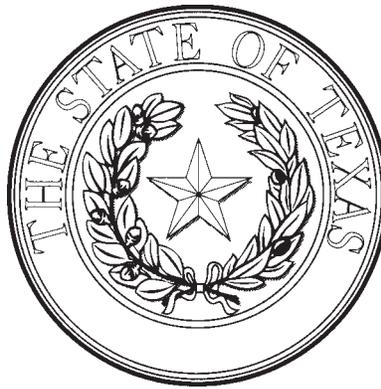


**ANNUAL REPORT
FOR THE
TEXAS JUDICIARY**



FISCAL YEAR 2009

ANNUAL REPORT FOR THE TEXAS JUDICIARY



FISCAL YEAR 2009

Published By

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OFFICE OF COURT ADMINISTRATION

A Message from the Administrative Director



Welcome to the Annual Report for the Texas Judiciary. We hope this is a useful and relevant document for those interested in the administration of justice in our great state.

The previous fiscal year, which ended August 31, 2009, was a year of major accomplishment for our office. As noted below, we had significant success in the legislature, including passage of legislation to assure the Judicial Branch has a seat at the table in statewide disaster planning and recovery; in addition, the Task Force on Indigent Defense participated in legislation to create the Office of Capital Writs to provide legal representation for indigent capital murder defendants who were sentenced to death and were appointed counsel for a state writ of habeas corpus. OCA also supported major initiatives by the Supreme Court's Permanent Judicial Commission for Children, Youth & Families, to improve court outcomes in child protection cases, in particular the completion of the Child Protection Case Management System.

Other recent accomplishments for OCA included:

- Passage of 46 percent of the 60+ legislative proposals by the Texas Judicial Council (compared to an overall bill passage rate of about 17 percent).
- The 81st Legislature established the Timothy Cole Advisory Panel to assist the Task Force on Indigent Defense to prepare a report on the causes of wrongful convictions and recommend procedures and programs that may be implemented to prevent future wrongful convictions.
- The National Association of Counties selected the West Texas Regional Public Defender Office serving 75 counties as the best in the nation under the category of Criminal Justice and Public Safety.
- Commencement of the initial phase of implementation for the new district and county-level court reports developed by the Judicial Data Project, which sought to review and improve the current monthly case activity reports to make them more useful. The new reports will be effective September 1, 2010.

Our office is dedicated to providing resources and information for the efficient administration of the judicial branch of government. Please contact me if there is anything we can do in furtherance of that mission.

Sincerely,

A handwritten signature in black ink, appearing to be "C. [unclear]".

Texas Courts: A Descriptive Summary

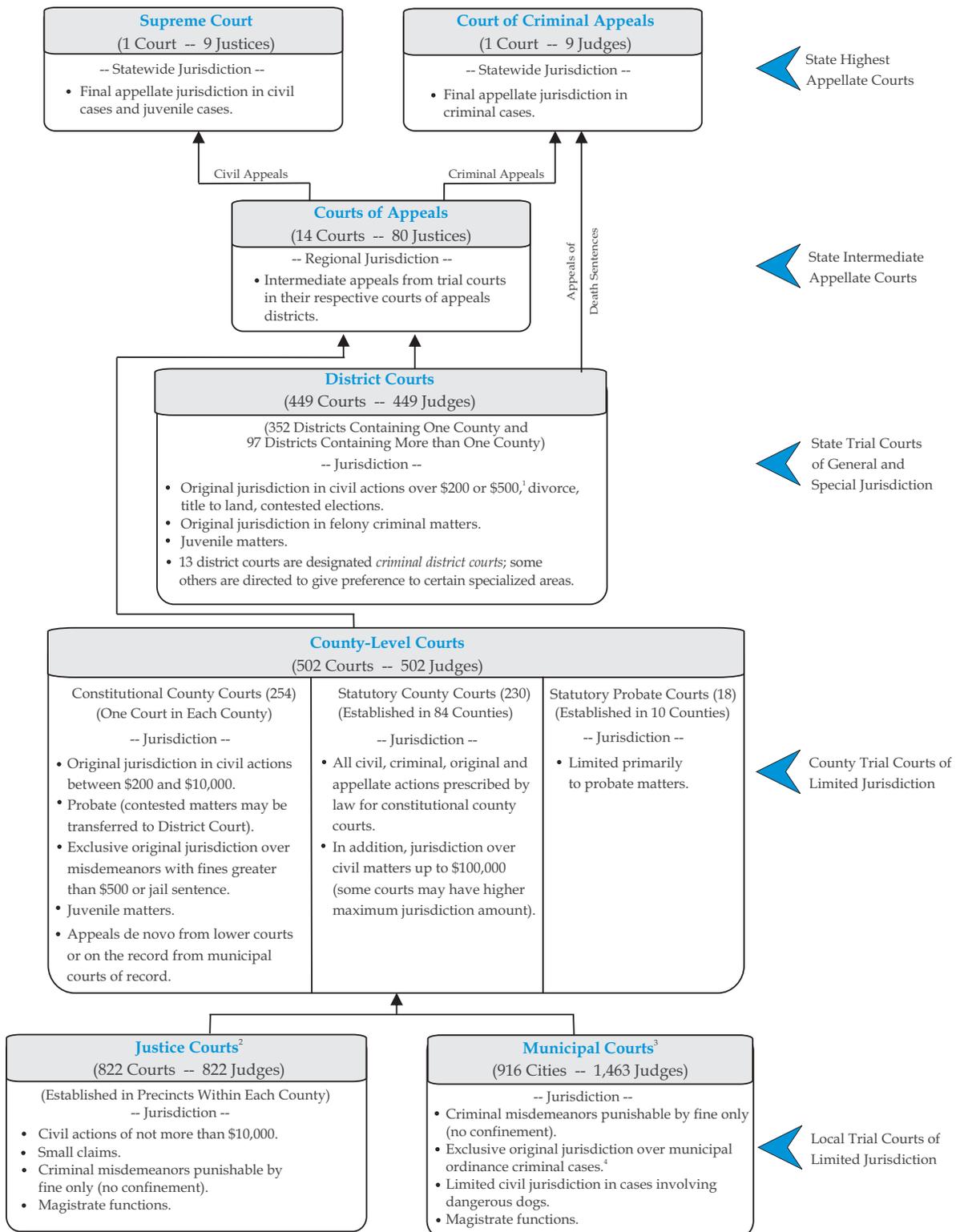


Photo courtesy of TexasCourthouses.com

Victoria County Courthouse - Victoria

COURT STRUCTURE OF TEXAS

SEPTEMBER 1, 2009



1. The dollar amount is currently unclear.
 2. All justice courts and most municipal courts are not courts of record. Appeals from these courts are by trial de novo in the county-level courts, and in some instances in the district courts.
 3. Some municipal courts are courts of record -- appeals from those courts are taken on the record to the county-level courts.
 4. An offense that arises under a municipal ordinance is punishable by a fine not to exceed: (1) \$2,000 for ordinances that govern fire safety, zoning, and public health or (2) \$500 for all others.

Introduction

As reflected on page 2, there were 3,334 elected (or appointed, in the case of most municipal judges) judicial positions in Texas as of September 1, 2009. In addition, there were 129 associate judges appointed to serve in district, county-level, child protection, and child support (Title IV-D) courts, as well as numerous magistrates, masters, referees and other officers supporting the judiciary. More than 280 retired and former judges were also eligible to serve for assignment.

The basic structure of the present court system of Texas was established by an 1891 constitutional amendment. The amendment established the Supreme Court as the highest state appellate court for civil matters, and the Court of Criminal Appeals, which makes the final determination in criminal matters. Today, there are also 14 courts of appeals that exercise intermediate appellate jurisdiction in civil and criminal cases.

District courts are the state trial courts of general jurisdiction. The geographical area served by each district court is established by the specific statute creating that court.

In addition to these state courts, the Texas Constitution provides for a county court in each county, presided over by the county judge. The county judge also serves as head of the county commissioners court, the governing body of the county. To aid the constitutional county court with its judicial functions, the Legislature has established statutory county courts, generally designated as county courts at law or statutory probate courts, in the more populous counties. The Texas Constitution also authorizes not less than one nor more than 16 justices of the peace in each county. The justice courts serve as small claims courts and have jurisdiction in misdemeanor cases where punishment upon conviction may be by fine only.

By statute, the Legislature has created municipal courts in each incorporated city in the state. These courts have original jurisdiction over violations of municipal ordinances and concurrent jurisdiction with the justice courts over misdemeanor state law violations, limited to the geographical confines of the municipality.

Trials in the justice courts and most municipal courts are not of record, and appeals therefrom are by new trial (“trial *de novo*”) to the county court, except in certain counties, where the appeal is to a county court at law or to a district court. When an appeal is by trial *de novo*, the case is tried again in the higher court, just as if the original trial had not occurred.

Jurisdiction of the various levels of courts is established by constitutional provision and by statute. Statutory jurisdiction is established by general statutes providing jurisdiction for all courts on a particular level, as well as by the statutes establishing individual courts. Thus, to determine the jurisdiction of a particular court, recourse must be had first to the Constitution, second to the general statutes establishing jurisdiction for that level of court, third to the specific statute authorizing the establishment of the particular court in question, fourth to statutes creating other courts in the same county (whose jurisdictional provisions may affect the court in question), and fifth to statutes dealing with specific subject matters (such as the Family Code, which requires, for example, that judges who are lawyers hear appeals from cases heard by non-lawyer judges in juvenile cases).

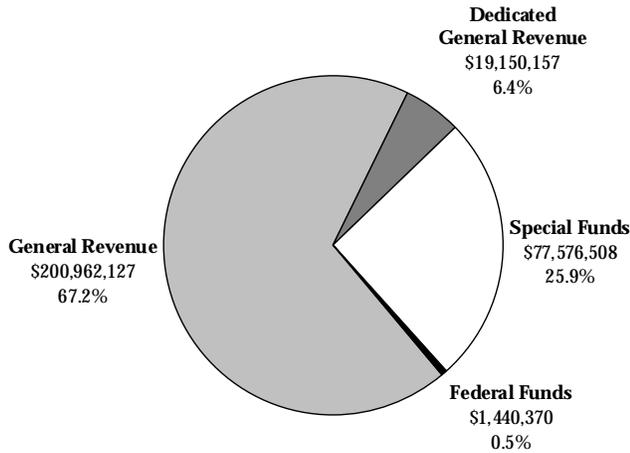
Funding of the Texas Judicial Branch

The State provides full funding for the Supreme Court and the Court of Criminal Appeals, as well as a base salary and some expenses for the appellate and district judges of Texas. Most counties supplement the base salary for judges of district courts and courts of appeals. Counties pay the costs of constitutional county courts, county courts at law, justice courts, and the operating costs of district courts. Cities finance the operation of municipal courts.

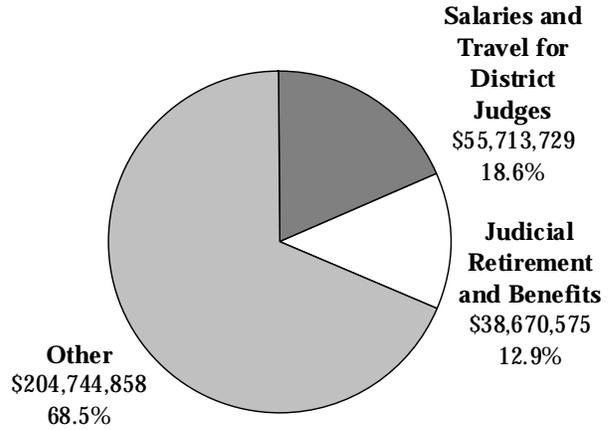
In fiscal year 2009, state appropriations for the Texas judicial system decreased by .03 percent from the previous fiscal year and accounted for approximately 0.36 percent of all state appropriations (\$299,129,162 of the \$82,048,027,964 appropriated from all funds in fiscal year 2009). Approximately 67 percent of the financing for the judicial system came from General Revenue in fiscal year 2009. Another 6.4 percent came from dedicated General Revenue funds, such as the Fair Defense Account, while the remaining 26.4 percent came from other funds, including the Judicial Fund, Judicial and Court Personnel Training Fund, other special state funds, and criminal justice grants.

In fiscal year 2009, salaries for district judges and travel expenses for those district judges with jurisdiction in more than one county accounted for 18.6 percent of appropriations for the judicial system, and judicial retirement and benefits comprised another 12.9 percent.

State Judicial Branch Funding Sources Fiscal Year 2009

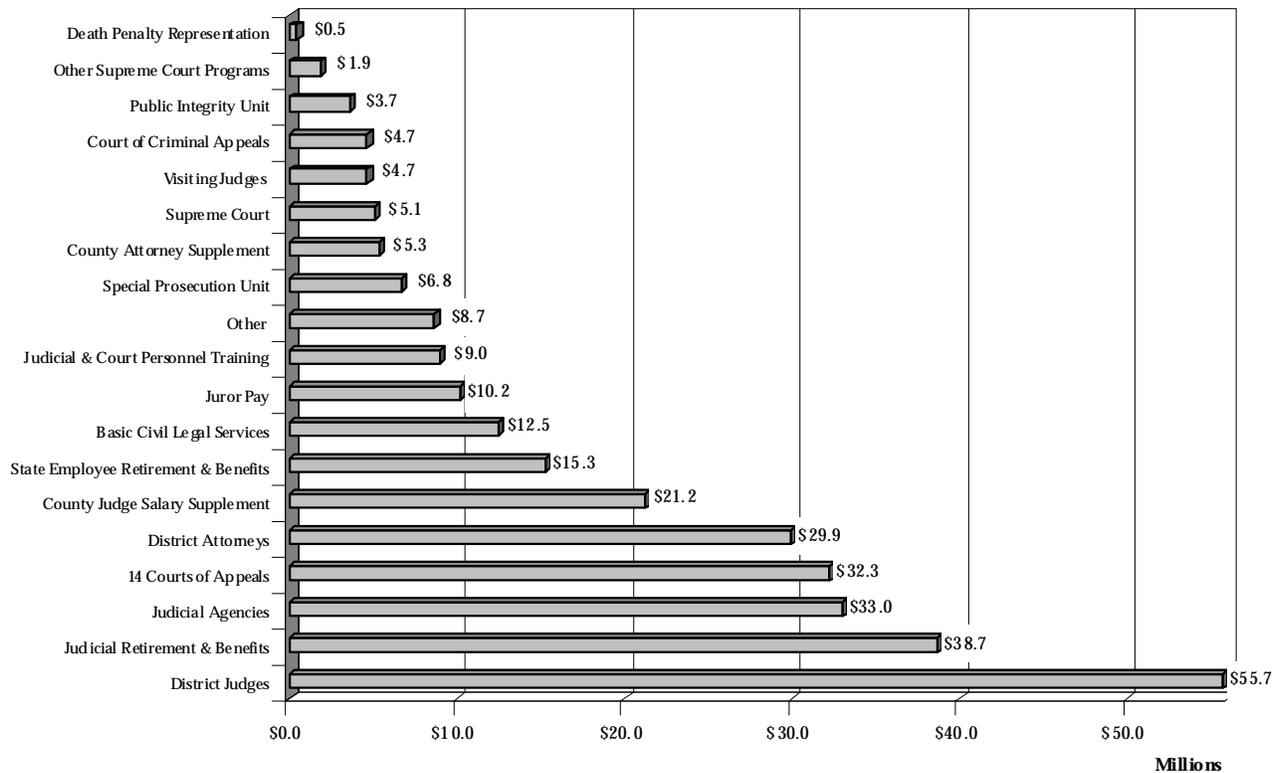


Judicial Compensation as Percentage of Total State Appropriations for the State Judicial Branch



Note: "Other" includes salaries of appellate judges. Data on judges' salaries was not available separate from each court's overall budget.

State Judicial Branch Appropriations, FY 2009



- Notes:
1. "Visiting Judges" includes salaries and per diem expenses.
 2. "Other" includes Social Security and Benefit Replacement Pay and lease payments.
 3. Judicial Branch Agencies include the Office of Court Administration, Texas Judicial Council; Office of the State Prosecuting Attorney; State Law Library; and State Commission on Judicial Conduct. Appropriations for Judicial Agencies include approximately \$5.9 million in interagency contracts.
 4. "District Judges" includes salaries, travel, and local administrative judge salary supplement.

Court Structure and Function

Appellate Courts

The appellate courts of the Texas Judicial System are: (1) the Supreme Court, the highest state appellate court for civil and juvenile cases; (2) the Court of Criminal Appeals, the highest state appellate court for criminal cases; and (3) the 14 courts of appeals, the intermediate appellate courts for civil and criminal appeals from the trial courts.

Appellate courts do not try cases, have juries, or hear witnesses. Rather, they review actions and decisions of the lower courts on questions of law or allegations of procedural error. In carrying out this review, the appellate courts are usually restricted to the evidence and exhibits presented in the trial court.

The Supreme Court

The Supreme Court of Texas was first established in 1836 by the Constitution of the Republic of Texas, which vested the judicial power of the Republic in “...one Supreme Court and such inferior courts as the Congress may establish.” This court was re-established by each successive constitution adopted throughout the course of Texas history and currently consists of one chief justice and eight justices.¹

The Supreme Court has statewide, final appellate jurisdiction in most civil and juvenile cases.² Its caseload is directly affected by the structure and jurisdiction of Texas’ appellate court system, as the 14 courts of appeals handle most of the state’s criminal and civil appeals from the district and county-level courts, and the Court of Criminal Appeals handles all criminal appeals beyond the intermediate courts of appeals.

The Supreme Court’s caseload can be broken down into three broad categories: determining whether to grant review of the final judgment of a court of appeals (i.e., to grant or not grant a petition for review); disposition of regular causes³ (i.e., granted petitions for review, accepted petitions for writs of mandamus or habeas corpus, certified questions, accepted parental notification appeals, and direct appeals); and disposition of numerous motions related to petitions and regular causes.

Much of the Supreme Court’s time is spent determining which petitions for review will be granted, as it must consider all petitions for review that are filed. However, the Court exercises some control over its caseload in deciding which petitions will be granted. The Court usually takes only those cases that present the most significant Texas legal issues in need of clarification.

The Supreme Court also has jurisdiction to answer questions of state law certified from a federal appellate court;⁴ has original jurisdiction to issue writs and to conduct proceedings for the involuntary retirement or removal of judges; and reviews cases involving attorney discipline upon appeal from the Board of Disciplinary Appeals of the State Bar of Texas.

In addition, the Court:

- promulgates all rules of civil trial practice and procedure, evidence, and appellate procedure;
- promulgates rules of administration to provide for the efficient administration of justice in the state;
- monitors the caseloads of the 14 courts of appeals and orders the transfer of cases between the courts in order to make the workloads more equal;⁵ and
- with the assistance of the Texas Equal Access to Justice Foundation, administers funds for the Basic Civil Legal Services Program, which provides basic civil legal services to the indigent.⁶

The Court of Criminal Appeals

To relieve the Supreme Court of some of its caseload, the Constitution of 1876 created the Court of Appeals, composed of three elected judges, with appellate jurisdiction in all criminal cases and in those civil cases tried by the county courts. In 1891, a constitutional amendment changed the name of this court to the Court of Criminal Appeals and limited its jurisdiction to appellate jurisdiction in criminal cases only. Today, the court consists of one presiding judge and eight associate judges.⁷

The Court of Criminal Appeals is the highest state court for criminal appeals.⁸ Its caseload consists of both mandatory and discretionary matters. All cases that result in the death penalty are automatically directed to the Court of Criminal Appeals from the trial court level. A significant portion of the Court’s workload also involves the mandatory review of applications for post conviction habeas corpus relief in felony cases without a death penalty,⁹ over which the Court has sole authority. In

addition, decisions made by the intermediate courts of appeals in criminal cases may be appealed to the Court of Criminal Appeals by petition for discretionary review, which may be filed by the State, the defendant, or both. However, the Court may also review a decision on its own motion.

In conjunction with the Supreme Court of Texas, the Court of Criminal Appeals promulgates rules of appellate procedure and rules of evidence for criminal cases. The Court of Criminal Appeals also administers public funds that are appropriated for the education of judges, prosecuting attorneys, criminal defense attorneys who regularly represent indigent defendants, clerks and other personnel of the state's appellate, district, county-level, justice, and municipal courts.¹⁰

The Courts of Appeals

The first intermediate appellate court in Texas was created by the Constitution of 1876, which created a Court of Appeals with appellate jurisdiction in all criminal cases and in all civil cases originating in the county courts. In 1891, an amendment was added to the Constitution authorizing the Legislature to establish intermediate courts of civil appeals located at various places throughout the State. The purpose of this amendment was to preclude the large quantity of civil litigation from further congesting the docket of the Supreme Court, while providing for a more convenient and less expensive system of intermediate appellate courts for civil cases. In 1980, a constitutional amendment extended the appellate jurisdiction of the courts of civil appeals to include criminal cases and changed the name of the courts to the "courts of appeals."

Each court of appeals has jurisdiction over appeals from the trial courts located in its respective district. The appeals heard in these courts are based upon the "record" (a written transcription of the testimony given, exhibits introduced, and the documents filed in the trial court) and the written and oral arguments of the appellate lawyers. The courts of appeals do not receive testimony or hear witnesses in considering the cases on appeal, but they may hear oral argument on the issues under consideration.

The Legislature has divided the State into 14 court of appeals districts and has established a court of appeals in each. One court of appeals is currently located in each of the following cities: Amarillo, Austin, Beaumont, Dallas, Eastland, El Paso, Fort Worth, San Antonio, Texarkana, Tyler, and Waco. In addition, two courts are located in Houston, and one court maintains two locations—one in Corpus Christi and one in Edinburg.

Each of the courts of appeals has at least three judges—a chief justice and two associate justices. There are now 80 judges serving on the 14 intermediate courts of appeals. However, the Legislature is empowered to increase this number whenever the workload of an individual court requires additional judges.

Trial Courts

In trial courts, witnesses are heard, testimony is received, exhibits are offered into evidence, and a verdict is rendered. The trial court structure in Texas has several different levels, each level handling different types of cases, with some overlap. The state trial court of general jurisdiction is known as the district court. The county-level courts consist of the constitutional county courts, the statutory county courts, and the statutory probate courts. In addition, there is at least one justice court located in each county, and there are municipal courts located in each incorporated city.

District Courts

District courts are the primary trial courts in Texas. The Constitution of the Republic provided for not less than three or more than eight district courts, each having a judge elected by a joint ballot of both houses of the legislature for a term of four years. Most constitutions of the State continued the district courts but provided that the judges were to be elected by the qualified voters. (The exceptions were the Constitutions of 1845 and 1861 which provided for the appointment of judges by the Governor with confirmation by the Senate.) All constitutions have provided that the judges of these courts must be chosen from defined districts (as opposed to statewide election). In many locations, the geographical jurisdiction of two or more district courts is overlapping. As of September 1, 2009, there were 449 district courts in Texas. The 81st Legislature authorized the creation of two additional new courts on September 1, 2009, but judges were not appointed until October 1. Another court was authorized to be created on October 1, 2009.

District courts are courts of general jurisdiction. Article V, Section 8 of the Texas Constitution extends a district court's potential jurisdiction to "all actions" but makes such jurisdiction relative by excluding any matters in which exclusive, appellate, or original jurisdiction is conferred by law upon some other court. For this reason, while one can speak of the "general" jurisdiction of a district court, the actual jurisdiction of any specific court will always be limited by the constitutional or statutory provisions that confer exclusive, original, or appellate jurisdiction on other courts serving the same county or counties.

With this caveat, it can be said that district courts generally have the following jurisdiction: original jurisdiction in all criminal cases of the grade of felony and misdemeanors involving official misconduct; cases of divorce; suits for title to land or enforcement of liens on land; contested elections; suits for slander or defamation; and suits on behalf of the State for penalties, forfeitures and escheat. Most district courts exercise criminal and civil jurisdiction, but in the metropolitan areas there is a tendency for the courts to specialize in civil, criminal, juvenile or family law matters. Thirteen district courts are designated “criminal district courts” but have general jurisdiction. A limited number of district courts also exercise the subject-matter jurisdiction normally exercised by county courts.

The district courts also have jurisdiction in civil matters with a minimum monetary limit but no maximum limit. The amount of the lower limit is currently unclear. The courts of appeals have split opinions on whether the minimum amount in controversy must exceed \$200 or \$500.¹¹ In those counties having statutory county courts, the district courts generally have exclusive jurisdiction in civil cases where the amount in controversy is \$100,000 or more, and concurrent jurisdiction with the statutory county courts in cases where the amount in controversy exceeds \$500 but is less than \$100,000.

The district courts may also hear contested matters in probate cases and have general supervisory control over commissioners’ courts. In addition, district courts have the power to issue writs of habeas corpus, mandamus, injunction, certiorari, sequestration, attachment, garnishment, and all writs necessary to enforce their jurisdiction. Appeals from judgments of the district courts are to the courts of appeals (except appeals of sentences of death).

A 1985 constitutional amendment established the Judicial Districts Board to reapportion Texas judicial districts, subject to legislative approval. The same amendment also allows for more than one judge per judicial district.

County-Level Courts

Constitutional County Courts

The Texas Constitution provides for a county court in each of the 254 counties of the State, though all such courts do not exercise judicial functions. In populous counties, the “county judge” may devote his or her full attention to the administration of county government.

Generally, the “constitutional” county courts have concurrent jurisdiction with justice courts in civil cases where the matter in controversy exceeds \$200 but does not exceed \$10,000; concurrent jurisdiction with the district courts in civil cases where the matter in controversy exceeds \$500 but does not exceed \$5,000; general jurisdiction over probate cases; juvenile jurisdiction; and exclusive original jurisdiction over misdemeanors, other than those involving official misconduct, where punishment for the offense is by fine exceeding \$500 or a jail sentence not to exceed one year. County courts generally have appellate jurisdiction (usually by trial *de novo*) over cases tried originally in the justice and municipal courts. Original and appellate judgments of the county courts may be appealed to the courts of appeals.

In 36 counties, the county court, by special statute, has been given concurrent jurisdiction with the justice courts in all civil matters over which the justice courts have jurisdiction.

Statutory County Courts and Probate Courts

Under its constitutional authorization to “...establish such other courts as it may deem necessary...[and to] conform the jurisdiction of the district and other inferior courts thereto,” the Legislature created the first statutory county court in 1907. As of September 1, 2009, 230 statutory county courts and 18 statutory probate courts were operating in 84 (primarily metropolitan) counties to relieve the county judge of some or all of the judicial duties of office. Statutory county courts include county courts at law, county civil courts at law, county criminal courts at law, county criminal courts, and county criminal courts of appeal.

Section 25.003 of the Texas Government Code provides statutory county courts with jurisdiction over all causes and proceedings prescribed by law for constitutional county courts. In general, statutory county courts that exercise civil jurisdiction concurrent with the constitutional county court also have concurrent civil jurisdiction with the district courts in: 1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$100,000, and 2) appeals of final rulings and decisions of the Texas Workers’ Compensation Commission. However, the actual jurisdiction of each statutory county court varies considerably according to the statute under which it was created. In addition, some of these courts have been established to exercise subject-matter jurisdiction in only limited fields, such as civil, criminal, or appellate cases (from justice or municipal courts).

In general, statutory probate courts have general jurisdiction provided to probate courts by the Texas Probate Code, as well as the jurisdiction provided by law for a county court to hear and determine cases and matters instituted under various sections and chapters of the Texas Health and Safety Code.

Associate Judges

The legislature has authorized the appointment of various judicial officers to assist the judges of the district courts and county-level courts. These judicial officers are usually known as associate judges. They have some, but not all, of the powers of the judges they assist.

Judicial Officers Appointed under Government Code, Chapter 54

Most of the judicial officer positions authorized by Chapter 54 of the Government Code are unique to a particular county. Many of these judicial officers are called associate judges, but others are known as masters, magistrates, referees or hearing officers. Generally, judicial officers are appointed by local judges with the consent of the county commissioners court, and the positions are funded by the county.

Some of the judicial officers hear criminal cases. Others specialize in family law matters or juvenile cases. Still others hear a wide range of cases. The subject matter of any particular judicial officer is specified in the statute that creates the position. Cases are not directly filed with judicial officers, but are referred to them by district judges and county-level judges. Rather than rendering final orders, the judicial officers generally make recommendations to the referring court.

Associate Judges Appointed under Family Code, Chapter 201

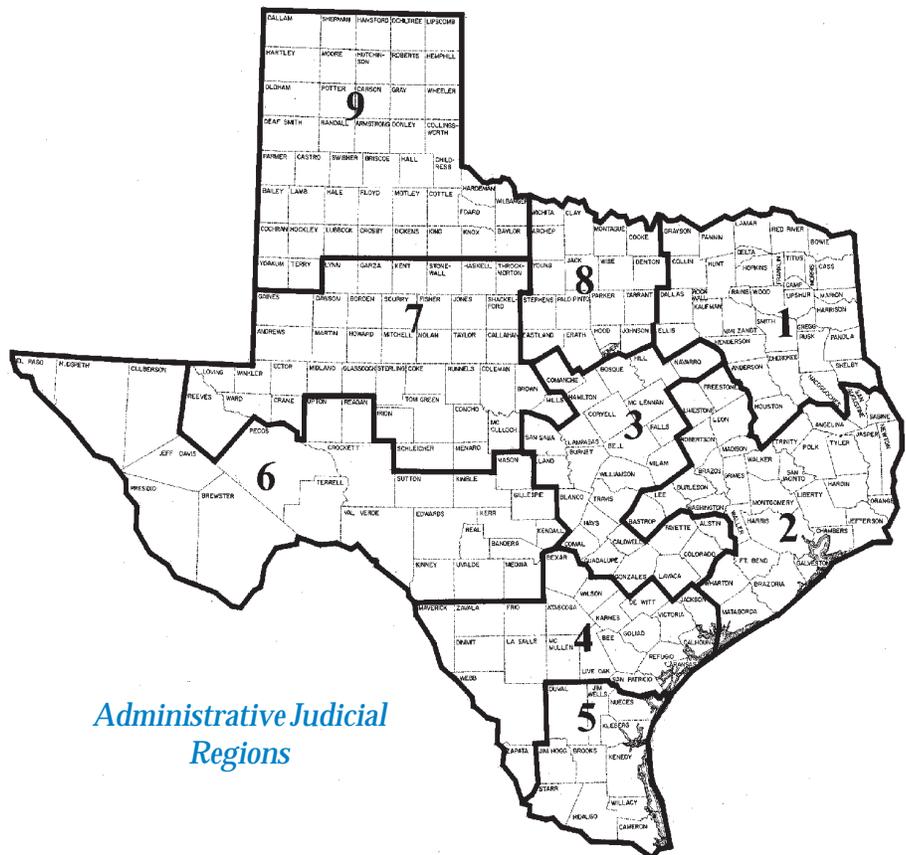
Like judicial officers appointed under Chapter 54 of the Government Code, district and county-level judges refer certain cases to associate judges appointed under Chapter 201 of the Family Code.

Three types of associate judges are appointed under Chapter 201. Associate judges authorized by Subchapter A of Chapter 201 are appointed by local judges with the consent of the commissioners court and are county employees. They are authorized to hear cases brought under Titles 1, 4 and 5 of the Family Code.

Associate judges authorized by Subchapters B and C of Chapter 201 are appointed by the presiding judge of the respective administrative judicial region and are state employees. The judges appointed under Subchapter B are authorized to hear child support cases. Those appointed under Subchapter C are authorized to hear child protection cases.

“Assigned” or “Visiting” Judges

The presiding judge of an administrative judicial region may assign a judge to handle a case or docket of an active judge in the region who is unable to preside (due to recusal, illness, vacation, etc.) or who needs assistance with a heavy docket or docket backlog. These “assigned judges” may be active judges of other courts in the region or may be individuals residing in the region who used to serve as active judges. Sections 74.054, 74.056, and 74.057 of the Government Code discuss the assignment of judges by the presiding judges and the chief justice of the Supreme Court.



Justice Courts

As amended in November 1983, the Texas Constitution provides that each county is to be divided, according to population, into at least one, and not more than eight, justice precincts, in each of which is to be elected one or more justices of the peace. As of September 1, 2009, 822 justice courts were in operation.

Justice courts have original jurisdiction in misdemeanor criminal cases where punishment upon conviction may be by fine only. These courts generally have exclusive jurisdiction of civil matters when the amount in controversy does not exceed \$200, and concurrent jurisdiction with the county courts when the amount in controversy exceeds \$200 but does not exceed \$10,000.¹² Justice courts also have jurisdiction over forcible entry and detainer cases and function as small claims courts. Trials in justice courts are not “of record.” Appeals from these courts are by trial *de novo* in the constitutional county court, the county court at law, or the district court.

The justice of the peace also serves in the capacity of a committing magistrate, with the authority to issue warrants for the apprehension and arrest of persons charged with the commission of both felony and misdemeanor offenses. As a magistrate, the justice of the peace may hold preliminary hearings, reduce testimony to writing, discharge the accused, or remand the accused to jail and set bail. In addition, the justice of the peace serves as the coroner in those counties where there is no provision for a medical examiner, serves as an *ex officio* notary public, and may perform marriage ceremonies for additional compensation.

Municipal Courts

Under its constitutional authority to create “such other courts as may be provided by law,” the Legislature has created municipal courts in each incorporated municipality in the state. In lieu of a municipal court created by the Legislature, municipalities may choose to establish municipal courts of record. As of September 1, 2009, municipal courts were operating in 916 cities.

The jurisdiction of municipal courts is provided in Chapters 29 and 30 of the Texas Government Code. Municipal courts have original and exclusive jurisdiction over criminal violations of certain municipal ordinances and airport board rules, orders, or resolutions that do not exceed \$2,500 in some instances and \$500 in others. Municipal courts also have concurrent jurisdiction with the justice courts in certain misdemeanor criminal cases.

In addition to the jurisdiction of a regular municipal court, municipal courts of record also have jurisdiction over criminal cases arising under ordinances authorized by certain provisions of the Texas Local Government Code. The municipality may also provide by ordinance that a municipal court of record have additional jurisdiction in certain civil and criminal matters.

Municipal judges also serve in the capacity of a committing magistrate, with the authority to issue warrants for the apprehension and arrest of persons charged with the commission of both felony and misdemeanor offenses. As a magistrate, the municipal judge may hold preliminary hearings, reduce testimony to writing, discharge the accused, or remand the accused to jail and set bail.

Trials in municipal courts are not generally “of record”; many appeals go to the county court, the county court at law, or the district court by a trial *de novo*. Appeals from municipal courts of record are generally heard in the county criminal courts, county criminal courts of appeal or municipal courts of appeal. If none of these courts exist in the county or municipality, appeals are to the county courts at law.

Judicial Administration

The Texas Supreme Court has constitutional responsibility for the efficient administration of the judicial system and possesses the authority to make rules of administration applicable to the courts.¹³ Under the direction of the chief justice, the Office of Court Administration aids the Supreme Court in carrying out its administrative duties by providing administrative support and technical assistance to all courts in the state.

The Supreme Court and the Texas Legislature also receive recommendations on long-range planning and improvements in the administration of justice from the Texas Judicial Council, a 22-member advisory board composed of appointees of the judicial, executive, and legislative branches of government.

The chief justice of the Supreme Court, the presiding judge of the Court of Criminal Appeals, the chief justices of each of the 14 courts of appeals, and the judges of each of the trial courts are generally responsible for the administration of their respective

courts. Furthermore, there is a local administrative district judge in each county, as well as a local administrative statutory county court judge in each county that has a statutory county court. In counties with two or more district courts, a local administrative district judge is elected by the district judges in the county for a term not to exceed two years.¹⁴ Similarly, in counties with two or more statutory county courts, a local administrative statutory county court judge is elected by the statutory county court judges for a term not to exceed two years. The local administrative judge is charged with implementing the local rules of administration, supervising the expeditious movement of court caseloads, and other administrative duties.¹⁵

To aid in the administration of justice in the trial courts, the State is divided into nine administrative judicial regions. With the advice and consent of the Senate, the Governor appoints one of the active or retired district judges, or a retired appellate court judge who has district court experience, residing in each region as the presiding judge.

The chief justice of the Supreme Court may convene periodic conferences of the chief justices of the courts of appeals, as well as periodic conferences of the nine presiding judges to ensure the efficient administration of justice in the courts of the State.

Notes

1. The various constitutions and amendments provided for different numbers of judges to sit on the Court and different methods for the selection of the judges. The Constitution of 1845 provided that the Supreme Court consist of a chief justice and two associate justices. The Constitution of 1866 provided for five justices, and the Constitution of 1869 reverted to a three-judge court; the Constitution of 1873 increased the number to five, and the Constitution of 1876 again reduced the membership to three. To aid the three justices in disposing of the ever increasing workload, the legislature created two "Commissions of Appeals," each to consist of three judges appointed by the Supreme Court. This system, begun in 1920, continued until the adoption of the constitutional amendment of 1945 which abolished the two Commissions of Appeals and increased the number of justices on the Supreme Court to nine, the present number.

2. A constitutional amendment adopted in 1980 provides that "The Supreme Court shall exercise the judicial power of the state except as otherwise provided in this Constitution. Its jurisdiction shall be coextensive with the limits of the State and its determinations shall be final except in criminal law matters. Its appellate jurisdiction shall be final and shall extend to all cases except in criminal law matters and as otherwise provided in this Constitution or by law."

3. "Regular causes" involve cases in which four or more of the justices of the Supreme Court have decided in conference that a petition for review, petition for writ of mandamus or habeas corpus, or parental notification appeal should be reviewed. Regular causes also include direct appeals the court has agreed to review and questions of law certified to it by a federal appellate court that the court has agreed to answer. Most regular causes are set for oral argument in open court and are reported in written opinions. However, a petition may be granted and an unsigned opinion (per curiam) issued without oral argument if at least six members of the court vote accordingly.

4. A constitutional amendment, effective January 1, 1986, gave the Supreme Court, along with the Court of Criminal Appeals, jurisdiction to answer certified questions.

5. The Supreme Court has a rider in its appropriation pattern in the General Appropriations Act (SB 1, 81st Leg., R.S., Art. IV, page IV-2, Rider 3) that states, "It is the intent of the Legislature that the Supreme Court use funds appropriated above to equalize the dockets of the 14 Courts of Appeals. For the purposes of this rider equalization shall be considered achieved if the new cases filed each year per justice are equalized by 10 percent or less among all the courts of appeals. Multi-district litigation cases are exempted from this provision." Although the rider requiring the transfer of cases first appeared in fiscal year 2000 in the General Appropriations Act (HB 1, 76th Leg., R.S., Art. IV, page IV-1, Rider 3), the Supreme Court has transferred cases between the courts of appeals since 1895 (24th Leg., R.S., Ch. 53, 1895 Tex. Gen. Laws 79).

6. In 1997, the 75th Legislature enacted Chapter 51, Texas Government Code, Subchapter J, requiring the Texas Supreme Court to administer funds for provision of basic civil legal services to the indigent.

