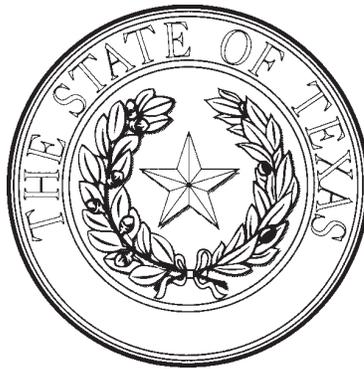


ANNUAL  
STATISTICAL REPORT  
FOR THE  
TEXAS JUDICIARY



*FISCAL YEAR 2006*

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STATISTICAL REPORT  
FOR THE  
TEXAS JUDICIARY**



***FISCAL YEAR 2006***

Published By

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## OFFICE OF COURT ADMINISTRATION

### *A Message from the Administrative Director*



Welcome to the Annual Statistical 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.

In last year's report I stressed the importance of ensuring the security of our courts and the safety of court personnel. Since then OCA conducted a survey of judges, in collaboration with the Texas Judicial Council Committee on Court Security. The survey found that: respondent judges in Texas experienced over 4,200 security incidents during a recent one-year period, with 64 of those incidents resulting in injury; and over 40 percent of judges reported at least one incident.

Other initiatives from the past year include:

- Created and staffed the Guardianship Certification Board as directed by the 79<sup>th</sup> Legislature.
- Completed the implementation of the Process Service Review Board as directed by the Supreme Court.
- Implemented the collection improvement program mandated by the 79<sup>th</sup> Legislature.
- Provided the Supreme Court the ability, beginning in February 2007, to broadcast video of oral arguments over the Internet, in order to make the justice system more accessible to the public.
- Established the state's first regional public defender office, funded by the Task Force on Indigent Defense, for Val Verde, Edwards, Terrell and Kinney Counties.
- Worked to improve outcomes for children who have been abused or neglected, by establishing collaborative relationships with the Court Improvement Project, the Supreme Court Task Force on Foster Care, the Task Force on Child Protection Case Management and Reporting, the Department of Family and Protective Services, the State Bar of Texas Committee on Child Abuse and Neglect, and the Partnership for Family Recovery under the Department of State Health Services.

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 read "Carl Reynolds".

Carl Reynolds

## 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 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](http://www.dm.courts.state.tx.us/oca/reportselection.aspx).

# Texas Courts: A Descriptive Summary

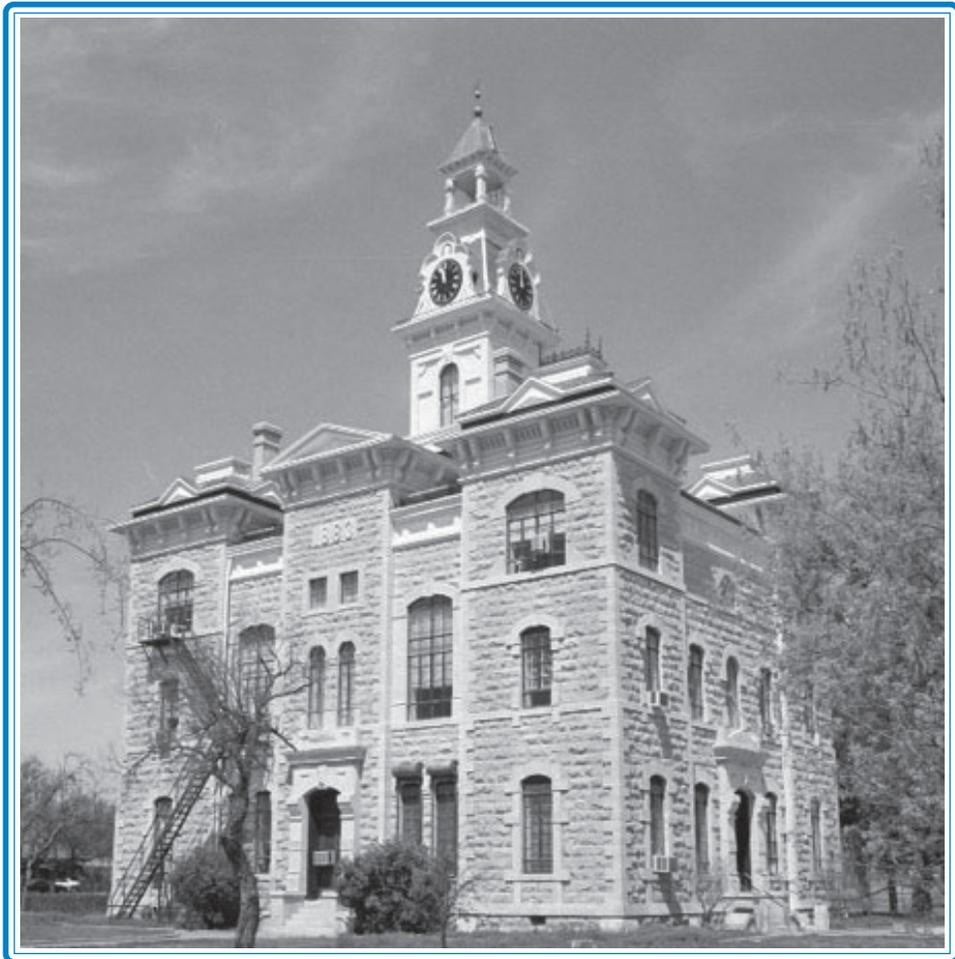
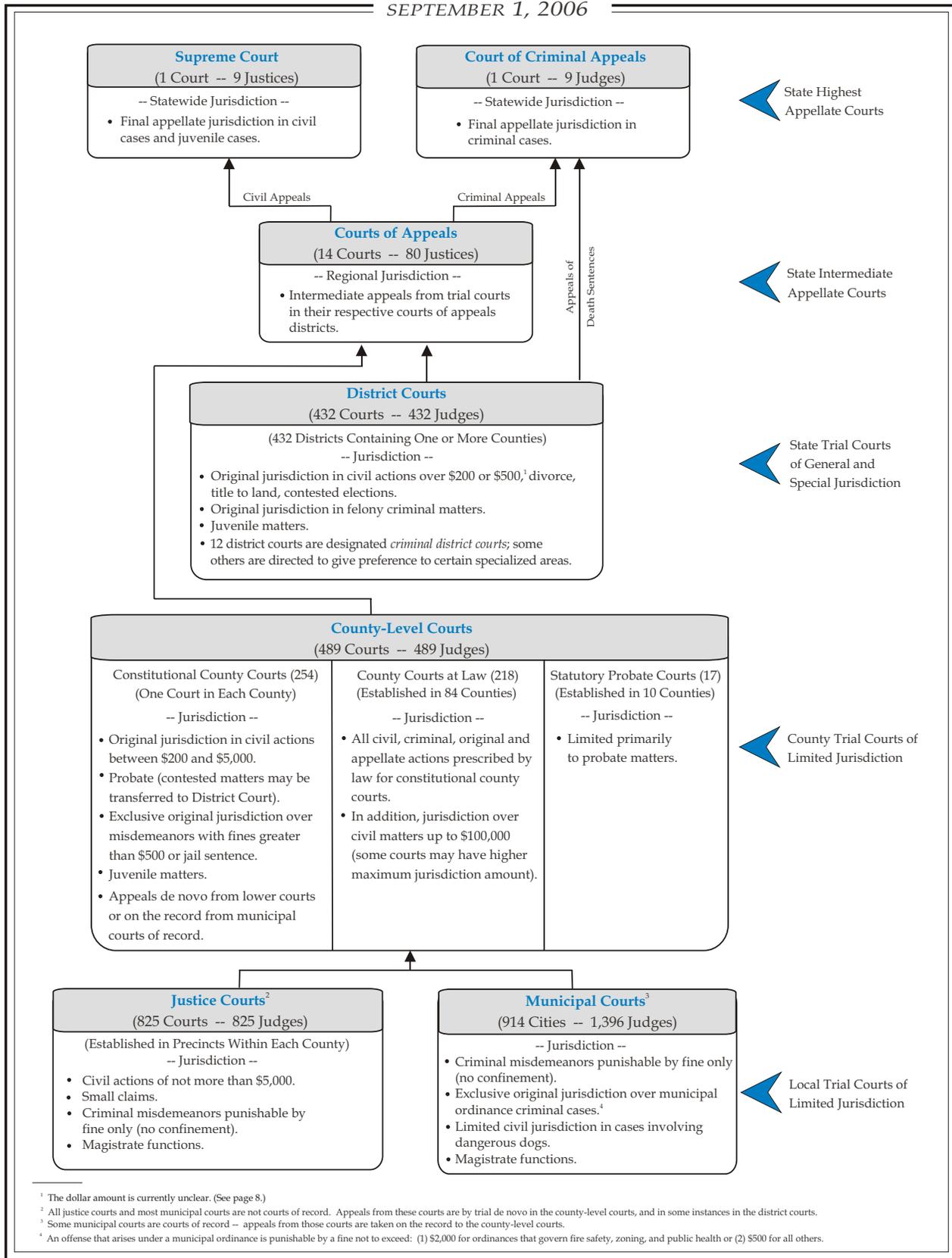


