

# HB 1182- Counties w/ Population Over One Million Frequently Asked Questions

Data Element #	Question	Answer
<b>General</b>	Who is required to report the information for HB 1182?	The district clerk and county clerk report the information to OCA. However, coordination with the courts is necessary for the clerk to collect and report the information properly. Case management systems will also likely require some enhancements to record data that are best captured in the court.
<b>General</b>	Are business courts included? Are MDL panels included?	No.
<b>General</b>	How long must the county keep the reports published on its own website?	Follow your local records retention policies.
<b>General</b>	Are IV-D (child support) cases referred to State associate judges appointed by the Presiding Judges of the Administrative Judicial Regions under Family Code Ch. 201, Subchapter B included?	These cases should be included in the number of filings and dispositions as well as clearance rate (items 1 – 3) but not included in the remaining data elements (4 – 10).
<b>General</b>	Does the definition of a mental health case include a criminal case – competency and/or insanity? If so, are those reported differently from criminal cases?	Mental health cases are applications for commitment for involuntary mental health services. This information is currently reported by the county clerks for courts with probate and mental health jurisdiction.
<b>General</b>	Do we need to send a separate spreadsheet for each division (Criminal/Civil/etc.)?	Only one spreadsheet should be emailed to <a href="mailto:data.division@txcourts.gov">data.division@txcourts.gov</a> per Clerk Office. One for district and one for county.
<b>General</b>	If data that has been submitted is found to be inaccurate and then corrected, can we resubmit?	Yes, please email the corrected report to <a href="mailto:judinfo@txcourts.gov">judinfo@txcourts.gov</a> and include the month that is being corrected. OCA will then repost the updated report.
<b>1</b>	How are severed cases counted?  How are consolidated cases counted?  How are remanded cases counted?	The same <a href="#">Judicial Council Monthly Court Activity</a> reporting rules apply. <ul style="list-style-type: none"> <li>• A severed case counts as multiple cases.</li> <li>• A consolidated case counts as 1 case.</li> <li>• A remanded case counts as a reopened case.</li> </ul>

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1 & 3	Should a court count a case as transferred/reassigned by the AJR Presiding Judge after recusal?	<p>If a case is transferred/reassigned to a different court, the transfer should be counted if the case is moved to the new court. If the case remains in the original court but another judge hears it, a transfer is not needed.</p> <p>If the cases remain in the same court, those cases will count towards that court's numbers regardless of the judge.</p>
4	Some counties have criminal associate judges who do not try case, but who handle jury selection and may swear in the panel. The trial is handled by the district court. Is this counted towards the court?	Yes, count the number of juries sworn for the court that handles the trial.
5 & 6	Do we need to track the party affiliation of the attorney seeking continuance (ex: State, CPS, OAG, Plaintiff/Petitioner, Defendant/Defense, Respondent) or just "attorney" regardless of party affiliation?	Just attorney regardless of party affiliation.
5 & 6	How are continuances counted...per attorney or per attorney per case?	Per attorney per case. Each motion for continuance must be counted.
7	Is recording the acceptance of a guilty plea at the time of entry of judgment acceptable rather than the actual date of acceptance?	Yes, use the date the judgment is entered.
7	Should Deferred Adjudication of Guilt be counted as a plea when the court defers their finding of guilt?	They should be counted when the court accepts the plea but defers a finding of guilt.
8, 9, 10	How is "trial" defined?	<p>Trials should be counted <b>for contested matters</b> only.</p> <p>Jury trial: a jury is empaneled to determine the issues of fact in the case. Count when the jury has been sworn.</p> <p>Bench trial: a case <b>set for trial</b> before a judge or judicial officer to determine both the issues of fact and law in the case. Count when the trial begins and the first evidence is introduced, regardless of whether a judgment is reached.</p> <p>Do not count the following outcomes as a trial <b>unless the case was contested and a jury trial or bench trial had officially started:</b></p> <ul style="list-style-type: none"> <li>• Summary judgment</li> </ul>

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		<ul style="list-style-type: none"> <li>• Settlement/agreed judgments</li> <li>• Alternative dispute resolution</li> <li>• Default judgment</li> <li>• Dismissal</li> <li>• Transfer</li> <li>• Pleas</li> <li>• Nolle prosequi</li> </ul> <p>Final hearings resulting in a judgment disposing of the case may be counted if they do not result in one of the outcomes above.</p> <p>Do not count hearings for temporary injunctions, temporary restraining orders, or non-trial child protection matters.</p>
8, 9, 10	If a visiting judge does Voir Dire, then the presiding judge of the court does the trial, which judge will have the trial reported?	The judge that hears the trial will report. In this example it would be the presiding judge and it would be reported in number 8.
8	Does “elected” include judges appointed to the bench and running for election (but not yet elected)?	Yes. The presiding judge is the elected/appointed judge of a district, statutory county or county court. Any other judicial officer falls under associate or visiting.
9	Are associate judges who work for multiple courts but try cases associated with a specific court included?	<p>Yes, <b>if the activity is reported under a specific district or county court.</b></p> <p>Activity for special courts (e.g. Associate Court 1, Domestic Violence Court 1, etc.) will not be included.</p>
9	Are Tax Masters included?	Yes.
10	How is “long term” assignment determined?	<ul style="list-style-type: none"> <li>• Assignments to impact courts/dockets, COVID backlog-related dockets, or any other long term, standing docket.</li> <li>• Assignments resulting from the retirement, resignation, or prolonged illness (exceeding 2 weeks) of the judge; suspension of the judge by the State Commission on Judicial Conduct; or the creation of a new bench in which an appointment has not been made.</li> </ul> <p>If the assignment does not meet the definition of “long term” above, count it as short term.</p>

<b>Data Element #</b>	<b>Question</b>	<b>Answer</b>
<b>10</b>	How are assignments to specific cases counted? The length of the assignment may not be known when appointed.	Assignment to 1 case is considered short term as it does not meet the definition of a long term assignment.