7. The Court of Criminal Appeals was originally composed of three judges. As the court's workload increased, the legislature granted it the authority to appoint commissioners to aid in the disposition of pending cases. In 1966, a constitutional amendment increased the number of judges on the court to five, and in 1977, a further amendment to the Constitution added another four judges, for the current total of nine judges on the court.

8. A constitutional amendment adopted in 1980 provides that "The Court of Criminal Appeals shall have final appellate jurisdiction coextensive with the limits of the State, and its determination shall be final, in all criminal cases of whatever grade, with such exceptions and under such regulations as may be provided in this Constitution or as prescribed by law."

9. Under Article 11.07, Texas Code of Criminal Procedure.

10. In accordance with Chapter 56 and Section 74.025, Texas Government Code.

11. See *Arteaga v. Jackson*, 994 S.W.2d 342, 342 (Tex. App. - Texarkana 1999, pet. denied), *Arnold v. West Bend Co.*, 983 S.W.2d 365, 366 n.1 (Tex. App. - Houston [1st Dist.] 1998, no pet.) and *Chapa v. Spivey*, 999 S.W.2d 833, 835-836 (Tex. App. - Tyler 1999, no pet.).

12. In 2007, the 80th Legislature raised the jurisdiction of justice courts in civil actions from \$5,000 to \$10,000 (80th Leg. R.S., Ch. 383, 2007 Tex. Gen. Laws 687).

13. Article V, Section 31 of the Texas Constitution.

14. In accordance with Section 74.091 or Section 74.0911, Texas Government Code.

15. The administrative responsibilities of the local administrative judge are detailed in Section 74.092, Texas Government Code.

Information About Texas Judges

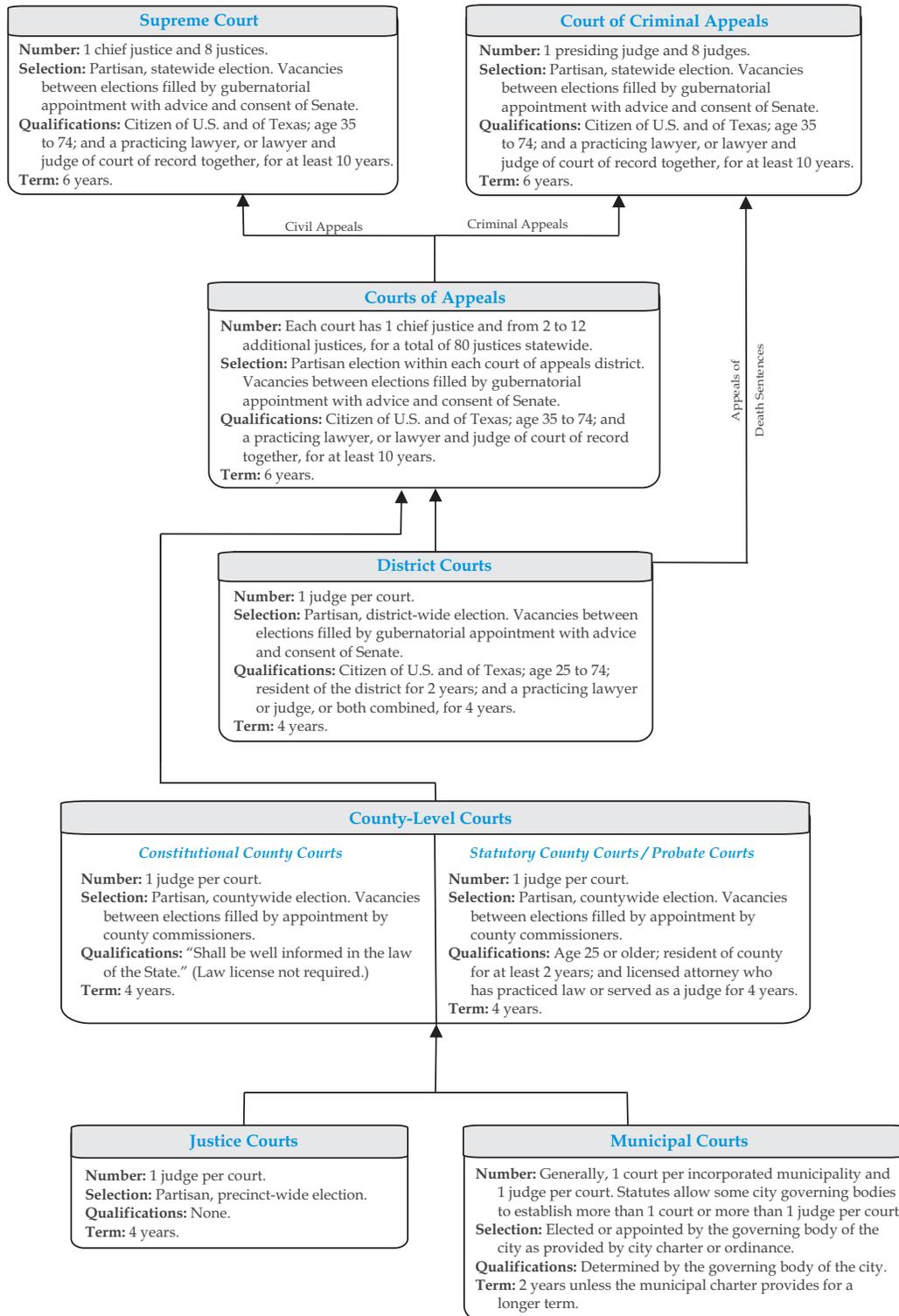
For the Fiscal Year
Ended August 31, 2009



Photo courtesy of TexasCourthouses.com

Parker County Courthouse - Weatherford

Judicial Qualifications, Selection and Terms of Office



Profile of Appellate and Trial Judges*

(as of September 1, 2009)

	Supreme Court	Court of Criminal Appeals	Court of Appeals	District Courts	Criminal District Courts	County Courts at Law	Probate Courts	County Courts	Justice Courts	Municipal Courts
NUMBER OF JUDGES:										
Number of Judge Positions	9	9	80	436	13	230	18	254	822	1463
Number of Judges	9	9	80	434	13	229	18	253	821	1453
Number of Vacant Positions	0	0	0	2	0	1	0	1	1	10
Number of Municipalities w/ Courts	--	--	--	--	--	--	--	--	--	916
Cities with No Courts	--	--	--	--	--	--	--	--	--	275
AGE OF JUDGES:										
Mean	(n = 9) 54	(n = 9) 66	(n = 80) 55	(n = 434) 54	(n = 13) 55	(n = 199) 60	(n = 16) 68	(n = 217) 57	(n = 685) 56	(n = 1174) 57
Oldest	64	76	72	76	65	85	78	81	86	87
Youngest	43	56	37	32	44	35	57	32	26	27
RANGE OF AGE:										
Under 25	0	0	0	0	0	0	0	0	0	0
25 through 34	0	0	0	5	0	0	0	1	10	13
35 through 44	1	0	7	51	1	22	0	12	53	147
45 through 54	5	0	25	132	5	81	0	44	155	293
55 through 64	3	7	39	197	6	71	11	98	283	405
65 through 74	0	1	9	48	1	20	4	54	150	235
Over 75	0	1	0	1	0	5	1	8	34	81
GENDER OF JUDGES:										
Males	(n = 9) 8	(n = 9) 5	(n = 80) 47	(n = 434) 313	(n = 13) 9	(n = 229) 158	(n = 18) 13	(n = 253) 221	(n = 820) 545	(n = 1452) 964
Females	1	4	33	121	4	71	5	32	275	488
ETHNICITY OF JUDGES:										
African-American	(n=9) 2	(n=9) 0	(n=79) 2	(n=403) 17	(n=12) 3	(n=205) 8	(n=16) 0	(n=236) 2	(n=654) 25	(n=1089) 54
American Indian or Alaska Native	0	0	0	1	0	0	0	0	1	11
Asian or Pacific Islander	0	0	1	2	0	0	0	0	0	10
Hispanic/Latino	1	0	11	69	0	45	3	23	125	164
White (Non-Hispanic)	6	9	65	310	9	149	13	211	503	841
Other	0	0	0	4	0	3	0	0	0	9
LENGTH OF SERVICE:										
Average	(n=9) 7 Yr 9 Mo	(n=9) 10 Yr 5 Mo	(n=80) 7 Yr 10 Mo	(n=434) 8 Yr 3 Mo	(n=13) 5 Yr 6 Mo	(n=229) 9 Yr 5 Mo	(n=18) 14 Yr 9 Mo	(n=253) 7 Yr 4 Mo	(n=821) 9 Yr 0 Mo	(n=1392) 8 Yr 11 Mo
Longest	20 Yr 8 Mo	16 Yr 8 Mo	22 Yr 8 Mo	29 Yr 7 Mo	19 Yr 4 Mo	33 Yr 5 Mo	28 Yr 0 Mo	31 Yr 7 Mo	46 Yr 5 Mo	45 Yr 1 Mo
RANGE OF SERVICE ON THIS COURT IN YEARS:										
Under 1 Year	0	0	10	63	2	12	1	9	34	76
1 through 4	4	0	15	98	6	51	3	89	225	484
5 through 9	3	3	30	97	2	57	1	61	184	360
10 through 14	1	5	20	91	1	58	3	59	210	229
15 through 19	0	1	4	47	2	21	4	19	88	98
20 through 24	1	0	1	30	0	22	4	11	40	76
25 through 29	0	0	0	11	0	6	2	2	22	45
30 through 34	0	0	0	0	0	2	0	2	15	13
35 through 39	0	0	0	0	0	0	0	0	2	9
Over 40	0	0	0	0	0	0	0	0	1	1
FIRST ASSUMED OFFICE BY:										
Appointment	(n=9) 5 (56%)	(n=9) 1 (11%)	(n=80) 44 (55%)	(n=434) 156 (36%)	(n=13) 3 (23%)	(n=229) 72 (31%)	(n=18) 7 (39%)	(n=251) 47 (19%)	(n=821) 225 (28%)	(n=1429) 1416 (99%)
Election	4 (44%)	8 (89%)	36 (45%)	278 (64%)	10 (77%)	157 (69%)	11 (61%)	204 (81%)	596 (72%)	13 (1%)
EDUCATION:										
HIGH SCHOOL:										
Attended	--	--	--	--	--	--	--	--	35 (5%)	19 (1%)
Graduated	--	--	--	--	--	--	--	--	651 (93%)	1151 (89%)
COLLEGE:										
Attended	0 (0%)	0 (0%)	1 (1%)	5 (1%)	0 (0%)	5 (2%)	0 (0%)	39 (17%)	166 (24%)	136 (11%)
Graduated	9 (100%)	9 (100%)	76 (95%)	385 (89%)	12 (92%)	184 (81%)	15 (83%)	145 (63%)	228 (33%)	810 (63%)
LAW SCHOOL:										
Attended	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (0%)	0 (0%)	1 (0%)	3 (0%)	2 (0%)
Graduated	9 (100%)	9 (100%)	80 (100%)	432 (100%)	13 (100%)	226 (100%)	18 (100%)	32 (14%)	65 (9%)	749 (58%)
LICENSED TO PRACTICE LAW:										
Number Licensed	9 (100%)	9 (100%)	80 (100%)	434 (100%)	13 (100%)	229 (100%)	18 (100%)	31 (12%)	64 (8%)	762 (52%)
Mean Year Licensed	1983	1974	1981	1981	1981	1983	1975	1979	1983	1983
RANGE OF YEAR LICENSED:										
Before 1955	0	0	0	0	0	1	1	0	0	5
1955 through 1959	0	1	0	0	0	1	0	1	1	7
1960 through 1964	0	0	1	4	0	3	1	1	1	19
1965 through 1969	0	1	4	27	1	12	1	5	5	57
1970 through 1974	1	2	12	62	1	21	3	5	9	77
1975 through 1979	2	3	15	96	3	40	9	3	8	120
1980 through 1984	2	2	22	90	4	40	2	6	11	109
1985 through 1989	1	0	17	59	2	60	0	3	5	96
1990 through 1994	3	0	7	61	2	31	1	3	10	126
1995 through 1999	0	0	2	27	0	18	0	4	10	102
Since 2000	0	0	0	9	0	2	0	0	4	44
ORIGINALLY CAME TO THIS COURT FROM:										
Attorney Private Practice	1 (11%)	2 (22%)	23 (29%)	--	--	--	--	--	--	--
Judge of Lower Court	6 (67%)	4 (44%)	14 (18%)	--	--	--	--	--	--	--
Legislative Service	0 (0%)	3 (33%)	3 (4%)	--	--	--	--	--	--	--
Other Governmental Service	2 (22%)	0 (0%)	0 (0%)	--	--	--	--	--	--	--
PREVIOUS EXPERIENCE:										
Prosecutor	0 (0%)	5 (56%)	13 (16%)	162 (37%)	5 (38%)	92 (40%)	3 (17%)	9 (4%)	--	--
Attorney Private Practice	9 (100%)	9 (100%)	47 (59%)	289 (67%)	12 (92%)	136 (59%)	14 (78%)	27 (11%)	--	--
Judge of Lower Court	7 (78%)	2 (22%)	15 (19%)	64 (15%)	2 (15%)	33 (14%)	3 (17%)	11 (4%)	--	--
County Commissioner	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	16 (6%)	--	--

* Data may be incomplete, as this chart includes only information reported to OCA.
District and county-level associate judges not included in data. Data for municipal courts includes associate judges.

Newly Elected State Judges

Elected November 2008

(Assumed Office January 1, 2009)

JUDGE	COURT	REPLACING	REASON
Woodie Jones (<i>Chief Justice</i>)	3rd Court of Appeals	Ken Law	Defeated for re-election
Catherine Stone (<i>Chief Justice</i>)	4th Court of Appeals	Alma Lopez	Did not seek re-election
Rex Davis	10th Court of Appeals	Bill Vance	Did not seek re-election
Bill Meier	2nd Court of Appeals	Dixon Holman	Did not seek re-election
Mary Murphy	5th Court of Appeals	Mark Whittington	Did not seek re-election
Guadalupe Rivera	8th Court of Appeals	Kenn Carr	Defeated for re-election
Jim Sharp	1st Court of Appeals	Sam Nuchia	Defeated for re-election
Regina Arditti	448th District Court	Chris Antcliff	Defeated for re-election
Antonia Arteaga	57th District Court	Joe Brown	Defeated for re-election
Manny Barraza	El Paso Crim. D.C. No. 1	Don Minton	Defeated for re-election
Al Bennett	61st District Court	John Donovan	Defeated for re-election
Kyle Carter	125th District Court	John Coselli	Defeated for re-election
Eric Clifford	6th District Court	Jim Lovett	Mandatory retirement age
Gary Coley	74th District Court	Alan Mayfield	Did not seek re-election
Jesse Contreras	449th District Court	Daniel Rios	Defeated for re-election
Jim Coronado	427th District Court	Melissa Goodwin	Defeated for re-election
Camile G. DuBose	38th District Court	Mickey Pennington	Did not seek re-election
Christopher D. Duggan	423rd District Court	Charlotte Hinds	Defeated for re-election
Mike Engelhart	151st District Court	Caroline Baker	Defeated for re-election
Trent D. Farrell	52nd District Court	Phillip Zeigler	Did not seek re-election
Henry Fernandez	63rd District Court	Tom Lee	Did not seek re-election
Kevin Fine	177th District Court	Devon Anderson	Defeated for re-election
Gary Gatlin	1st District Court	Joe Bob Golden	Mandatory retirement age
Tracy A. Gilbert	418th District Court	-----	Newly created court
Michael Gomez	129th District Court	Grant Dorfman	Defeated for re-election
Ruben Guerrero	174th District Court	George Godwin	Did not seek re-election
Yahara Lisa Gutierrez	65th District Court	Alfredo Chavez	Defeated for re-election
Robert Hinojosa	312th District Court	David Farr	Defeated for re-election
William Todd Hughey	71st District Court	Bonnie Leggat-Hagan	Did not seek re-election
Rhonda Hurley	98th District Court	Jeanne Meuer	Did not seek re-election
Terri Jackson	339th District Court	Caprice Cospere	Defeated for re-election
William M. Jennings	124th District Court	Alvin Khoury	Did not seek re-election
Hazel B. Jones	338th District Court	Brock Thomas	Defeated for re-election
Christi Kennedy	114th District Court	Cynthia Stevens Kent	Did not seek re-election
Steven E. Kirkland	215th District Court	Levi Benton	Defeated for re-election
Donald L. Kraemer	12th District Court	William McAdams	Did not seek re-election
James E. Lagomarsino	13th District Court	John Jackson	Did not seek re-election
Gracie Lewis	Dallas Crim. D.C. No. 3	J. Robert Francis	Did not seek re-election
Elia Cornejo Lopez	404th District Court	Abel Limas	Defeated for re-election
Jaclanel McFarland	133rd District Court	Lamar McCorkle	Defeated for re-election
David Mendoza	178th District Court	Roger Bridgewater	Defeated for re-election
Mike Miller	11th District Court	Mark Davidson	Defeated for re-election

Newly Elected State Judges (continued)

<i>JUDGE</i>	<i>COURT</i>	<i>REPLACING</i>	<i>REASON</i>
Ken Molberg	95th District Court	Karen Johnson	Did not seek re-election
Eric Moyé	14th District Court	Mary Murphy	Did not seek re-election
Rolando Olvera	445th District Court	-----	Newly created court
Scott Ozmun	353rd District Court	Margaret Cooper	Did not seek re-election
Israel Ramon, Jr.	430th District Court	Thomas Wingate	Did not seek re-election
Dion Ramos	55th District Court	Jeff Shadwick	Defeated for re-election
Ron Rangel	379th District Court	Bert Richardson	Defeated for re-election
Shawna L. Reagin	176th District Court	Brian Rains	Defeated for re-election
Josefina Rendon	165th District Court	Elizabeth Ray	Defeated for re-election
Herb Ritchie	337th District Court	Don Stricklin	Defeated for re-election
Doug Robison	393rd District Court	Vicki Isaaks	Did not seek re-election
Randy Roll	179th District Court	Michael Wilkinson	Defeated for re-election
David Sanchez	444th District Court	-----	Newly created court
R.K. Sandill	127th District Court	Sharolyn Wood	Defeated for re-election
Robert Schaffer	152nd District Court	Ken Wise	Defeated for re-election
Pat Simmons	77th District Court	Horace Black	Did not seek re-election
Alexandra Smoots-Hogan	164th District Court	Martha Jamison	Defeated for re-election
Larry Weiman	80th District Court	Lynn Bradshaw-Hull	Defeated for re-election
Melody Wilkinson	17th District Court	Fred Davis	Did not seek re-election
N. Keith Williams	216th District Court	Stephen Ables	Did not seek re-election
Douglas Woodburn	108th District Court	Abe Lopez	Did not seek re-election
Suzanne H. Wooten	380th District Court	Charles Sandoval	Defeated for re-election

State Judges Appointed

September 1, 2008 to August 31, 2009

<i>JUDGE</i>	<i>COURT</i>	<i>REPLACING</i>	<i>REASON</i>
Marialyn Barnard	4th Court of Appeals	Catherine Stone	Elected Chief Justice
Robert M. Fillmore	5th Court of Appeals	Amos Mazzant	Resigned
Michael C. Massengale	1st Court of Appeals	Tim Taft	Resigned
Kent C. Sullivan	14th Court of Appeals	Wanda Fowler	Resigned
Chris Antcliff	168th District Court	Guadalupe Rivera	Elected to 8th Ct. of Apps.
Solomon Casseb III	288th District Court	Lori Massey	Resigned
John P. Chupp	141st District Court	Len Wade	Resigned
Brian Gary	397th District Court	-----	Newly created court
W. Bernard Fudge	78th District Court	Roy Sparkman	Resigned
Dan Hinde	269th District Court	John Wooldridge	Resigned
Sylvia Matthews	281st District Court	David Bernal	Resigned
James M. Stanton	134th District Court	Anne Ashby	Resigned
Jill Willis	429th District Court	-----	Newly created court

Salaries and Turnover of Elected State Judges

For the Fiscal Year
Ended August 31, 2009



Photo courtesy of TexasCourthouses.com

Lynn County Courthouse - Tahoka

Salaries of Elected State Judges

In August 2005, the 79th Legislature amended statutes relating to the compensation of state judges (H.B. 11, 79th Legislature, Second Called Session). Effective December 1, 2005, the annual state salary of a district judge increased to \$125,000. While Chapter 32 of the Government Code authorizes the state salaries of district court judges to be supplemented from county funds, amendments made to Section 659.012 of the Government Code limit the total annual salary for a district judge to a combined sum from state and county sources of \$5,000 less than the combined salary from state and county sources provided for a justice of a court of appeals.¹ In addition, the enactment eliminated special provisions created in Chapter 32 during the 78th Legislature allowing unrestricted payment by certain counties of an annual supplemental salary to district judges.

The annual state salary of a justice of a court of appeals increased to 110 percent of the annual state salary of a district judge. The chief justice of an appellate court receives \$2,500 more than the other justices of the court. While Chapter 31 of the Government Code authorizes the counties in each court of appeals district to pay each justice of the court of appeals for that district for judicial and administrative services rendered, amendments made to Section 659.012 of the Government Code limit the total salary for a justice of a court of appeals to a combined sum from state and county sources of \$5,000 less than the state salary paid to a justice of the Supreme Court. This same provision limits the chief justices of the courts of appeals to receive a combined salary of \$2,500 less than the state salary paid to justices of the Supreme Court.

Finally, the annual state salary of a justice of the Supreme Court or a judge of the Court of Criminal Appeals increased to 120 percent of the annual state salary of a district judge. The chief justice or presiding judge of these courts receives \$2,500 more than the other justices or judges on the courts.

Beginning September 1, 2007, judges became entitled to monthly longevity pay of \$20 for each year of service credited in the retirement system (maximum of \$320 per month) after completing 16 years of service. In addition, district judges presiding over silica or asbestos multi-district litigation became entitled to receive, in addition to their regular district judge salary and supplement, the maximum amount of compensation set by the Texas Judicial Council for a presiding judge of an administrative judicial region under Sec. 74.051(b) of the Government Code.

In June 2009, the 81st Legislature amended the statutes relating to longevity pay (S.B. 497, 81st Legislature, Regular Session). Effective September 1, 2009, judges became entitled to monthly longevity pay equal to 3.1 percent of their current monthly state salary, rather than \$20 a month, for each year of service credited in the retirement system after completing 16 years of service. In addition, the counties' commissioners courts were authorized to provide longevity pay calculated in accordance with these criteria to any active state judge who had previously served as a statutory county court judge in the county and would be entitled to longevity pay if the service credit the judge or justice earned as a statutory county court judge was established in the applicable retirement system.

Furthermore, this legislation clarified that longevity pay is not included as part of the judge's or justice's combined salary from state and county sources for purpose of the salary limitations provided by Section 659.012.

Judicial Salaries Compared with Salaries of Private Practitioners

In 2008, the State Bar of Texas conducted a survey of the salaries received by full-time attorneys in the state during the previous year.² Results of the survey showed the average income of private practitioners to be \$233,060, and the median income was \$149,694.

Salaries of State Judges in the Six Most Populous States

According to data obtained from the National Center for State Courts, the state salaries of state judges in Texas lagged behind the salaries of judges at corresponding levels in the five states closest to Texas in population. (See chart on next page).

1. Attorney General Opinion GA-0437 (2006).

2. State Bar of Texas, *Private Practitioner 2007 Income Report* (Austin: Department of Research and Analysis, State Bar of Texas, 2008).

Salary Summary for Elected State Judges as of September 1, 2009

Judge ¹	State Salary	Additional Compensation ²	Other	Total
Supreme Court - Chief Justice	\$152,500	N/A		\$152,500
Supreme Court - Justice	\$150,000	N/A		\$150,000
Ct. of Criminal Appeals - Presiding Judge	\$152,500	N/A		\$152,500
Ct. of Criminal Appeals - Judge	\$150,000	N/A		\$150,000
Court of Appeals - Chief	\$140,000	up to \$7,500 ³		\$147,500
Court of Appeals - Justice	\$137,500	up to \$7,500 ³		\$145,000
Presiding Judge - Admin. Judicial Region (Active District Judge)	\$125,000	up to \$15,000 ³	not to exceed \$33,000 ⁴	up to \$173,000
Presiding Judge - Admin. Judicial Region (Retired or Former Judge)	N/A	N/A	\$35,000 - 50,000 ⁵	up to \$50,000
District Judge - Local Admin. Judge who serves in county with more than 5 district courts	\$125,000	up to \$15,000 ³	\$5,000 ⁶	\$145,000
District Judge	\$125,000	up to \$15,000 ³		\$140,000
District Judge - Presiding judge of silica or asbestos multi-district litigation	\$125,000	up to \$15,000 ³	not to exceed \$33,000 ⁷	up to \$173,000

Notes:

- Entitled to monthly longevity pay of 3.1 percent of current monthly state salary for each year of service credited in the retirement system after completing 16 years of service.
- Additional compensation provided by counties in judicial and appellate districts for extra judicial service performed by judges and justices. Tex. Gov't Code Secs. 31.001 and 32.001.
- The state salary of a district judge whose county supplement exceeds \$15,000, or appellate justice whose county supplement exceeds \$7,500, will be reduced by the amount of the excess so that the maximum salary the judge or justice receives from state and county sources is \$140,000 (district judge), \$145,000 (appellate justice), or \$147,500 (appellate chief justice). Tex. Gov't Code Secs. 659.012, 31.001 and 32.001.
- Presiding judges' salary set by Texas Judicial Council. Tex. Gov't Code Sec. 74.051(b). Paid by counties in administrative judicial region on a pro rata basis based on population.
- Presiding judges' salary based on number of courts and judges in region. Tex. Gov't Code Sec. 74.051(c). Paid by counties in administrative judicial region on a pro rata basis based on population.
- Tex. Gov't Code Sec. 659.012(d).
- Tex. Gov't Code Sec. 659.0125.

Salaries of State Judges in the Six Most Populous States as of July 1, 2009¹ Listed in Population Order

Judge	California	Texas	New York	Florida	Illinois	Pennsylvania
Chief Justice - Court of Last Resort	\$228,856	\$152,500	\$156,000	\$157,976	\$201,819	\$191,876
Associate Justice - Court of Last Resort	\$218,237	\$150,000	\$151,200	\$157,976	\$201,819	\$186,450
Chief - Intermediate Court of Appeals	\$204,599	\$140,000 ² \$147,180 ³	\$148,000	\$150,077	\$189,949	\$181,349
Justice - Intermediate Court of Appeals	\$204,599	\$137,500 ² \$144,810 ³	\$144,000	\$150,077	\$189,949	\$175,923
Judge - General Jurisdiction Trial Courts	\$178,789	\$125,000 ² \$138,200 ³	\$136,700	\$142,178	\$174,303	\$161,850

Notes:

- Source: Knowledge and Information Services Division, National Center for State Courts, survey of judicial salaries as of July 1, 2009. The National Center for State Courts attempts to use actual salaries whenever possible. Thus, the data for each state will include local supplements whenever relevant and feasible.
- Basic state salary. Does not include supplements paid by counties.
- Average salary statewide, including supplements paid by counties as of October 1, 2009.

Turnover of Elected State Judges

Extent of Turnover in the Judiciary

In fiscal years 2008 and 2009, 547 judges served in the state’s appellate and district courts.¹ During this period, 79 judges left their current positions, representing a turnover rate of 14.4 percent. However, two of these judges were appointed to a higher-level state court position, making the turnover rate for judges leaving the state judiciary 14.1 percent. Of the 77 judges leaving the state judiciary, more than half (53.2 percent) left involuntarily, primarily due to defeat in a primary or general election. Other reasons for involuntary separation were death, mandatory retirement, and removal from office.

As a result, the voluntary turnover rate was **6.6 percent** (36 judges)—4.0 percent did not seek re-election, and 2.6 percent resigned.

Turnover of State Appellate and District Judges September 1, 2007 through August 31, 2009		
	Number of Judges	Percentage of All
Total Number of Appellate and District Judge Positions	547	100.0 %
Judges Leaving Current Office	79	14.4 %
Judges Leaving State Judiciary	77	14.1 %
Judges Leaving State Judiciary Voluntarily	36	6.6 %

Manner in Which State Appellate and District Judges Left Office September 1, 2007 through August 31, 2009			
	Number	Percentage of All Judges Leaving Office	Percentage of All Judges
Defeated in election	36	45.6 %	6.6 %
Did not seek reelection	22	27.8 %	4.0 %
Resigned	14	17.7 %	2.6 %
Reached mandatory retirement age	3	3.8 %	0.5 %
Appointed/elected to higher state court	2	2.5 %	0.4 %
Removed from office	1	1.3 %	0.2 %
Deceased	1	1.3 %	0.2 %
Total	79	100.0 %	14.4 %*

*Does not total to 14.4% due to rounding.

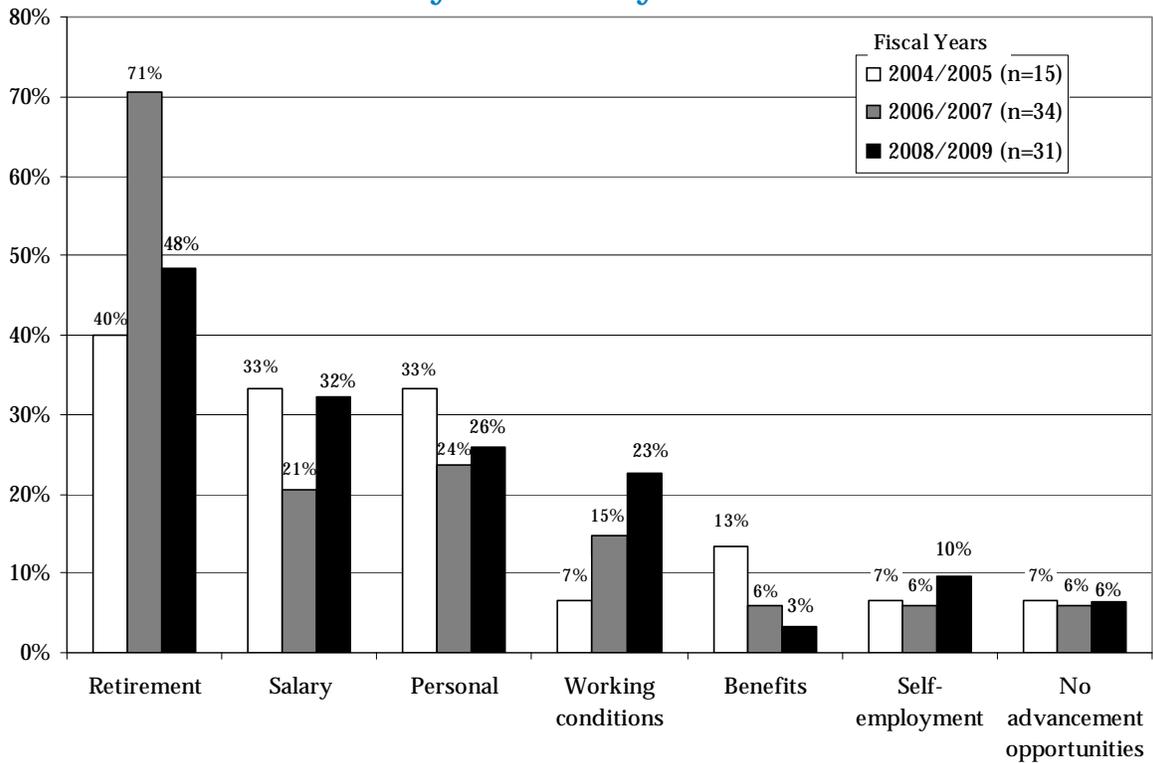
Reasons for Voluntary Turnover

Thirty-one of the 36 judges who voluntarily left the state judiciary in fiscal years 2008 and 2009 responded to OCA’s judicial turnover survey. Respondents were asked to indicate which factor(s) influenced their decision to leave the state judiciary. Approximately 48 percent of the respondents indicated that retirement played a large role in their decision to leave. In addition, approximately 32 percent named salary, and approximately a quarter of respondents named personal reasons, as large contributors to their departures.

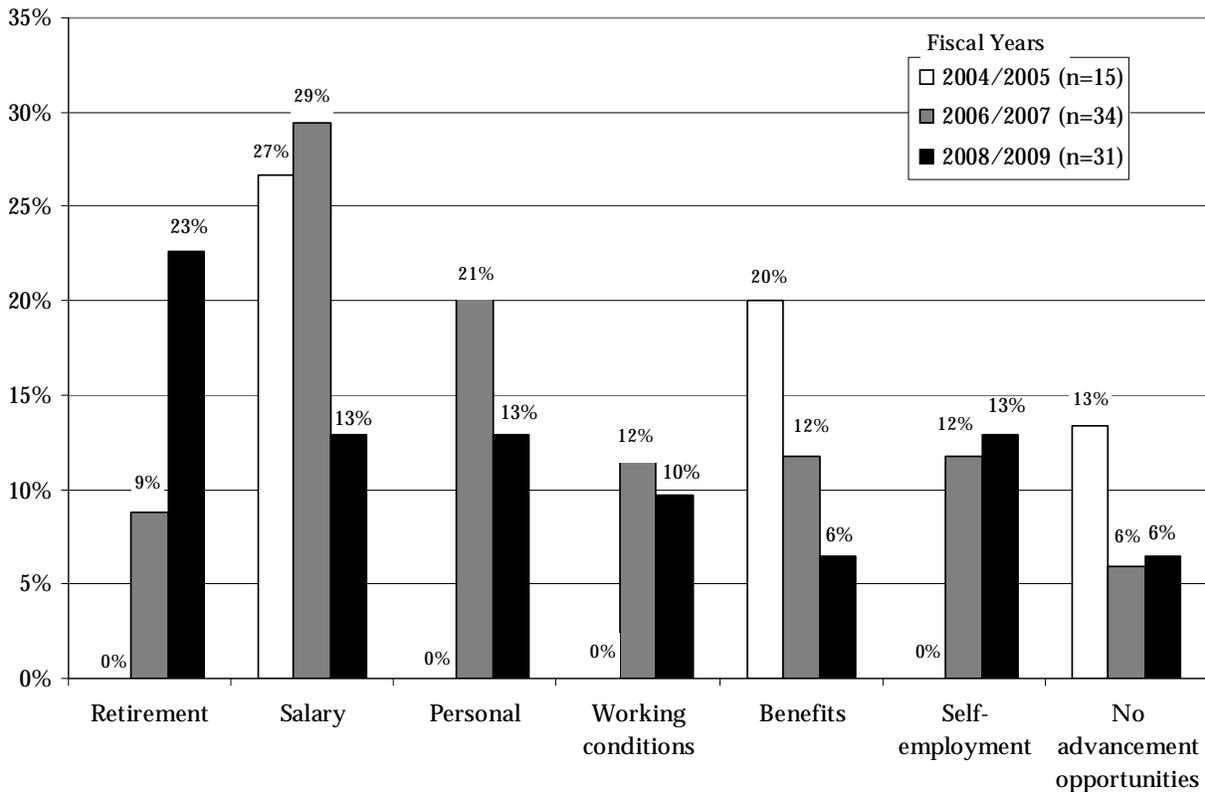
In FYs 2008 and 2009, judges most frequently indicated that retirement was a factor “to some extent” in their decisions, with approximately 23 percent of judges selecting this factor. Salary, self-employment, and personal reasons ranked second, with nearly 13 percent of judges selecting each of these factors.

1. One judge served on each of the state’s 449 district courts, and 98 judges served on the state’s 16 appellate courts.

Factors Influencing Respondents' Decision to Leave the State Judiciary "To a Very Great Extent"



Factors Influencing Respondents' Decision to Leave the State Judiciary "To Some Extent"



The survey form also allowed respondents to note other factors that contributed to their decision. In FYs 2008 and 2009, respondents identified the following additional factors that influenced their decision “to a very great extent”:

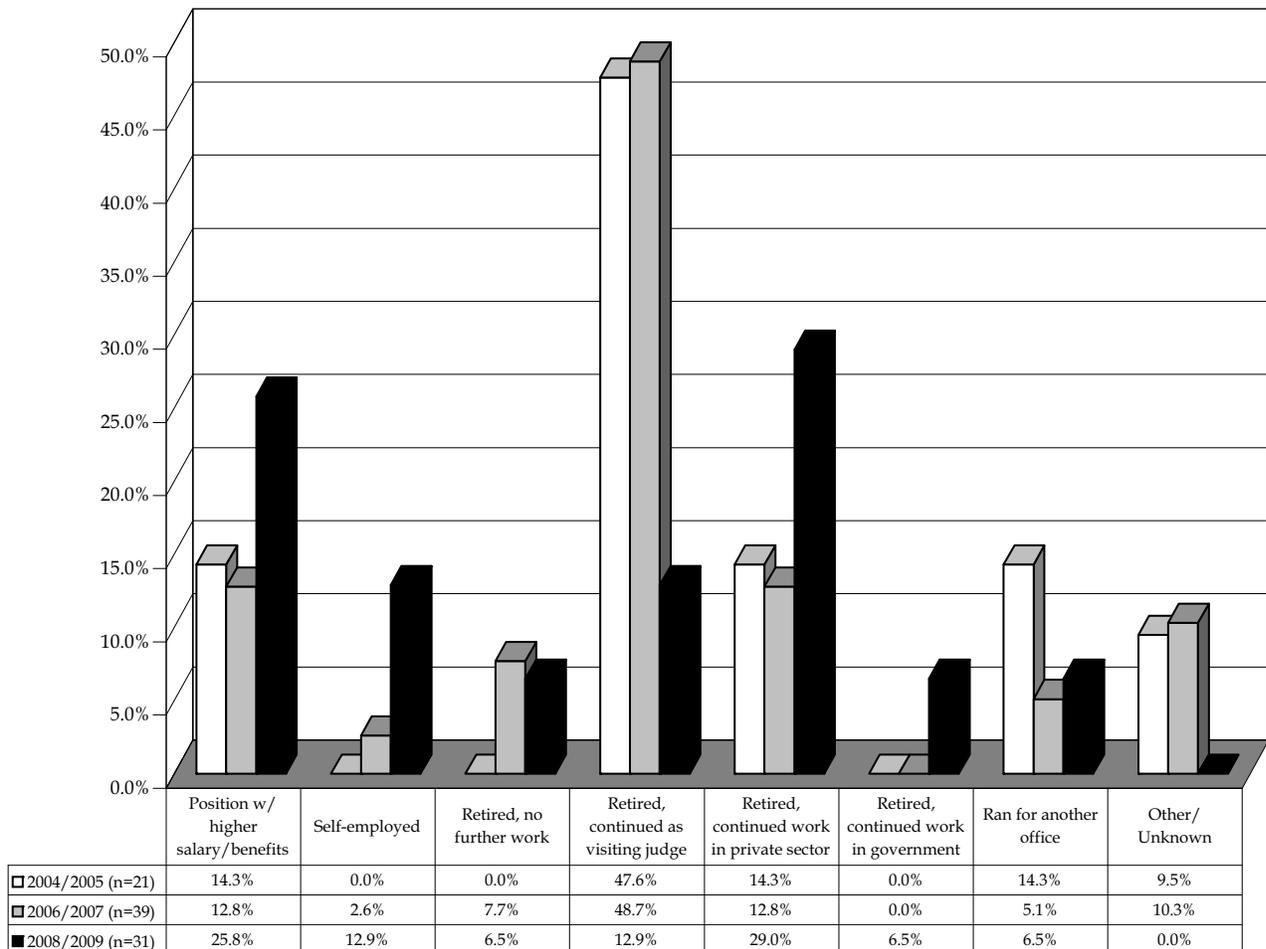
- Health (3.2 percent of all respondents);
- Age (3.2 percent);
- Did not wish to run again (3.2 percent);
- Return to practice law with sons (3.2 percent);
- Partisan politics (3.2 percent);
- Work closer to home (3.2 percent);
- Desire to serve my country in lifetime appointed position (3.2 percent); and
- Want to be closer to grandchildren (3.2 percent).