Photo courtesy of TexasCourthouses.com

*Shackelford County Courthouse - Albany*

# COURT STRUCTURE OF TEXAS

SEPTEMBER 1, 2006



## Introduction

As reflected on page 3, there were 3,240 elected (or appointed, in the case of most municipal judges) judicial positions in Texas as of September 1, 2006. In addition, there were more than 120 associate judges appointed to serve in district, county-level, child protection, and child support (Title IV-D) courts, as well as more than 270 retired and former judges 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, 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 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).

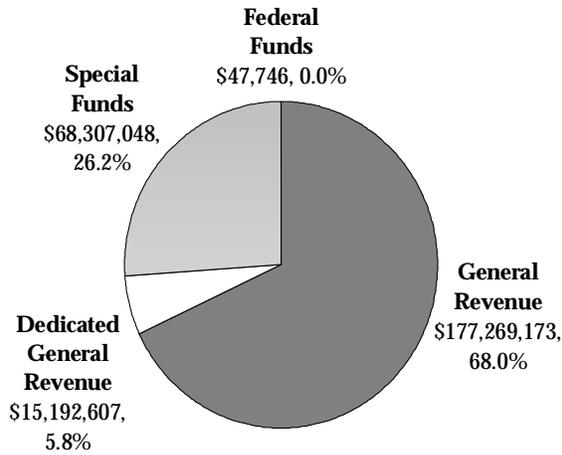
## Funding of the Texas Judicial System

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.

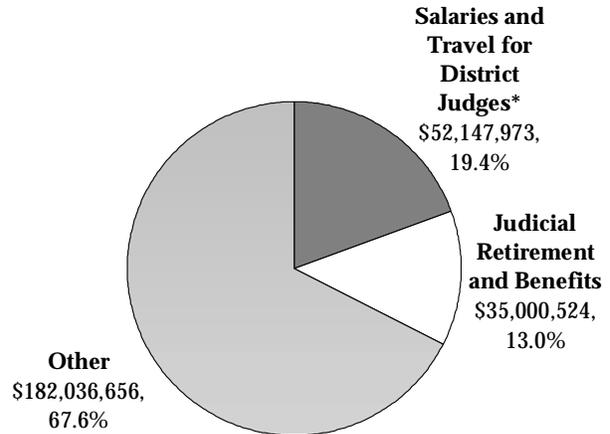
In fiscal year 2006, state appropriations for the Texas judicial system increased 26.0 percent from the previous fiscal year and accounted for approximately 0.38 percent of all state appropriations (\$260,816,574 of the \$69,367,951,937 appropriated from all Funds in fiscal year 2006). Sixty-eight percent of the financing for the judicial system came from General Revenue in fiscal year 2006. Another 5.8 percent came from dedicated General Revenue funds, such as the Compensation to Victims of Crime Account and the Fair Defense Account, while the remaining 26.2 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 2006, salaries for district judges and travel expenses for those district judges with jurisdiction in more than one county accounted for less than 20 percent of appropriations for the judicial system, and judicial retirement and benefits comprised another 13 percent.

