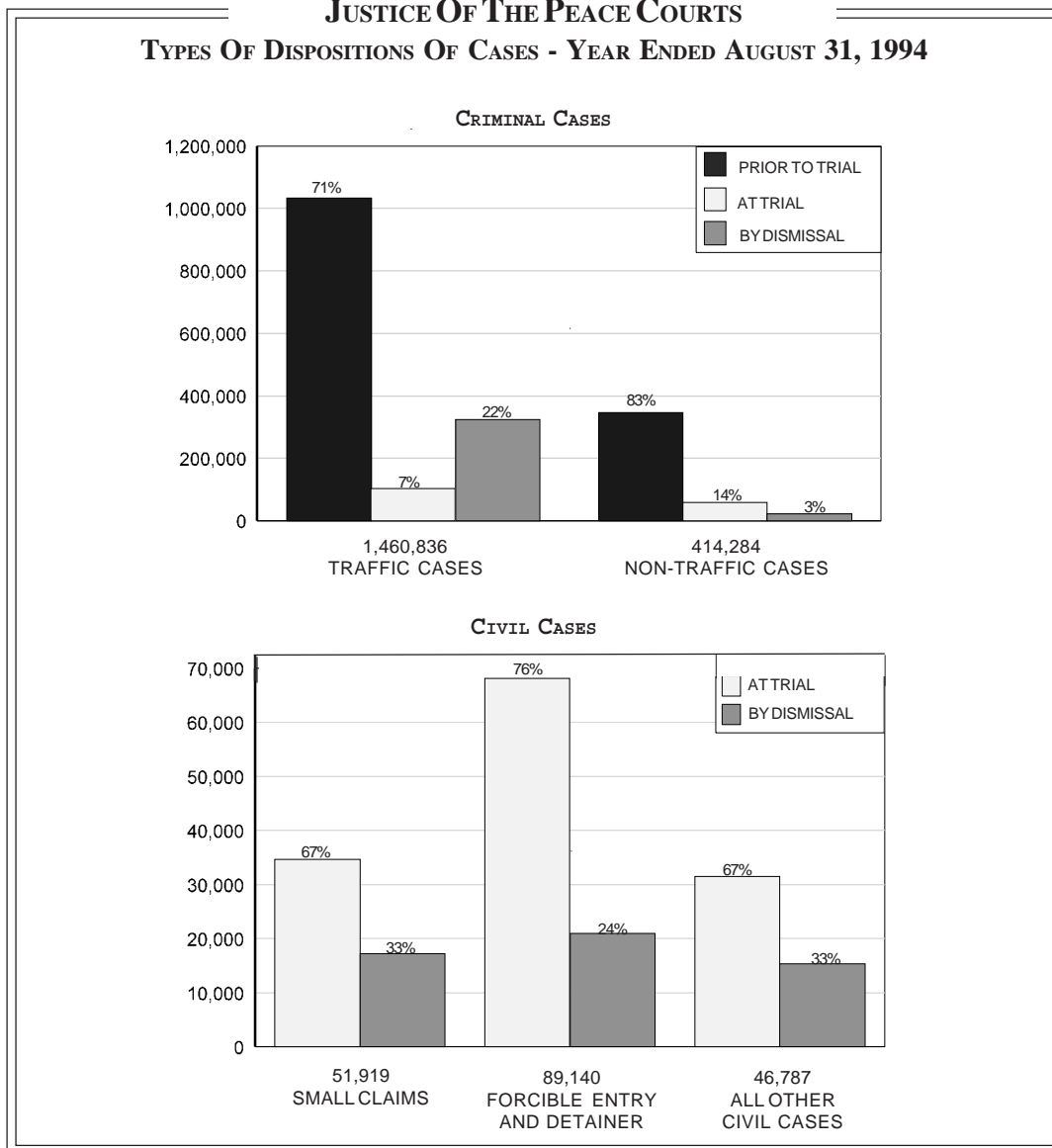
Justices of the peace reported the disposition of all cases in three major categories: prior to trial, including dismissals (other than those granted after completing a driving safety course, deferred disposition, or proof of financial responsibility), at trial, and cases dismissed. Seventy percent of all cases were disposed of before trial, 14 percent at trial, and 16 percent were dismissed after the defendant completed a driving safety course or a period of deferred disposition, the defendant provided proof of financial responsibility for the operation of a motor vehicle, or for other reasons.