Respondents did not identify any additional factors that influenced their decision “to some extent.”

Next Steps for Judges after Resigning or Completing Their Terms

After resigning or completing their terms, of the 31 judges responding who voluntarily left office in FYs 2008 and 2009, nine judges (29.0 percent) retired from the judiciary but continued to work in the private sector and eight judges (25.8 percent) took another position with higher salary and/or better benefits. Four judges (12.9 percent) retired but continued to work as a visiting judge, four (12.9 percent) became self-employed, two (6.5 percent) retired and did not continue to work, two (6.5 percent) ran for another office, and two (6.5 percent) retired, but continued to work in state or local government.

Next Steps after Judges Resigned or Finished out Their Terms



Note: May not total to 100% due to rounding.

Activity of the Texas Courts

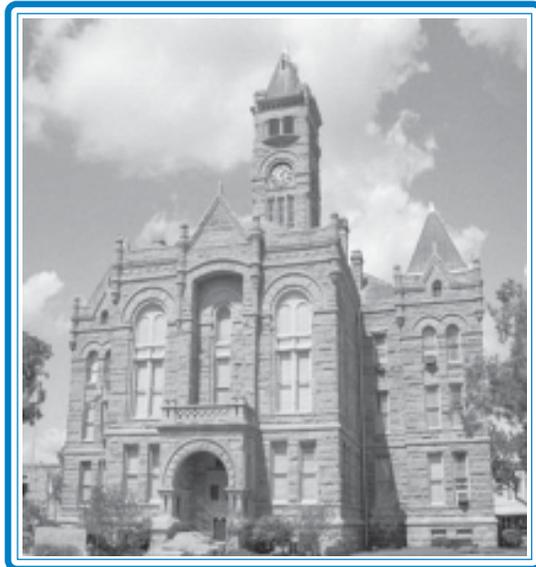


Photo courtesy of TexasCourthouses.com

Lavaca County Courthouse - Hallettsville

Cautionary Statement

Perhaps more caution should be used in drawing general conclusions from court statistics than from statistics on other subjects. These statistics 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.

Regarding appellate courts, temporary emergencies such as illness of a judge or unusually burdensome cases may distort the statistical picture. In addition, there is no reliable way to ascertain the time spent by appellate or trial judges in study or research in the composing of their opinions and decisions.

At least three factors are not represented in the district court statistics presented and should be borne in mind when evaluating judicial output:

1. One very complicated case may consume an inordinate amount of time compared to less complicated cases.
2. The judges of district courts in most rural areas spend more time traveling than do their urban counterparts. Unlike most urban district courts, the district courts in rural areas often serve multiple counties to which the judge must regularly travel. Also, a metropolitan complex of many judges of identical jurisdiction permits judicial efficiencies not available in rural areas.
3. Judges have to spend many hours on administrative matters and other judicial functions not reported in this statistical report, e.g., preparing and submitting the necessary budget requests for the operation of the court to the county commissioners, impaneling grand juries, managing petit jury requirements, supervising community supervision and county auditor departments, handling juvenile corrections duties and responsibilities, and performing many other duties not related to their judicial functions.

As a result of their official position, many county-level court judges, justices of the peace, and municipal court judges also have non-judicial responsibilities in the community that are not reflected in these statistics.

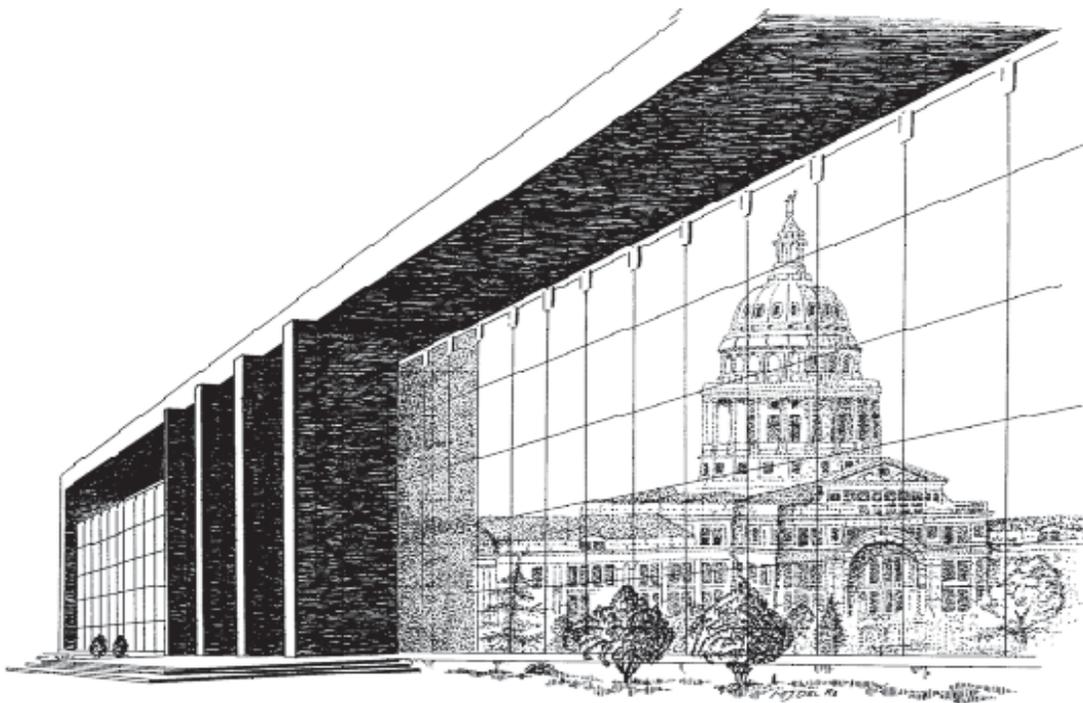
The court activity in this report contains the reported activity from: 1) all appellate courts as reported by the appellate clerks; 2) district and county-level courts as reported by the district and county clerks; and 3) justice and municipal courts as reported by these courts. **However, it should be noted that not all trial courts have reported all their activity.**

In addition, clerks, judges, or other interested individuals may later discover inaccuracies in the data that were reported. As a result, amended reports may be filed after the release of this publication. Clerks may also later submit reports that had been missing at the time of publication, making the data more complete.

The latest trial court data are available from OCA's website at www.dm.courts.state.tx.us/oca/reportselection.aspx.

Caseload Trends in the Appellate Courts

Analysis of Activity for the Fiscal Year
Ended August 31, 2009



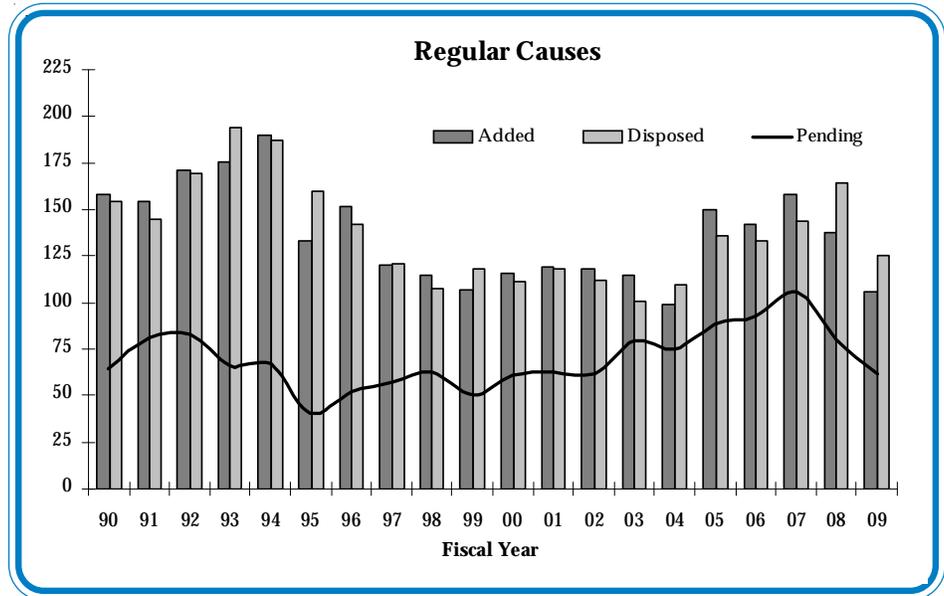
Reflection of State Capitol on Supreme Court Building



The Supreme Court

Regular Causes¹ – The 106 regular causes added to the court’s docket in 2009 was 23.2 percent lower than the number added the year before (138 causes) and was the lowest number of causes added in the last five years.

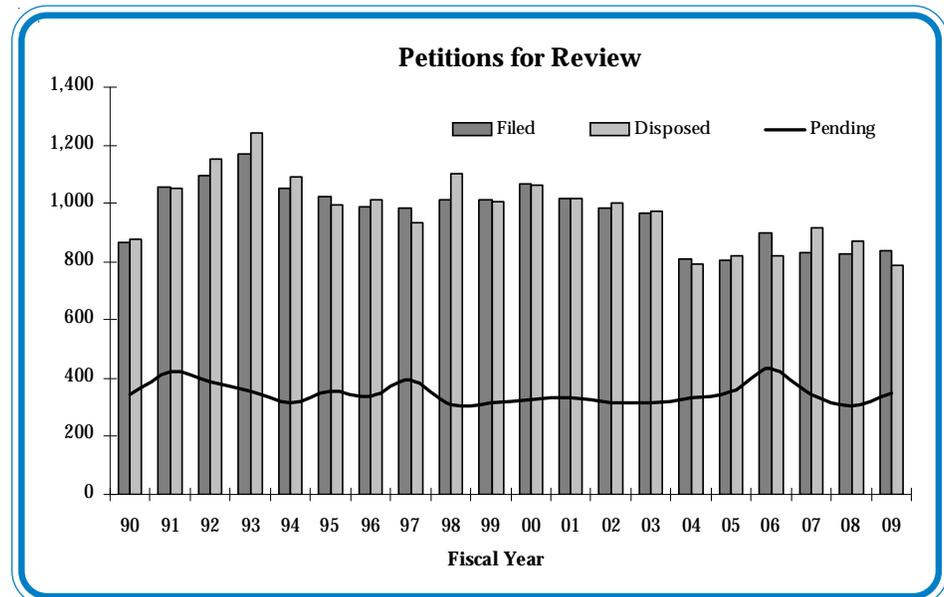
The court disposed of 125 causes in 2009, which was 23.8 percent fewer than the number disposed of in the previous year. Although the number of dispositions decreased, the clearance rate remained high (117.9 percent) because the number of causes added also decreased. The number of causes pending at the end of the year fell to 62—the lowest number pending since 2002.



In 2009, the Supreme Court reversed the decision of the intermediate appellate court in 67.0 percent of cases in which it granted a petition for review. It affirmed a decision in 7.4 percent of cases.

Petitions for Review² – In 2009, 835 petitions for review were filed in the Supreme Court—an increase of 1.2 percent from the previous year. Since 2005, an average of 839 petitions were filed each year.

Slightly more than half (52.0 percent) of the petitions for review filed during 2009 came from the five most populous counties—Harris, Dallas, Tarrant, Bexar and Travis. Harris County alone accounted for 18.1 percent of petitions filed. Nearly one-quarter (22.8 percent) of



1. “Regular causes” involve cases in which four or more of the justices have decided in conference that a petition for review, petition for writ of mandamus or habeas corpus, or parental notification appeal should be reviewed. Regular causes also include direct appeals the court has agreed to review and questions of law certified to it by a federal appellate court that the court has agreed to answer. Most regular causes are set for oral argument in open court and are reported in written opinions. However, a petition may be granted and an unsigned opinion (per curiam) issued without oral argument if at least six members of the court vote accordingly.

2. Petitions for review do not include petitions for writs of mandamus, petitions for writs of habeas corpus, petitions for writs of prohibition and injunction, petitions to publish, parental notification appeals, or petitions for temporary injunctions.

petitions for review were filed from the 1st and 14th Courts of Appeals in Houston.

The Supreme Court disposed of 787 petitions for review in 2009, a decrease of 10.0 percent from the previous year (874 petitions). Petitions filed out-numbered petitions disposed, resulting in a clearance rate of 94.3 percent. As a result, the number of petitions pending rose to 351— an increase of 16.6 percent.

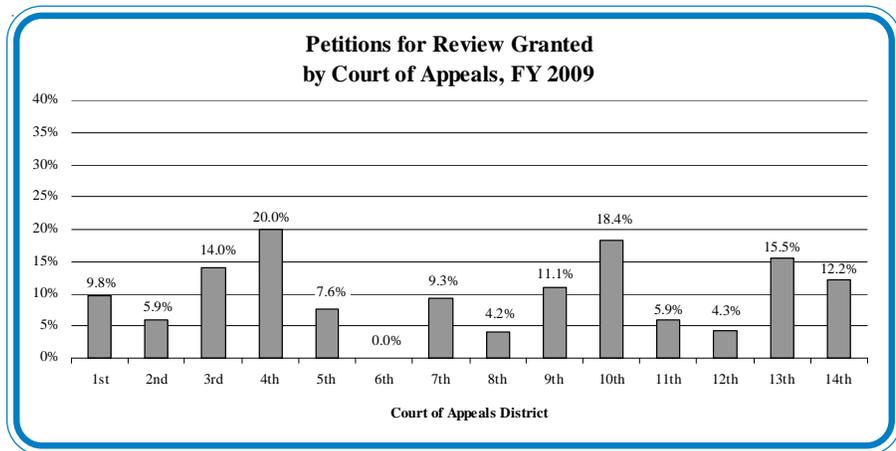
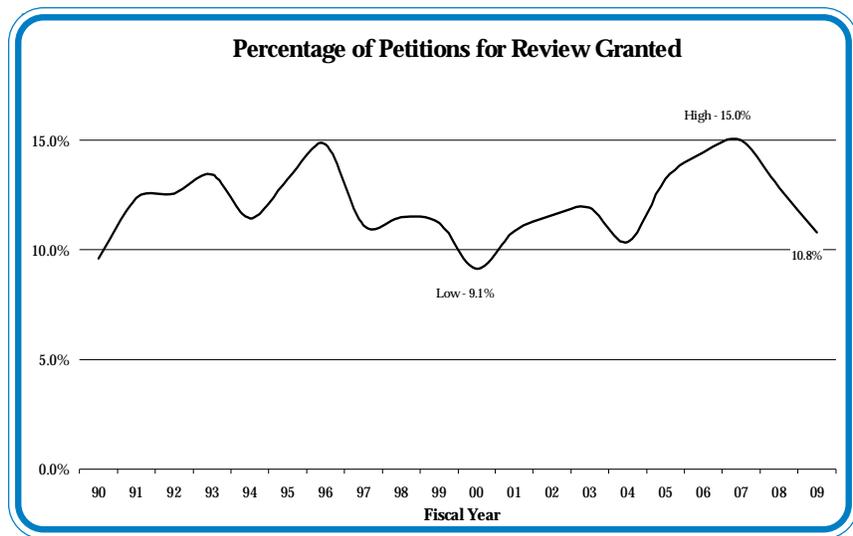
Initial review was granted in 10.8 percent of the petitions for review disposed of in 2009, the lowest percentage since 2004, when 10.4 percent of petitions were granted. Initial review was granted most frequently (20 percent) in petitions filed from the 4th (San Antonio) Court of Appeals. No petitions for review were granted from the 6th (Texarkana) Court of Appeals.

Case Processing Times -

The time from filing to disposition for all cases disposed of in 2009 decreased

by 43 days from 213 to 170 days. The average time that an active case had been pending increased from 163 to 167 days; the average time from date of oral argument to disposition decreased from 439 to 369 days; and the average time from granting of a petition to oral argument decreased from 111 to 90 days.

Opinions Written - The justices of the Supreme Court issued 165 opinions in 2009, a decrease of 22.2 percent from the number issued the previous year (212 opinions). Majority opinions accounted for 46.1 percent of the total, 23.0 percent were per curiam, 10.3 percent were concurring, and 18.2 percent were dissenting. Over the past 10 years, justices issued an average of 156 opinions per year.



Measure	Average Time
For cases disposed in FY 2009, time from filing to disposition	170 days
<i>For cases on docket in FY 2009:</i>	
For active cases, time from filing of case to end of reporting period (Aug. 31, 2009)	167 days
Time from filing to disposition of petition/motion	135 days
Time from granting of petition to oral argument	90 days
Time from filing of petition to release of per curiam opinion	421 days
Time from date of oral argument to date of disposition	369 days

Supreme Court Activity Fiscal Years 2000 through 2009

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	10-Yr. Avg.
Regular Causes:¹											
Added to docket	116	119	118	115	99	150	142	158	138	106	126
Disposed	111	118	112	101	109	136	133	144	164	125	125
Pending at end of year	61	63	62	79	75	88	93	106	80	62	77
Clearance rate	95.7%	99.2%	94.9%	87.8%	110.1%	90.7%	93.7%	91.1%	118.8%	117.9%	99.4%
Petitions for Review:²											
Filed	1,069	1,018	986	968	810	805	897	831	825	835	904
Disposed:											
<i>Granted</i>	97	96	116	98	82	109	119	138	112	85	105
<i>Other dispositions</i>	966	1,020	885	875	709	714	703	781	762	702	812
Pending at end of year	328	329	314	317	332	353	431	344	301	351	340
Clearance rate	99.4%	109.6%	101.5%	100.5%	97.7%	102.2%	91.6%	110.6%	105.9%	94.3%	101.4%
Other Writs and Motions:											
Filed	1,997	1,925	2,087	2,761	1,909	2,010	2,037	2,062	2,142	2,374	2,130
Disposed	2,011	1,877	2,117	2,775	1,788	2,031	1,985	2,098	2,188	2,335	2,121
Pending at end of year	139	199	187	186	308	295	352	315	268	141	239
Clearance rate	100.7%	97.5%	101.4%	100.5%	93.7%	101.0%	97.4%	101.7%	102.1%	98.4%	99.5%
Opinions Written	180	139	165	128	122	136	145	170	212	165	156

NOTES:

1. "Regular causes" involve cases in which four or more of the justices have decided in conference that a petition for review, petition for writ of mandamus or habeas corpus, or parental notification appeal should be reviewed. Regular causes also include direct appeals the court has agreed to review and questions of law certified to it by a federal appellate court that the court has agreed to answer. Most regular causes are set for oral argument in open court and are reported in written opinions. However, a petition may be granted and an unsigned opinion (per curiam) issued without oral argument if at least six members of the court vote accordingly.
2. Includes applications for writ of error. Petitions for review replaced applications for writ of error as of September 1, 1997.

Disposition of Petitions for Review by the Supreme Court September 1, 2008 through August 31, 2009

	Affirmed	Modified	Reversed	Dismissed	Other Disposition	Total	
Granted Petitions for Review	7	9	63	1	14	94	
% of Total Granted Petitions for Review	7.4%	9.6%	67.0%	1.1%	14.9%	100%	
	Initial Review Granted	Review Denied	Dismissed	Abated	Struck	Other Disposition	Total
Petitions for Review	85	604	29	15	37	17	787
% of Total Petitions for Review	10.8%	76.7%	3.7%	1.9%	4.7%	2.2%	100%



The Court of Criminal Appeals

Mandatory Caseload – The caseload of the Court of Criminal Appeals consists primarily of mandatory matters—review of applications for post conviction habeas corpus relief in felony cases, original proceedings, and direct appeals. In 2009, mandatory matters comprised 77.7 percent of all cases added to the docket.

Filings of mandatory matters decreased 5.5 percent from the previous year to 5,941 cases. In particular, direct appeals declined 5.9 percent to 223 cases, applications for writs of habeas corpus declined 5.5 percent to 4,872 cases, and original proceedings fell 5.4 percent to 846 cases.

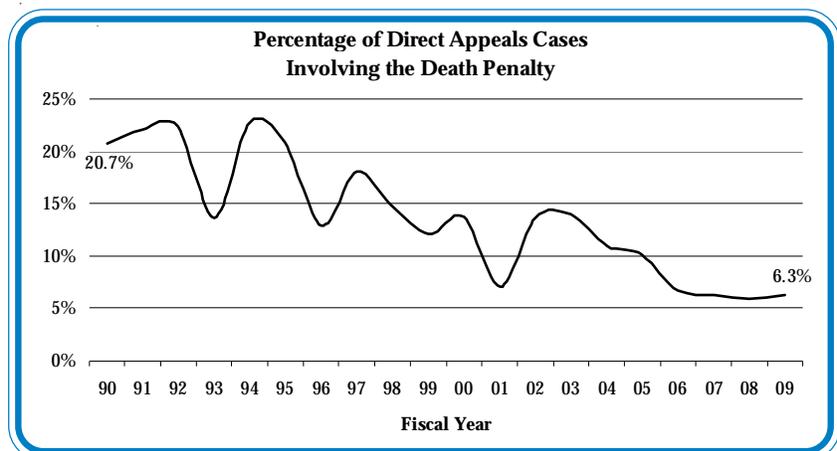
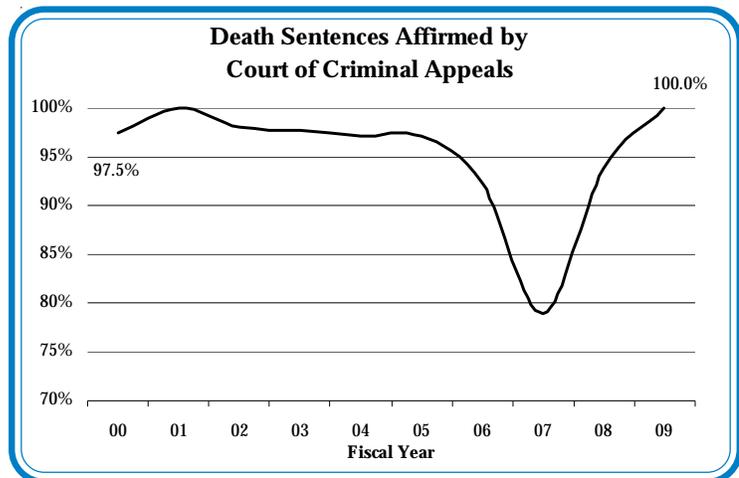
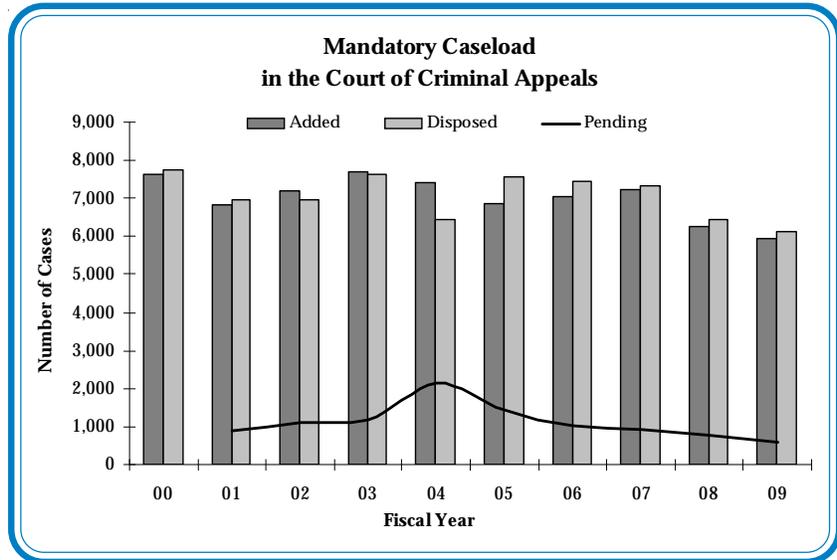
Overall, disposition of mandatory matters declined 5.2 percent from the previous year to 6,114 cases, but the clearance rate rose slightly to 102.9 percent because there was also a decline in cases added.

The court denied 52.3 percent of applications for writs of habeas corpus (and dismissed another 31.4 percent) and denied 79.6 percent of original proceedings, compared to the denial of only 5.3 percent of direct appeals for habeas corpus and extraordinary matters.

Death Penalty Appeals

Of the direct appeal cases filed in 2009, 6.3 percent involved death penalty appeals, which is up slightly from the 20-year low of 5.9 percent in 2008. The 20-year high of 22.8 percent occurred in 1994, and the 20-year average is 13.5 percent. In 2009, the court affirmed 22 death penalty sentences, accounting for all cases decided.

Discretionary Caseload – The number of petitions for discretionary



review and redrawn petitions for discretionary review filed with the Court of Criminal Appeals decreased 12.8 percent in 2009 to 1,569 cases.

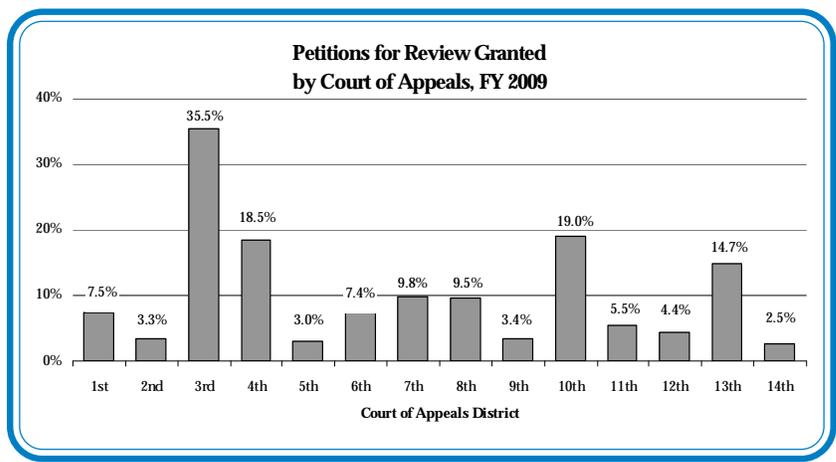
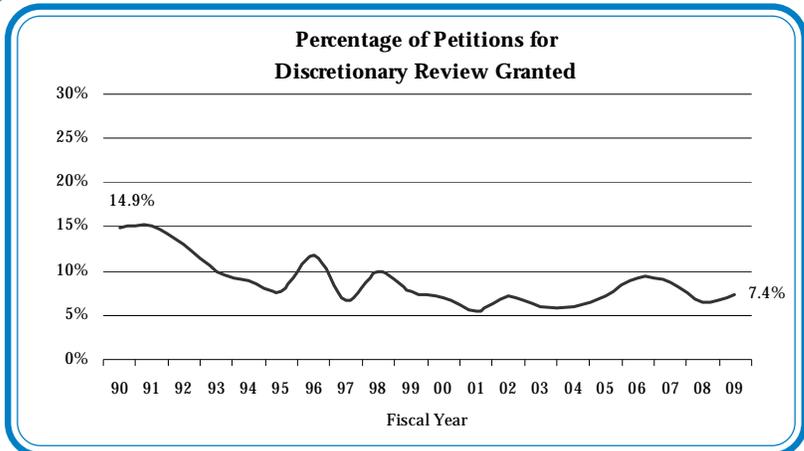
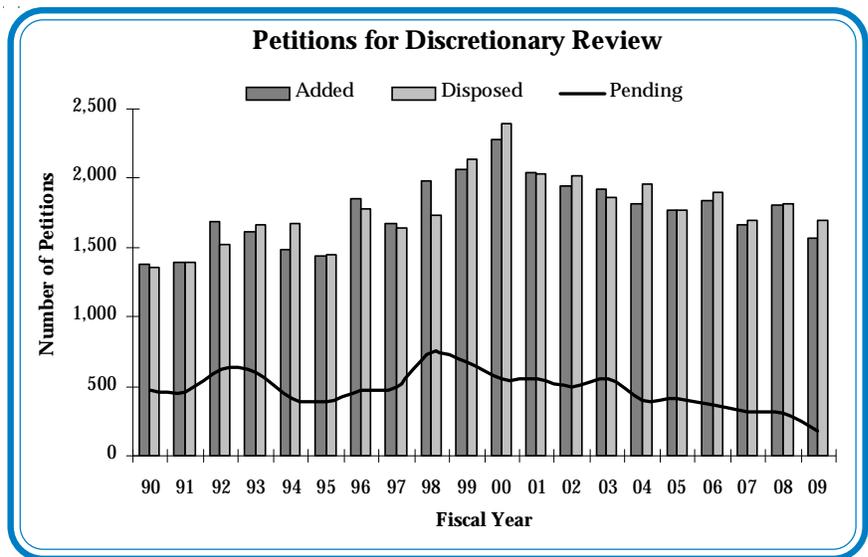
While slightly less than half (48.4 percent) of petitions were filed from the five most populous counties—Harris, Dallas, Tarrant, Bexar, and Travis—petitions filed from the remaining counties in the state continued to grow, reaching a new high of 51.6 percent in 2009. Before 2005, these 249 counties had never accounted for more than 40 percent of petitions filed in any one fiscal year.

In 2009, dispositions of petitions for discretionary review and redrawn petitions for discretionary review decreased to 1,696 cases—a decline of 6.8 percent from the previous year. However, due to the decline in cases filed during the year, the clearance rate for this portion of the court’s caseload rose to 108.1 percent. At the end of the fiscal year, 172 cases were left pending—the lowest number pending in at least 20 years.

Of the petitions and redrawn petitions for discretionary review disposed in 2009, initial review was granted in 7.4 percent of the cases—lower than the average 7.8 percent of petitions granted each year over the past five years.

Initial review was granted most frequently (35.5 percent) in petitions filed from the 3rd Court of Appeals district (Austin) and was granted least frequently (2.5 percent) in petitions filed from the 14th Court of Appeals district (Houston).

Opinions Written - The judges of the Court of Criminal Appeals issued 447 opinions in 2009, which is the lowest number of opinions issued since 1994. Less than one-third (29.3 percent) of opinions were signed, 47.4 percent were per curiam, 12.5 percent were concurring, and 10.1 percent were dissenting.



**Court of Criminal Appeals
Case Processing Times
FY 2009**

Average time from filing to disposition for cases involving:

<i>Capital punishment</i>	741 days
<i>Application for writ of habeas corpus</i>	36 days
<i>Petition for discretionary review</i>	46.5 days

Court of Criminal Appeals Activity Fiscal Years 2000 through 2009

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	10-Yr. Avg.
Direct Appeals:¹											
Added to docket	400	256	278	308	245	239	256	255	237	223	270
Disposed	381	254	295	306	253	239	269	268	240	229	273
Pending at end of year	109	110	92	89	84	84	72	60	58	52	81
Clearance rate	95.3%	99.2%	106.1%	99.4%	103.3%	100.0%	105.1%	105.1%	101.3%	102.7%	101.4%
Applications for Writ of Habeas Corpus:²											
Filed	7,281	5,964	6,167	6,660	6,342	6,046	5,987	6,060	5,154	4,872	5,917
Disposed	7,383	6,123	5,968	6,611	5,448	6,609	6,381	6,158	5,290	5,017	5,956
Pending at end of year	931	694	900	948	1,836	1,267	853	762	628	482	930
Clearance rate	101.4%	102.7%	96.8%	99.3%	85.9%	109.3%	106.6%	101.6%	102.6%	103.0%	100.7%
Original Proceedings:³											
Filed	-----	602	732	758	834	583	796	922	894	846	774
Disposed	-----	602	702	721	761	702	812	924	918	868	779
Pending at end of year	-----	68	101	147	219	99	101	98	78	60	108
Clearance rate	-----	100.0%	95.9%	95.1%	91.2%	120.4%	102.0%	100.2%	102.7%	102.6%	100.6%
Petitions for Discretionary Review:⁴											
Filed	2,446	2,146	2,097	2,039	1,935	1,897	2,017	1,810	1,904	1,703	1,999
Disposed	2,578	2,128	2,160	2,028	2,068	1,886	2,009	1,872	1,968	1,800	2,050
Pending at end of year	669	685	618	629	496	507	516	450	391	291	525
Clearance rate	105.4%	99.2%	103.0%	99.5%	106.9%	99.4%	99.6%	103.4%	103.4%	105.7%	102.5%
Motions Considered	2,146	2,043	1,774	1,479	1,597	1,382	1,576	1,707	1,463	1,789	1,696
Opinions Written	709	472	595	612	471	474	486	575	500	447	534

NOTES:

1. Direct appeals include death penalty appeals, DNA appeals, and appeals involving habeas corpus or extraordinary matters.
2. Prior to fiscal year 2001, original proceedings were included in "Applications for Writ of Habeas Corpus, etc." Applications for writ of habeas corpus, though seeking relief from the Court of Criminal Appeals, must be filed in the trial court, which has 35 days in which to submit findings of fact, conclusions of law, and a recommendation to the Court of Criminal Appeals.
3. Original proceedings are filed directly with the Court of Criminal Appeals; they include writs of certiorari, writs of habeas corpus, writs of mandamus, and writs of prohibition.
4. Petitions for Discretionary Review includes petitions for discretionary review, granted petitions for discretionary review, and redrawn petitions for discretionary review.

Disposition of Cases by the Court of Criminal Appeals September 1, 2008 through August 31, 2009

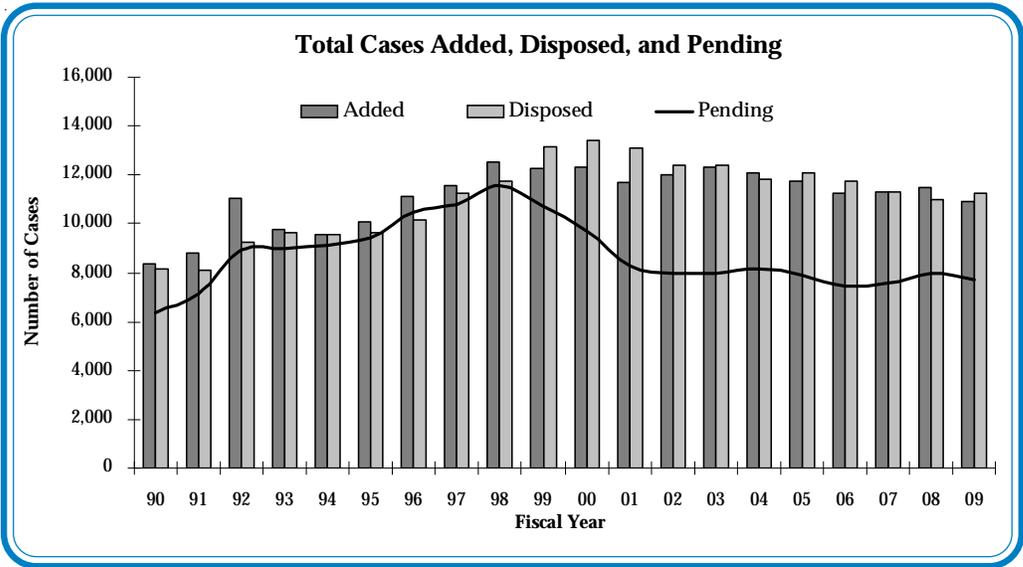
	Affirmed	Reversed & Remanded	Total					
Death Penalty Appeals	22	0	22					
	Granted	Denied/Refused	Dismissed	Withdrawn	Struck	Untimely	Other	Total
Habeas Corpus & Extraordinary Matters	191	11	4	0	0	0	1	207
Petitions for Discretionary Review ¹	126	1,306	2	0	191	71	0	1,696
	Affirmed	Reversed	Reversed & Remanded	Remanded	Mixed	Dismissed	Other	Total
Granted Petitions for Discretionary Review	26	10	46	12	2	7	1	104
	Filed & Set	Denied	Remanded	Dismissed	Returned	Abated	Total	
Applications for Writ of Habeas Corpus	194	2,625	370	1,575	253	0	5,017	
Original Proceedings	9	691	0	58	0	110	868	
	Granted	Denied	Dismissed	Filed & Set	Remanded	Other	Total	
Motions for Reconsideration ²	11	5	0	0	0	0	16	
Motions for Stay of Execution	5	10	1	0	0	0	16	

- NOTES:**
1. Includes redrawn petitions for discretionary review.
 2. An additional 209 motions were disposed of with "no action" according to TRAP Rule 79.2(d).

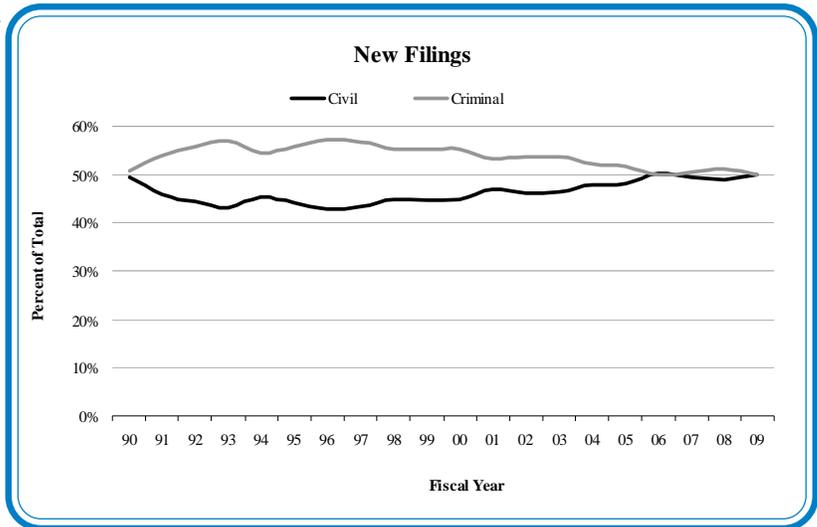


The Courts of Appeals

Cases Filed – In 2009, the number of cases added overall decreased by 4.8 percent from the previous year to 10,921 cases. The number of cases added remains lower than the 10-year average of 11,718 cases added per year. The decrease in cases added was the result of a 6.3 percent decrease in new filings. Other cases¹ saw an increase of 6.6 percent.



Civil and criminal cases each accounted for 50 percent of all new filings in 2009. Over the last decade, new civil filings generally grew as a proportion of all new cases filed—from 44.9 percent of all new filings in 2000 to 50 percent in 2009. Over the past 4 years, civil and criminal cases each accounted for about half of the courts’ dockets.