### State Judicial System Funding Sources Fiscal Year 2006

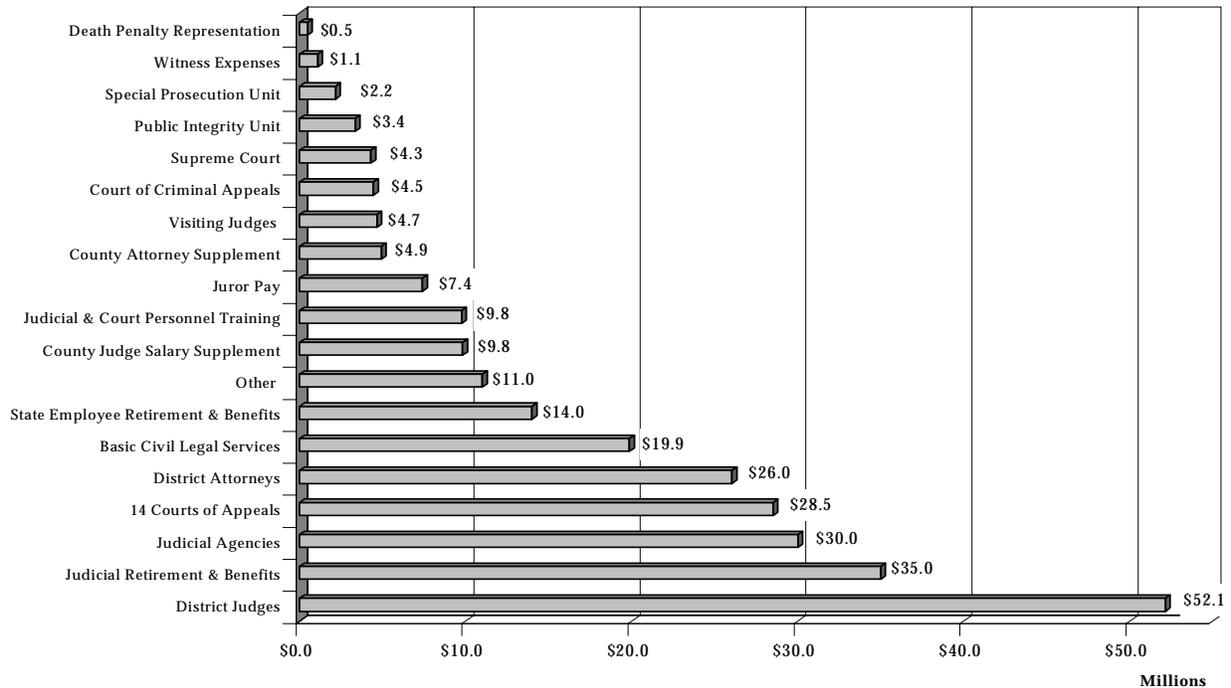


### Judicial Compensation as Percentage of Total State Appropriations for the State Judicial System



\*Note: Does not include salaries of appellate court judges.

### State Judicial System Appropriations, FY 2006



- Notes:
1. "Visiting Judges" includes salaries and per diem expenses.
  2. "Other" includes Social Security and Benefit Replacement Pay and lease payments.
  3. Judicial 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 \$6 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.<sup>1</sup>

The Supreme Court has statewide, final appellate jurisdiction in most civil and juvenile cases.<sup>2</sup> 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 causes<sup>3</sup> (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;<sup>4</sup> 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;<sup>5</sup> 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.<sup>6</sup>

### 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.<sup>7</sup>

The Court of Criminal Appeals is the highest state court for criminal appeals.<sup>8</sup> 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,<sup>9</sup> 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 trial of 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.<sup>10</sup>

## ***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 at the same time 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 Edinburgh.

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. Effective January 1, 2005, the 78<sup>th</sup> Legislature increased the number of justices on the Ninth Court of Appeals in Beaumont from three to four and reduced the number of justices on the Eighth Court of Appeals in El Paso from four to three.

## ***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, 2006, there were 432 district courts in Texas, though a judge had not yet been appointed for one court that became effective September 1, 2005.

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, or family law matters. Ten 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.<sup>11</sup> 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.

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 \$5,000; 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*

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, 2006, 216 statutory county courts and 17 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.

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 generally 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.

## 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, 2006, 825 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 \$5,000. 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 upon 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.

## 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, 2006, municipal courts were operating in approximately 914 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 upon 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 general responsibility for the efficient administration of the judicial system and possesses the authority to make rules of administration applicable to the courts.<sup>12</sup> 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.<sup>13</sup> 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 and executing the local rules of administration, supervising the expeditious movement of court caseloads, and other administrative duties.<sup>14</sup>

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 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, 79th Leg., R.S., Art. IV, page IV-2, Rider 3) that states, "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." 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. Article V, Section 31 of the Texas Constitution.