* During Fiscal Years 1985 through 1994, the average number of justices of the peace was 916. The 10-year average reporting rate was 83%.

JUSTICE OF THE PEACE COURTS

TYPES OF DISPOSITIONS OF CASES - YEAR ENDED AUGUST 31, 1994



Analyzing traffic cases only, 71 percent were disposed of prior to trial, 81 percent of those by payment of fine. Of the 7 percent that went to trial, 98 percent of the cases were tried before the judge alone and the remaining cases were tried before a jury. When traffic cases went to trial, the defendant was found guilty in 95 percent of the cases tried before the judge alone and in 84 percent of the cases tried before a jury.

Concerning non-traffic criminal cases, 56 percent were disposed of prior to trial by payment of fine or forfeiture of deposit made to insure appearance. Fourteen percent went to trial, and 30 percent were dismissed. Of those that went to trial, 99 percent were before the judge without a jury. Guilty findings were made in 90 percent of the trials before a judge alone and in 77 percent of the jury trials.

A much higher percentage (72 percent) of all disposed civil suits went to trial than did criminal cases (9 percent). Twenty-eight percent of the disposed civil suits were dismissed before trial. Of the cases that went to trial, 99 percent were before the judge alone and the remainder before a jury.

The courts reported the disposition of 2,062,959 cases, which is 94 percent of the 2,190,926 cases filed, up from 91.7 percent during the previous year. Appeals were filed in 18,394 cases tried in the justice of the peace courts, or a little less than one percent of the cases disposed.

Finally, justices of the peace reported holding 41,569 conferences prior to any legal action being filed in their courts. These conferences resulted in 23,643 cases not being filed as formal cases. Information on such conferences is not submitted by all reporting justices.

REPORTED REVENUES TOP \$125 MILLION

Total revenue collected by the reporting courts during the year was \$125,165,881, a 5.7 percent increase of approximately \$6,740,822 over the previous year. This revenue is deposited in the treasury of the county where the court has jurisdiction; however, certain court costs on each case are remitted to special funds of the State.

JUSTICE OF THE PEACE COURTS

EXPLANATION OF CASE CATEGORIES

CRIMINAL CASES

TRAFFIC MISDEMEANORS

This category includes all class C misdemeanor violations of the traffic laws of Texas and other violations of laws relating to the operation or ownership of a motor vehicle (for example, Speeding, Stop Sign, Red Light, Inspection Sticker, Driver's License, Registration, etc.). Maximum punishment is by fine only, not to exceed \$500.

NON-TRAFFIC MISDEMEANORS

This category includes all other class C misdemeanor criminal violations usually found in the Penal Code of Texas and associated state laws (for example, Public Intoxication, Disorderly Conduct, Assault, Theft Under \$20, etc.). Maximum punishment is by fine only, not to exceed \$500.

CIVIL CASES

SMALL CLAIMS SUITS

This category includes all suits for the recovery of money (damages or debt up to \$5,000) brought to the

justice of the peace as judge of the Small Claims Court in accordance with Texas Government Code Chapter 29.

FORCIBLE ENTRY AND DETAINER

This category includes all suits for forcible entry and detainer (recovery of possession of premises) brought under authority of Texas Government Code, Section 27.031, Texas Property Code, Section 24.001-24.008, and Texas Rules of Civil Procedure rules 738-755.

OTHER CIVIL SUITS

This category includes all other suits within the civil jurisdiction of the justice of the peace court, including those for recovery of money (damages or debt up to \$5,000) and for foreclosure of mortgages and of liens upon or for possession of personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction in accordance with Texas Government Code, Section 27.031.

CAUTIONARY STATEMENT

Perhaps more caution should be used in drawing general conclusions from court statistics than from statistics on other subjects. The included data do not attempt to portray everything courts or judges do, or how much time is spent on court-related activities not represented by these court statistics.

Particularly the county court judges, justices of the peace, and municipal court judges spend a large amount of time counseling with the people in their communities, and as a result of this counseling, many cases are not filed. In addition, as a result of their official position, many of these judges have non-judicial responsibilities in the community which are not reflected in these statistics.

It is important to note that reported totals for justice of the peace courts do not reflect 100% of the activity of those courts, because not all courts submitted reports on the activity of their courts to this office.