Fewer than half (45.3 percent) of all appeals filed in 2009 came from the state’s five most populous counties—Harris, Dallas, Bexar, Tarrant and Travis—16.1 percent came from Harris County alone and 13.1 came from Dallas County.

Cases Disposed – In 2009, the courts of appeals disposed of 11,254 cases—an increase of 2.3 percent compared to the previous year’s dispositions. More than two-fifths (41.8 percent) of the cases disposed of in 2009 were affirmed, 6.0 percent were reversed, 3.2 percent had a mixed disposition (i.e., affirmed in part and reversed in part), and 28.4 percent were dismissed.

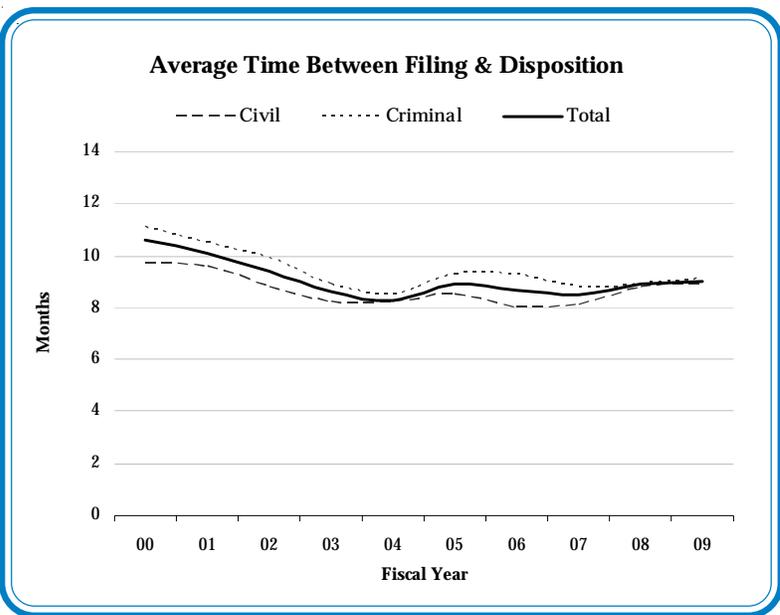
	Civil Cases	Criminal Cases	Overall
Harris	9.2%	Harris 6.9%	Harris 16.1%
Dallas	6.8%	Dallas 6.3%	Dallas 13.1%
Tarrant	3.0%	Bexar 3.3%	Tarrant 6.2%
Travis	2.7%	Tarrant 3.2%	Bexar 5.8%
Bexar	2.5%	Jefferson 2.1%	Travis 4.1%

1. Rehearings granted, cases reinstated, cases remanded from higher courts, and transferred cases.

The average time between filing and disposition for all cases increased to 9.0 months. For civil cases, the time to disposition increased from 8.8 months in 2008 to 8.9 months in 2009. For criminal cases, the time to disposition increased from 8.9 months in 2008 to 9.1 months in 2009.

The average time between submission and disposition for all cases decreased from 2.0 months in 2008 to 1.9 months in 2009. The average time for civil cases increased slightly to 2.4 months. The average time for criminal cases decreased from 1.6 to 1.4 months.

The number of cases disposed of by the courts of appeals were 333 more than the number added, resulting in a clearance rate of 103.0 percent, which was equivalent to the 10-year average of 102.9 percent.



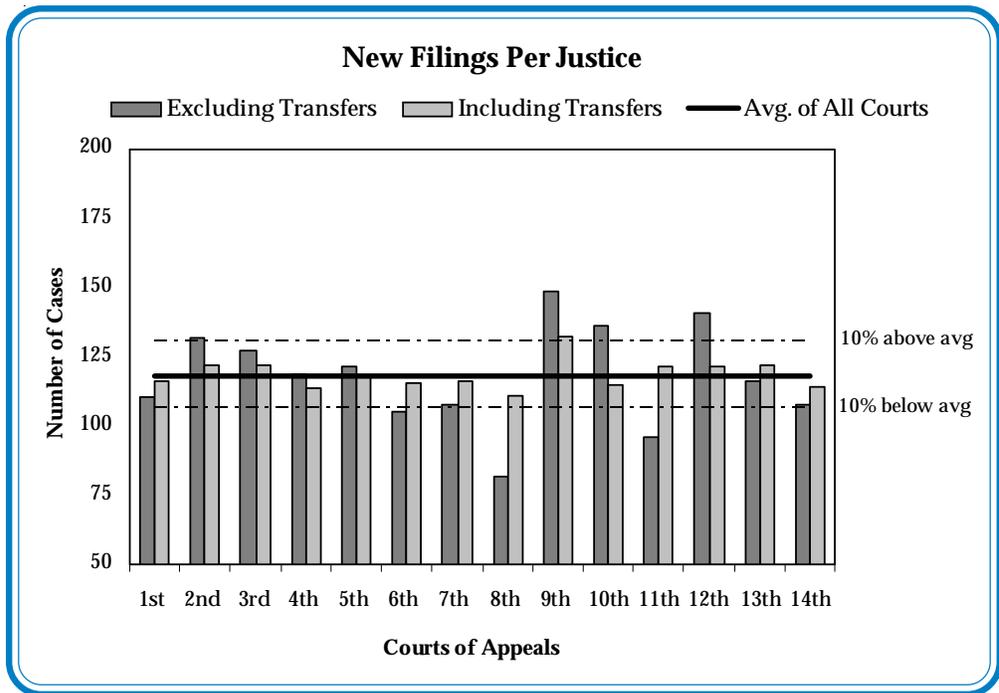
Cases Pending – At the end of 2009, a total of 7,681 cases were pending statewide, down 4.0 percent from the number pending at the end of the previous year. More than half (54.8 percent) of these cases had been pending for fewer than six months, and 80.9 percent had been pending for less than one year. The percentage of cases pending more than two years decreased to 1.9 percent, remaining well below the 10-year high of 3.2 percent in 2000.

Opinions Written – During 2009, the justices of the courts of appeals issued 10,765 opinions, 55.5 percent of which were published. Since 2004, the rate of publication has exceeded 50 percent due to a change in the Texas Rules of Appellate Procedure in 2003.²

Docket

Equalization – To reduce disparities in the number of new cases filed per justice among the courts of appeals, the Supreme Court issues quarterly orders for the transfer of cases from those courts with higher new case filing rates per justice to those with lower rates.

In 2009, the statewide average number of new filings per justice was 118 cases before any transfers. The number of new cases filed per justice ranged from 82



2. An amendment to Rule 47, Texas Rules of Appellate Procedure, effective January 1, 2003, required all civil opinions to be made public (except those in parental notification of abortion matters) and abolished the “do not publish” designation in civil cases.

cases in the Eighth Court of Appeals (El Paso) to 149 cases in the Ninth Court of Appeals (Beaumont). The average percentage difference of the 14 courts from the statewide average was 12.1 percent.

A total of 401 cases were transferred among the courts of appeals during the year in an effort to equalize the workloads of the courts. The Second Court of Appeals (Fort Worth) transferred out the most cases (71 cases), while the Eighth Court of Appeals (El Paso) received the largest number of transferred cases (87 cases).

As a result of these transfers, the number of cases filed per justice ranged from a low of 111 cases per justice in the Eighth Court of Appeals (El Paso) to a high of 133 cases filed per justice in the Ninth Court of Appeals (Beaumont). After transfers, the average percentage difference of the 14 courts from the statewide average was only 3.6 percent exceeding the goal of 10 percent, maximum, set by the Texas Legislature.³

Courts of Appeals Activity for Fiscal Years 2000 through 2009

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	10-Yr. Avg
Civil Cases:											
Cases added											
<i>New filings</i>	4,898	4,792	4,877	4,888	4,999	5,013	4,971	4,940	4,949	4,733	4,906
<i>Other cases</i>	279	347	343	351	326	378	419	378	353	408	358
Cases disposed	5,457	5,515	5,404	5,172	5,220	5,441	5,440	5,286	5,136	5,279	5,335
Cases pending at end of year	3,717	3,346	3,229	3,288	3,427	3,398	3,376	3,457	3,569	3,425	3,423
Clearance rate	105.4%	107.3%	103.5%	98.7%	98.0%	100.9%	100.9%	99.4%	96.9%	102.7%	101.3%
Avg. time between filing & disposition (months)	8.8	8.7	8.4	8.2	8.2	8.5	8.0	8.1	8.8	8.9	8.5
Avg. time between submission & disposition (months)	2.4	2.3	2.3	2.8	2.8	2.8	2.3	2.1	2.3	2.4	2.5
Criminal Cases:											
Cases added											
<i>New filings</i>	6,016	5,436	5,686	5,671	5,444	5,381	4,939	5,039	5,163	4,737	5,351
<i>Other cases</i>	1,150	1,122	1,079	1,431	1,342	982	908	960	1,008	1,043	1,103
Cases disposed	7,972	7,614	6,995	7,248	6,610	6,617	6,344	6,000	5,869	5,975	6,724
Cases pending at end of year	5,973	4,948	4,748	4,588	4,740	4,515	4,100	4,144	4,429	4,256	4,644
Clearance rate	111.2%	116.1%	103.4%	102.1%	97.4%	104.0%	108.5%	100.0%	95.1%	103.4%	104.2%
Avg. time between filing & disposition (months)	10.5	10.5	10.2	8.9	8.5	9.3	9.3	8.8	8.9	9.1	9.4
Avg. time between submission & disposition (months)	1.6	1.8	1.7	1.9	1.7	1.9	1.7	1.5	1.6	1.4	1.7
All Cases:											
Cases added											
<i>New filings</i>	10,914	10,228	10,563	10,559	10,443	10,394	9,910	9,979	10,112	9,470	10,257
<i>Other cases</i>	1,429	1,469	1,422	1,782	1,668	1,360	1,327	1,338	1,361	1,451	1,461
Cases disposed	13,429	13,129	12,399	12,420	11,830	12,058	11,784	11,286	11,005	11,254	12,059
Cases pending at end of year	9,690	8,294	7,977	7,876	8,167	7,913	7,476	7,601	7,998	7,681	8,067
Clearance rate	108.8%	112.3%	103.5%	100.6%	97.7%	102.6%	104.9%	99.7%	95.9%	103.0%	102.9%
Avg. time between filing & disposition (months)	9.7	9.7	9.3	8.6	8.3	8.9	8.7	8.5	8.9	9.0	9.0
Avg. time between submission & disposition (months)	2.0	2.0	1.9	2.2	2.2	2.3	2.0	1.8	2.0	1.9	2.0
Opinions Written	12,798	12,691	11,959	11,404	11,363	11,461	11,408	10,921	10,348	10,765	11,512

3. "It is the intent of the Legislature that the Supreme Court equalize the dockets of the 14 courts of appeals. Equalization shall be considered achieved if the new cases filed each year per justice are equalized by 10 percent or less among all the courts of appeals" (80th Legislature, H.B. 1, Supreme Court Rider 4).

Activity for the Fiscal Year Ended August 31, 2009

	1st Houston	2nd Fort Worth	3rd Austin	4th San Antonio	5th Dallas	6th Texarkana	7th Amarillo	8th El Paso	9th Beaumont	10th Waco	11th Eastland	12th Tyler	13th Corpus Christi/ Edinburg	14th Houston
Number of Justices	9	7	6	7	13	3	4	3	4	3	3	3	6	9
Civil Cases:														
Cases added	670	466	459	428	799	139	190	186	260	181	146	138	433	646
Cases disposed	615	500	505	488	810	138	215	185	247	183	150	121	471	651
Cases pending at end of year	550	250	367	221	487	54	103	223	136	134	114	105	262	419
Clearance rate (%)	91.8%	107.3%	110.0%	114.0%	101.4%	99.3%	113.2%	99.5%	95.0%	101.1%	102.7%	87.7%	108.8%	100.8%
Avg. time between filing & disposition (months)	10.2	7.6	13.5	6.8	8.0	4.9	8.5	12.4	7.0	7.3	10.1	8.4	9.7	8.5
Avg. % of cases filed but not yet disposed for < 2 years	96.8%	99.6%	81.8%	99.9%	98.8%	100.0%	100.0%	94.7%	100.0%	100.0%	99.3%	100.0%	95.2%	98.9%
Avg. time between submission & disposition (months)	1.3	3.0	6.2	1.0	1.9	0.5	2.6	4.2	2.6	1.8	1.8	2.2	1.7	2.0
Avg. % of cases under submission for < 1 year	96.9%	95.2%	43.5%	100.0%	94.9%	100.0%	99.6%	88.9%	100.0%	98.7%	100.0%	100.0%	87.2%	99.1%
Criminal Cases:														
Cases added	592	464	347	392	1,184	224	370	150	273	241	246	235	447	615
Cases disposed	614	490	366	437	1,167	233	384	146	247	262	238	252	438	701
Cases pending at end of year	504	386	251	232	782	149	279	231	193	183	227	136	312	391
Clearance rate	103.7%	105.6%	105.5%	111.5%	98.6%	104.0%	103.8%	97.3%	90.5%	108.7%	96.8%	107.2%	98.0%	114.0%
Avg. time between filing & disposition (months)	10.2	10.3	9.8	7.8	7.7	6.4	9.6	15.4	9.1	8.7	12.3	8.9	10.0	8.0
Avg. % of cases filed but not yet disposed for < 2 years	99.6%	99.6%	96.6%	99.4%	99.2%	100.0%	99.9%	94.7%	100.0%	99.8%	100.0%	100.0%	98.8%	99.9%
Avg. time between submission & disposition (months)	1.2	2.3	0.9	0.9	1.3	0.5	1.6	5.4	1.6	1.3	1.3	1.5	0.9	1.7
Avg. % of cases under submission for < 1 year	99.7%	98.6%	91.8%	100.0%	99.5%	100.0%	99.4%	89.5%	100.0%	100.0%	100.0%	100.0%	96.0%	99.4%
All Cases:														
Cases added	1,262	930	806	820	1,983	363	560	336	533	422	392	373	880	1,261
Cases disposed	1,229	990	871	925	1,977	371	599	331	494	445	388	373	909	1,352
Cases pending at end of year	1,054	636	618	453	1,269	203	382	454	329	317	341	241	574	810
Clearance rate	97.4%	106.5%	108.1%	112.8%	99.7%	102.2%	107.0%	98.5%	92.7%	105.5%	99.0%	100.0%	103.3%	107.2%
Avg. time between filing & disposition (months)	10.2	8.9	11.9	7.3	7.8	5.8	9.2	13.7	8.0	8.1	11.4	8.8	9.9	8.3
Avg. % of cases filed but not yet disposed for < 2 years	98.1%	99.6%	87.7%	99.6%	99.3%	100.0%	99.9%	94.7%	100.0%	99.9%	99.7%	100.0%	97.1%	99.4%
Avg. time between submission & disposition (months)	1.3	2.7	3.9	0.9	1.6	0.5	2.0	4.7	2.1	1.5	1.5	1.7	1.3	1.8
Avg. % of cases under submission for < 1 year	98.1%	96.6%	51.1%	100.0%	97.1%	100.0%	99.4%	89.4%	100.0%	99.4%	100.0%	100.0%	89.5%	99.2%
Opinions Issued	1,136	977	1,157	950	1,525	370	642	333	516	411	342	381	826	1,199
Published Opinions	681	556	766	567	819	180	286	192	287	209	144	135	471	665

Caseload Trends in the Trial Courts

Analysis of Activity for the Fiscal Year
Ended August 31, 2009



Photo courtesy of TexasCourthouses.com

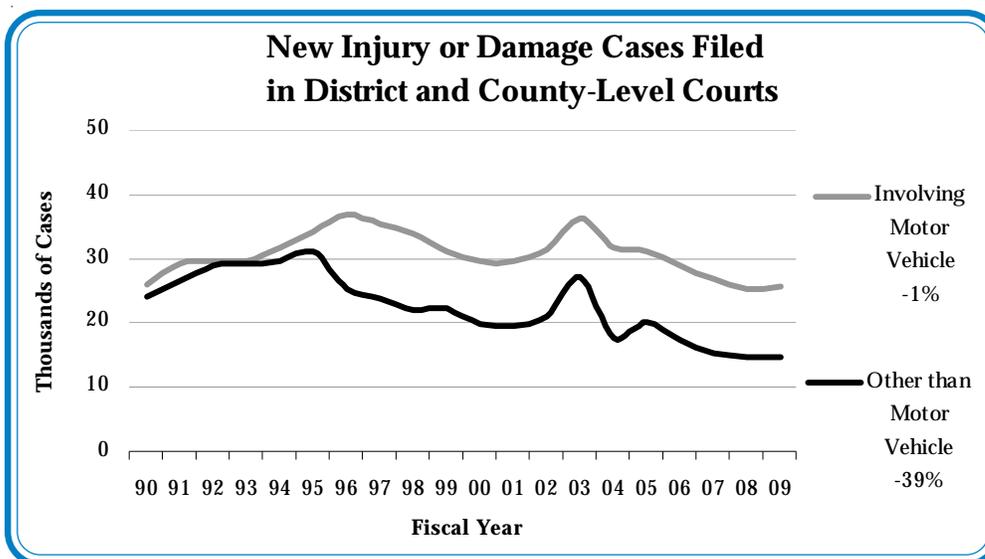
Karnes County Courthouse - Karnes City

Trends in Texas District and County-Level Courts

Injury and Damage Cases

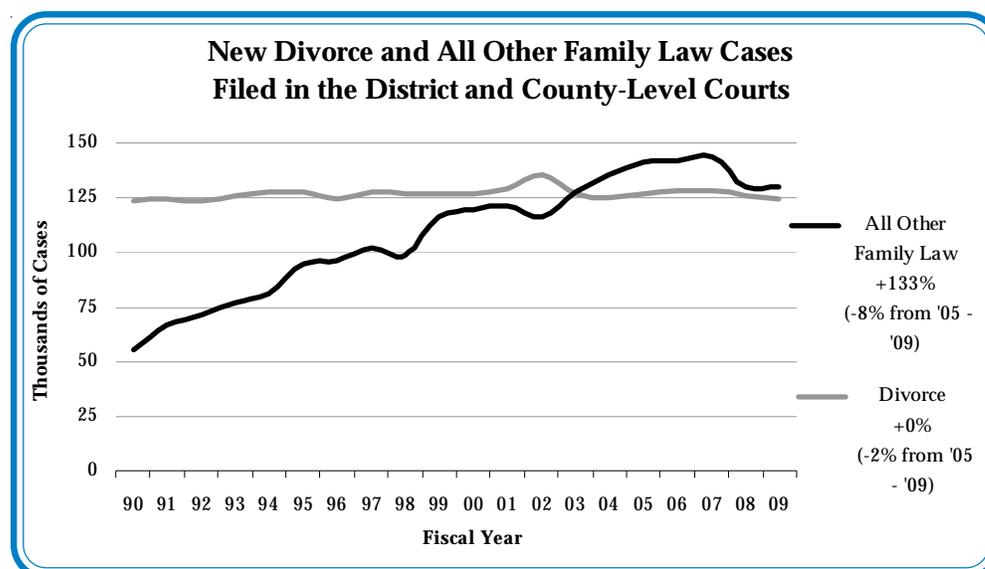
Overall, new filings of injury and damage cases decreased 19 percent between 1990 and 2009, though there were two periods of growth—one between 1990 and 1995 and another in 2003. Within this category, cases of injury or damage involving a motor vehicle decreased 1 percent during the past two decades (from 25,908 to 25,663 cases), while cases of injury or damage not involving a motor vehicle declined 39 percent (from 24,016 to 14,561 cases).

Multiple legislative changes during these years impacted the volume of cases filed. A wave of new filings hit the courts at the end of fiscal year 2003 as litigants attempted to get their cases filed before the Medical Malpractice and Tort Reform Act went into effect on September 1, 2003.¹



Family Law Cases

Although the number of divorce cases filed in district and county-level courts remained steady over the past two decades, the number of cases involving “all other family law matters” grew by 133 percent (from 55,527 to 129,620 cases). Despite the significant growth in “all other family law matters” over the past two decades, the number of cases dropped 8 percent in the last five years.



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 from 1999 to 2008, from 26,265 to 41,591.²

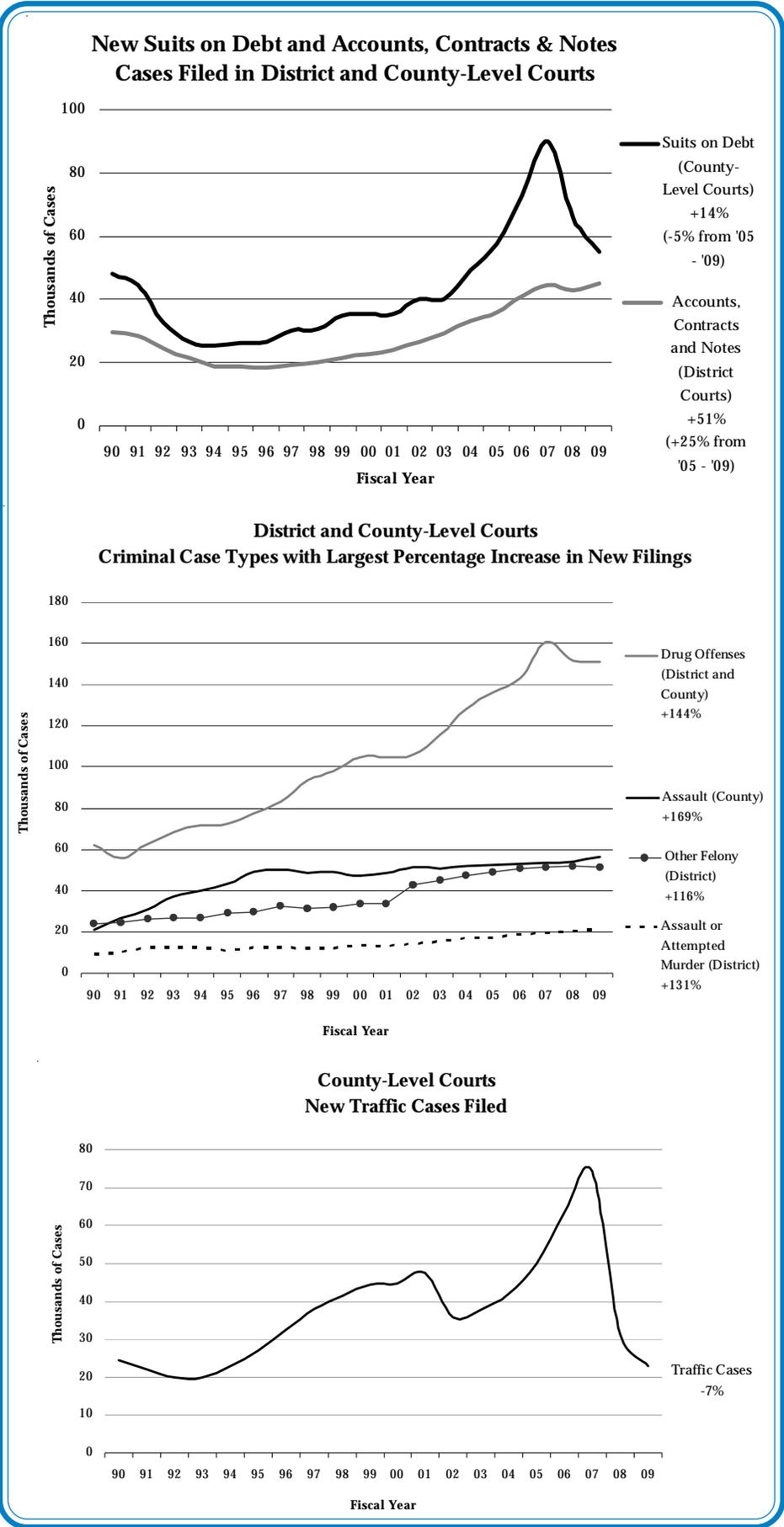
1. Medical Malpractice and Tort Reform Act, 78th Leg. R.S., Chap. 204, 2003 Tex. Sess. Law Serv. 847.

2. http://www.dfps.state.tx.us/About/Data_Books_and_Annual_Reports/default.asp.

Debt Cases – Debt cases in county-level courts dropped 47 percent between 1990 (48,167 cases) and 1994 (25,308 cases), rose steadily to a 20-year high in 2007 with 89,916 cases, then dropped 39 percent to 54,903 cases in 2009. In district courts, new filings dropped 38 percent between 1990 (29,725 cases) and 1996 (18,394 cases), but rose again to 44,989 cases in 2009.

Criminal Cases – Four categories of criminal cases increased more than 100 percent over the past 20 years. Misdemeanor assault cases (filed in county-level courts) increased 169 percent; felony assault or attempted murder cases increased 131 percent; felony and misdemeanor drug offense cases increased 144 percent; and “other” felonies increased 116 percent.

Traffic Cases – In 2007, traffic cases represented the criminal case category with the most substantial growth over the last 20 years. From 1988 to 2007, traffic cases grew 296 percent. Since 2007, however, the number of traffic cases dropped precipitously to a level 7 percent lower than the number filed in 1990.



Assigned Judges in the Trial Courts

Statistics For the Year Ended August 31, 2009

By the Chief Justice of the Supreme Court ¹	<u>1st</u> <u>Region</u>	<u>2nd</u> <u>Region</u>	<u>3rd</u> <u>Region</u>	<u>4th</u> <u>Region</u>	<u>5th</u> <u>Region</u>	<u>6th</u> <u>Region</u>	<u>7th</u> <u>Region</u>	<u>8th</u> <u>Region</u>	<u>9th</u> <u>Region</u>	<u>Total</u>
Assignments to the Administrative Regions:										
Number of Assignments:										
Senior/Former Appellate Judges	0	0	2	0	0	0	0	0	0	2
Active District Judges	0	0	0	0	3	2	0	1	0	6
Senior/Former District Judges	0	0	0	0	0	0	0	0	0	0
Active Statutory County Court Judges	0	0	0	0	0	0	0	0	0	0
Retired/Former Statutory County Court Judges	0	0	0	0	0	0	0	0	0	0
TOTAL Assignments	0	0	2	0	3	2	0	1	0	8
Days Served:										
Senior/Former Appellate Judges	0.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0
Active District Judges	0.0	0.0	0.0	0.0	4.0	2.0	0.0	3.0	0.0	9.0
Senior/Former District Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Active Statutory County Court Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Retired/Former Statutory County Court Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL Days Served	0.0	0.0	1.0	0.0	4.0	2.0	0.0	3.0	0.0	10.0
By Presiding Judges of Administrative Regions¹										
Assignments within the Administrative Regions:										
Number of Assignments:										
Active Appellate Judges	1	0	0	0	0	0	0	0	0	1
Senior/Former Appellate Judges	79	163	63	18	28	24	5	93	3	476
Active District Judges	31	143	34	16	25	37	38	95	64	483
Senior/Former District Judges	483	932	632	245	113	335	219	547	131	3637
Active Statutory County Court Judges	11	61	0	1	0	4	1	33	0	111
Retired/Former Statutory County Court Judges	54	113	48	0	0	52	30	6	95	398
TOTAL Assignments	659	1,412	777	280	166	452	293	774	293	5,106
Days Served:										
Active Appellate Judges	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0
Senior/Former Appellate Judges	218.0	322.0	22.0	57.5	91.0	44.0	13.5	220.0	17.0	1,005.0
Active District Judges	47.0	105.0	0.0	8.0	57.0	39.0	7.0	155.5	0.0	418.5
Senior/Former District Judges	1,215.0	2,219.0	673.0	1,021.0	866.0	532.5	228.5	1,235.0	110.5	8,100.5
Active Statutory County Court Judges	23.0	40.0	0.0	1.0	0.0	59.0	1.0	39.0	0.0	163.0
Retired/Former Statutory County Court Judges	176.0	234.0	13.0	0.0	0.0	46.5	21.5	10.5	99.0	600.5
TOTAL Days Served	1,680.0	2,920.0	708.0	1,087.5	1,014.0	721.0	271.5	1,660.0	226.5	10,288.5
Assignments from Other Administrative Regions:										
Number of Assignments:										
Senior/Former Appellate Judges	0	0	6	0	0	0	0	0	0	6
Active District Judges	2	1	6	0	0	7	0	0	0	16
Senior/Former District Judges	21	19	17	33	2	26	28	15	25	186
Active Statutory County Court Judges	0	4	0	0	0	0	0	0	0	4
Retired/Former Statutory County Court Judges	0	35	0	57	0	0	1	79	1	173
TOTAL Assignments	23	59	29	90	2	33	29	94	26	385
Days Served:										
Senior/Former Appellate Judges	0.0	0.0	4.0	0.0	0.0	0.0	0.0	0.0	0.0	4.0
Active District Judges	2.0	1.0	3.0	0.0	0.0	6.0	0.0	0.0	0.0	12.0
Senior/Former District Judges	257.0	86.0	18.0	80.5	2.0	69.0	18.0	33.5	37.0	601.0
Active Statutory County Court Judges	0.0	4.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.0
Retired/Former Statutory County Court Judges	0.0	76.0	0.0	217.5	0.0	0.0	0.0	99.5	7.5	400.5
TOTAL Days Served	259.0	167.0	25.0	298.0	2.0	75.0	18.0	133.0	44.5	1,021.5
By the Supreme Court for Disciplinary Proceedings²										
Number of Assignments--Active District Judges	0	18	5	0	0	0	0	0	0	23
Days Served--Active District Judges	0.0	20.0	6.0	0.0	0.0	0.0	0.0	0.0	0.0	26.0
Total ---Trial Court Assignments										
Number of Assignments	682	1,489	813	370	171	487	322	869	319	5,522
Days Served	1,939.0	3,107.0	740.0	1,385.5	1,020.0	798.0	289.5	1,796.0	271.0	11,346.0
Assignments to Other Administrative Regions	21	11	109	13	0	6	18	8	3	189

Notes:

1. Assignment authorized by Sections 74.056 and 75.002, Texas Government Code.

2. Assignment authorized by Rule 3.02, Texas Rules of Disciplinary Procedure.

Information provided by the Presiding Judges of the Administrative Judicial Regions.



District Courts

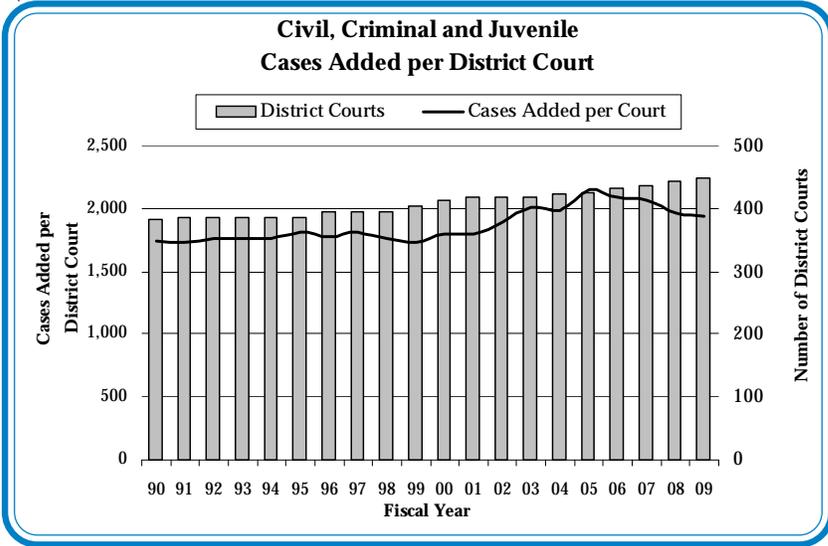
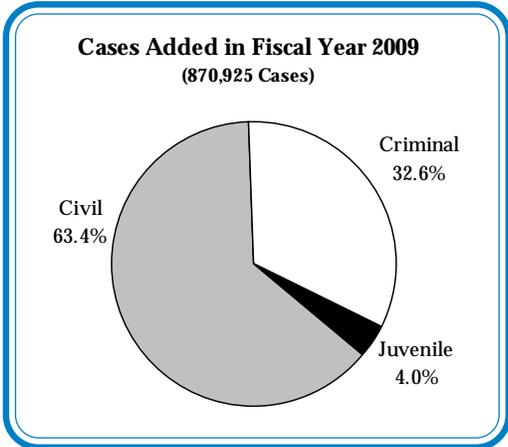
Cases Added – In 2009, 870,925 civil, criminal, and juvenile¹ cases were filed² in the state’s 449 district courts—nearly equivalent to the number filed the previous year—for an average of 1,940 cases per district judge. Juvenile filings declined by 11.0 percent, civil filings increased by 0.2 percent, and criminal filings increased by 1.2 percent.

Just under half (47.3 percent) of all cases were filed in the five largest counties—Harris, Dallas, Tarrant, Bexar, and Travis—and 19 percent of cases were filed in Harris County alone. Harris County experienced the heaviest incoming caseload, with an average of 2,799 cases added to the dockets of the county’s 59 district courts. Bexar County’s caseload was second highest, with an average of 2,794 cases filed per court (24 courts).

Civil cases accounted for 63.4 percent of all cases filed during the fiscal year. Criminal cases accounted for 32.6 percent of all cases filed, the highest percentage in at least 20 years. Family law cases (divorce, reciprocals and all other family law cases) comprised the majority (63.8 percent) of civil cases filed in 2009, while drug offenses (drug possession, sale, and manufacture) accounted for 31.1 percent of all criminal cases filed.

Clearance Rates – In 2009, 860,342 cases were disposed by district courts, an increase of 1.6 percent from the previous year. The number of cases disposed per district judge increased by 0.4 percent to 1,916 cases per judge.

Overall, the case clearance rate rose from 97.2 percent in



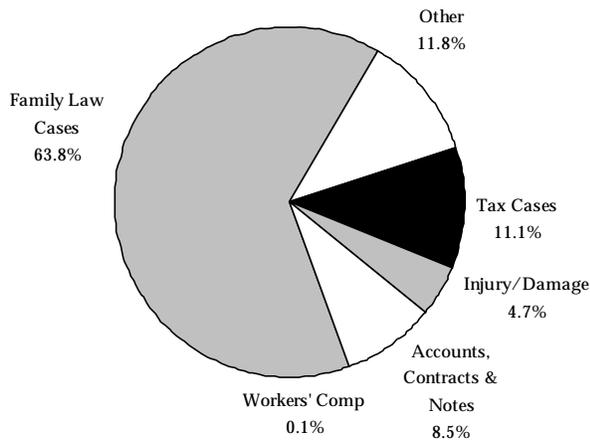
Counties with Most Cases Added per District Court	Counties with Fewest Cases Added per District Court
Harris - 2,799	Hansford - 0
Bexar - 2,794	King - 3
Bell - 2,492	Loving - 7
Harrison - 2,410	Borden - 13
Travis - 2,335	McMullen, Terrell - 16

Harris - 94.7%	Collin - 88.8%
Dallas - 126.2%	El Paso - 99.9%
Tarrant - 103.5%	Hidalgo - 77.7%
Bexar - 94.3%	Denton - 95.7%
Travis - 97.0%	Fort Bend - 92.5%

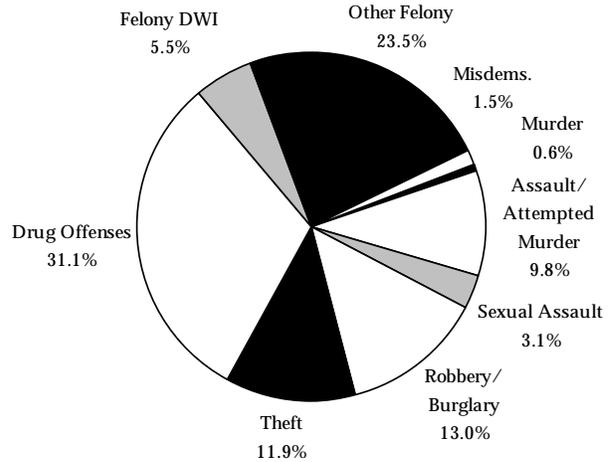
Harris - 97.4%	Collin - 91.5%
Dallas - 98.8%	El Paso - 76.5%
Tarrant - 105.1%	Hidalgo - 97.5%
Bexar - 96.1%	Denton - 77.9%
Travis - 104.1%	Fort Bend - 90.8%

1. Juvenile caseload is discussed in the Juvenile Cases section.
 2. Includes new cases, show cause motions, motions to revoke, and other cases reaching docket.

Civil Cases Added
(552,204 Cases)



Criminal Cases Added
(284,009 Cases)

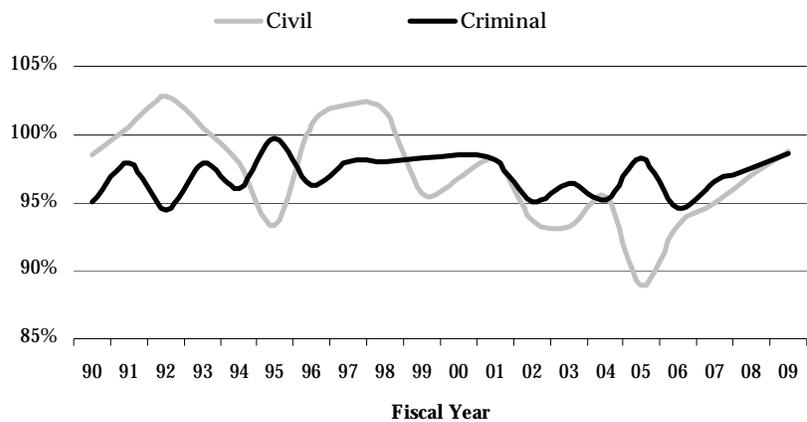


2008 to 98.8 percent in 2009, the highest clearance rate since 1998 (100.3 percent). The civil case clearance rate increased from 97.0 percent in 2008 to 98.8 percent in 2009, the criminal clearance rate increased from 97.5 percent to 98.6 percent, and the juvenile case clearance rate increased from 98.2 percent to 100.3 percent.

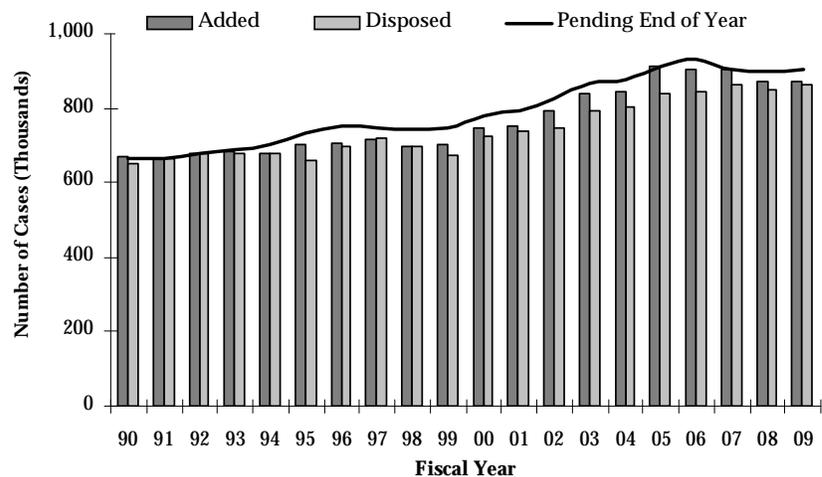
The number of cases reported pending at the end of fiscal year 2009 increased by approximately 4,500 cases to 905,801 cases. Counties reported that further court proceedings could not be conducted in approximately 30.1 percent (76,019 cases) of the criminal cases pending because the defendant could not be located, was undergoing inpatient mental health treatment, or was otherwise unavailable for adjudication.