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

14. 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, 2006

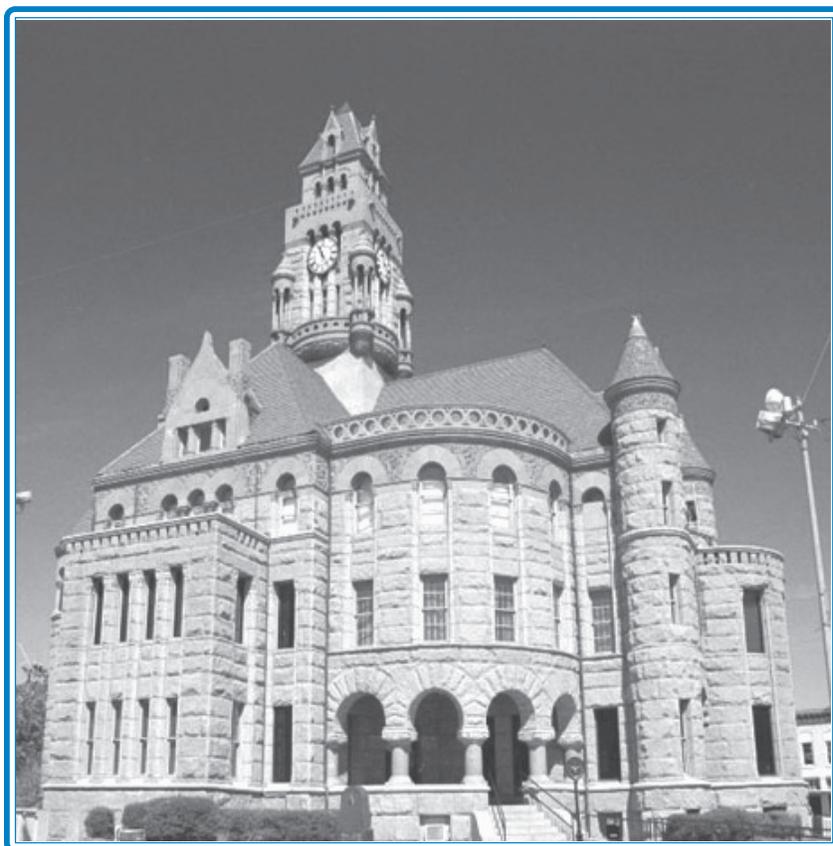
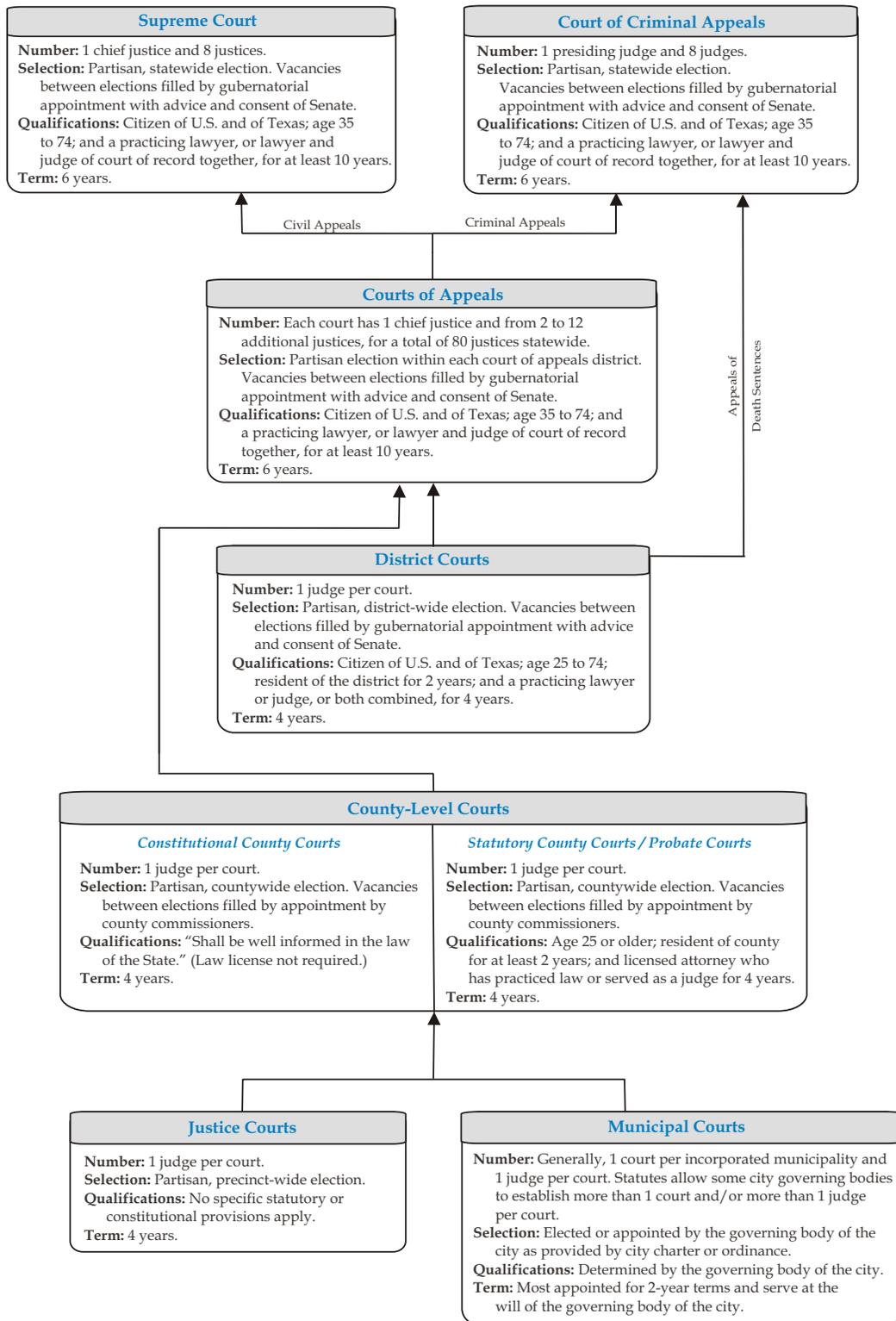