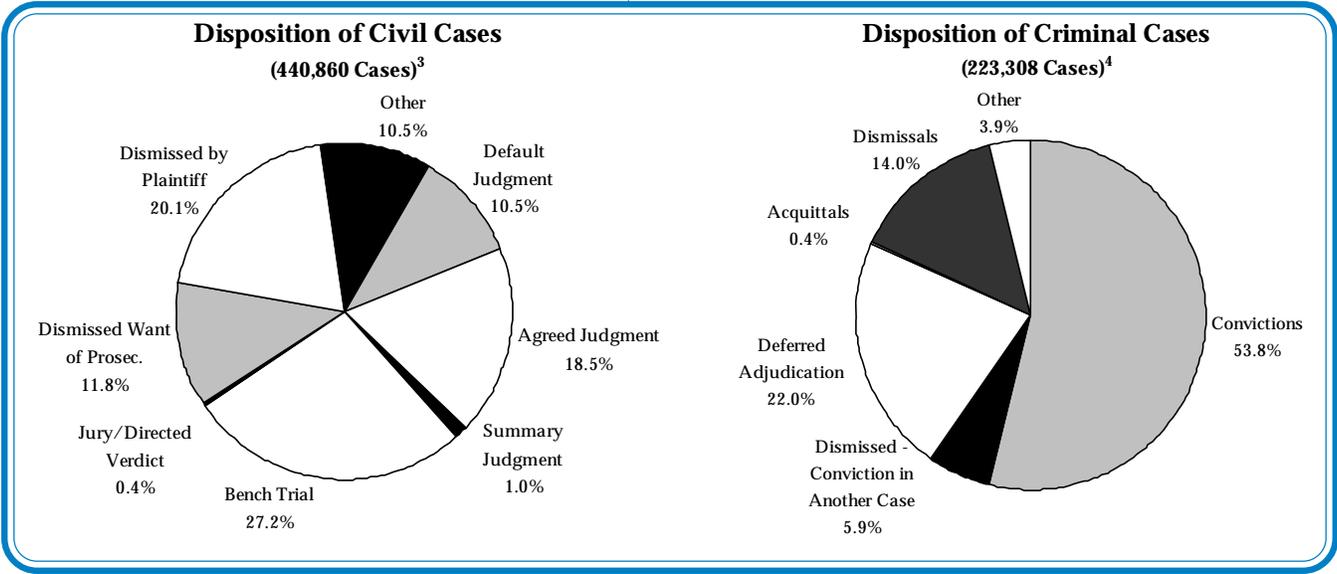
Manner of Disposition – A total of 545,470 civil cases were disposed in 2009, 102,293 of which were show cause motions filed in family law matters and 2,317 were change of venue transfers. Of the remaining 440,860 cases disposed during the year, nearly one-third were either dismissed by the plaintiff or dismissed for want of prosecution, while 27.2 percent were disposed of by bench trial.

Clearance Rates



District Court Civil, Criminal & Juvenile Cases





Overall, only 0.4 percent of civil cases were settled by a jury or directed verdict. However, 4.0 percent of workers' compensation cases, 2.4 percent of injury or damage cases involving a motor vehicle, and 1.9 percent of other injury or damage cases were disposed by jury trial.

In 2009, district courts disposed of 280,059 criminal cases, an increase of 2.3 percent from the number disposed of the previous year.

Defendants were convicted in 53.8 percent of the 223,308 cases that did not involve transfers or a motion to revoke probation. Another 5.9 percent of cases were dismissed because the defendant was convicted in another case. The highest conviction rate occurred in felony DWI cases (83.6 percent), while the lowest rate (39.1 percent) occurred in cases involving sexual assault of an adult. Cases involving sexual assault of an adult had the highest rate of dismissal at 25.2 percent.⁵

Overall, 97.9 percent of convictions resulted from a guilty or *nolo contendere* plea. Defendants were most likely to enter a guilty or *nolo contendere* plea in felony DWI cases (82.5 percent) and least likely in cases involving sexual assault of an adult (34.6 percent).

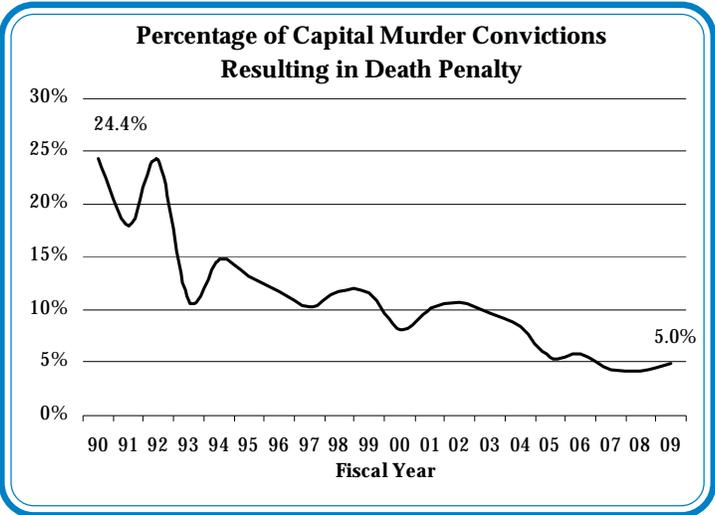
Less than 2 percent of all cases (excluding transfers and motions to revoke probation) went to trial in 2009. Trial rates were significantly higher, however, in capital murder and murder cases, which went to trial in 24.3 percent and 20.2 percent of cases, respectively.

Of the 3,505 criminal cases that went to trial, 76.2 percent were tried before a jury. Defendants were convicted in 77.7 percent of cases that went to jury trial, compared to 54.3 percent of cases decided by a judge.

Death and Life Sentences – Death sentences were assessed in 5 percent (15 cases) of all capital murder convictions in 2009, an increase from the

Criminal Cases Reaching Trial: FY 2009

	Bench	Jury	All Trials
Convictions	453 (54.3%)	2,074 (77.7%)	2,527 (72.1%)
Acquittals	382 (45.7%)	596 (22.3%)	978 (27.9%)
Total	835 (100%)	2,670 (100%)	3,505 (100%)



3. Excludes show cause motions in family law matters.
 4. Excludes transfers and motions to revoke probation.
 5. Dismissal rates do not include cases dismissed due to conviction in another case or due to the refile of a case.

4.2 percent assessed in 2008. The 308 life sentences issued in 2009 represented a decrease of 27.2 percent from the number handed down the previous year (423).

Population Served per Court – In 2009, the average population served per district court in Texas was 54,130. With more than 106,000 individuals served per court, Denton County topped the list of highest average population served per court, nearly twice the statewide average.

From 2004 to 2009, the statewide average population served per court grew 0.8 percent per year, despite the implementation of 25 new district courts during this period. The Dallas-Ft. Worth area experienced the greatest growth in population served per court, with Rockwall County leading the state with an average growth rate of 7.2 percent. Seven other counties in the area—Denton, Kaufman, Ellis, Collin, Parker, Tarrant, and Hood—also ranked in the top 20 of counties with the greatest growth in population served per court.

Counties with Highest Average Population Served per District Court FY 2009	
Denton - 106,093	Montgomery - 64,558
Fort Bend - 88,690	Harrison - 63,594
Collin - 87,992	Dallas - 61,867
Williamson - 78,839	Brazoria - 60,209
Rockwall - 77,633	Webb - 59,235
Ellis - 74,093	Travis - 58,738
Coryell - 72,654	Wise - 58,506
Bexar - 67,621	Brazos - 58,374
Harris - 67,531	Bell - 57,017
Tarrant - 67,311	Parker - 55,888
Hidalgo - 66,055	Statewide - 54,130

Measuring District Court Workload – During 2007-08, an 18-month study was conducted on the work and caseload of judicial officers in Texas.⁶ The assessment addressed the pertinent question of how many judicial officers (district judges, associate judges, masters, magistrates, and referees) are needed in Texas to provide for the handling of cases in the district courts. The basic methodology used by the National Center for State Courts is the calculation of the average amount of work time judicial officers devote to different types of cases. Because cases vary according to complexity, the averages, called “case weights,” also vary. The case weights represent the average amount of time judicial officers spend on the handling of cases in the district courts. When the case weights are applied to filings in individual jurisdictions, the judicial workload can be calculated.

When the statewide case weights were applied to filings from 2009, the result was an estimated need of 658 FTE judicial officers statewide, compared to the estimated 650 FTEs needed as a result of the number of cases filed in 2007. The weighted caseload model indicated the need for additional officers in the following areas:

Jurisdiction	Implied Need	Actual Judicial Officers ⁷	Estimated Additional Judicial Officers Needed	Notes
Harris	116.9	83.0	33.9	
Bexar	41.4	32.0	9.4	Creation of 3 new district courts authorized 10/1/09, 12/15/09 & 9/1/10
Bell & Lampasas	9.5	6.5	3.0	
Ector	3.6	1.0	2.6	
Denton	8.7	6.4	2.3	Creation of 1 new district court authorized 11/1/11
Kenedy, Kleberg & Nueces	11.1	8.9	2.2	
Collin	11.7	9.8	1.9	
Brazoria, Matagorda & Wharton	9.8	8.0	1.8	
Travis	27.8	26.0	1.8	
Cameron & Willacy	12.2	10.5	1.7	
Armstrong, Potter & Randall	6.7	5.9	0.8	
Brooks & Jim Wells	1.7	1.1	0.6	
Harrison	1.6	1.1	0.5	
Ellis	2.6	2.2	0.4	
Hidalgo	14.7	14.3	0.4	
Jack & Wise	1.4	1.1	0.3	
Rockwall	1.2	1.0	0.2	Creation of 1 new district court authorized 11/1/10
Navarro	1.3	1.1	0.2	
Gregg	3.4	3.3	0.1	
Smith	4.1	4.0	0.1	

6. Ostrom, Brian J., Matthew Kleiman and Neil La Fountain. **Measuring Current Judicial Workload in Texas, 2007**. Denver: National Center for State Courts, Court Consulting Services. June 2008. <http://www.courts.state.tx.us/oca/jnas/pdf/WeightedCaseloadStudy.pdf>.

7. Includes the number of district judges as of August 31, 2009 and the number of other judicial officers as of October 2007.

District Courts
Activity Summary by Case Type from September 1, 2008 to August 31, 2009

CRIMINAL CASES																
Cases on Docket:	Capital Murder	Murder	Assault or Attempted Murder	Sexual Assault of Adult	Indecency with or Sexual Assault of Child	Robbery	Burglary	Theft	Auto Theft	Arson	Drug Sale or Manufacture	Drug Possession	Felony D.W.I	Other Felony	All Misdemeanors	Total Cases
Cases Pending 9/01/2008	987	3,067	22,375	2,687	12,331	10,799	19,622	29,379	5,664	1,007	20,317	51,156	15,023	53,939	4,974	253,327
Docket Adjustments	(27)	(34)	(377)	(79)	(159)	(298)	(642)	(278)	(382)	11	(1,166)	(133)	(241)	(769)	98	(4,476)
Cases Filed by Indictment	431	1,149	19,405	1,246	5,345	8,159	16,325	19,360	3,442	631	16,598	33,492	10,984	44,502	1,254	182,323
Cases Filed by Information	6	37	2,094	100	256	515	2,340	3,430	762	127	2,666	12,825	1,069	6,935	1,566	34,728
Other Cases Reaching Docket:																
<i>Motions to Revoke Probation Filed</i>	19	93	5,703	247	1,282	2,129	6,818	5,372	1,185	273	6,356	14,999	3,439	12,946	630	61,491
<i>Shock Probation Returned from TDCJ/ID</i>	0	7	33	2	9	38	80	37	2	3	100	124	30	87	2	554
<i>Transfers from Other Counties</i>	2	0	2	1	1	0	1	2	0	0	1	0	0	8	25	43
<i>All Other Cases</i>	19	37	525	40	134	220	393	253	53	31	550	519	123	1,244	729	4,870
Total Cases on Docket:	1,437	4,356	49,760	4,244	19,199	21,562	44,937	57,555	10,726	2,083	45,422	112,982	30,427	118,892	9,278	532,860
Dispositions:																
Convictions:																
<i>Guilty Pleas or Nolo Contendere</i>	192	482	9,563	462	2,114	5,009	9,648	12,592	2,463	361	10,201	27,074	10,110	25,246	1,480	116,997
<i>Not Guilty Plea - No Jury</i>	2	3	52	6	27	28	41	36	5	0	24	73	48	104	4	453
<i>Guilty Plea - Jury Verdict</i>	8	26	68	14	77	37	28	17	4	4	52	59	25	99	15	533
<i>Not Guilty Plea - Jury Verdict</i>	99	191	282	56	289	211	95	83	11	10	149	184	87	316	11	2,074
Total Convictions	301	702	9,965	538	2,507	5,285	9,812	12,728	2,483	375	10,426	27,390	10,270	25,765	1,510	120,057
Placed on Deferred Adjudication	14	39	5,250	188	1,235	1,474	4,542	5,552	675	224	5,003	12,298	110	12,105	434	49,143
Acquittals:																
<i>Non - Jury Trial</i>	0	6	81	5	11	10	40	24	6	5	17	61	25	90	1	382
<i>Jury Verdict</i>	8	24	107	24	108	28	20	25	2	1	24	47	32	111	3	564
<i>Directed Verdict or JNOV</i>	0	0	6	1	1	3	2	4	0	0	0	6	5	4	0	32
Total Acquittals	8	30	194	30	120	41	62	53	8	6	41	114	62	205	4	978
Dismissals:																
<i>Insufficient Evidence</i>	0	17	258	35	144	98	195	309	75	18	201	885	126	799	43	3,203
<i>Conviction in Another Case</i>	24	54	1,359	137	513	485	981	981	296	53	893	2,589	306	4,060	337	13,068
<i>Speedy Trial Act Limitation</i>	0	0	7	2	3	1	7	3	1	0	3	7	7	28	1	70
<i>Case Refined</i>	28	77	453	78	215	163	196	211	23	24	133	285	220	686	9	2,801
<i>Defendant Unapprehended</i>	0	0	10	0	2	1	21	40	9	1	29	52	12	43	0	220
<i>Defendant Granted Immunity</i>	0	0	9	0	2	2	2	2	1	0	2	11	1	30	0	62
<i>Other Dismissals</i>	58	136	3,083	310	930	795	1,636	2,775	548	81	1,624	4,622	777	6,845	702	24,922
Total Dismissals	110	284	5,179	562	1,809	1,545	3,038	4,321	953	177	2,885	8,451	1,449	12,491	1,092	44,346
Transfers:																
<i>On Change of Venue</i>	1	1	1	0	0	0	2	3	0	0	1	5	5	18	4	41
<i>To County Court</i>	1	0	57	0	5	10	22	52	0	0	0	21	42	165	397	772
Other Dispositions:																
<i>Placed on Shock Probation</i>	0	8	48	4	6	40	89	31	1	4	113	100	34	78	1	557
<i>Motion to Revoke Granted</i>	8	34	2,693	109	617	981	3,666	2,787	736	114	2,903	8,280	1,671	6,612	364	31,575
<i>Motion to Revoke Denied</i>	5	45	2,404	89	461	931	2,564	1,969	380	120	3,130	5,534	1,290	5,276	165	24,363
<i>All Other Dispositions</i>	16	45	915	53	157	312	780	632	150	49	783	1,522	359	2,426	28	8,227
Total Other Dispositions	29	132	6,060	255	1,241	2,264	7,099	5,419	1,267	287	6,929	15,436	3,354	14,392	558	64,722
Total Dispositions	464	1,188	26,706	1,573	6,917	10,619	24,577	28,128	5,386	1,069	25,285	63,715	15,292	65,141	3,999	280,059
Cases Pending 8/31/2009	973	3,168	23,054	2,671	12,282	10,943	20,360	29,427	5,340	1,014	20,137	49,267	15,135	53,751	5,279	252,801
Sentencing Information:																
Death Sentence	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15
Life Sentence	93	45	17	19	55	20	12	2	0	0	7	9	1	27	1	308
Lesser Offense Convictions	131	76	3,985	103	419	1,519	1,478	1,880	159	71	2,021	3,522	947	5,072	433	21,816
Cases - Unapprehended Defendants																76,019
Additional Court Activity:					Age of Cases Disposed:		60 Days or Less		61 to 90 Days		91 to 120 Days		Over 120 Days		TOTAL	
Jury Panels Examined			2,988		Number of Cases		88,605		25,072		23,320		143,062		280,059	
Jury Sworn & Evidence Presented			3,019													
Cases in Which Attorney Appointed			177,574													

Note: At the time of publication, there was a 99.4 percent reporting rate overall for the fiscal year. No reports were received for 1 month from Armstrong and Edwards counties, for 10 months from Sherman County, and for 6 months from Zavala County. In addition, Denton County reported that its information is inaccurate due to conversion to new case management software.

District Courts
Activity Summary by Case Type from September 1, 2008 to August 31, 2009

CIVIL CASES											
	Injury or Damage Involving Motor Vehicle	Injury or Damage Other than Motor	Workers' Compensation	Tax Cases	Condemnation	Accounts, Contracts and Notes	Reciprocals (UIFSA)	Divorce	All Other Family Law Matters	Other Civil Cases	Total Cases
Cases on Docket:											
Cases Pending 9/01/2008	24,035	34,587	1,787	128,537	579	53,684	5,250	98,234	183,509	100,992	631,194
Docket Adjustments	(189)	(485)	(180)	(2,069)	(52)	(896)	(313)	(781)	(973)	(2,832)	(8,770)
New Cases Filed	14,202	10,794	366	61,096	221	44,989	2,692	113,290	118,422	63,088	429,160
Other Cases Reaching Docket:											
<i>Show Causes Added</i>	0	0	0	0	0	0	0	0	107,361	0	107,361
<i>Other Cases Added</i>	406	558	13	433	13	2,045	123	4,287	6,200	1,605	15,683
Total Cases on Docket:	38,454	45,454	1,986	187,997	761	99,822	7,752	215,030	414,519	162,853	1,174,628
Dispositions:											
Change of Venue Transfers	104	208	3	20	0	203	18	262	1,219	280	2,317
Default Judgments	511	332	15	11,311	3	11,662	220	8,155	7,740	6,371	46,320
Agreed Judgments	2,017	1,560	35	767	32	3,911	434	35,049	26,809	10,807	81,421
Summary Judgments	142	408	20	156	1	1,775	3	49	85	1,936	4,575
Final Judgments:											
<i>After Trial - No Jury</i>	1,315	1,066	80	12,253	63	3,918	846	48,724	40,200	11,602	120,067
<i>By Jury Verdicts</i>	339	213	16	53	1	173	0	41	65	225	1,126
<i>By Directed Verdicts</i>	10	11	0	134	0	35	2	66	161	41	460
<i>Dismissed for Want of</i>	1,892	1,545	54	6,852	11	5,878	292	16,273	12,773	6,544	52,114
<i>Dismissed by Plaintiff</i>	7,115	4,625	94	24,414	75	12,522	507	5,117	21,260	12,845	88,574
<i>Show Causes Disposed</i>	0	0	0	0	0	0	0	1	102,292	0	102,293
<i>Other Dispositions</i>	1,395	1,766	79	5,368	41	3,734	444	4,880	17,721	10,775	46,203
Total Dispositions	14,840	11,734	396	61,328	227	43,811	2,766	118,617	230,325	61,426	545,470
Cases Pending 8/31/2009	23,614	33,720	1,590	126,669	534	56,011	4,986	96,413	184,194	101,427	629,158
Court Jury Activity:											
Jury Fee Paid/Oath	24,535	Age of Cases Disposed:		3 Months or Less	Over 3 to 6 Months	Over 6 to 12 Months	Over 12 to 18 Months	Over 18 Months	TOTAL		
Jury Panel Examined	1,297	Number of Cases		169,369	103,544	114,639	49,392	108,526	545,470		
Jury Sworn Evid. Presented	1,382										
JUVENILE DOCKET											
Cases on Docket:	CINS	Delin	Total	Findings of Delinquent Conduct or CINS:				CINS	Delin	Total	
Cases Pending 9/01/2008	538	23,619	24,157	Placed on Probation:							
Docket Adjustments	(92)	(122)	(214)	<i>Under Parental Care</i>				155	13,375	13,530	
New Petitions Filed	281	25,997	26,278	<i>Under Foster Care</i>				0	105	105	
Motion to Revoke Probation Filed	45	4,858	4,903	<i>Residential Facility</i>				25	4,360	4,385	
Other Cases Added	17	3,514	3,531	Committed to TYC				0	1,149	1,149	
Total on Docket	789	57,866	58,655	Final Judgment Without Disp.				7	725	732	
Dispositions:											
Finding of Delinquent Conduct/CINS:											
<i>Trials by Judge</i>	154	15,939	16,093	Total				187	19,714	19,901	
<i>Trials by Jury</i>	1	54	55	Other Juvenile Court Activity:							
Finding of No Delinquent Conduct/CINS:											
<i>Trials by Judge</i>	3	193	196	Detention Hearings				547	25,700	26,247	
<i>Trials by Jury</i>	0	17	17	Hearing to Modify Order				15	1,104	1,119	
<i>Directed Verdicts</i>	0	3	3	Child Certified for Adult Crim. Court				0	202	202	
Probation Revoked	5	1,785	1,790	Attorneys Appointed				270	17,370	17,640	
Continue on Probation	24	1,895	1,919								
Change of Venue Transfer	4	358	362								
Dismissed & Other Dispositions	94	14,284	14,378								
Total	285	34,528	34,813								
Cases Pending 8/31/2009	504	23,338	23,842								
OTHER PROCEEDINGS											
	Post-Conviction Writs of Habeas Corpus	Other Writs of Habeas Corpus	Contempt, Extradition and Other Separately Docketed Proceedings	Bond Forfeiture Proceedings							
Pending 9/01/2008	13,734	3,779	9,613	36,083							
Docket Adjustments	(123)	121	(1)	(231)							
Total Added	3,620	5,271	5,918	8,257							
Total Disposed	3,262	5,173	3,373	7,476							
Pending 8/31/2009	13,969	3,998	12,157	36,633							

Note: At the time of publication, there was a 99.4 percent reporting rate overall for the fiscal year. No reports were received for 1 month from Armstrong and Edwards counties, for 10 months from Sherman County, and for 6 months from Zavala County. In addition, civil case activity reports were not received for Bastrop County for 2 months. Denton County reported that its information is inaccurate due to conversion to new case management software.



County-Level Courts

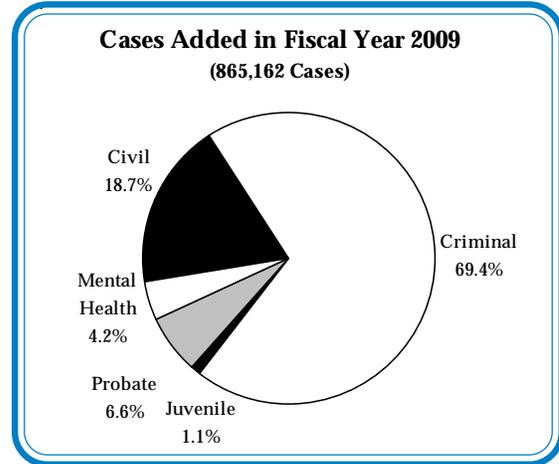
Cases Added – The number of civil, criminal, juvenile¹, probate, and mental health cases filed² in the state’s 499 county-level courts (254 constitutional courts³, 227 county courts at law, and 18 statutory probate courts) increased by an average of 1.2 percent per year over the last decade. In 2009, more than 860,000 cases were added to the courts’ dockets, representing the lowest number of cases added since 2004 and a decrease of 2.1 percent from the previous year.

Approximately 43 percent of civil, criminal, and juvenile cases were filed in the five largest counties—Harris, Dallas, Tarrant, Bexar, and Travis, which represent 44.3 percent of the state’s population.

Despite a decline of nearly 21 percent in cases added since 2007, civil cases steadily grew as a percentage of the courts’ caseload over the past decade. In 2009, civil cases accounted for 18.7 percent of all cases filed, compared to 14.8 percent 10 years ago. The largest category of civil cases added in 2009 involved suits on debt (35.9 percent).

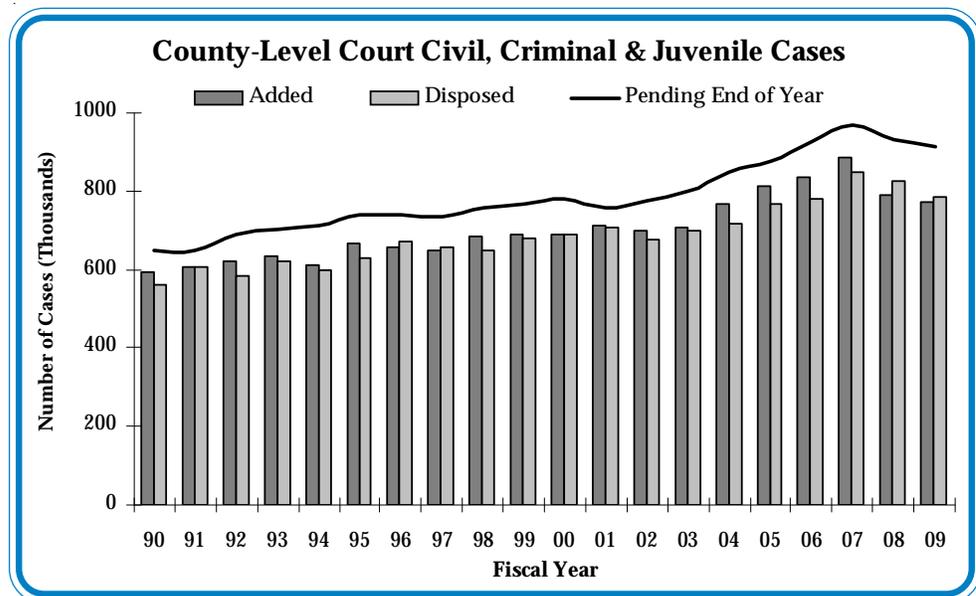
Criminal cases continued to constitute a large majority of the courts’ caseload (69.4 percent). Although criminal filings increased 5.9 percent over the past decade, from 566,705 in 2000 to 600,171 in 2009, the number of criminal cases added declined 10.5 percent since 2007. The largest category of criminal cases added in 2009 was “other criminal cases” (27.7 percent), and theft or worthless check cases was the second largest, accounting for 17.8 percent of all criminal cases.

Clearance Rates – In 2009, county-level courts disposed of 786,510 civil, criminal and juvenile cases, a decrease of 4.6 percent from the previous year. Because the number of dispositions continued to outpace filings, the overall case clearance rate was 102.0 percent. As a result of the clearance rate surpassing 100 percent, the

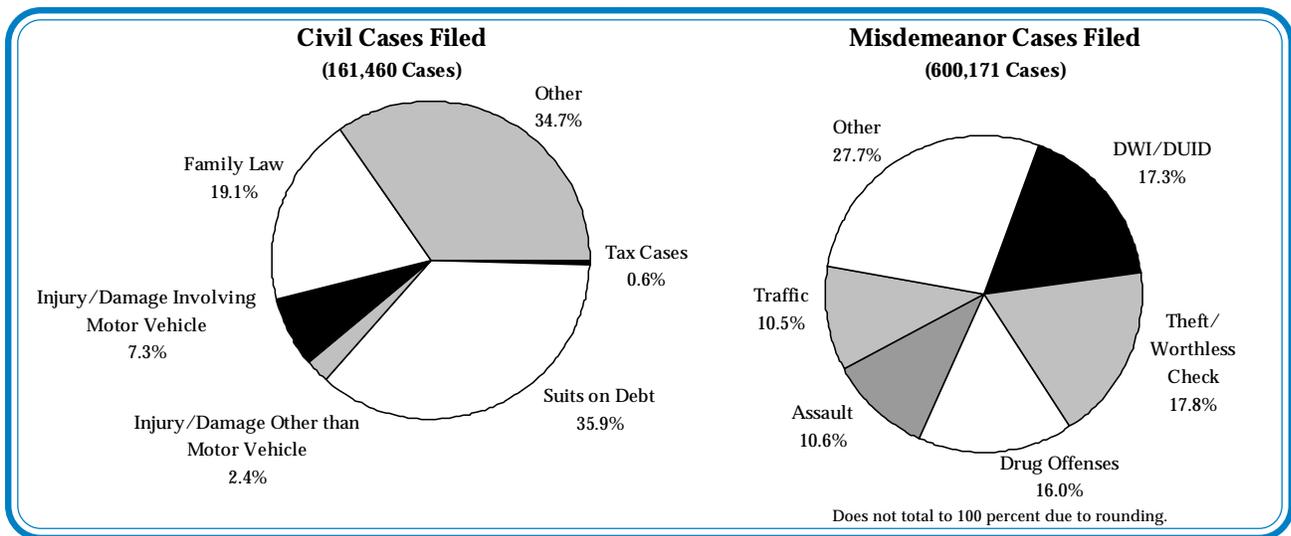


Civil, Criminal and Juvenile Cases Filed per 1,000 Population in Fiscal Year 2009

Counties with Highest Filing Rates per 1,000 Population	Filing Rates per 1,000 Pop. in Largest Counties
Kenedy - 729.4	Harris - 25.6
Loving - 214.3	Dallas - 35.2
Ward - 98.8	Tarrant - 25.2
Oldham - 81.5	Bexar - 34.9
Moore - 75.6	Travis - 48.5
Statewide - 31.7	



1. Juvenile caseload is discussed in the Juvenile Cases section.
 2. Includes new cases, show cause motions, motions to revoke, and other cases reaching docket.
 3. The actual judicial functions of the constitutional county courts vary greatly by county. Some courts may have very limited jurisdiction.



number of cases pending at the end of the fiscal year decreased by 1.8 percent from the previous year to 914,158 cases.

Manner of Disposition – In 2009, a total of 166,190 civil cases were disposed, 4.1 percent (6,887) of which were show cause motions filed in family law matters. Of the remaining 159,303 cases disposed during the year, 32.3 percent were dismissed by the plaintiff or for want of prosecution, and the next largest proportion (17.8 percent) was disposed of by default judgment. Only 0.5 percent of cases was settled by a jury verdict.

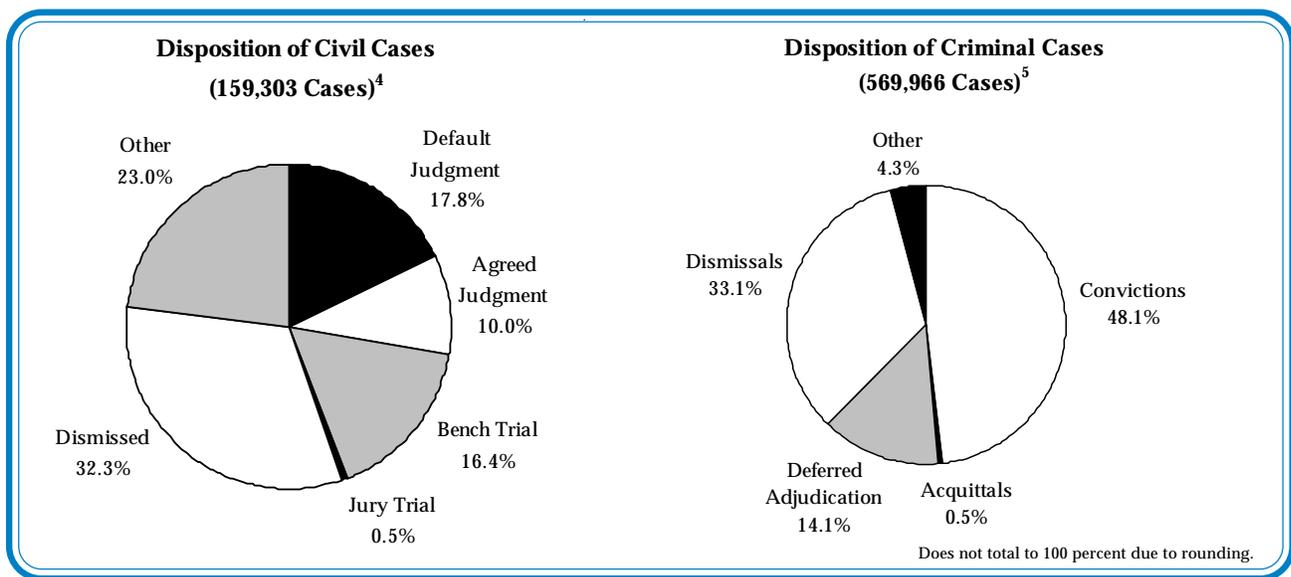
County-level courts disposed of 611,231 criminal cases in 2009. Defendants were convicted in 48.1 percent, and acquitted in 0.5 percent, of the 569,966 cases that did not involve a motion to revoke probation. The highest conviction rate (73.1 percent) was in cases involving driving while intoxicated or under the influence, and the lowest rate (25.3

Civil Case Clearance Rates, FY 2009
In Ten Largest Counties

Harris - 102.7%	Collin - 99.7%
Dallas - 107.9%	El Paso - 109.2%
Tarrant - 112.3%	Hidalgo - 120.3%
Bexar - 107.1%	Denton - 101.9%
Travis - 86.1%	Fort Bend - 93.9%

Criminal Case Clearance Rates, FY 2009
In Ten Largest Counties

Harris - 95.7%	Collin - 109.2%
Dallas - 89.6%	El Paso - 128.7%
Tarrant - 100.4%	Hidalgo - 99.2%
Bexar - 96.9%	Denton - 118.9%
Travis - 101.9%	Fort Bend - 106.3%



4. Excludes show cause motions in family law matters.
5. Excludes transfers and motions to revoke probation.

percent) occurred in traffic cases. Overall, 99.1 percent of convictions were the result of a guilty or *nolo contendere* plea.

Approximately one percent of all criminal cases (excluding motions to revoke probation) went to trial in 2009. Trial rates were slightly higher, however, for driving while intoxicated or under the influence cases and assault cases, which went to trial in 2.6 percent and 1.5 percent of cases, respectively.

	Bench	Jury	All Trials
Convictions	635 (33.1%)	1,479 (52.5%)	2,114 (44.6%)
Acquittals	1,284 (66.9%)	1,339 (47.5%)	2,623 (55.4%)
Total	1,919 (100%)	2,818 (100%)	4,737 (100%)

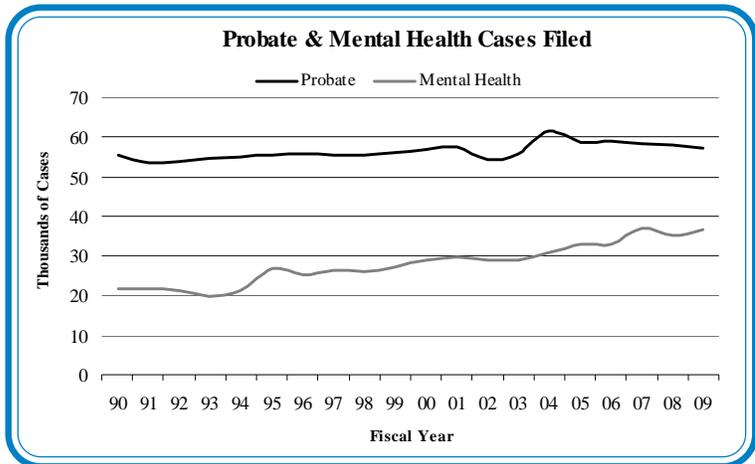
Of the 4,737 cases that went to trial, 59.5 percent were tried before a jury. Defendants were convicted in 52.5 percent of cases that went to jury trial, compared to 33.1 percent that were convicted in cases that were decided by a judge.

Dismissals constituted 33.1 percent of all criminal cases disposed of in 2009 (excluding motions to revoke probation). The highest rate of dismissal occurred in theft or worthless check cases (45.8 percent).

Probate and Mental Health Cases –

More than 57,000 probate cases were filed in 2009—a decrease of 0.8 percent from the number filed the year before. Over the last decade, the number of probate cases filed each year remained relatively stable, increasing an average of 0.3 percent per year.

Mental health cases increased more than four percent in 2009 from the previous year, from 35,212 cases filed in 2008 to 36,652. Mental health cases increased an average of 3.2 percent per year over the last 10 years. Counties reported 25,256 new applications for involuntary mental health services commitment orders filed in 2009, approximately 99 percent of which were for temporary, rather than extended, services. Of the 19,980 applications for temporary services disposed in 2009, proposed patients were committed to treatment in 32.4 percent of cases. Of the 171 applications for extended services disposed, proposed patients were committed in 97.7 percent of cases.



Applications for Involuntary Mental Health Services Commitment Orders September 1, 2008 through August 31, 2009

	New Applications Filed	Release Prior to Final Hearing	Disposition at Final Hearing	
			Release	Order
Temporary Mental Health Services	24,977	11,355	2,156	Inpatient: 6,345 Outpatient: 124
Extended Mental Health Services	279	0	4	Inpatient: 166 Outpatient: 1
Modification: Outpatient to Inpatient	30	0	0	3
Modification: Inpatient to Outpatient	76	0	0	23

**County-Level Courts
Activity Summary by Case Type
September 1, 2008 to August 31, 2009**

CRIMINAL CASES							
Cases on Docket:	DWI or DUID	Theft or Worthless Check	Drug Offenses	Assault	Traffic	Other Criminal Cases	Total Cases
Cases Pending 9/01/2008	125,227	233,779	60,172	59,838	54,823	142,749	676,588
Docket Adjustments	(1,747)	(1,742)	84	248	1,327	3,990	2,160
New Cases Filed	91,409	96,457	85,245	56,544	22,854	149,960	502,469
Cases Appealed From Lower Courts	0	217	158	157	37,929	3,781	42,242
Other Cases Reaching Docket:							
<i>Motions to Revoke Filed</i>	11,794	9,451	10,236	5,947	2,112	10,837	50,377
<i>All Other Cases Reaching Docket</i>	898	802	680	715	304	1,684	5,083
Total Cases on Docket	227,581	338,964	156,575	123,449	119,349	313,001	1,278,919
Dispositions:							
Convictions:							
<i>Guilty Pleas or Nolo Contendere</i>	67,568	36,228	41,601	23,594	15,472	87,215	271,678
<i>Not Guilty Plea - No Jury</i>	233	86	56	60	67	133	635
<i>Guilty Plea - Jury Verdict</i>	135	19	49	53	21	116	393
<i>Not Guilty Plea - Jury Verdict</i>	881	54	60	177	35	272	1,479
Total Convictions	68,817	36,387	41,766	23,884	15,595	87,736	274,185
Placed on Deferred Adjudication	1,077	17,336	16,181	7,682	20,727	17,152	80,155
Acquittals:							
<i>Non - Jury Trial</i>	579	54	45	371	36	199	1,284
<i>Jury Verdict</i>	654	19	32	230	10	220	1,165
<i>Directed Verdict or JNOV</i>	76	13	13	27	1	44	174
Total Acquittals	1,309	86	90	628	47	463	2,623
Dismissals:							
<i>Insufficient Evidence</i>	1,705	1,177	1,040	1,377	1,796	2,711	9,806
<i>Speedy Trial Act Limitation</i>	859	1,718	733	741	668	1,477	6,196
<i>Other Dismissals</i>	16,374	45,540	23,181	20,206	19,416	47,770	172,487
Total Dismissals	18,938	48,435	24,954	22,324	21,880	51,958	188,489
Other Dispositions:							
<i>Motion to Revoke Granted</i>	6,656	5,348	6,270	3,587	1,489	6,706	30,056
<i>Motion to Revoke Denied</i>	3,451	2,039	1,855	1,230	483	2,151	11,209
<i>All Other Dispositions</i>	4,046	3,598	4,205	2,653	3,310	6,702	24,514
Total Other Dispositions	14,153	10,985	12,330	7,470	5,282	15,559	65,779
Total Dispositions	104,294	113,229	95,321	61,988	63,531	172,868	611,231
Cases Pending 8/31/2009	123,287	225,735	61,254	61,461	55,818	140,133	667,688
Cases - Unapprehended Defendants							267,206
Cases Where Attorney Appointed as Counsel							170,477
Age of Cases Disposed	30 Days or Less	31 to 60 Days	61 to 90 Days	Over 90 Days	TOTAL		
Number of Cases	142,271	65,692	53,448	349,820	611,231		
PROBATE AND MENTAL HEALTH CASES							
	<u>Cases Filed</u>			<u>Hearings Held</u>			
Probate	57,334			85,758			
Mental Health	36,652			39,688			

Notes:

- Overall, there was a 99.0 percent reporting rate for the fiscal year. No reports were received from Starr County. In addition, no reports were received for 5 months from Edwards County, for 10 months from Sherman County, and for 3 months from Zapata County. Criminal reports were not received from Gregg County for 4 months.
- Statutory county courts in a number of counties have jurisdiction over felony cases. This activity is not reflected in the data currently collected in the County Court Monthly Report.

**County-Level Courts
Activity Summary by Case Type
September 1, 2008 to August 31, 2009**

CIVIL CASES									
Cases on Docket:	Injury or Damage Involving Motor Vehicle	Injury or Damage Other than Motor Vehicle	Tax Cases	Suits on Debt	Divorce	All Other Family Law Matters	Other Civil Cases	Total Cases	
Cases Pending 9/01/2008	21,051	8,118	1,884	96,889	9,516	16,466	89,159	243,083	
Docket Adjustments	(19)	280	(4)	(1,694)	(141)	329	(309)	(1,558)	
New Cases Filed	11,461	3,767	919	54,903	10,840	11,198	51,679	144,767	
Cases Appealed From Lower Courts	21	93	2	1,109	0	0	2,837	4,062	
Show Cause Motions Filed	0	0	0	0	0	7,612	0	7,612	
Other Cases Added	355	89	5	1,902	387	737	1,544	5,019	
Total Cases on Docket	32,869	12,347	2,806	153,109	20,602	36,342	144,910	402,985	
Dispositions:									
Default Judgments	992	386	84	19,332	336	417	6,871	28,418	
Agreed Judgments	769	236	20	3,812	2,166	1,528	7,340	15,871	
Judg. After Trial - No Jury	836	363	269	5,064	6,762	4,361	8,515	26,170	
Judg. by Jury Verdicts	208	27	3	106	154	182	167	847	
Dismissed for Want of Prosecution or by Plaintiff	5,976	1,533	374	24,228	1,655	2,122	15,524	51,412	
Show Causes Disposed	0	0	0	0	0	6,887	0	6,887	
Other Dispositions	3,670	1,590	33	9,956	527	2,475	18,334	36,585	
Total Dispositions	12,451	4,135	783	62,498	11,600	17,972	56,751	166,190	
Cases Pending 8/31/2009	20,418	8,212	2,023	90,611	9,002	18,370	88,159	236,795	
Age of Cases Disposed	3 Months or Less	Over 3 to 6 Months	Over 6 to 12 Months	Over 12 to 18 Months	Over 18 Months	TOTAL			
Number of Cases	52,226	33,818	32,724	15,151	32,271	166,190			
JUVENILE CASES									
Cases on Docket:	CINS	Delin	Total	Findings of Delinquent Conduct or CINS:			CINS	Delin	Total
Cases Pending 9/01/2008	1,915	7,642	9,557						
Docket Adjustments	22	(360)	(338)						
New Petitions Filed	642	7,439	8,081	Placed on Probation					
Motions to Revoke Filed	22	898	920	Under Parental Care			347	4,269	4,616
Other Cases Added	20	524	544	Under Foster Care			0	46	46
Total on Docket	2,621	16,143	18,764	Residential Facility			34	622	656
Dispositions:				Committed to TYC			0	396	396
Find Delin Cond/CINS				Judgment No Disp.			16	184	200
Trials by Judge	389	4,921	5,310	Total			397	5,517	5,914
Trials by Jury	1	29	30	Other Juvenile Court Activity:					
Find No Delin Cond/CINS				Detention Hearings			802	9,294	10,096
Trials by Judge	4	47	51	Hearing to Modify Order			46	906	952
Trials by Jury	0	9	9	Child Cert. as Adult			0	52	52
Directed Verdicts	0	2	2	Attorneys Appointed			630	5,147	5,777
Probation Revoked	5	362	367						
Continue on Probation	2	205	207						
Change of Venue Transfer	148	85	233						
Dismissed & Other Disp.	195	2,685	2,880						
Total Dispositions	744	8,345	9,089						
Cases Pending 8/31/2009	1,877	7,798	9,675						

Note: Overall, there was a 99.0 percent reporting rate for the fiscal year. No reports were received from Starr County. In addition, no reports were received for 5 months from Edwards County, for 10 months from Sherman County, and for 3 months from Zapata County.



Juvenile Cases

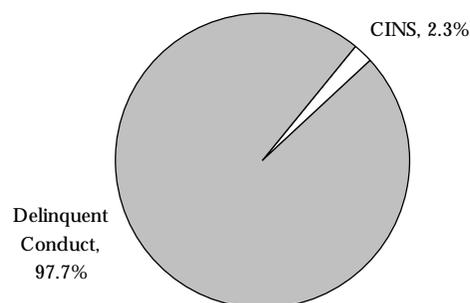
Cases Added – The number of cases added¹ to the juvenile dockets of district and county-level courts in 2009—44,257 cases—was 10.1 percent lower than the number added during the previous year and was the lowest number added since 1999 (44,003 cases).

In 2009, 97.7 percent of cases added were delinquent conduct cases—cases involving violations of laws punishable by incarceration if committed by an adult. Approximately 78 percent of all juvenile cases were filed in district courts.

The five most populous counties in Texas—Harris, Dallas, Tarrant, Bexar, and Travis—accounted for 54.3 percent of juvenile cases added in 2009. Harris County alone accounted for 26.9 percent of all cases added. In an effort to address the larger juvenile caseloads filed over the past decade and a half, juvenile courts in the larger Texas counties have been using juvenile law masters, referees, and associate judges to assist with detention hearings and the adjudication of cases.

Statewide, the number of cases added in 2009 averaged 1.8 cases per 1,000 population. Calhoun County, with an estimated population of 20,406 in 2008, had the highest filing rate per capita at 10.9 cases per 1,000, and Kinney County, population 3,233, ranked second at 6.2 cases filed per 1,000. Only two of the 10 most populous counties—Harris and Bexar—ranked in the top 20.

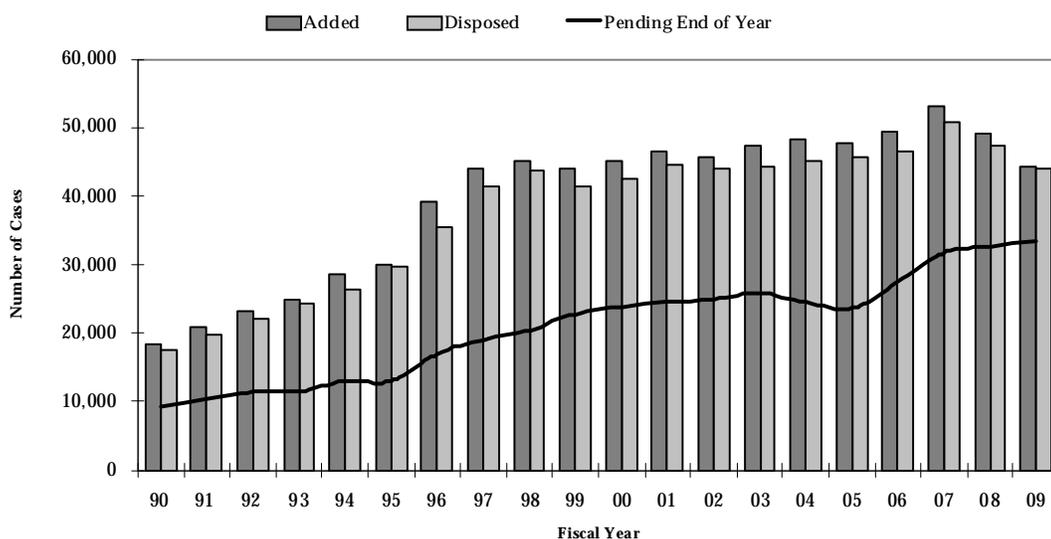
**Cases Added in Fiscal Year 2009
(44,257 Cases)**



**Juvenile Cases Added per 1,000
Population in Fiscal Year 2009**

<i>Counties with Highest Filing Rates</i>	<i>Filing Rates in Largest Counties</i>
Calhoun - 10.9	Harris - 3.0
Kinney - 6.2	Dallas - 1.3
Moore - 4.6	Tarrant - 1.2
Cochran, Jackson & Webb - 4.4	Bexar - 2.8
	Travis - 2.4

Juvenile Cases Added, Disposed and Pending



1. Includes new petitions, motions to revoke, and other cases filed.

Clearance Rates – During 2009, the district and county-level courts disposed of 43,902 cases on their dockets, resulting in a clearance rate of 99.2 percent—the highest clearance rate since 1995 (99.2 percent). In 2009, the clearance rate in district courts was 100.3 percent and was 95.2 percent in county-level courts.

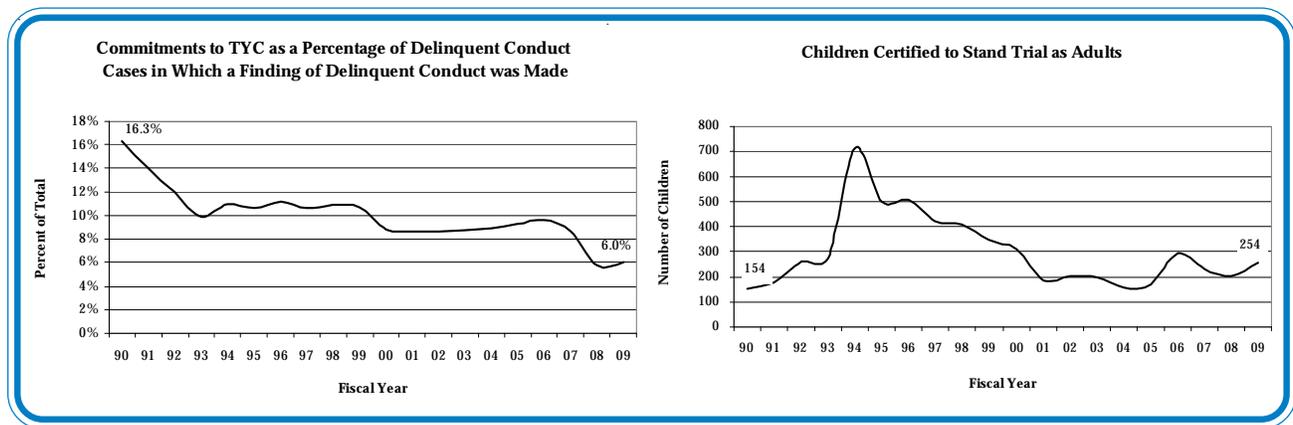
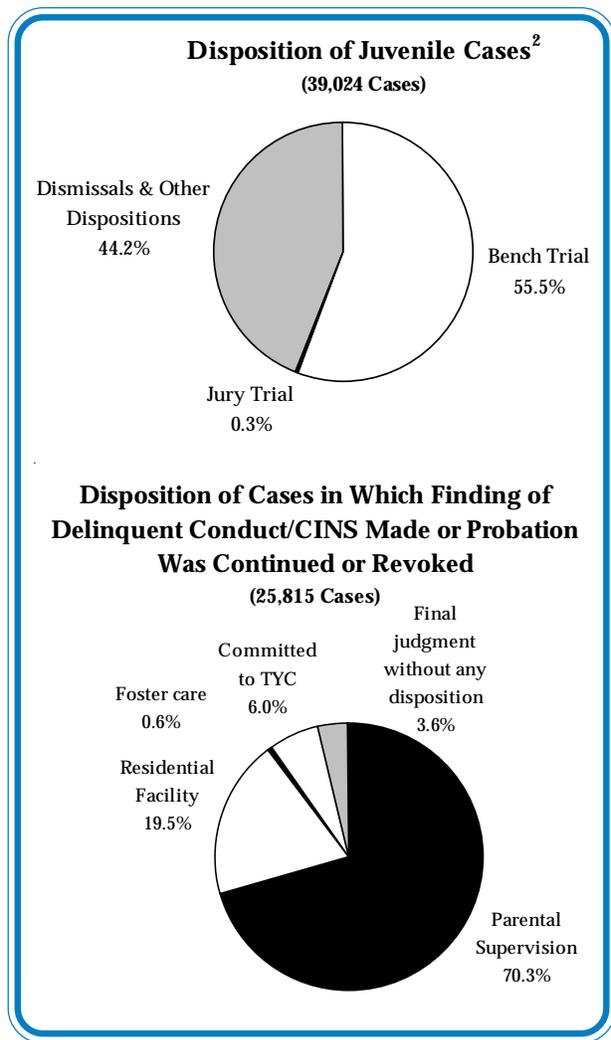
However, the number of cases pending at the end of 2009 (33,517 cases) was the highest ever reported, increasing nearly 3 percent from the number pending at the end of the previous year. Since 2005, the number of cases pending increased annually, for a total increase of 41.6 percent.

Manner of Disposition – Of the 43,902 cases disposed in 2009, 11.1 percent involved transfers or motions to modify dispositions. Of the remaining 39,024 cases disposed of during the year, 55.5 percent were disposed of by a bench trial. Jury trials accounted for only 0.3 percent of dispositions, while dismissals and other dispositions accounted for the remaining 44.2 percent.

Overall, findings of delinquent conduct or CINS were made in 98.9 percent of cases decided by a judge,³ compared to 73.3 percent of cases decided by a jury.

Of those cases in which a finding of delinquent conduct or CINS was made, or in which probation was continued or revoked, juveniles were most likely to be placed under parental supervision (70.3 percent of cases). In 19.5 percent of cases, juveniles were placed in a residential facility, and 0.6 percent was placed in foster care. After a sharp decrease during the previous year to the lowest level in at least two decades, the percentage of juveniles committed to the Texas Youth Commission (TYC) increased very slightly to 6.0 percent in 2009.

In 2009, 254 juveniles were certified for trial as adults, an increase of 25 percent from the number certified the previous year.



2. Excludes transfers and motions to modify disposition.

3. Pleas of true made during an appearance before the judge are included in the “Trial by Judge” category in the juvenile activity section of the District and County-Level Court Monthly Activity Reports.

Total of Reported Juvenile Activity

Combined District and County-Level Juvenile Activity from September 1, 2008 to August 31, 2009

98.8 Percent Reporting Rate			
3,011 Reports Received Out of a Possible 3,048			
	CINS*	Delinquent	TOTAL
CASES PENDING September 1, 2008	2,453	31,261	33,714
Docket Adjustments	(70)	(482)	(552)
CASES ADDED DURING YEAR:			
New Petitions Filed	923	33,436	34,359
Motions to Revoke Filed	67	5,756	5,823
Other Cases Added	37	4,038	4,075
TOTAL CASES ADDED DURING YEAR	1,027	43,230	44,257
TOTAL CASES ON DOCKET	3,410	74,009	77,419
CASES DISPOSED OF DURING YEAR:			
Finding of Delinquent Conduct or CINS*	545	20,943	21,488
Finding of No Delinquent Conduct or CINS*	7	271	278
Transfers on Change of Venue	152	443	595
Motions to Revoke Disposed	36	4,247	4,283
Dismissals and Other Dispositions	289	16,969	17,258
TOTAL DISPOSITIONS DURING YEAR	1,029	42,873	43,902
CASES PENDING August 31, 2009	2,381	31,136	33,517
INFORMATION ON FINDINGS OF DELINQUENT CONDUCT OR CINS:			
Probation Granted or Continued:			
Under Parental Care	502	17,644	18,146
Under Foster Care	0	151	151
To Residential Facilities	59	4,982	5,041
Commitments to Texas Youth Commission	0	1,545	1,545
Judgments with No Disposition	23	909	932
MISCELLANEOUS INFORMATION:			
Detention Hearings Held	1,349	34,994	36,343
Hearings to Modify Court Orders Held	61	2,010	2,071
Children Certified for Trial as Adults	0	254	254
Attorneys Appointed	900	22,517	23,417

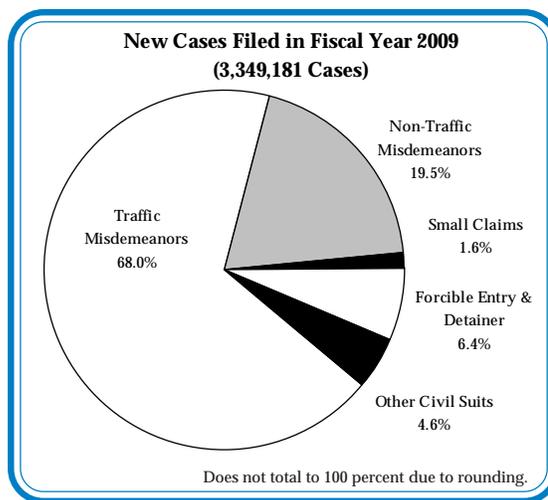
*Conduct Indicating a Need for Supervision.



Justice Courts

Cases Filed – More than 3.3 million cases were filed in the state’s justice courts in 2009—the lowest number of filings in the last five years. While filings declined 4.7 percent from the previous year, the number of filings grew an average of 2.0 percent per year over the last decade.

Although criminal cases increased slightly to 87.4 percent of total caseload, up from 86.8 percent the previous year, criminal cases as a percentage of the justice courts’ total caseload remained below the ten-year average of 89.8 percent. The largest share of cases filed in the justice courts involved traffic violations (68.0 percent). Non-traffic misdemeanors accounted for 19.5 percent of all cases filed, forcible entry and detainer cases accounted for 6.4 percent, and other civil suits and small claims suits constituted 4.6 percent and 1.6 percent, respectively.

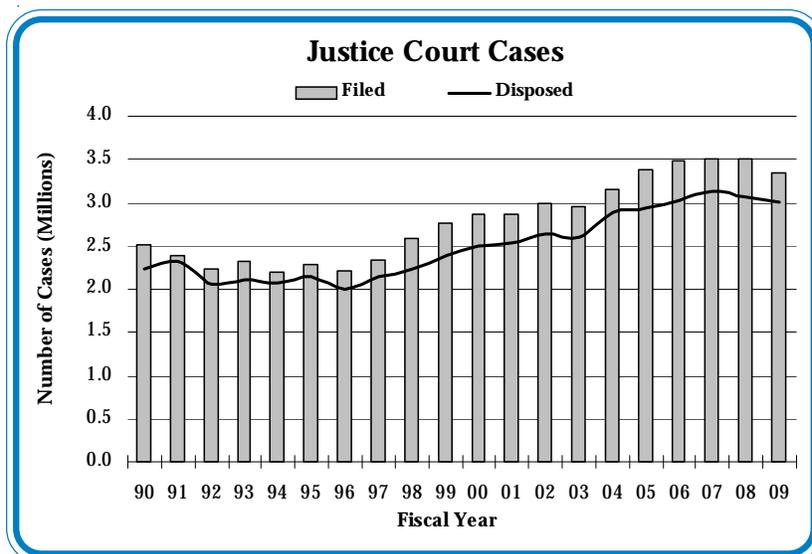


The ten largest counties, representing 58.2 percent of the state’s population, accounted for 47.2 percent of all new cases filed. Statewide, the per capita filing rate in justice courts was .138 cases. The highest per capita filing rate, 19.8, occurred in Kenedy County (population 388), which was almost twice the next largest filing rate, 10.8, which occurred in Loving County (population 42). In both of these counties, the vast majority of new cases filed in justice courts are traffic related. The lowest filing rate, 0.033, occurred in Tarrant County (population 1,750,091).

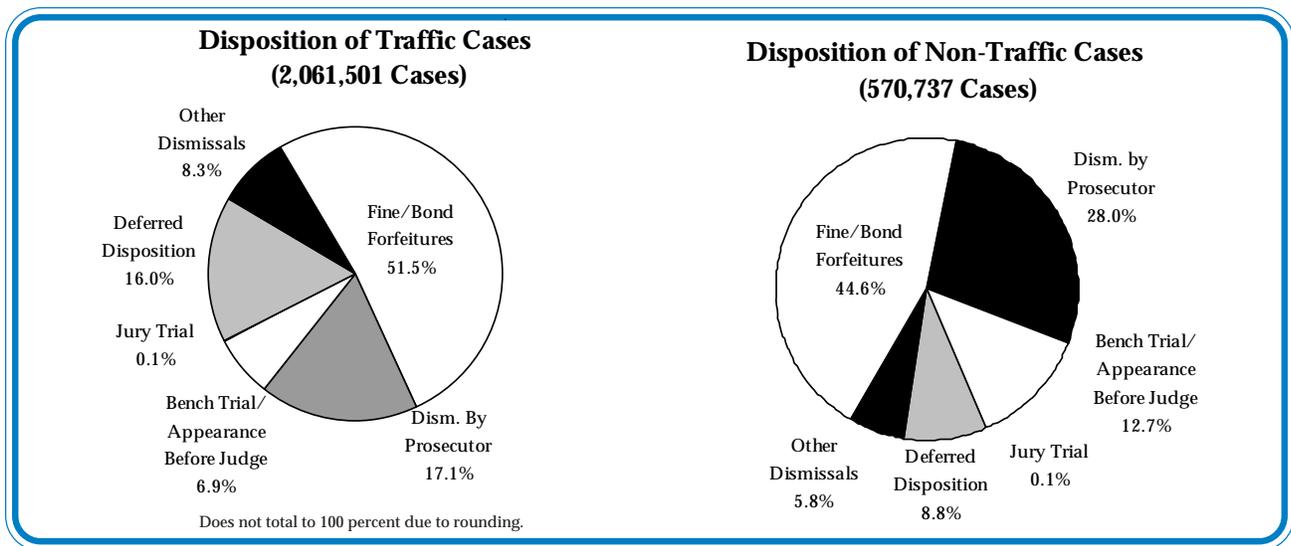
Clearance Rates – Justice courts disposed of 3,010,965 cases in 2009, a decrease of 1.5 percent from the previous year. Although dispositions decreased, the clearance rate rose to 89.9 percent (compared with 87.1 percent for the previous year) because filings also decreased. By case type, small claims suits had the lowest clearance rate (81.0 percent) in 2009, while forcible entry and detainer cases had the highest (94.3 percent).

Manner of Disposition – In 2009, justice courts disposed of more than 2 million traffic cases and more than 570,000 non-traffic misdemeanor cases, half (50.0 percent) of which were disposed of by payment of a fine (without appearing before a judge) or by a bond forfeiture. Approximately 14.5 percent of cases were disposed of by completion of deferred disposition or driver’s safety. More than eight percent of cases were disposed of by bench trial or other appearance before a judge, and 0.1 percent of cases were disposed of by jury trial.

Overall, guilty findings were made in 97.6 percent of the 214,019 criminal cases that went to bench trial or were otherwise disposed of by an appearance before the judge.¹ In comparison, guilty verdicts accounted

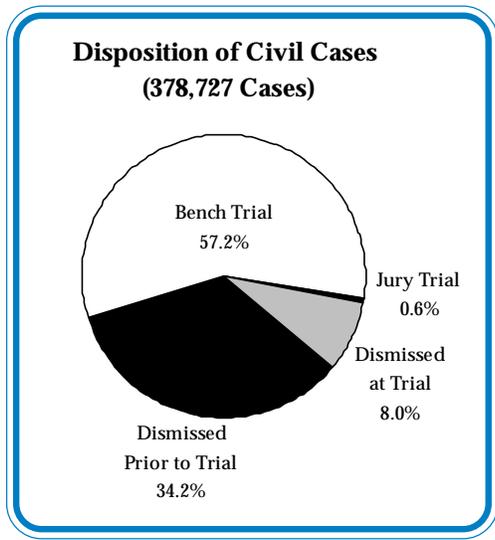


1. Guilty and *nolo contendere* pleas are included in the “Trial by Judge” category in the Justice Court Activity Reports.



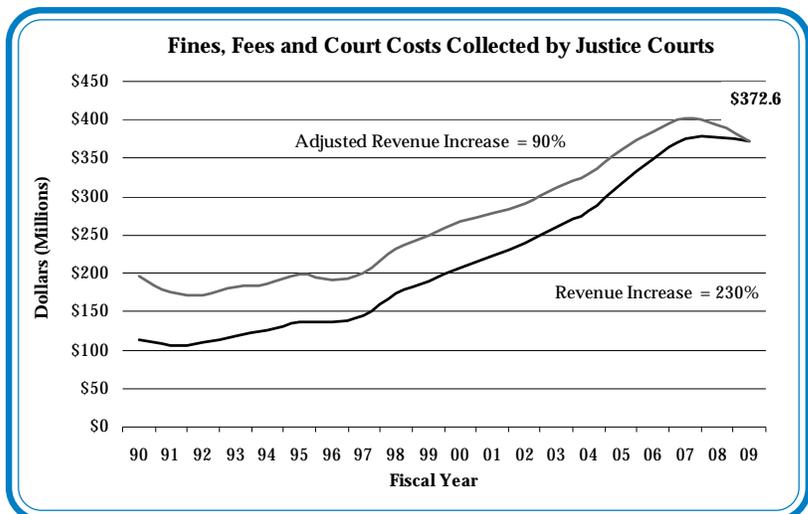
for 72.3 percent of the 3,244 cases that went to jury trial.

More than 57 percent of the 378,727 civil cases closed in 2009 were disposed of by bench trial and 0.6 percent went to jury trial. Approximately 34 percent were dismissed before trial and 8.0 percent were dismissed at trial.



Juvenile Activity – In 2009, the number of warnings administered (4,173) declined for the fifth consecutive year and was the lowest number reported in at least 20 years. The number of statements certified decreased 18.5 percent to 3,503 and was also the lowest number reported in at least two decades. Detention hearings continued to decrease to 2,355, the lowest number reported since 1993 (2,209 hearings). Cases involving violation of local daytime curfew ordinances increased by 40.2 percent to 635 cases. Referrals to juvenile court decreased 2.5 percent, and cases involving juveniles held in contempt, fined, or denied driving privileges increased 8.6 percent from the previous year. Cases involving failure to attend school decreased 4.7 percent from the previous year; however, over the past five years, the number of these cases filed increased 36.9 percent, growing from 60,791 cases in 2004 to 99,260 cases in 2009.

Court Collections – The amount of fines, fees and court costs collected by justice courts generally increased over the past 20 years; however, in 2009, courts collected approximately \$372.5 million—a decrease of 1.5 percent from the amount collected the previous year. The amount collected in 2009 was 230 percent higher than that collected in 1990, or 90.3 percent higher when adjusted for inflation.² Excluding cases dismissed prior to or at trial, the amount of revenue collected per disposition averaged \$166.



2. Using Consumer Price Index Conversion Factors, <http://oregonstate.edu/cla/polisci/faculty-research/sahr/cv2008.pdf>.

Activity Report for Justice Courts
September 1, 2008 to August 31, 2009

100.0 Percent Reporting Rate						
9,864 Reports Received Out of a Possible 9,864						
	CRIMINAL CASES		CIVIL CASES			REPORTED TOTALS
	Traffic Misdemeanors	Non-Traffic Misdemeanors	Small Claims Suits	Forcible Entry & Detainer	Other Civil Suits	
NEW CASES FILED	2,276,172	652,514	52,979	213,678	153,838	3,349,181
DISPOSITIONS:						
Dispositions Prior to Trial:						
<i>Bond Forfeitures</i>	5,229	1,619	---	---	---	6,848
<i>Fined</i>	1,056,295	252,947	---	---	---	1,309,242
<i>Cases Dismissed</i>	353,335	159,780	15,690	49,629	64,336	642,770
Total Dispositions Prior to Trial	1,414,859	414,346	15,690	49,629	64,336	1,958,860
Dispositions at Trial:						
<i>Trial by Judge</i>						
Guilty	138,875	69,940	---	---	---	208,815
Not Guilty	2,826	2,378	---	---	---	5,204
Civil Trials	---	---	23,131	130,723	62,717	216,571
<i>Trial by Jury</i>						
Guilty	1,948	399	---	---	---	2,347
Not Guilty	589	308	---	---	---	897
Civil Trials	---	---	506	1,291	506	2,303
<i>Dismissed at Trial</i>	54,448	33,371	3,589	19,822	6,787	118,017
Total Dispositions at Trial	198,686	106,396	27,226	151,836	70,010	554,154
Cases Dismissed After:						
<i>Driving Safety Course</i>	188,907	---	---	---	---	188,907
<i>Deferred Disposition</i>	141,755	49,995	---	---	---	191,750
<i>Proof of Financial Responsibility</i>	117,294	---	---	---	---	117,294
Total Cases Dismissed After	447,956	49,995	---	---	---	497,951
TOTAL DISPOSITIONS	2,061,501	570,737	42,916	201,465	134,346	3,010,965
CASES APPEALED	30,764	1,949	530	2,754	432	36,429
JUVENILE ACTIVITY:						
Warnings Administered						4,173
Statements Certified						3,503
Detention Hearings Held						2,355
Failure to Attend School Cases Filed						99,260
Violation of Local Daytime Curfew Ordinance Cases Filed						635
Referred to Juvenile Court for Delinquent Conduct						6,718
Held in Contempt, Fined, or Denied Driving Privileges						10,897
OTHER ACTIVITY:						
Parent Contributing to Nonattendance Cases Filed						69,217
Peace Bond Hearings Held						2,774
Class A or B Misdemeanor Complaints Accepted						74,294
Felony Complaints Accepted						56,314
Examining Trials Conducted						2,288
Inquests Conducted						17,317
Safety Responsibility and Driver's License Suspension Hearings Held						2,961
Search Warrants Issued						3,843
Arrest Warrants Issued:						
Class C Misdemeanors Only					710,091	
Felonies and Class A and B Misdemeanors Only					79,635	
Total Arrest Warrants Issued						789,726
Magistrate Warnings Given						289,616
Emergency Mental Health Hearings Held						9,840
Magistrate's Orders for Emergency Protection						6,887
Conference Held Prior to Legal Action Resulting in:						
Legal Action Being Filed in Court			4,832	1,260		6,092
No Legal Action Being Taken			2,756	891		3,647
TOTAL REVENUE						\$372,590,897



Municipal Courts

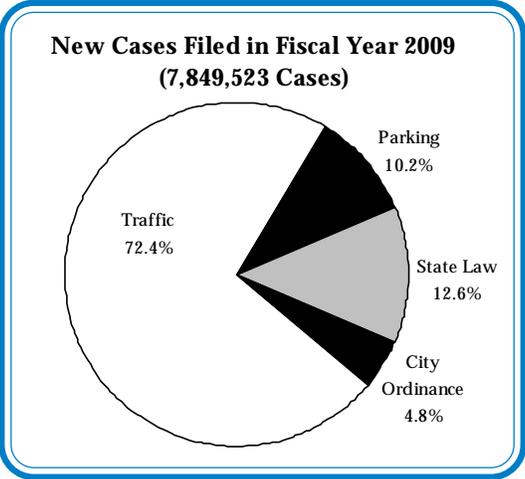
Cases Filed – More than 7.8 million cases were filed in the state’s municipal courts in 2009, a decrease of 2.2 percent from the number of new cases filed the previous year. Traffic and parking cases constituted 82.6 percent of new cases filed.

The ten most populous cities, representing 42.4 percent of the state’s population living in cities and towns, accounted for 49.2 percent of all cases filed in municipal courts. Of the ten most populous cities, San Antonio (population 1,351,305) had the lowest per capita filing rate (.28) and Fort Worth (population 703,073) had the highest per capita filing rate (.66). Statewide, the per capita rate of cases filed in municipal courts was .41 cases. The highest per capita filing rate, 33.9, occurred in Westlake (population 211). The second highest per capita filing rate, 10.1, occurred in Estelline (population 155). These rates were considerably higher than the rates in all other cities in the state.

Clearance Rates – Municipal courts disposed of 6,946,649 cases in 2009—remaining essentially level with the previous year. Because the number of dispositions remained steady while the number of new cases filed decreased, the statewide clearance rate for municipal court cases rose to 88.5 percent (compared with 86.6 percent the year before). By case type, parking cases had the highest clearance rate (98.1 percent), while state law cases had the lowest clearance rate (78.1 percent).

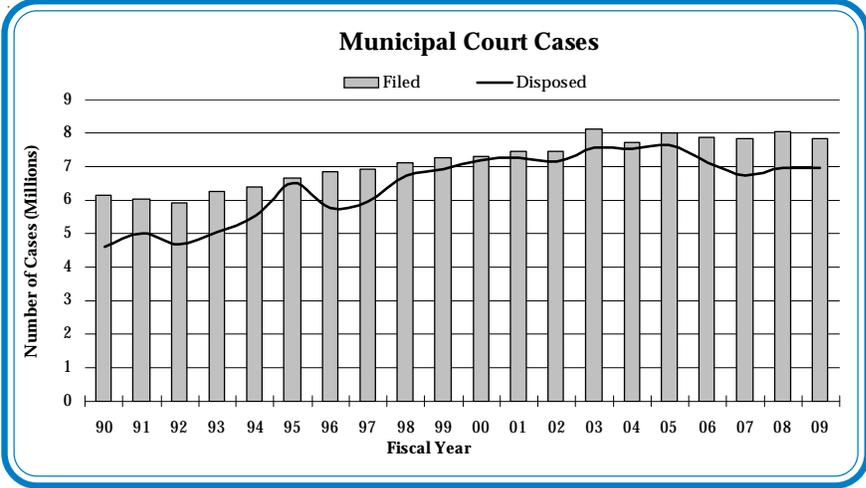
Manner of Disposition – In 2009, municipal courts disposed of more than 5.8 million traffic and parking cases. The largest share of these cases, 36.4 percent, were disposed of by payment of a fine (without appearing before a judge) or by a bond forfeiture. Approximately 18 percent were disposed of after a bench trial or other appearance before a judge, 16.4 percent were disposed of after completion of deferred disposition or drivers’ safety, and only 0.1 percent were disposed of by a jury trial.

Municipal courts also disposed of more than one million state law and city ordinance cases (i.e., non-traffic cases). Approximately 35 percent of these cases were disposed of by payment of a fine or by bond forfeiture. While the jury trial rate for these cases (0.2 percent) was similar to the rate for traffic and parking cases, defendants in state law and city ordinance cases were more likely to have a bench trial or other appearance before the judge (27.6 percent) to dispose of the case.

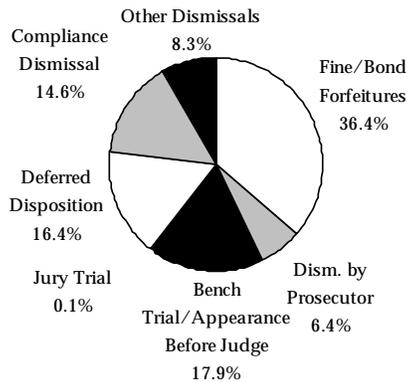


**Filings per Capita
Fiscal Year 2009**

Cities with Highest Filings per Capita	Filings per Capita in 5 Most Populous Cities
Westlake - 33.9	Houston - .63
Estelline - 10.1	San Antonio - .28
Montgomery - 6.3	Dallas - .30
Cuney - 5.4	Austin - .58
Patton Village - 5.3	Fort Worth - .66
Statewide - .41	

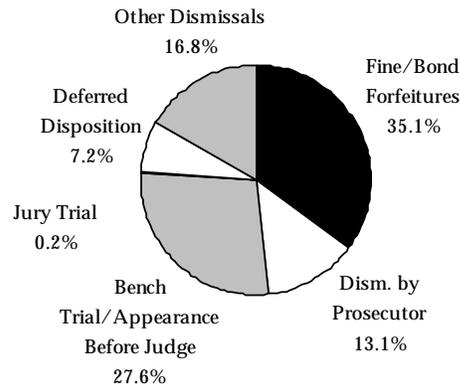


Disposition of Traffic and Parking Cases
(5,876,511 Cases)



Does not total to 100 percent due to rounding.

Disposition of Non-Traffic Cases
(1,070,138 Cases)



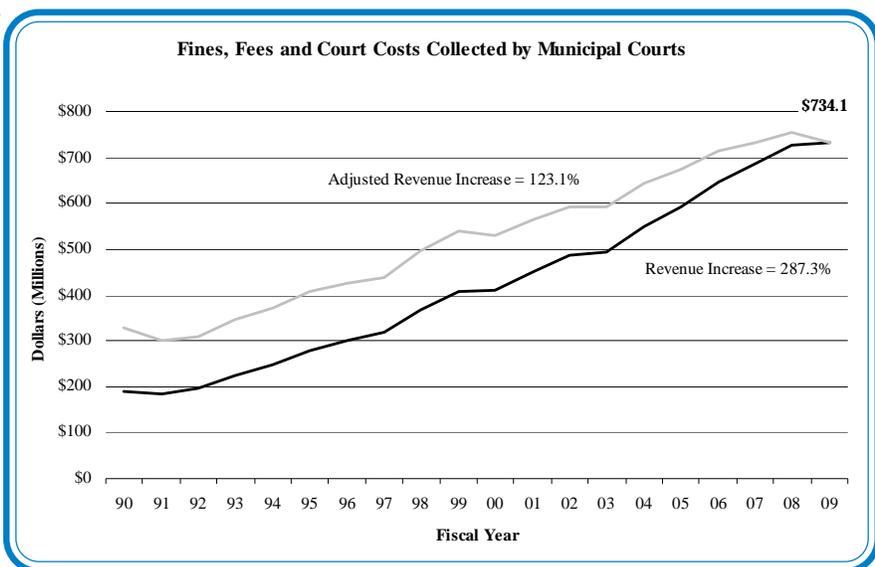
Overall, guilty findings were made in almost all (96.6 percent) of the 1,344,902 cases that were not dismissed and went to bench trial or were otherwise disposed of by an appearance before the judge.¹ In contrast, guilty verdicts accounted for 81.9 percent of the 5,652 cases that went to jury trial.