Photo courtesy of TexasCourthouses.com

*Wise County Courthouse - Decatur*

# Judicial Qualifications and Selection in the State of Texas



**Profile of Appellate and Trial Judges\***  
as of September 1, 2006

	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
<b>NUMBER OF JUDGES:</b>										
Number of Judge Positions	9	9	80	420	12	218	17	254	825	1,396
Number of Judges	9	9	79	417	12	218	17	254	822	1,380
Number of Vacant Positions	0	0	1	3	0	0	0	0	3	16
Number of Municipalities w/ Courts	--	--	--	--	--	--	--	--	--	934
Cities with No Courts	--	--	--	--	--	--	--	--	--	244
<b>AGE OF JUDGES:</b>										
	(n = 9)	(n = 9)	(n = 79)	(n = 416)	(n = 12)	(n = 200)	(n = 17)	(n = 226)	(n = 751)	(n = 1,206)
Mean	51	63	55	56	52	58	65	57	58	58
Oldest	61	73	74	75	62	82	75	80	87	90
Youngest	40	53	36	36	41	34	54	34	28	26
<b>RANGE OF AGE:</b>										
Under 25	0	0	0	0	0	0	0	0	0	0
25 through 34	0	0	0	0	0	1	0	1	10	28
35 through 44	2	0	8	53	3	32	0	10	61	178
45 through 54	5	2	31	157	4	86	1	52	192	356
55 through 64	2	6	33	176	5	60	12	102	297	382
65 through 74	0	1	7	29	0	15	3	51	151	189
Over 75	0	0	0	1	0	6	1	10	40	73
<b>GENDER OF JUDGES:</b>										
	(n = 9)	(n = 9)	(n = 79)	(n = 417)	(n = 12)	(n = 218)	(n = 17)	(n = 254)	(n = 818)	(n = 1,366)
Males	8	5	47	303	8	150	14	227	539	912
Females	1	4	32	114	4	68	3	27	279	454
<b>ETHNICITY OF JUDGES:</b>										
	(n=9)	(n=9)	(n=78)	(n=413)	(n=12)	(n=206)	(n=11)	(n=237)	(n=696)	(n=1,077)
African-American	2	0	2	11	2	7	0	2	21	47
American Indian or Alaska Native	0	0	1	2	0	0	0	0	2	8
Asian or Pacific Islander	0	0	1	1	1	0	0	0	0	6
Hispanic/Latino	1	0	11	53	1	38	1	20	133	153
White (Non-Hispanic)	6	9	63	342	8	159	10	212	540	855
Other	0	0	0	4	0	2	0	3	0	8
<b>LENGTH OF SERVICE:</b>										
	(n=9)	(n=9)	(n=79)	(n=417)	(n=12)	(n=217)	(n=17)	(n=253)	(n=798)	(n=1,277)
Average	4 Yr 9 Mo	7 Yr 5 Mo	6 Yr 2 Mo	9 Yr 0 Mo	8 Yr 4 Mo	9 Yr 9 Mo	14 Yr 0 Mo	8 Yr 2 Mo	9 Yr 4 Mo	8 Yr 6 Mo
Longest	17 Yr 8 Mo	13 Yr 8 Mo	19 Yr 8 Mo	30 Yr 10 Mo	16 Yr 4 Mo	30 Yr 5 Mo	25 Yr 0 Mo	35 Yr 8 Mo	43 Yr 5 Mo	42 Yr 1 Mo
<b>RANGE OF SERVICE ON THIS COURT IN YEARS:</b>										
Under 1 Year	0	0	2	16	2	5	0	3	17	90
1 through 4	6	1	30	96	3	63	1	87	210	445
5 through 9	2	6	22	118	1	61	2	65	222	320
10 through 14	0	2	22	84	4	34	7	47	145	201
15 through 19	1	0	3	71	2	39	2	41	119	90
20 through 24	0	0	0	23	0	11	4	3	54	68
25 through 29	0	0	0	9	0	3	1	5	22	33
30 through 34	0	0	0	0	0	1	0	1	7	14
35 through 39	0	0	0	0	0	0	0	1	0	9
Over 40	0	0	0	0	0	0	0	0	2	2
<b>FIRST ASSUMED OFFICE BY:</b>										
	(n=9)	(n=9)	(n=79)	(n=417)	(n=12)	(n=217)	(n=17)	(n=253)	(n=791)	(n=1,321)
Appointment	5 (56%)	1 (11%)	42 (53%)	179 (43%)	6 (50%)	80 (37%)	9 (53%)	47 (19%)	213 (27%)	1303 (99%)
Election	4 (44%)	8 (89%)	37 (47%)	238 (57%)	6 (50%)	137 (63%)	8 (47%)	206 (81%)	578 (73%)	18 (1%)
<b>EDUCATION:</b>										
<b>HIGH SCHOOL:</b>										
Attended	--	--	--	--	--	--	--	--	56 (7%)	26 (2%)
Graduated	--	--	--	--	--	--	--	--	700 (92%)	1,160 (96%)
<b>COLLEGE:</b>										
Attended	0 (0%)	0 (0%)	0 (0%)	6 (1%)	0 (0%)	5 (2%)	0 (0%)	44 (18%)	170 (22%)	143 (12%)
Graduated	9 (100%)	9 (100%)	79 (100%)	403 (97%)	11 (92%)	202 (94%)	16 (94%)	151 (62%)	241 (32%)	787 (65%)
<b>LAW SCHOOL:</b>										
Attended	0 (0%)	0 (0%)	0 (0%)	4 (1%)	0 (0%)	2 (1%)	0 (0%)	1 (0%)	3 (0%)	4 (0%)
Graduated	9 (100%)	9 (100%)	79 (100%)	412 (99%)	12 (100%)	213 (99%)	17 (100%)	35 (14%)	57 (7%)	623 (51%)
<b>LICENSED TO PRACTICE LAW:</b>										
Number Licensed	9 (100%)	9 (100%)	79 (100%)	417 (100%)	12 (100%)	218 (100%)	17 (100%)	35 (14%)	55 (7%)	632 (46%)
Mean Year Licensed	1983	1974	1979	1979	1981	1981	1972	1977	1980	1982
<b>RANGE OF YEAR LICENSED:</b>										
Before 1955	0	0	0	1	0	1	1	0	0	4
1955 through 1959	0	1	2	3	0	3	0	1	1	9
1960 through 1964	0	0	2	10	0	3	2	2	0	21
1965 through 1969	0	1	4	33	1	12	1	6	7	56
1970 through 1974	1	2	12	66	2	22	5	7	10	72
1975 through 1979	2	3	17	104	1	38	6	3	7	104
1980 through 1984	2	2	24	91	3	46	2	6	11	96
1985 through 1989	1	0	11	56	2	59	0	4	5	79
1990 through 1994	3	0	7	44	3	29	0	4	9	103
1995 through 1999	0	0	0	11	0	4	0	2	5	72
Since 2000	0	0	0	0	0	1	0	0	0	16
<b>ORIGINALLY CAME TO THIS COURT FROM:</b>										
Attorney Private Practice	1 (11%)	2 (22%)	21 (26%)	--	--	--	--	--	--	--
Judge of Lower Court	6 (67%)	4 (44%)	14 (18%)	--	--	--	--	--	--	--
Legislative Service	1 (11%)	3 (33%)	3 (4%)	--	--	--	--	--	--	--
Other Governmental Service	1 (11%)	0 (0%)	0 (0%)	--	--	--	--	--	--	--
<b>PREVIOUS EXPERIENCE:</b>										
Prosecutor	0 (0%)	5 (56%)	17 (22%)	194 (47%)	8 (67%)	103 (47%)	5 (29%)	12 (5%)	--	--
Attorney Private Practice	6 (67%)	9 (100%)	44 (56%)	334 (80%)	10 (83%)	159 (73%)	16 (94%)	29 (11%)	--	--
Judge of Lower Court	4 (44%)	2 (22%)	15 (19%)	82 (20%)	1 (8%)	37 (17%)	5 (29%)	21 (8%)	--	--
County Commissioner	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	23 (9%)	--	--
<b>MAYOR SERVING AS JUDGE:</b>										
	--	--	--	--	--	--	--	--	--	21 (2%)

\* Data may be incomplete, as this chart includes only information reported to OCA. Associate judges not included in data, except for municipal courts.