Juvenile Case Activity—Juvenile cases filed in municipal courts decreased 5.5 percent from the previous year to 304,023. Transportation Code (traffic) cases accounted for 46.5 percent of the juvenile cases filed in 2009. The number of cases filed under most of the juvenile case categories has fluctuated over the years. Since 2004, however, cases involving driving under the influence of alcohol declined an average of 7.0 percent per year.

Magistrate Activity—In 2009, municipal courts issued 7,256 search warrants, more than 2.7 million arrest warrants, 10,471 magistrate orders for emergency protection, and 206,105 magistrate warnings to adults. Search warrants, arrest warrants, emergency protective orders, and mental health hearings generally increased over the past decade. Magistrate activity in juvenile cases, however, generally declined. Certifications of juvenile statements declined 52.2 percent between 2000 and 2009 (from 1,777 in 2000 to 850 in 2009), and warnings administered to juveniles declined 59.1 percent (from 5,419 in 2000 to 2,218 in 2009).

Court Collections—The amount of fines, fees and court costs collected by municipal courts generally increased over the last 20 years. In 2009, the courts collected approximately \$734 million—an increase of 1.2 percent from the previous year. The amount collected in 2009 was 287.3 percent higher than that collected 20 years previously in 1990, or 123.1 percent higher when adjusted for inflation.²

Excluding cases dismissed prior to trial or at trial, the amount collected per disposition averaged approximately \$127.



1. Guilty and *nolo contendere* pleas are included in the “Trial by Judge” category in the Municipal Court Activity Report.
2. Using Consumer Price Index Conversion Factors, <http://oregonstate.edu/cla/polisci/faculty-research/sahr/cv2008.pdf>.

Activity Report for Municipal Courts

September 1, 2008 to August 31, 2009

99.7 Percent Reporting Rate 10,966 Reports Received Out of a Possible 11,004					
	Traffic Misdemeanors		Non-Traffic Misdemeanors		REPORTED TOTALS
	Non -		State	City	
	Parking	Parking	Law	Ordinance	
NEW CASES FILED	5,684,813	798,557	986,483	379,670	7,849,523
DISPOSITIONS:					
Dispositions Prior to Trial:					
<i>Bond Forfeitures</i>	33,069	1,074	11,177	2,239	47,559
<i>Fined</i>	1,584,997	517,347	273,253	89,261	2,464,858
<i>Cases Dismissed</i>	301,912	72,809	91,499	48,836	515,056
Total Dispositions Prior to Trial	1,919,978	591,230	375,929	140,336	3,027,473
Dispositions at Trial:					
<i>Trial by Judge</i>					
Guilty	849,728	157,562	214,923	76,361	1,298,574
Not Guilty	15,493	26,673	2,419	1,743	46,328
<i>Trial by Jury</i>					
Guilty	2,810	70	1,164	584	4,628
Not Guilty	614	9	229	172	1,024
<i>Dismissed at Trial</i>	481,912	5,873	117,420	62,227	667,432
Total Dispositions at Trial	1,350,557	190,187	336,155	141,087	2,017,986
Cases Dismissed After:					
<i>Driver Safety Course</i>	443,532	---	---	---	443,532
<i>Deferred Disposition</i>	518,235	2,287	58,463	18,168	597,153
<i>Proof of Financial Responsibility</i>	422,660	---	---	---	422,660
<i>Compliance Dismissal</i>	437,845	---	---	---	437,845
Total Cases Dismissed After	1,822,272	2,287	58,463	18,168	1,901,190
TOTAL DISPOSITIONS	5,092,807	783,704	770,547	299,591	6,946,649
COMMUNITY SERVICE ORDERED	162,274	767	46,389	13,658	223,088
CASES APPEALED	10,443	136	2,036	1,231	13,846
JUVENILE ACTIVITY:					
Transportation Code Cases Filed					141,267
Non-Driving Alcoholic Beverage Code Cases Filed					34,745
DUI of Alcohol Cases Filed					2,852
Health & Safety Code Cases Filed					8,127
Failure to Attend School Cases Filed					20,744
Education Code Cases Filed					10,001
Violation of Local Daytime Curfew Ordinance Cases Filed					12,025
All Other Non-Traffic Fine-Only Cases Filed					74,262
Waiver of Jurisdiction of Non-Traffic Cases					4,636
Referred to Juvenile Court for Delinquent Conduct					1,243
Held in Contempt, Fined, or Denied Driving Privileges					7,436
Warnings Administered					2,218
Statements Certified					850
OTHER ACTIVITY:					
Parent Contributing to Nonattendance Cases Filed					7,680
Safety Responsibility and Driver's License Suspension Hearings Held					655
Search Warrants Issued					7,256
Arrest Warrants Issued					
Class C Misdemeanors	2,707,983				
Felonies and Class A and B Misdemeanors	74,449				
Total Arrest Warrants Issued					2,782,432
Magistrate Warnings Given					
Class A and B Misdemeanors	137,362				
Felonies	68,743				
Total Magistrate Warnings Given					206,105
Emergency Mental Health Hearings Held					2,310
Magistrate's Orders for Emergency Protection					10,471
TOTAL REVENUE					\$734,057,152

Counties that Did Not Submit All Monthly Activity Reports for the Fiscal Year

for District Courts		for County-Level Courts	
County	Reports Submitted	County	Reports Submitted
Armstrong	11	Edwards	7
Edwards	11	Sherman	3
Sherman	2	Starr	0
Zavala	6	Zapata	9
Bastrop*	10	Gregg**	8

* Only civil activity reports missing

** Only criminal activity reports missing

Municipal Courts that Did Not Submit All Monthly Activity Reports for the Fiscal Year

Court	Reports Submitted	Court	Reports Submitted
Bartlett	8	Penitas	11
Childress	0	Santa Rosa	8
La Villa	0		

Other Required Reports for the Fiscal Year Ended August 31, 2009

Hate Crime Reporting. Article 2.211 of the Code of Criminal Procedure provides that in each case that a request is made for an affirmative finding that an offense was committed because of bias or prejudice under Article 42.014, the clerk of the district or county court shall report that request to the Texas Judicial Council and include a statement whether the affirmative finding was entered in the judgment in the case. During FY 2009, OCA received reports of 2 cases in which a request was made for an affirmative finding that a hate crime was committed. In both cases, the request was granted, and an affirmative finding was made.

The list of reported cases is posted at <http://www.courts.state.tx.us/oca/required.asp>.

Vexatious Litigants Subject to a Prefiling Order. Section 11.104 of the Civil Practice and Remedies Code requires the clerk of a court to send OCA a copy of any prefilng order issued under Section 11.101—an order prohibiting a person from filing a new litigation in a court in the state if the court finds, after notice and a hearing, that the person is a vexatious litigant. Subsequently, the person must obtain permission from a local administrative judge to file litigation, and the judge may grant permission only if it appears that the proposed litigation has merit and has not been filed for the purposes of harassment or delay. During FY 2009, OCA received 13 new reports of litigants subject to prefilng orders.

The complete list is posted at <http://www.courts.state.tx.us/oca/required.asp>.

Appointments and Fees Reports. Texas Supreme Court Order No. 07-9188 requires each district clerk and county clerk to prepare a report each month listing each fee paid during that month in the amount of \$500 or more for each appointment made by a judge of any district, county, or probate court, a court master, or court referee of a person to a position for which any type of fee may be paid in a civil case, probate case, or proceeding governed by Titles 1, 2, or 4 of the Texas Family Code.

At the request of the Supreme Court, OCA developed a database to capture the information submitted on these reports. In March 2009, the Appointments and Fees database went live. This new program allows county and district clerks to electronically submit their monthly reports and allows clerks and OCA staff to run reports from this information, which will improve public access to the information and will make it more useful. OCA also plans to post publicly accessible reports from this system at <http://www.courts.state.tx.us/oca/required.asp>.

Capital Case Jury Charges. For each capital case in which a jury trial is held, Section 72.087(c) of the Government Code requires the judge or clerk of a court to submit a written record to OCA containing the contents of the trial court's charge to the jury and the sentence issued in each case. In FY 2009, OCA received records for 57 cases. All records received by OCA since September 2007 are posted at <http://www.courts.state.tx.us/oca/jurycharges.asp>.

Security Incidents. Article 102.017(f), Code of Criminal Procedure, requires a local administrative judge to submit a written report to OCA regarding any incident involving court security that occurs in or around a building housing a court. A security incident is defined as any adverse event that threatens the security of a person or property, or causes or may cause significant disruption to functions of the court due to a breach in security.

In FY 2009, OCA received a total of 120 incident reports. Of the 120 incident reports submitted, 44 percent were submitted by district courts (53 incidents), 8 percent by county-level courts (10 incidents), 4 percent by justice courts (5 incidents), 33 percent by municipal courts (39 incidents), and 11 percent by courthouses serving multiple court types (13 incidents).

Twenty-seven percent of all reported incidents were not related to a particular case (33 incidents). One-quarter of incidents involved Class C misdemeanor cases (30 incidents), and 21 percent were related to higher-level criminal cases (25 incidents). Twelve percent of reported incidents involved family cases (14 incidents).

Of the reported incidents, 36 percent involved disorderly behavior (53 incidents). The next most common behavior reported was threats (both written and verbal) with 24 percent of reported incidents (35 incidents).

Eighteen percent of the 120 reported incidents resulted in injury (21 incidents). In 82 percent of incidents, no injuries were reported (99 incidents). Of the 21 reported incidents that resulted in injury, Class C misdemeanor cases and other criminal cases each constituted 29 percent of all incidents involving injury (6 incidents each).

The following are examples of incidents that occurred in the trial courts during FY 2009.

District Courts. 1) Male inmate sent a letter threatening to kidnap, sexually assault, and murder judge. 2) Upon being ordered detained, 14-year old juvenile female began resisting deputies. Officer was kicked in stomach and ribs by the juvenile.

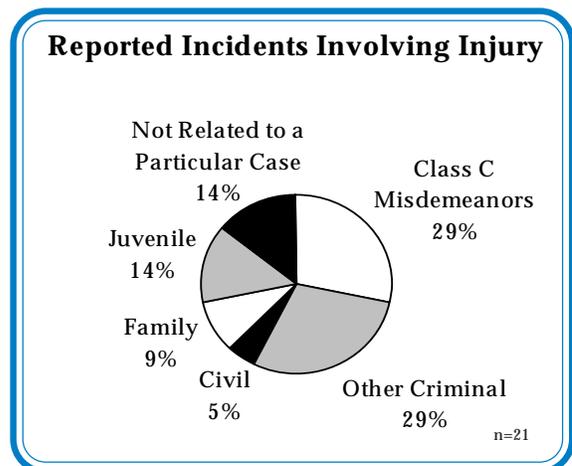
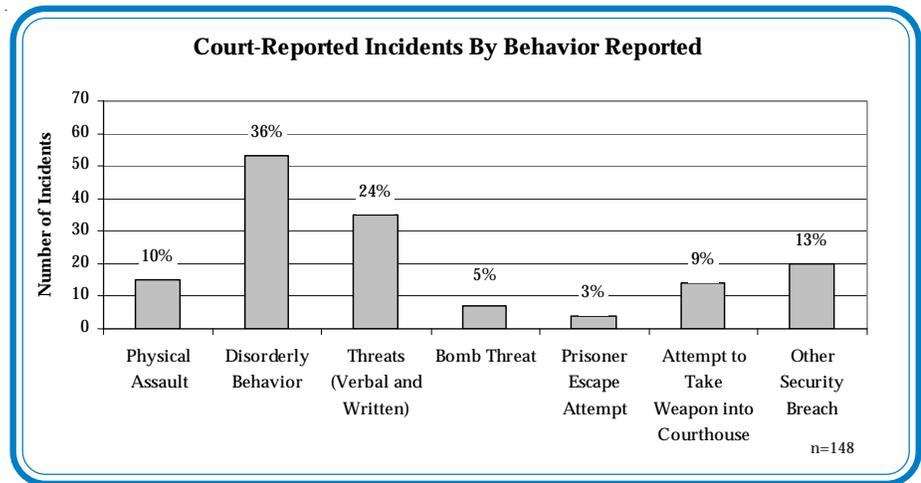
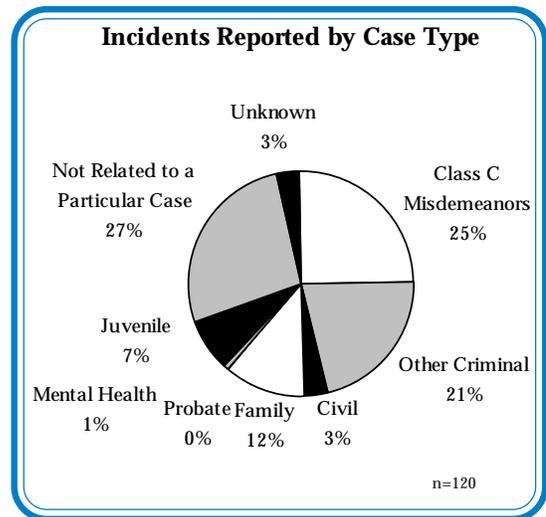
County-Level Courts.

1) While on a lunch break from a juvenile murder certification hearing, the defendant’s mother assaulted her mother and sister who were witnesses to the case by biting and scratching them, causing injuries to both. 2) The perpetrator called the court complaining about court cases. He mentioned he knew he had a warrant and “there’s going to be some cops killed.” He continued to call the court and insult two judges. He called again and stated that he thinks the judge is sending people to kill him, and he is going to do something about it and “you are not going to like it.”

Justice Courts. Juvenile male appeared for a truancy hearing and brought a handgun into the courthouse in a nylon bag.

Municipal Courts. Defendant became irate when he learned warrants had been issued for his failure to pay. He began yelling at the clerk and bailiff. Bailiff handcuffed him, patted him down, and found a box cutter in his pocket. Defendant was placed in a holding cell and allowed to calm down.

For more information on court security incidents, visit <http://www.courts.state.tx.us/oca/security-incidents.asp>.



Annual Reports of the Judicial Support Agencies, Boards, and Commissions

for the Fiscal Year
Ended August 31, 2009



Photo courtesy of TexasCourthouses.com

Anderson County Courthouse - Palestine

Introduction to the Judicial Support Agencies, Boards, and Committees

The **Office of Court Administration** provides information and research, technology services, budgetary and legal support, and other administrative assistance to a variety of judicial branch entities and courts, under the supervision of the Chief Justice of the Supreme Court of Texas and an Administrative Director reporting to the Chief Justice.

The **Texas Judicial Council** is the primary policy-making body responsible for studying and recommending changes to improve the administration of justice.

The **Task Force on Indigent Defense** is a standing committee of the Texas Judicial Council that oversees the distribution of funds to counties to provide indigent defense services, and promulgates policies and standards for services to indigent defendants.

The **Judicial Committee on Information Technology** establishes standards and guidelines for the systematic implementation and integration of information technology into the state's trial and appellate courts.

The **Court Reporters Certification Board** performs licensing and regulatory functions for the court reporting profession.

The **Process Server Review Board** performs regulatory functions for persons authorized to serve process.

The **Guardianship Certification Board** performs regulatory functions for individuals (other than attorneys and corporate sureties) who act as private professional guardians, individuals (other than volunteers) who provide guardianship services to wards of guardianship programs, and individuals who provide guardianship services to wards of the Department of Aging and Disability Services.

The **Judicial Compensation Commission** is responsible for making a report to the Texas Legislature each even-numbered year recommending the proper salaries to be paid by the state for all justices and judges of the Supreme Court of Texas, the Court of Criminal Appeals of Texas, the courts of appeals and the district courts. The Office of Court Administration provides administrative support for the JCC.



Office of Court Administration

2009 Activities of OCA by Division

Executive Operations - The OCA is led by an Administrative Director, Mr. Carl Reynolds, who is also the Executive Director of the Texas Judicial Council, and is supported by an Executive Assistant. The Director provides leadership and strategic direction, represents the agency to the Legislature, other agencies and interest groups, and is responsible for the agency's performance.

Much of FY 2009 was dominated by activities driven by legislative session and passage of a high percentage of Judicial Council legislation. In addition, the Director continued to lead OCA's involvement in activities designed to improve court outcomes for children who have been abused or neglected, working with the Supreme Court's Permanent Judicial Commission for Children, Youth & Families, the regional presiding judges and their child

protection courts, and the Department of Family and Protective Services. The Texas Data-Enabled Courts for Kids project completed the new Child Protection Case Management System for the child protection courts and other judges to improve case tracking and management, data sharing, and court performance in child abuse and neglect cases. Preparing to host the Third National Judicial Leadership Summit for the Protection of Children, early in FY 2010, has also been a high priority, as has oversight of the Texas Appeals Management and E-filing System project.

The Director's Assistant continued service as clerk to the Process Server Review Board, now assisted by a full-time employee dedicated to this entity.

Research and Court Services Division - During FY 2009, the division's activities included the development or continuation of programs and projects designed to increase the collection of court costs, fees, and fines; to improve the administrative operation of the courts; and to improve reporting accuracy and compliance. Highlights of these programs and projects are noted below.

Collection Improvement Program. OCA's Collection Improvement Program is a set of principles and processes for managing cases when defendants are not prepared to pay all court costs, fees, and fines, at the point of assessment and when time to pay is requested. In 2005, the Texas Legislature enacted S.B. 1863 (Code of Criminal Procedure, article 103.0033), which requires cities with a population of 100,000 or more, and counties with a population of 50,000 or more, to implement collection improvement programs based on OCA's model Court Collection Improvement Program.

In FY 2009, division staff continued to engage in numerous activities to implement the program, or assist in refining the processes of previously implemented programs, including providing technical assistance and training to the affected counties and cities; assisting or offering assistance with local voluntary collection improvement program efforts; obtaining the case populations from which the Comptroller of Public Accounts (CPA) auditors select their samples to determine the pre-mandatory program collection rate for mandated programs; refining, in cooperation with the CPA, the methodology for conducting compliance audits; developing, in cooperation with the CPA, the sampling methodology that the CPA will use when conducting compliance audits; conducting simulated compliance audits to identify any deficiencies and assisting programs with correcting any deficiencies found before the CPA auditors conduct the official compliance audit; assisting programs with the use of the web-based collection reporting system to track collection activity and results; and conducting regular regional workshops to provide ongoing collections training to mandatory and voluntary programs, as well as cities, counties, or courts interested in improving court collections.

As of August 31, 2009, 76 of the 78 counties and cities required to implement a program had either fully or partially implemented the model. In addition, 9 voluntary programs were at least partially implemented in 7 cities (Allen, Haltom City, Pharr, Texarkana, Van Horn, Uvalde, and Weslaco) and two counties (Bosque and Uvalde) during FY 2009.

Judicial Information Program. Acting on a mandate of the 80th Texas Legislature (under OCA Rider 7, H.B. 1, 2007) and a request of the Texas Judicial Council Committee on Judicial Data Management, division staff continued working on a project, known as the Judicial Data Project, in which OCA created workgroups of judges, clerks and others to review the data elements currently used by trial courts in reporting case activity and to recommend to the Judicial Council changes to the monthly case activity reports so they more accurately reflect the workload of those courts.

The district and county-level court phase of the project was completed in spring 2008, with the Judicial Council approving changes to the district and county-level court monthly case activity reports and instructions, which take effect September 1, 2010. During FY 2009, division staff engaged in numerous activities to facilitate the implementation of the new reports, including creating a team of district and county clerks to assist OCA in developing solutions and answers to issues and problems faced by the clerks in implementing the new reporting changes; making presentations on the upcoming monthly report changes at district and county clerk conferences and regional meetings; hosting a meeting with case management software providers to discuss the monthly report changes; providing periodic updates to district and county clerks on OCA's activities to facilitate the implementation of the new reports; preparing two published articles, one of which was directed to judges and the

other to court coordinators; and providing frequent technical assistance to clerks and case management software providers.

As part of the Judicial Data Project, the OCA data workgroups were asked by the Judicial Council's Committee on Judicial Data Management to develop a civil cover sheet, which would be submitted by an attorney or pro se litigant when filing a civil or family law case in a district or county-level court. A cover sheet is intended to take the burden off clerks in categorizing cases and make the attorney or pro se litigant indicate what type of case is being filed, thereby resulting in increased accuracy of the identification of the type of case being filed. Division staff assisted in the development of three model cover sheets (i.e., two civil cover sheets—one for district courts and one for county-level courts—and one family law cover sheet for both district courts and county-level courts), which were approved by the Judicial Council in fall 2008. In addition, OCA asked the Supreme Court to promulgate a Rule of Civil Procedure that requires parties to submit cover sheets when filing a civil or family law case. The matter was referred to the Supreme Court Advisory Committee (SCAC). Division staff provided much information to SCAC to assist them in their study of this issue.

Also, during FY 2009, division staff continued to provide extensive support for the justice and municipal court phase of the Judicial Data Project, including the drafting of proposed reporting forms and instructions. In fall 2008, the recommended changes to the monthly reports and instructions for the justice and municipal courts developed by the OCA Justice and Municipal Court Data Workgroup were submitted to the Judicial Council's Committee on Judicial Data Management for its consideration. The Committee developed additional recommended changes to the monthly reports and instructions and submitted the proposed monthly reports and instructions, as amended, to the full Judicial Council for its consideration. At its August 28, 2009 meeting, the Judicial Council approved the posting of the proposed monthly reports and instructions on the Judicial Council/OCA website for comments.

In addition to the Judicial Data Project, division staff worked with the Information Services Division to develop a database for and electronic reporting of information required on the District and County Court Appointments and Fees Report. This new reporting system went live in March 2009. Over the year, division staff also conducted a number of surveys concerning topics such as court expenses, emergency disaster relief plans, court information technology resources, and use of civil case cover sheets in other states. The section also continued to support the work of the Judicial Compensation Commission and made regular presentations to municipal court clerks concerning proper reporting of case activity on the Municipal Court Monthly Report.

Court Services Program. The Court Services Program provides assistance to courts in evaluating and implementing case management and other administrative programs to help courts run more efficiently. During FY 2009, division staff provided on-site training on case management, calendar management, and other administrative matters to district judges and court coordinators at their respective offices in Burleson, Freestone, Hidalgo, Liberty, Navarro, and Uvalde counties, as well as to a child protection associate judge and her court coordinator at their office in Bandera County.

Division staff continued working with a committee comprised of court coordinators and court managers on the development of a handbook for court coordinators in district, statutory county, and specialty courts.

Single Point of Contact Position on Domestic Violence Issues. In FY 2009, division staff applied for grant funding to hire a full-time attorney who will serve as a single point of contact to support court efforts to combat domestic violence, sexual assault, and stalking. The single point of contact will provide technical assistance to the courts on how to best handle these cases. One of the primary objectives of this project is for the single point of contact to develop a judges' benchbook on legal and other issues in domestic violence cases. OCA will partner with the Texas Council on Family Violence on this project. Funding for the project was awarded in fall 2009.

Information Services Division - OCA works to improve information technology at all judicial levels in Texas. In addition to providing information technologies (IT) for its agency work and for the various boards it supports, OCA provides IT directly for the Supreme Court of Texas, the Court of Criminal Appeals, the 14 intermediate courts of appeals, the State Law Library, the State Prosecuting Attorney, and the State Commission on Judicial Conduct (SCJC). These bodies use computers, desktop software, line-of-business software applications, Internet access, wide area and local area networks, server databases and resources, and websites provided and maintained by OCA. The line-of-business software applications OCA maintains includes certification management for

OCA's regulatory boards, case management for the child-protection and child-support specialty courts, case management for SCJC, and court case management for appellate courts. Additionally, OCA supports the meetings and activities of the Judicial Committee on Information Technology.

In September 2009, the Texas Data Enabled Courts for Kids (TexDECK) project, funded by a Supreme Court of Texas Court Improvement Program grant from the federal Administration for Children and Families, implemented an improved child protection case management system.

The **Indigent Defense Division** supports the Task Force on Indigent Defense by administering the distribution of funds to counties for indigent defense services; developing policies and standards for legal representation and other defense services for indigent defendants; promoting local compliance with the core requirements of the Fair Defense Act through evidence-based practices; providing technical support to counties with respect to indigent defense; and establishing a statewide county reporting plan for indigent defense information. Accomplishments for FY 2009 are discussed in the report for the Task Force.

The **Legal Division** continued to provide legal support for numerous entities within the judiciary and to oversee the administration of the specialty courts programs on behalf of the presiding judges of the nine administrative judicial regions. Legal staff served as liaisons to or provided legal support to the Judicial Compensation Commission; the Texas Judicial Council; the Conference of Regional Presiding Judges; the Council of Chief Justices; the Permanent Judicial Commission for Children, Youth and Families; the Task Force to Ensure Judicial Readiness in Times of Emergency; the Judicial Districts Board; the Task Force on Indigent Defense; the Guardianship Certification Board (GCB); and the Court Reporters Certification Board (CRCB). Division attorneys drafted new rules and amendments for the Texas Judicial Council's new judicial data reporting requirements, for the GCB, the CRCB, the Judicial Committee on Information Technology, and the collections improvement program. The division updated the county clerk procedure manual and the model jury summons form. A division attorney worked extensively on the agency's automated registry project, including assisting with inter-agency contracts and user agreements and other implementation issues. A division attorney also made presentations throughout the year to judges and clerks on issues including the Texas court system, charging instruments in municipal court, court costs, and legislative updates.

Specialty Courts Program. The specialty courts program includes the child protection courts and the child support courts programs. Throughout the year division staff supported the efforts of the presiding judges of the administrative judicial regions in administering the specialty courts program. The program director worked with the information services division to revise the case management system for the child support courts and worked with the information services division and the child protection advisory committee to finalize a new case management system for the child protection courts. The program director facilitated the annual Child Protection Court Conference in Austin attended by the associate judges and coordinators.

The **Finance and Operations Division** manages the fiscal and operational support activities of OCA, including purchasing, accounting, payroll, budgeting, financial reporting, human resources, property inventory, and facilities management. Division staff members consult with OCA program managers on a variety of financial and contractual issues, and answer questions from the Legislature, the public, and other interested parties on judicial funding and state appropriations to the courts and judicial agencies. The division coordinates preparation of the agency's strategic plan, legislative appropriations request, and quarterly performance measures. Finance and Operations staff work with the clerks of the appellate courts on issues related to accounting, purchasing, financial reporting, and human resources. In addition, the division provides support to the appellate courts and the Presiding Judges of the administrative judicial regions regarding legislative, budgetary, and human resources issues.

In November 2008, division staff successfully implemented a new Executive Information System, through which OCA employees can view their payroll and leave information, rather than relying on paper copies and manual distribution of this information. Also in FY 2009, division staff reviewed proposed changes to the Classification Plan for the 81st legislative session and submitted a request to the State Auditor's Classification Office to add a new classification title for Specialty Courts personnel previously classified as Administrative Assistants. The new classification title, Court Coordinators, was approved by the 81st Legislature and was effective September 1, 2009. Staff developed fiscal notes and supported OCA and the appellate courts during the legislative session. Division staff also coordinated space renovation to accommodate three additional staff members authorized by the 81st Legislature for the indigent defense program.

Division staff continued to provide training to other OCA employees on human resources policies, as well as purchasing, travel, and property procedures. Staff completed a variety of financial reports, including the Annual Financial Report, quarterly performance measures reports, a biennial revenue report to the Legislative Budget Board, and multiple grant reimbursement requests. Finance staff also continued to oversee the internal audit function to ensure OCA programs are operating in an effective and cost-efficient manner.

The **Court Reporters Certification Division** serves as staff to the Court Reporters Certification Board (CRCB), the governing body that oversees the licensing and regulation of the court reporting profession in Texas. Primary responsibilities include administration of the court reporters exam, certification of court reporters, registration of court reporting firms, and the conduct of disciplinary hearings on complaints filed against court reporters and court reporting firms. Accomplishments for FY 2009 are discussed under the report for the CRCB.

The **Guardianship Certification Program** serves as staff to the Guardianship Certification Board (GCB), the entity that certifies certain individuals who provide guardianship services in Texas. Its primary responsibility is to carry out the daily business of the GCB and perform the necessary administrative functions to implement and enforce statutory requirements. These functions include processing applications for certification, provisional certification and re-certification in accordance with GCB guidelines; developing procedures and forms; maintaining program and GCB records; and disseminating information on the GCB's rules, minimum standards and policies. Accomplishments for FY 2009 are discussed under the report for the GCB.



Photo courtesy of TexasCourthouses.com

Stephens County Courthouse



Texas Judicial Council

Legislation. The Judicial Council developed more than 60 legislative proposals, coming from workgroups on guardianship, indigent defense, court reporting, court administration, disaster readiness, associate judges, re-entry, and justice and municipal courts. OCA staff worked with legislative sponsors to achieve an impressive 46 percent passage rate, compared to a rate of approximately 17 percent for filed legislation overall. The Judicial Council Legislative Report was issued in late June, as soon as the veto period ended, and much more promptly than in prior years.

Committees. Often the Council appoints committees to study issues affecting the administration of justice. The Legislative Committee was re-established to prepare for the 81st Legislative Session and the Committee on Judicial Data Management was also active during the reporting period.

Committee on Judicial Data Management. Section 71.035 of the Texas Government Code provides that “the council shall gather judicial statistics and other pertinent information from the several state judges and other court officials of this state.” In an effort to improve the accuracy and usefulness of the data reported to the Office of Court Administration (OCA) each month for publication in the *Annual Report for the Texas Judiciary*, the Committee on Judicial Data Management asked OCA to:

“...assemble a workgroup of clerks and other interested persons or entities to make recommendations regarding: 1) the elimination of one or more of the current data elements; 2) the addition of one or more data elements; 3) the revision of one or more of the current data elements; 4) the clear and concise definition for each data element; 5) the development of a civil cover sheet; and 6) the improvement of the quality and accuracy of the annual report of the Texas judicial system.”

The review of the trial court data elements, known as the Judicial Data Project, began in 2004. Because the number of data elements reported by the trial courts is extensive, OCA decided to create a workgroup for each level of trial court (i.e., district, county, and justice/municipal) and to further divide the workgroup for the district courts, and the workgroup for the county-level courts, into sub-workgroups. During the past few years, the workgroups and sub-workgroups have met and developed recommendations regarding changes to the monthly case activity reports and instructions. The district and county-level court phase of the project was completed in spring 2008, with the Judicial Council approving changes to the monthly case activity reports and instructions for those courts.

During FY 2008, the OCA Justice and Municipal Court Data Workgroup met and began developing its recommended changes to the monthly reports and instructions for the justice and municipal courts. The OCA workgroup submitted its recommended changes to the Committee on Judicial Data Management in fall 2008. The Committee met on November 19, 2008 and February 4, 2009 to consider those recommended changes, and it developed additional recommended changes to the monthly reports and instructions. The proposed reporting forms and instructions, as amended by the Committee, were forwarded to the full Judicial Council for its consideration at its meeting on August 28, 2009. At that meeting, the Judicial Council approved giving notice of its intention to adopt proposed amendments to its reporting rules to add the reporting requirements for justice and municipal courts, by filing notice with the secretary of state for publication in the Texas Register; to provide a 30-day period for comments regarding the proposed amendments to the rules; and to post the proposed changes to the monthly case activity reports and instructions for the justice and municipal courts on the Judicial Council/OCA website for comment.

As part of the Judicial Data Project, the OCA data workgroups were asked to develop a civil cover sheet. At its meeting on September 19, 2008, the Judicial Council approved three model cover sheets, which are discussed in the report of the Office of Court Administration on page 66, and then approved minor amendments to them at its meeting on November 7, 2008.

Task Force on Indigent Defense

Introduction and Background to Indigent Defense. FY 2009 marks the eighth fiscal year of a statewide indigent defense program in Texas. In January 2002, the Texas Fair Defense Act (FDA) became effective after its passage by the Texas Legislature in 2001. The legislation established the Texas Task Force on Indigent Defense (Task Force) to oversee the provision of indigent defense services in Texas. The Task Force is a permanent standing committee of the Texas Judicial Council, staffed as a component of the Office of Court Administration (OCA). The Task Force has authority to set statewide policies and standards for the provision and improvement of indigent defense, to grant state funds to counties for that purpose, and to monitor counties' compliance with policies and standards. The mission of the Task Force is to improve the delivery of indigent defense services through fiscal assistance, accountability and professional support to State, local judicial, county and municipal officials. That mission supports the ultimate purpose of the Task Force, which is to promote justice and fairness to all indigent persons accused of criminal conduct, while doing so in a cost-effective manner that also meets the needs of the local community. In FY 2009, the Task Force and its committees held seven public meetings. The Task Force and staff converged for a strategic planning session last year to take stock of the progress of indigent defense policies in Texas and to chart a strategic vision to guide further improvements. The Strategic Plan 2008-2012 presents the results of this effort and is available on the Task Force's website.

The challenges ahead involve three distinct but related goals:

- Improve policies by giving clear guidance to staff and develop strategies for policy and standards and legislative initiatives;
- Continue to improve the monitoring of policy outcomes, establish thresholds for outcome indicators and agree on an outcome accountability policy; and
- Determine the best use of new funds to improve indigent defense system, determine the allocation of new funding and resolve issues related to funding formula.

The strategic plan is oriented toward exploring the best way to accomplish these three goals over the next two to three years.

Policies and Standards Development. Strategic goal one is to improve policies by giving clear guidance to staff and develop strategies for policy and standards and legislative initiatives. Initiatives under this goal are developed to provide additional consistency and improvement in the way Texas delivers indigent defense services. While the FDA contains a variety of statutory requirements, the Task Force is given broad authority to develop additional policies covering a wide range of indigent defense issues, which are achieved through development of rules, best practices, and model forms in a process that encourages stakeholder involvement and collaboration. In approaching this process, the Task Force is always mindful of the potential costs associated with implementing additional requirements. The Policies and Standards Committee of the Task Force met twice during the year. In addition, workgroups that were charged with assisting the committee to develop legislative recommendations met several times during the year.

Indigent Defense-Related Legislation. Part of this strategy is to make recommendations to the Legislature based upon information gathered by staff and input from key criminal justice stakeholders. Two bills related to indigent defense were passed by the 81st Legislature and signed into law by the governor in 2009. One of the bills, HB 2058, was a proposal recommended by the Task Force and Texas Judicial Council that creates separate standards for appellate lead counsel in a capital case. It permits highly skilled appellate attorneys to represent defendants on appeal without having to meet the prior requirements, which include extensive trial experience appellate lawyers often do not have. SB 1091 also passed to create the Office of Capital Writs to provide legal representation in a state writ of habeas corpus for indigent capital murder defendants who were sentenced to death and were appointed counsel. For a full update on the 81st Legislature, including indigent defense-related bills that did not pass, visit the Task Force's website.

New Policy Monitoring Rules. The Task Force's second strategy is to continue to improve the monitoring of policy outcomes, establish thresholds for outcome indicators and agree on an outcome accountability policy. The Task Force is charged with promoting local compliance with the legal requirements of state law relating to indigent defense. For example, state law requires that competent qualified counsel be appointed in a timely manner in all criminal cases in which the accused is too poor to hire a lawyer. The Task Force visits counties each year to promote county compliance with the requirements of state law and Task Force policies and standards relating to indigent defense, and this process is guided by a set of policy monitoring rules. New policy monitoring rules have been codified in the Texas Administrative Code (1 TAC §§174.26 - 174.28). They set out the expectations for what areas the monitoring will cover, what documents will be reviewed, and the time frames for reports and county responses. The rules may be accessed at Texas Administrative Code, Title 1, Part 8, Chapter 174 online at: <http://www.sos.state.tx.us/tac>.

New Indigent Defense Plan Submission Process for 2009. In response to an internal audit report on the current process of receiving and displaying indigent defense plans, the Task Force changed the process for the plan submissions due November 1, 2009. The wide latitude local officials have had in the structure of plans and format of submission has resulted in a cumbersome and, at times, confusing set of documents. Updates to plans originally submitted at the end of 2001 have varied dramatically and many counties have multiple plan documents, including supplements and amendments on file, often with conflicting language, making it difficult or impossible to piece together the current plan. Following implementation of the new submission process, counties' indigent defense plans will be able to be displayed by section or in their entirety. Plans will also be searchable by section, rather than the search taking you to a list of plan documents on file for the counties meeting the demographic criteria you set. This will allow state and local officials, staff and researchers to focus on only those parts of the plans they are currently interested in reviewing. As an example, it would allow a judge to find the attorney qualification requirements in the plans of similarly sized counties in the judge's region. Staff from the Task Force and Public Policy Research Institute (PPRI) will be available to assist local officials in the submission process.

Funding Strategies. Goal three in the strategic plan is to determine the best use of new funds to improve the indigent defense system, determine the allocation of new funding, and resolve issues related to the funding formula. Distribution of and accounting for state funds to counties are critical responsibilities of the Task Force. The Grants and Reporting Committee met twice over the year and also had a workgroup meeting in November 2008 to discuss the current formula for distributing funds. The Task Force grant program encourages compliance with state and federal requirements by requiring counties to meet provisions of the FDA in their local indigent defense plans to qualify for funding. In FY 2009, the Task Force awarded more than \$28 million to counties through seven funding methods—\$11,728,773 in formula grants; \$3,904,473 in discretionary grants; \$131,523 in direct disbursements to rural counties; \$475,003 in reimbursements for counties with extraordinary expenses; \$105,000 for targeted specific grants; \$5,000 for technical assistance; and \$12 million in an equalization disbursement. The Expenditure Report contained in the FY 2009 Annual Report of the Task Force at www.courts.state.tx.us/tfid provides details of the expenditures for each of the seven funding methods. The Task Force authorized staff to publish the FY 2010 Discretionary Grant Request for Applications (RFA) during FY 2009. This timeline gives counties more time to plan, budget and implement new programs for the upcoming fiscal year. In April, several applications were submitted for consideration. In all, the Task Force awarded \$572,024 in new FY 2010 discretionary grants to Fort Bend, Parker and Wichita counties at its June 10, 2009 meeting.

Clearinghouse of Indigent Defense Information. To further promote best practices and accountability by transparency, the Task Force serves as a clearinghouse of indigent defense information via its website, www.courts.state.tx.us/tfid, with public access to all county plans, expenditures, guides, model forms, rules, publications, e-newsletters and press releases. In addition to its numerous publications on the website, the Task Force also offers professional development educational programs to enhance understanding of the FDA.