# Salaries of Elected State Judges

In August 2005, the 79<sup>th</sup> Legislature amended statutes relating to the compensation of state judges (79<sup>th</sup> Legislature, Second Called Session, H.B. 11). 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.<sup>1</sup> 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 receive \$2,500 more than the other justices or judges on the courts.

1. Attorney General Opinion GA-0437.

## Salary Summary for Elected State Judges as of December 1, 2005

Judge	State Salary	Additional Compensation <sup>1</sup>	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 <sup>3</sup>		\$147,500
Court of Appeals - Justice	\$137,500	up to \$7,500 <sup>3</sup>		\$145,000
Presiding Judge - Admin. Judicial Region (Active District Judge)	\$125,000	up to \$15,000 <sup>3</sup>	not to exceed \$33,000 <sup>4</sup>	up to \$173,000
Presiding Judge - Admin. Judicial Region (Retired or Former Judge)	N/A	N/A	\$35,000 - 50,000 <sup>5</sup>	up to \$50,000
District Judge - Local Admin. Judge who serves in county with more than 5 dist. cts.	\$130,000 <sup>2</sup>	up to \$15,000 <sup>3</sup>		\$145,000 <sup>2,3</sup>
District Judge	\$125,000	up to \$15,000 <sup>3</sup>		\$140,000 <sup>3</sup>

1. 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.
2. Includes \$5,000 state supplement. Tex. Gov't Code Sec. 659.012(d).
3. 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.
4. Presiding judges' salary set by Texas Judicial Council. Tex. Gov't Code 74.051(b). Paid by counties in administrative judicial region on a pro rata basis based on population.
5. 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.

# ***State Judges Appointed***

***September 1, 2005 to August 31, 2006***

**Hon. Jim R. Wright**  
*Chief Justice, 11th Court of Appeals*  
*Appointed September 27, 2005*  
*Succeeding Hon. William G. (Bud) Arnot*

**Hon. Rick Strange**  
*Justice, 11th Court of Appeals*  
*Appointed September 27, 2005*  
*Succeeding Hon. Jim R. Wright*

**Hon. Brian Todd Hoyle**  
*Justice, 12th Court of Appeals*  
*Appointed August 8, 2006*  
*Succeeding Hon. Diane DeVasto*

**Hon. Danny Clancy**  
*Judge, Dallas Criminal District Court No. 6*  
*Appointed October 3, 2005*  
*Newly Created Court*

**Hon. W. Edwin Denman**  
*Judge, 412th District Court*  
*Appointed October 19, 2005*  
*Newly Created Court*

**Hon. Becky A. Gregory**  
*Judge, 283rd District Court*  
*Appointed December 9, 2005*  
*Succeeding Hon. Vickers L. Cunningham*

**Hon. Jerome S. Hennigan**  
*Judge, 324th District Court*  
*Appointed June 1, 2006*  
*Succeeding Hon. Brian A. Carper*

**Hon. William R. Henry**  
*Judge, 428th District Court*  
*Appointed September 28, 2005*  
*Newly Created Court*

**Hon. Livia Liu**  
*Judge, Dallas Criminal District Court No. 7*  
*Appointed September 27, 2005*  
*Newly Created Court*

**Hon. Vicki Lynn Menard**  
*Judge, 414th District Court*  
*Appointed October 21, 2005*  
*Newly Created Court*

**Hon. Daniel H. Mills**  
*Judge, 424th District Court*  
*Appointed October 16, 2005*  
*Newly Created Court*

**Hon. J. Rolando Olvera**  
*Judge, 138th District Court*  
*Appointed September 27, 2005*  
*Succeeding Hon. Robert Garza*

**Hon. Ruben Gonzales Reyes**  
*Judge, 72nd District Court*  
*Appointed March 29, 2006*  
*Succeeding Hon. J. Blair Cherry*

**Hon. Michael Haygood Schneider, Jr.**  
*Judge, 315th District Court*  
*Appointed April 28, 2006*  
*Succeeding Hon. Kent Ellis*

**Hon. Bill Smith**  
*Judge, 110th District Court*  
*Appointed June 10, 2006*  
*Succeeding Hon. John R. Hollums*

**Hon. John W. Smith**  
*Judge, 161st District Court*  
*Appointed February 21, 2006*  
*Succeeding Hon. Tyrone Lewis*

**Hon. Nancy A. Thomas**  
*Judge, 160th District Court*  
*Appointed January 9, 2006*  
*Succeeding Hon. Joseph M. Cox*

**Hon. Angela Velasquez**  
*Judge, 183rd District Court*  
*Appointed October 10, 2005*  
*Succeeding Hon. Joan Huffman*

**Hon. Judy Warne**  
*Judge, 257th District Court*  
*Appointed November 18, 2005*  
*Succeeding Hon. Linda Motheral*

**Hon. Rickey N. Williams**  
*Judge, 279th District Court*  
*Appointed January 6, 2006*  
*Succeeding Hon. Thomas F. Mulvaney*