In FY 2009, Task Force staff made 14 presentations to more than 1,350 attendees at various professional associations. One of these was the 6th Annual Indigent Defense Workshop sponsored by the Task Force, held during FY 2009 on October 23-24, 2008. Twenty-two counties were represented by court administrators, judges and commissioners. There were approximately 100 in attendance, including presenters and staff. The keynote speaker was Robert Spangenberg, a national indigent defense expert and president of the Spangenberg Group consulting firm. Attendees heard from a vast array of presenters, from defense to prosecution, who shared a wealth of useful information, perspectives and practical advice on how to improve local indigent defense systems. Workshops have resulted in improvements in indigent defense processes each year. Some examples of actions taken: There were several

counties that would consider a public defender office if it was supported and feasible (Fort Bend, Nacogdoches, Nueces, Zapata). In light of the recent *Rothgery* ruling by the U.S. Supreme Court in June, counties will come up with a plan of action such as revisiting and revising indigent defense plans, changing magistration procedures and following up with defendants who have bonded out. Counties also indicated interest in mental health diversion, establishing relationships with MHMR and improving communication between law enforcement, county and district attorney, and the court. The presentations were videotaped and video downloads are available on the Task Force website under Resources at www.courts.state.tx.us/tfid.

National Right to Counsel Committee National Report on Indigent Defense. On April 14, 2009 the Constitution Project's National Right to Counsel Committee released its much-anticipated report, *Justice Denied: America's Continuing Neglect of our Constitutional Right to Counsel*. The report details the endemic and systemic challenges of the indigent defense system and recommends 22 specific reforms. The full report and other relevant materials are available online at <http://tcpjusticedenied.org>.

Increasing Quality of Representation through Public Defender Offices. Public defender offices are spreading across the state. In 2001, only seven counties had some form of public defender office in operation. By 2009, there were 16 public defender offices that had either been awarded a grant or were in full operation. In total, these programs serve 91 counties across the state. Eighty percent of the public defender offices have either been established or have had their offices expand through the Task Force's discretionary grant program. In FY 2009, the Task Force awarded Fort Bend County \$517,824 to establish a mental health public defender office to serve indigent defendants with mental illness. The new program will be modeled after the first such program established in the nation in Travis County. Staffed with attorneys, case workers and social workers, the office will represent defendants with mental illness in misdemeanor cases. The program will help connect clients to available services and treatment options. The office also will seek solutions to get and keep defendants with mental illness out of the criminal justice system.

In FY 2009, the Spangenberg Group completed an evaluation of the Bexar and Hidalgo Public Defender Offices. Highlights from the two evaluations show that persons are spending less time in jail, the quality of representation is better and more persons are being served. Also in FY 2009, Harris County announced its intention to form a study group to determine the feasibility of a public defender office and is currently considering how to implement the program. In addition, the West Texas Regional Capital Public Defender Office (funded by a multi-year discretionary grant by the Task Force that began in FY 2008) was recognized nationally when Lubbock County, on behalf of the 75 participating counties in the 7th and 9th Administrative Judicial Regions, submitted an application for a 2009 Achievement Award from the National Association of Counties. The program won not only an Achievement Award, but also the Best of Category Award in the Criminal Justice and Public Safety categories. There were only 20 categories and 20 Best of Category Awards given nationwide.

Mental Health Study Underway. In recent years, funds have been appropriated in Texas to enhance mental health services for the criminal justice population. The Task Force has also provided funding to a number of counties to establish mental health public defender offices [Dallas, El Paso, Travis, Lubbock and Fort Bend (FY 2010 Discretionary Grant)]. With access to more resources and in an effort to slow the recidivism of poor persons suffering mental illness facing criminal charges, counties are rapidly adopting new local diversion and treatment alternatives. In this climate of change and innovation, little objective analysis has been conducted to guide counties in their planning. The Task Force received a grant from State Justice Institute for a research project entitled *Representing the Mentally Ill Offender: An Evaluation of Advocacy Alternatives*. This study is currently underway and expected to be completed in FY 2010. This multi-year study is being conducted, in collaboration with the Public Policy Research Institute at Texas A&M, to document the effectiveness of emerging pre-trial interventions and compare outcomes for mentally ill misdemeanor defendants represented by the mental health public defenders versus appointed counsel. Exposing individuals to interventions is expected to demonstrate: 1) faster and more accurate identification of mental illness by the criminal justice system; 2) better access to stabilizing pre-trial mental health services; 3) higher rates of non-criminal diversion or treatment-oriented dispositions; 4) higher rates of sustained participation in community mental health treatment after the case is disposed; and 5) lower rates of recidivism.

Innocence Projects. Through the General Appropriations Act, the Texas Legislature in 2005 provided for the allocation of funds to the state's public law schools to support their work investigating claims of innocence by

incarcerated individuals. The Task Force on Indigent Defense is currently responsible for administering the \$800,000 allocation to each of the four public law schools in Texas: University of Houston School of Law, University of Texas Law School, Texas Tech University School of Law, and Texas Southern University's Thurgood Marshall School of Law. Each of these law schools has an operational innocence project. Working with instructors and staff, law students are responsible for screening and investigating claims by Texas inmates that they are actually innocent of the crimes for which they were convicted and are currently serving a sentence. The Task Force partnered with the Public Policy Research Institute at Texas A&M University to create a centralized, internet-based reporting system to provide easy access and accountability for performance among the projects. The system standardizes performance data by the innocence project sites and then summarizes those results in a form that is easily accessible to project administrators, Task Force staff, legislators, advocates, and the general public. In this way, the online system eliminates confusion regarding which site is accountable for individual cases, and makes better use of resources. The online system is appended to the current Task Force website used to administer indigent defense program funds to Texas counties. The link to the database is: <http://innocence.tamu.edu/Public>.

FY 2009 Annual Report and Expenditure Report for the Task Force. The Task Force is statutorily required to submit an Annual Report and Expenditure Report, and the full report for FY 2009 may be viewed and downloaded at www.courts.state.tx.us/tfid.



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Gonzales County Courthouse

Judicial Committee on Information Technology

Electronic Court Filing. The 75th Texas Legislature created the Judicial Committee on Information Technology (JCIT) and gave it a 12-point mission, including establishing an electronic court filing system (e-Filing) (Government Code §77.031(5)). To fulfill this mandate, JCIT continues to encourage adoption of electronic filing rules for trial courts. As of November 2009, 59 district and county clerks in 44 counties have implemented electronic filing. These cover 236 district courts, 79 county courts at law, nine probate courts, and 18 justice courts using electronic filing. These jurisdictions cover approximately 73.8 percent of the state's population.

E-filing enables filers and courts to connect electronically through the state's e-government portal, TexasOnline (www.texasonline.com). The e-filing architecture is designed to allow parties to file electronically to any participating court from any one of the several certified front-end service providers.

Work continued in FY 2009 on the design and development of an appellate court case management system that will include e-filing into Texas appellate courts. The Legislature funded \$2.3M to the Office of Court Administration (OCA) to begin the Texas Appeals Management and E-filing System (TAMES) project in the FY 2008-2009 biennium. An additional \$1,488,023 was appropriated in FY 2010 for completion of the project. JCIT participates with the TAMES project steering committee and assists with developing rules of appellate procedure required to implement the project.

The 80th Legislature also directed the Supreme Court to create rules to permit e-Filing in the state's 822 justice courts. These rules were approved by the Supreme Court in December 2007, and, as of November 16, 2009, 18 justice courts were using e-filing.

JCIT is working on standards for document filing types so that TexasOnline may efficiently implement e-Filing in courts and provide a familiar set of document types to attorneys, regardless of the court in which they are filing. Soon this work will encompass indigent e-filing and criminal case e-filing.

Judicial Information Technology Standards. OCA devotes part of its information technology appropriation to court technology standards development, and JCIT provides guidance in the selection of efforts supported. In FY 2007 and 2008, OCA, the Department of Public Safety, and the Department of Criminal Justice established the Texas Path to NIEM (National Information Model) project with JCIT's support. This Path to NIEM project provided 28 model data exchanges for use by courts and their business partners throughout Texas.

Support to OCA Projects. The 80th Legislature funded OCA to support two major new judicial information technology projects, the TAMES project and the Automated Registry. The Automated Registry system was implemented in September 2009. The TAMES project continues in development and is scheduled for implementation in late FY 2010. OCA is working with JCIT for broad-based, diverse advice on how to construct and implement these projects in a way that best supports the activities of a variety of trial courts throughout the state.



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Llano County Courthouse

Court Reporters Certification Board

The Court Reporters Certification Board (CRCB) was created in 1977 to certify and regulate court reporters. CRCB functions include certification of individual court reporters, registration of court reporting firms, assessment and collection of fees, approval of court reporting program curriculums submitted by public and private institutions, and enforcement of the rules and regulations governing the court reporting profession. The Board operates under the provisions of Chapter 52 of the Texas Government Code, and the Supreme Court of Texas serves as the Board's rulemaking authority. In 2003, the 78th Legislature administratively attached the CRCB to the Office of Court Administration (OCA). The program is funded from certification fees collected by the CRCB and deposited to the General Revenue Fund.

Mission Statement. The mission of the CRCB is to certify, to the Supreme Court of Texas, qualified court reporters to meet the growing needs and expectations of the public through statewide certification and accountability.

Organization. The Board, as the governing body, consists of 13 members appointed by the Supreme Court of Texas: one active district judge who serves as chair, two attorneys, two official court reporters, two freelance court reporters, two representatives from court reporting firms (one court reporter owned and one non-court reporter owned), and four public members. Appointments reflect a diverse geographical representation throughout the state. Board members are reimbursed for travel expenses in accordance with state rules and regulations and serve six-year terms.

The Board uses five standing committees appointed by the Chair: 1) Rules, Standards, and Policies Committee; 2) Certification/Uniform Format Manual Committee; 3) Continuing Education Committee; 4) Legislative Committee; and 5) Review Committee. The Review Committee considers applicants who have criminal convictions.

New Legislation Passed. Two legislative bills proposed by the CRCB were passed in the 81st Legislative Session. S.B. 1599 requires applicants to disclose any criminal history, both state and national, via fingerprint submissions. Criminal history is currently reported on a voluntary basis. S.B. 1441, relating to staggered terms of Board members, achieves more of a balance by limiting the number of members who go off the Board at one time. Terms are set to reflect two members expiring every year for five years with three members expiring in the sixth year.

Board and Committee Meetings Held (Austin). A total of 17 meetings were held during FY 2009: 4 Board meetings, 3 Review Committee meetings, 2 Continuing Education Committee meetings, 3 Certification Committee meetings, and 5 Rules Committee meetings.

At the June 12, 2009 Board meeting, the Board voted to continue its efforts to address contracting issues and referred the issues of disclosure requirements and contract provisions to the Rules Committee to address in the future. Previously, a Task Force that was appointed by the CRCB met to consider the issue. The meetings were facilitated by Susan Schultz from the Center for Public Policy Dispute Resolution – UT Law School. The Board's decision to terminate the Task Force meetings was based on budget constraints and the vacancies that occurred on the Task Force when two members were appointed to the Board in April 2009.

Complaints. The Board received a total of 49 complaints filed in FY 2009—47 complaints filed against court reporters and 2 complaints filed against court reporting firms. The Board held 2 formal hearings, which resulted in disciplinary actions assessed against 2 court reporters.

Lawsuits. There was one lawsuit pending from FY 2008 that originated from a disciplinary action against a court reporter. The matter was resolved per an Agreed Judgment in October 2008.

Certification of Individuals. Following an internal audit of the CRCB program in 2006, the Board considered an audit recommendation to contract with an outside vendor to administer the exam instead of the CRCB. The Texas Court Reporters Association (TCRA) was selected as the contracted vendor in FY 2008 with an effective date of September 1, 2008. In FY 2009, TCRA administered 4 exams to 301 applicants in Austin, Houston, and Dallas, resulting in 84 new certifications issued — 6 in oral stenography and 78 in machine shorthand. The benefits of

contracting with TCRA were twofold: 1) the number of exams administered per year was increased from 3 to 4, resulting in a 42 percent increase in the number of new certifications issued (from 49 in FY 2008 to 84 in FY 2009) and 2) customer service was improved when the exam was offered in several cities throughout Texas instead of Austin only. The exam consists of an oral skills test and a written test. Applicants must pass both parts of the exam to be eligible for certification.

The Board renewed 1,240 individual certifications out of a licensee base of 2,632 licensees with approximately 75 percent renewing online through the Texas Online portal. Renewals are based on a two-year cycle. In order to renew their certifications, individuals must complete 1.0 continuing education units (10 hours) within the two-year period immediately preceding the certification expiration date of January 1st.

Continuing Education (CE) Course Approvals. The Board processed 79 course approvals during the fiscal year to ensure that CE courses completed as a requirement for renewal are relative to the court reporting profession. The Board approves CE courses submitted by sponsors and individual court reporters.

Registration of Firms. The Board processed 19 new registrations for court reporting firms and renewed 183 firm registrations. Renewals are based on a two-year cycle with a January 1st expiration date.

Curriculum Approval for Court Reporting Firms. The Board approves court reporting curriculums for public community colleges, technical institutes and proprietary schools. There are currently 12 court reporting schools in Texas.

Public Information Requests – Rule 12. Staff processed 50 record requests.

Internal Audit. An internal audit of the Court Reporters Certification Program was conducted in May 2006 with 19 recommendations set out in the audit report published in FY 2007 to increase efficiencies and improve cost effectiveness. The scope of the audit included:

- Certification of court reporters and registration of court reporting firms,
- The court reporter exam,
- Automated information systems,
- Continuing education for court reporters,
- Revenue reconciliation procedures,
- Complaint processing procedures and disciplinary actions, and
- Operating practices and procedures.

In FY 2007, the Board performed an analysis and review of the recommendations and implemented five recommendations administratively. In FY 2008, the Board made major strides on a number of recommendations as follows:

- 1) the Access database, determined to be ineffective and unreliable, was replaced with a new more robust licensing database, VERSA, in March 2008;
- 2) recommendations concerning major changes to the complaint function were incorporated in proposed rule revisions to be submitted to the Supreme Court for adoption in FY 2010; and
- 3) the Texas Court Reporters Association was awarded the bid to prepare and administer the court reporters exam in February 2008, a function previously handled by the Board.

Remaining recommendations concerning policies are to be addressed in the near future.

Customer Service. The Board surveys its external customers, examinees and licensees, to obtain feedback on services that the Board provides. During FY 2009, the CRCB received an overall satisfaction rating of 89.6 percent.

Website. The Board maintains a website at www.crcb.state.tx.us to provide information to the public on CRCB functions, including, but not limited to, certification, complaints, forms, disciplinary actions, lists of licensees, new legislation, and related links.

Process Server Review Board

In June 2005, the Supreme Court of Texas approved amendments to Rules 103 and 536(a) of the Texas Rules of Civil Procedure governing statewide certification of process servers. The Court also issued a companion order (Misc. Docket No. 05-9122) to establish the framework for certification of those approved to serve process under the revised rules, to approve of certain existing civil process server courses, and to establish the framework for the Board to approve additional courses. This order also required the Office of Court Administration to provide clerical support to the Process Server Review Board (PSRB). The Supreme Court also approved a companion order (Misc. Docket No. 05-9123) that establishes the membership of the PSRB, and an order (Misc. Docket No. 05-9137) appointing a Chair. In FY 2007, the Supreme Court promulgated Rule 14 of the Rules of Judicial Administration (RJA), which governs Statewide Certification to Serve Civil Process; it may be found on the Court's website at <http://www.supreme.courts.state.tx.us/MiscDocket/07/07903600.pdf>.

Mission Statement. The mission of the PSRB is to improve the standards for persons authorized to serve process and to reduce the disparity among Texas civil courts for approving persons to serve process by making recommendations to the Supreme Court of Texas on the certification of individuals and the approval of courses.

Organization. The Board consists of nine members and is a geographical representation of judges, attorneys, law enforcement, and process servers throughout the State. Board Members are not compensated for their services and do not receive reimbursement for actual travel and other expenses incurred while in the performance of their official duties.

Board Meetings Held. The PRSB held five meetings in Austin during the fiscal year.

Complaints. There were 20 complaints against process servers on the Supreme Court of Texas Statewide List of Certified Process Servers that were reviewed by the Board. Three process servers were placed on probationary status as a result of disciplinary actions taken and one server's authorization to serve process was suspended. None had their certification revoked. As of August 31, 2009, eight complaints were pending investigation.

Approval of Applications. The Board approved 1,433 new applicants and 119 renewal applicants. A total of 667 process servers had their certification expire and, of those, 277 reapplied and were reinstated. Nine applicants were subsequently approved after requesting reconsideration of the Board's decision to deny certification bringing the total certification issued for FY 2009 to 1,838.

When the orders were adopted by the Supreme Court, effective July 1, 2005, 1,275 process servers were "grandfathered" by virtue of meeting pre-existing requirements in Harris, Dallas, and Denton counties. As of August 31, 2009, the total number of certified process servers had reached 3,887.

Curriculum Approval for Process Server Training Schools. No new courses were approved during the fiscal year.

Website. The Board maintains a website at <http://www.courts.state.tx.us/psrb/psrbhome.asp> to provide information such as the Supreme Court orders establishing the membership of the Process Server Review Board and the appointment of its Chair; various forms, processes and procedures; and the Supreme Court Statewide List of Certified Process Servers.



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TexasCourthouses.com

Navarro County Courthouse

Guardianship Certification Board

The Guardianship Certification Board (GCB) was created by the 79th Texas Legislature with the passage of Senate Bill 6, effective September 1, 2005. The bill established a certification requirement for certain individuals who provide guardianship services. The GCB is administratively attached to the Office of Court Administration (OCA). The GCB's primary staff, the guardianship certification program director, is an OCA employee; administrative support is also provided by the OCA.

Mission Statement. The mission of the GCB is to perform regulatory functions for individuals (other than attorneys and corporate sureties) who act as private professional guardians, individuals (other than volunteers) who provide guardianship services to wards of guardianship programs, and individuals who provide guardianship services to wards of the Department of Aging and Disability Services.

Organization. The GCB is comprised of 11 members appointed by the Texas Supreme Court and four public members appointed by the Supreme Court from a list of nominees submitted by the Governor's Office. The GCB members were appointed in early 2006. One public member resigned during the fiscal year, and a replacement has not yet been appointed.

The GCB has two permanent committees, the Rules Committee and the Minimum Standards Committee, each comprised of a committee chair and three other GCB members. The GCB also has three review committees: the Application Review Committee, the Denial of Certification Review Committee, and the Disciplinary Review Committee. The review committees are each composed of a chair and two other GCB members, who serve on the committees for six-month terms.

Certification of Individuals. During fiscal year 2009, 51 guardians were granted certification, 71 were granted provisional certification, and 43 individuals moved from provisional to "full" certification. Five provisionally certified guardians and one certified guardian voluntarily surrendered their respective certifications. A total of 324 guardians were certified and provisionally certified at the close of the fiscal year. (The 43 individuals who went from provisional to "full" certification are included in the total number of guardians.)

Certifications are valid for two years, and are renewable if the requirements for re-certification, including completion of continuing education hours, are met. 107 certified guardians successfully re-certified during the fiscal year. The Rules Governing Guardianship Certification allow certified guardians to apply for re-certification up to 90 days past the expiration date. Therefore, although some certified guardians reached their certification expiration dates, none passed the 90-day mark rendering them ineligible for re-certification during the fiscal year.

Provisional certifications are valid for only one two-year period, unless a waiver is sought from and granted by the GCB. Two requests for waivers were considered by the GCB during fiscal year 2009, and both were denied. One of the individuals who had sought a waiver subsequently completed the requirements, applied for and was granted certification before his provisional certification expired. The other individual's provisional certification expired. A total of seven provisional certifications expired during the fiscal year.

Complaints. Two complaints were filed in fiscal year 2009. On one complaint, the provisionally certified guardian voluntarily surrendered her provisional certification before the GCB took action. The Board suspended provisional certification pending compliance on one complaint. On the complaint pending at the start of the fiscal year, the Board suspended certification pending compliance.

Board and Committee Meetings Held. The full GCB met four times in FY 2009 for its regular quarterly meetings, and one time to discuss the examination requirement, which is discussed in more detail below. The Minimum Standards and the Denial of Certification Review Committees did not meet during fiscal year 2009. The Rules Committee met five times, the Application Review Committee met seven times, and the Disciplinary Review Committee met twice.

Rules Governing Guardianship Certification. Amendments to Rules VI, XI, XII and XIV were posted for public comment, approved by the Board, submitted to and approved by the Supreme Court of Texas. First, a requirement was added for an applicant to disclose whether s/he has been denied certification or had certification revoked or suspended in any jurisdiction requiring licensure or certification to provide guardianship services. The second amendment corrected citations to certain sections of the Texas Penal Code. The next two amendments related to disciplinary procedures. A mechanism for the GCB to grant an extension of time to file an answer or provide additional information requested related to a disciplinary action was put in place, and the GCB's designee is permitted to set the date for a hearing in a disciplinary action. Bi-weekly meetings between provisionally certified guardians and their designated certified guardian supervisors are required; the last amendment provides that one meeting each month must be face-to-face.

Additional proposed amendments to the Rules Governing Guardianship Certification were submitted for public comment and approved by the Board for submission to the Supreme Court of Texas. A second set of proposed amendments to the Rules was pending Board approval at the close of the fiscal year. Both sets of proposed amendments will be submitted to the Supreme Court in the coming fiscal year.

Policies. The statute requires each GCB member to attend at least half of the regularly scheduled meetings in each calendar year, and allows the Board to excuse the absences of members who do not meet this requirement. The GCB adopted the Attendance by Board Members at Regularly Scheduled Meetings this fiscal year. In addition to the statutory requirements, the policy requires members to attend at least two of each calendar year's four regularly scheduled meetings in person; a member's in-person absence may be excused by a majority vote of the Board. The policy is effective January 1, 2010.

Statutory Changes. The 81st Legislature passed four bills affecting guardianship certification. Two of the bills, Senate Bill 1056 and Senate Bill 1057, were effective immediately (June 2009). Senate Bill 1056 authorized the Department of Public Safety (DPS) to disclose to the GCB and county clerks in guardianship proceedings criminal history record information that is the subject of a nondisclosure order. Senate Bill 1057 eliminated the requirement that the county clerk must obtain criminal history record information on persons serving as guardians, proposed guardians, and local guardianship program employees and volunteers who provide guardianship services to the program's wards if the person holds a certificate issued by the GCB, and authorized the GCB to share the criminal history record information it obtained from the DPS and FBI with the court upon request.

The other two bills, Senate Bill 1053 and Senate Bill 1055, are effective September 1, 2009. Senate Bill 1053 provided that a person may not be appointed to serve as guardian if he or she does not have the required certification by the GCB, and authorized a court to remove, on the complaint of the GCB, a person who would be ineligible for appointment as a guardian because of the person's failure to maintain the required certification. Senate Bill 1055 eliminated duplicative reporting requirements and imposed consistent and streamlined requirements for reports by private professional guardians, local guardianship programs and the Department of Aging and Disability Services to county clerks and the GCB.

Exam. The GCB met regarding the examinations required for certification. It voted to no longer require successful completion of the national exam as part of the certification requirements. Applicants for certification must pass a new, comprehensive, Texas-specific exam on guardianship practices and principles as of September 1, 2009. The Center for Guardianship Certification (CGC) developed and will administer the new Texas-specific exam under contract with the OCA. A proposed amendment to the Guardianship Certification Program's fee schedule, incorporating the examination and re-examination fee for the new exam, was submitted to and approved by the Supreme Court of Texas.

Applicants for certification who tested on or before the end of the fiscal year were required to successfully complete both the national and the "old" Texas exams. The CGC, under contract with the OCA, administered the exams on behalf of the Board. The national and Texas exams were administered once as scheduled, in conjunction with the Texas Guardianship Association's spring conference. In addition, several hosted exams were given during calendar year 2009.

The new exam is scheduled to be given twice before the end of calendar year 2009, in conjunction with the National and the Texas Guardianship Associations' respective annual conferences.

Judicial Compensation Commission

The Judicial Compensation Commission (JCC) was created by the 80th Legislature effective September 1, 2007.¹ It is responsible for making a report to the Texas Legislature no later than December 1 of each even-numbered year recommending the proper salaries to be paid by the state for all justices and judges of the Supreme Court of Texas, the Court of Criminal Appeals of Texas, the courts of appeals and the district courts. The Office of Court Administration provides administrative support for the JCC.

Organization. The Commission is composed of nine members who are appointed by the Governor with the advice and consent of the Senate to serve six-year terms. No more than three members serving on the Commission may be licensed to practice law. Board members are reimbursed for travel expenses in accordance with state rules and regulations.

Commission and Committee Meetings Held (Austin). Members of the Commission were appointed in May 2008. The Commission held its first meeting on June 30, 2008. The Public Comment Committee, created at the June 30 meeting, met on August 25, 2008 to obtain public comment on issues related to judicial compensation. In the meantime, the Fact Gathering Committee worked with the staff of the Office of Court Administration and State Bar of Texas to collect and analyze data pertinent to the statutorily-required factors that must be considered by the Commission.

The Commission held three additional meetings in fiscal year 2009 to prepare and finalize its report, which was published December 1, 2008. The report is available at <http://www.courts.state.tx.us/oca/jcc/jcc.asp>.

Website. Additional information regarding the Commission and its report to the Legislature is available on the Commission's website at www.courts.state.tx.us/oca/jcc/jcc.asp.



Caldwell County Courthouse

Explanation of Case Categories by Court Level

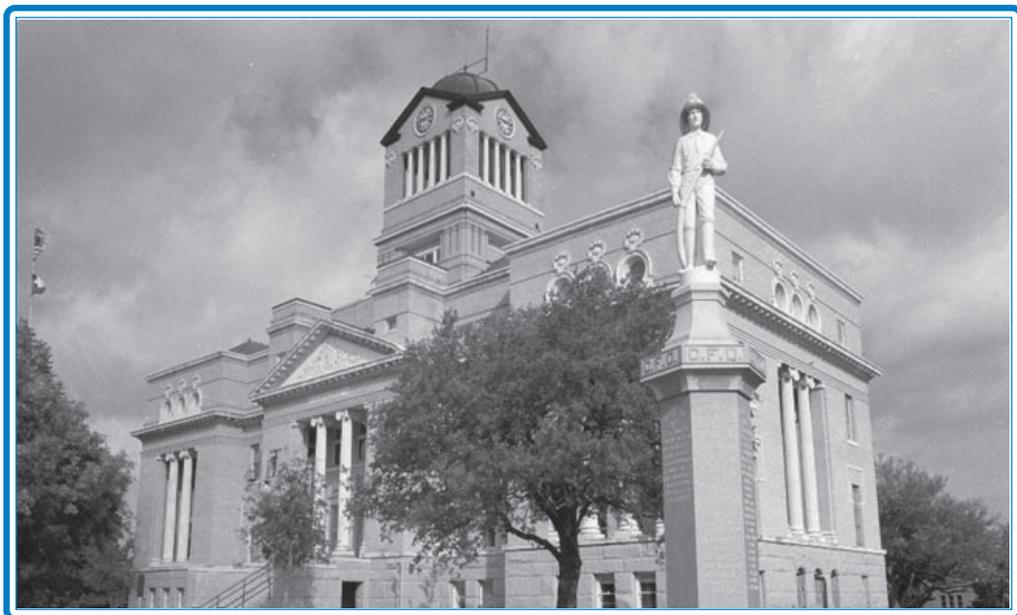


Photo courtesy of TexasCourthouses.com

Navarro County Courthouse - Corsicana

District Courts

Explanation of Case Categories

CRIMINAL DOCKET

A criminal case is counted as one defendant per indictment or information. For example, if an indictment names more than one defendant, there is more than one case; three defendants named in one indictment equals three cases. If the same defendant is charged in more than one indictment, even if for the same criminal episode, there is more than one case; the same person named in four indictments equals four cases. Finally, if an indictment contains more than one count (Article 21.24, Code of Criminal Procedure), only one case per person named in the indictment is reported. The case is reported under the classification for the most serious offense alleged.

The case-type categories are:

CAPITAL MURDER: An offense under Penal Code Section 19.03 (Capital Murder).

MURDER OR MANSLAUGHTER: An offense under Penal Code Sections 19.02 (Murder) or 19.04 (Manslaughter).

ASSAULT OR ATTEMPTED MURDER: A **felony** offense under Penal Code Section 22.01 (Assault) or 22.04 (Injury to a Child, Elderly Individual or Disabled Individual); an offense under Section 22.02 (Aggravated Assault); or an offense of attempt (as defined in Section 15.01) to commit: Murder (19.02), Capital Murder (19.03), or Manslaughter (19.04).

SEXUAL ASSAULT OF AN ADULT: An offense under Penal Code Sections 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault) where the victim is an adult (17 years or older).

INDECENCY OR SEXUAL ASSAULT OF A CHILD: An offense under Penal Code Sections 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault) where the victim is a child (younger than 17 years), or an offense under 21.11 (Indecency with a Child).

ROBBERY: An offense under Penal Code Sections 29.02 (Robbery) or 29.03 (Aggravated Robbery).

BURGLARY: A **felony** offense under Penal Code Sections 30.02 (Burglary) or 30.04 (Burglary of Vehicles).

THEFT: A **felony** offense under Penal Code Sections 31.03 (Theft) or 31.04 (Theft of Service) **except** when the property involved is a motor vehicle, or an offense under Penal Code Section 32.31 (Credit Card Abuse and Debit Card Abuse).

AUTOMOBILE THEFT: A **felony** offense under Penal Code Section 31.03 (Theft) if the property involved is a motor vehicle, or an offense under Section 31.07 (Unauthorized Use of a Vehicle).

ARSON: An offense under Penal Code Section 28.02 (Arson).

DRUG SALE OR MANUFACTURE: A **felony** offense under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code) or the Texas Dangerous Drugs Act (Ch. 483, Health and Safety Code) for the manufacture, delivery, sale, or possession with intent to deliver or sell a drug or controlled substance.

DRUG POSSESSION: A **felony** offense for possession under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code) or the Texas Dangerous Drugs Act (Ch. 483, Health and Safety Code), other than possession with intent to deliver or sell.

FELONY D.W.I.: A **felony** offense under Penal Code Section 49.09.

OTHER FELONY: A **felony** offense not clearly identifiable as belonging in one of the preceding categories, including cases previously categorized as forgery.

ALL MISDEMEANORS: Any offense classified as a misdemeanor.

CIVIL DOCKET

A civil case, unlike a criminal case, does not depend on the number of persons involved. Instead, each separate suit, normally commenced by the filing of the plaintiff's original petition, defines an individual civil case.

INJURY OR DAMAGE INVOLVING MOTOR VEHICLE: All cases for damages associated in any way with a motor vehicle (automobile, truck, motorcycle, etc.), with or without accompanying personal injury. Examples include personal injury, property damage, and wrongful death cases that involve motor vehicles.

INJURY OR DAMAGE OTHER THAN MOTOR VEHICLE: Cases for personal injury or damages arising out of an event not involving a motor vehicle. Examples include "slip-and-fall" cases, as well as personal injury, property damage, and wrongful death not involving motor vehicles.

WORKERS' COMPENSATION: Appeals from awards of compensation for personal injury by the Workers' Compensation Commission (Ch. 410, Labor Code).

TAX CASES: Suits brought by governmental taxing entities for the collection of taxes.

CONDEMNATION: Suits by a unit of government or a corporation with the power of eminent domain for the taking of private land for public use.

ACCOUNTS, CONTRACTS, NOTES: Suits based on enforcing the terms of a certain and express agreement, usually for the purpose of recovering a specific sum of money.

RECIPROCALLS (UIFSA): Actions involving child support in which the case has been received from another court outside the county or state.

DIVORCE CASES: A suit brought by a party to a marriage to dissolve that marriage pursuant to Family Code Chapter 6. (Annulments are **not** reported here, but under All Other Family Matters.)

ALL OTHER FAMILY MATTERS: Includes all family law matters other than divorce proceedings and those juvenile matters which are reported in the Juvenile Section, including:

- Motions to modify previously granted divorce decrees, or other judgments or decrees, in such matters as amount of child support, child custody orders, and other similar motions which are filed under the original cause number;
- Annulments;
- Adoptions;
- Changes of name;
- Termination of parental rights (child protective service cases);
- Dependent and neglected child cases;
- Removal of disability of minority;
- Removal of disability of minority for marriage;
- Voluntary legitimation (Section 160.201, Texas Family Code); and
- All other matters filed under the Family Code that are not reported elsewhere.

OTHER CIVIL CAUSES: All civil cases not clearly identifiable as belonging in one of the preceding categories.

JUVENILE DOCKET

Juvenile cases are based upon petitions for adjudication of a child alleged to have engaged in delinquent conduct or conduct indicating a need for supervision (C.I.N.S.) as governed by Title 3 of the Texas Family Code.

OTHER PROCEEDINGS

The proceedings under these categories may stem from criminal, civil, or juvenile cases. Categories include post conviction writs of habeas corpus; other writs of habeas corpus; bond forfeiture proceedings; and contempt, extradition, and other separately docketed proceedings not reported elsewhere.

County-Level Courts

Explanation of Case Categories

CRIMINAL DOCKET

A criminal case is counted as one defendant per information. For example, if an information names more than one defendant, there is more than one case; three defendants named in one information equals three cases. If the same defendant is charged in more than one information, even if for the same criminal episode, there is more than one case; the same person named in four informations equals four cases. Finally, if an information contains more than one count (Article 21.24, Code of Criminal Procedure) only one case per person named in the information is reported. The case is reported under the classification for the most serious offense alleged.

The case-type categories are:

D.W.I.: A misdemeanor offense under Penal Code Sections 49.04 or 49.09.

THEFT OR WORTHLESS CHECKS: An offense under Penal Code Section 31.03 (Theft) or Section 31.04 (Theft of Service) or any offense of theft or theft of service if the defendant obtained property or secured performance of service by issuing or passing a check or similar sight order for the payment of money, when the issuer did not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order as well as all other checks or orders then outstanding (Section 31.06, Penal Code). Also included are appeals of cases brought under Penal Code Section 32.41—Issuance of Bad Checks.

DRUG OFFENSES: An offense under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code), the Texas Dangerous Drug Act (Ch. 483, Health and Safety Code), or Ch. 485, Abusable Volatile Chemicals, Health and Safety Code.

ASSAULT: An offense under Penal Code Sections 22.01 (Assault) or 22.05 (Deadly Conduct).

TRAFFIC: Violations of the provisions of Title 7, Transportation Code and related statutes, **except** D.W.I. Section 49.04, Penal Code.

OTHER CRIMINAL: An offense not clearly identifiable as belonging in one of the preceding categories.

CIVIL DOCKET

A civil case, unlike a criminal case, does not depend on the number of persons involved. Instead, each separate suit, normally commenced by the filing of the plaintiff's original petition, defines an individual civil case.

The case-type categories are:

INJURY OR DAMAGE INVOLVING MOTOR VEHICLE: All cases for damages associated in any way with a motor vehicle (automobile, truck, motorcycle, etc.), with or without accompanying personal injury. Examples include personal injury, property damage, and wrongful death cases. Any type of driver's license suspension case, however, **is not** included in this category.

INJURY OR DAMAGE OTHER THAN MOTOR VEHICLE: Cases for personal injury or damages arising out of an event not involving a motor vehicle. Examples include "slip-and-fall" cases.

TAX CASES: Suits brought by governmental taxing entities for the collection of taxes.

SUITS ON DEBT: Suits based on enforcing the terms of a certain and express agreement, usually for the purpose of recovering a specific sum of money.

DIVORCE: (Applicable only for some county courts at law.) A suit brought by a party to a marriage to dissolve that marriage pursuant to Family Code, Chapter 6. (Annulments are **not** reported here, but under All Other Family Law Matters.)

ALL OTHER FAMILY LAW MATTERS: This category includes all family law matters, other than divorce proceedings and those juvenile matters which are reported in the Juvenile Section, including:

- a. Motions to modify previously granted divorce decrees, or other judgments or decrees, in such matters as amount of child support, child custody orders, and other similar motions which are filed under the original cause number;
- b. Annulments;
- c. Adoptions;
- d. Changes of name;
- e. Termination of parental rights (child protective service cases);
- f. Dependent and neglected child cases;
- g. Removal of disability of minority;
- h. Removal of disability of minority for marriage;
- i. Voluntary legitimation (Section 160.201, Texas Family Code); and
- j. All other matters filed under the Family Code that are not reported elsewhere.

OTHER CIVIL: All civil cases not clearly identifiable as belonging in one of the preceding categories.

JUVENILE DOCKET

Juvenile cases are based upon petitions for adjudication of a child alleged to have engaged in delinquent conduct or conduct indicating a need for supervision (C.I.N.S.) as governed by Title 3 of the Texas Family Code.

PROBATE AND MENTAL HEALTH CASES

Probate cases: These are governed by the Texas Probate Code, and include matters involving the probate of wills, the administration of estates, and guardianships. A single probate case may involve more than one person.

Mental health cases: These are governed by the Texas Mental Health Code and other mental health statutes, and include the commitment of mentally ill or alcoholic persons.

Justice Courts

Explanation of Case Categories

Traffic misdemeanors include all non-jailable misdemeanor violations of the Texas traffic laws 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 and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment.

Non-traffic misdemeanors include all other Class C misdemeanor criminal violations found in the Texas Penal Code and other state laws (for example, Public Intoxication, Disorderly Conduct, Assault, Theft Under \$50, etc.). Maximum punishment is by fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment.

Small claims suits include all suits for the recovery of money (damages or debt up to \$10,000) brought to the justice of the peace as judge of the small claims court in accordance with Chapter 28 of the Texas Government Code.

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

Other civil suits include 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 \$10,000) and for foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction as provided by Section 27.031 of the Texas Government Code.

Municipal Courts

Explanation of Case Categories

Traffic misdemeanors include all non-jailable misdemeanor violations of the Texas traffic laws and other violations of laws relating to the operation or ownership of a motor vehicle. Maximum punishment is by fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment.

Non-parking misdemeanors include all violations that do not involve offenses for improper parking (for example, Exceeding the Speed Limit, Failure to Stop at a Traffic Control Device, Expired or No Driver's License or Inspection Sticker, etc.).

Parking misdemeanors include violations of state law or municipal ordinance involving the improper standing of a vehicle (for example, Parking on Highway Right of Way, Parking Within an Intersection, Overparking, etc.).

Non-traffic misdemeanors include all other non-jailable misdemeanor violations:

State law violations are those usually found in the Texas Penal Code and other state laws (for example, Public Intoxication, Disorderly Conduct, Simple Assault, Theft Under \$50, etc.). Maximum punishment is by fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment.

City ordinance violations are those non-traffic offenses found in municipal ordinances (for example, Dog Running at Large, Plumbing Code Violation, etc.). Ordinance violations involving litter, fire safety, zoning, public health, and sanitation are punishable by fines only, up to a maximum of \$2,000. Punishment for violation of other types of city ordinances is limited to fines only, not to exceed \$500.

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