**Hon. Cara Cordell Wood**  
*Judge, 284th District Court*  
*Appointed June 6, 2006*  
*Succeeding Hon. Olen Underwood*

# Other Judges and Judicial Officers

## 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 26 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*

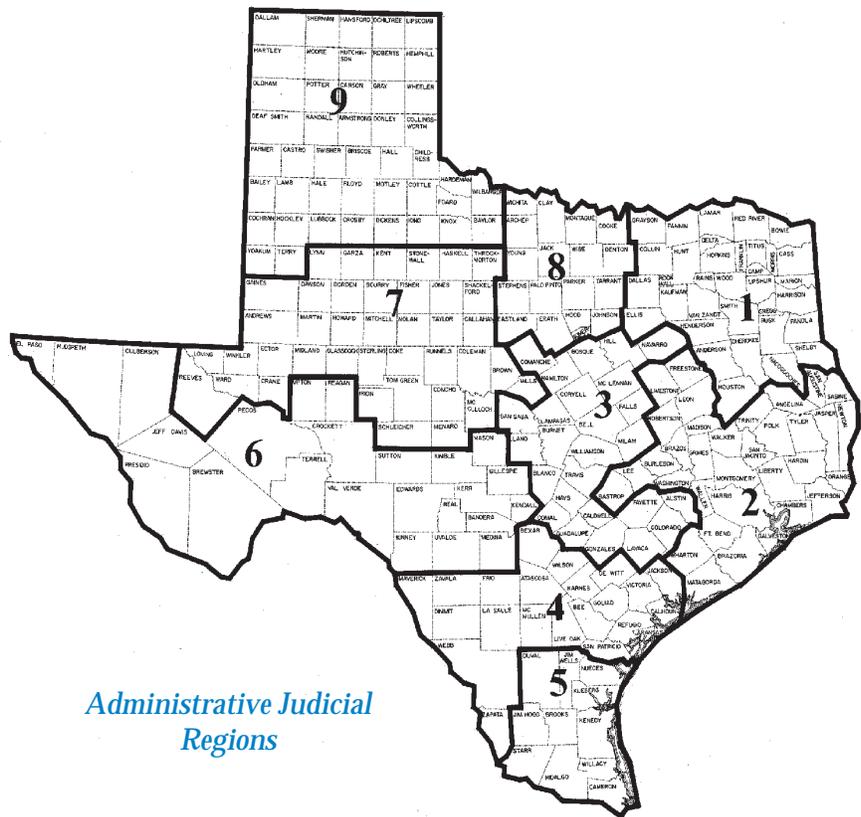
Like judicial officers appointed under Chapter 54 of the Government Code, district and county-level judges refer certain cases to associate judges appointed under Chapter 201 of the Family Code.

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.



## Assigned Judges in the Trial Courts

### Statistics For the Year Ended August 31, 2006

	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	Total
	<u>Region</u>	<u>Region</u>	<u>Region</u>	<u>Region</u>	<u>Region</u>	<u>Region</u>	<u>Region</u>	<u>Region</u>	<u>Region</u>	
<b>By the Chief Justice of the Supreme Court<sup>1</sup></b>										
<b>Assignments to the Administrative Regions:</b>										
Number of Assignments:										
Senior/Former Appellate Judges	2	2	34	0	0	1	0	2	0	41
Active District Judges	0	0	0	0	21	1	0	0	4	26
Senior/Former District Judges	0	0	5	0	159	0	0	0	0	164
Active Statutory County Court Judges	0	0	0	0	9	0	0	0	0	9
Retired/Former Statutory County Court Judges	0	0	0	0	16	0	0	0	0	16
<b>TOTAL Assignments</b>	<b>2</b>	<b>2</b>	<b>39</b>	<b>0</b>	<b>205</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>4</b>	<b>256</b>
Days Served:										
Senior/Former Appellate Judges	2.0	9.0	40.5	0.0	0.0	7.0	0.0	4.0	0.0	62.5
Active District Judges	0.0	0.0	0.0	0.0	10.0	2.0	0.0	0.0	4.0	16.0
Senior/Former District Judges	0.0	0.0	18.0	0.0	546.5	0.0	0.0	0.0	0.0	564.5
Active Statutory County Court Judges	0.0	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	3.0
Retired/Former Statutory County Court Judges	0.0	0.0	0.0	0.0	30.0	0.0	0.0	0.0	0.0	30.0
<b>TOTAL Days Served</b>	<b>2.0</b>	<b>9.0</b>	<b>58.5</b>	<b>0.0</b>	<b>589.5</b>	<b>9.0</b>	<b>0.0</b>	<b>4.0</b>	<b>4.0</b>	<b>676.0</b>
<b>By Presiding Judges of Administrative Regions<sup>1</sup></b>										
<b>Assignments within the Administrative Regions:</b>										
Number of Assignments:										
Active Appellate Judges	47	0	0	0	0	0	0	0	0	47
Senior/Former Appellate Judges	115	110	105	24	0	47	7	70	49	527
Active District Judges	70	59	29	5	14	30	51	125	76	459
Senior/Former District Judges	499	1,033	883	251	63	260	191	425	54	3,659
Active Statutory County Court Judges	8	31	4	0	5	2	20	32	0	102
Retired/Former Statutory County Court Judges	51	66	27	0	9	38	23	44	49	307
<b>TOTAL Assignments</b>	<b>790</b>	<b>1,299</b>	<b>1,048</b>	<b>280</b>	<b>91</b>	<b>377</b>	<b>292</b>	<b>696</b>	<b>228</b>	<b>5,101</b>
Days Served:										
Active Appellate Judges	115.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	115.0
Senior/Former Appellate Judges	326.0	336.5	137.5	107.5	0.0	272.0	9.5	154.0	69.0	1,412.0
Active District Judges	279.0	83.0	7.0	7.0	2.0	41.0	9.5	140.0	110.0	678.5
Senior/Former District Judges	2,122.0	2,535.5	941.5	953.0	314.5	541.0	284.5	975.5	147.0	8,814.5
Active Statutory County Court Judges	27.0	35.0	0.0	0.0	6.0	3.0	2.0	45.5	0.0	118.5
Retired/Former Statutory County Court Judges	108.0	160.0	30.5	0.0	23.0	119.5	17.0	48.5	89.0	595.5
<b>TOTAL Days Served</b>	<b>2,977.0</b>	<b>3,150.0</b>	<b>1,116.5</b>	<b>1,067.5</b>	<b>345.5</b>	<b>976.5</b>	<b>322.5</b>	<b>1,363.5</b>	<b>415.0</b>	<b>11,734.0</b>
<b>Assignments from Other Administrative Regions:</b>										
Number of Assignments:										
Active Appellate Judges	17	0	0	0	0	0	0	0	0	17
Senior Appellate Judges	3	0	0	1	0	25	0	0	0	29
Active District Judges	0	3	0	0	5	7	1	0	2	18
Senior/Former District Judges	2	14	72	31	3	42	18	9	34	225
Active Statutory County Court Judges	0	3	2	0	0	0	0	0	0	5
Retired/Former Statutory County Court Judges	0	0	0	18	0	0	4	0	0	22
<b>TOTAL Assignments</b>	<b>22</b>	<b>20</b>	<b>74</b>	<b>50</b>	<b>8</b>	<b>74</b>	<b>23</b>	<b>9</b>	<b>36</b>	<b>316</b>
Days Served:										
Active Appellate Judges	280.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	280.0
Senior Appellate Judges	3.0	0.0	0.0	3.0	0.0	75.5	0.0	0.0	0.0	81.5
Active District Judges	0.0	8.0	0.0	0.0	2.0	20.0	0.0	0.0	0.0	30.0
Senior/Former District Judges	4.0	37.0	51.5	85.5	1.0	67.0	29.0	16.0	57.0	348.0
Active Statutory County Court Judges	0.0	3.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.0
Retired/Former Statutory County Court Judges	0.0	0.0	0.0	65.5	0.0	0.0	0.0	0.0	0.0	65.5
<b>TOTAL Days Served</b>	<b>287.0</b>	<b>48.0</b>	<b>51.5</b>	<b>154.0</b>	<b>3.0</b>	<b>162.5</b>	<b>29.0</b>	<b>16.0</b>	<b>57.0</b>	<b>808.0</b>
<b>By the Supreme Court for Disciplinary Proceedings<sup>2</sup></b>										
Number of Assignments--Active District Judges	0	11	0	2	1	1	0	0	0	15
Days Served--Active District Judges	0.0	18.0	0.0	3.0	0.0	2.0	0.0	0.0	0.0	23.0
<b>Total ---Trial Court Assignments</b>										
<b>Number of Assignments</b>	<b>814</b>	<b>1,332</b>	<b>1,161</b>	<b>332</b>	<b>305</b>	<b>454</b>	<b>315</b>	<b>707</b>	<b>268</b>	<b>5,688</b>
<b>Days Served</b>	<b>3,266.0</b>	<b>3,225.0</b>	<b>1,226.5</b>	<b>1,224.5</b>	<b>938.0</b>	<b>1,150.0</b>	<b>351.5</b>	<b>1,383.5</b>	<b>476.0</b>	<b>13,241.0</b>
<b>Assignments to Other Administrative Regions</b>	<b>28</b>	<b>25</b>	<b>78</b>	<b>13</b>	<b>1</b>	<b>10</b>	<b>43</b>	<b>13</b>	<b>0</b>	<b>211</b>

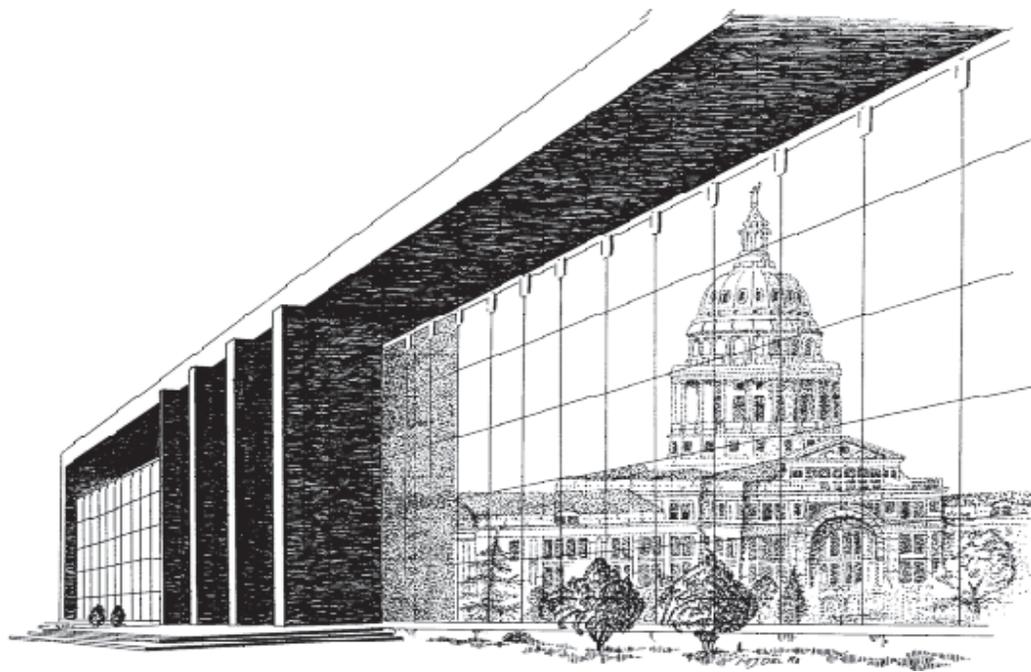
**Notes:**

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.

# Caseload Trends in the Appellate Courts

Analysis of Activity for the Fiscal Year  
Ended August 31, 2006



*Reflection of State Capitol on Supreme Court Building*



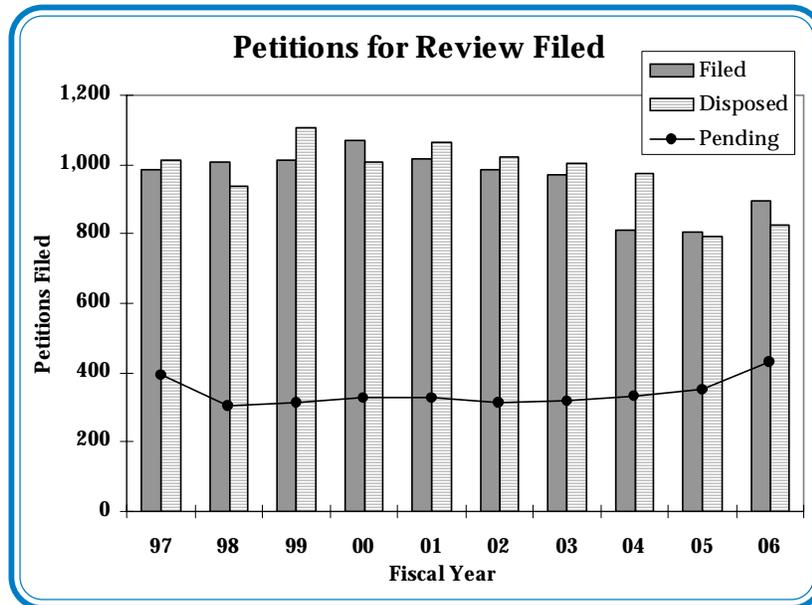
# The Supreme Court

**Petitions for Review<sup>1</sup>** – In 2006, 897 petitions for review were filed in the Supreme Court—an increase of 11.4 percent over the previous year and the first increase in the number of petitions filed since 2000. Over the past decade, an average of 956 petitions for review were filed each year in the court.

In 2006, slightly more than half (50.7 percent) of petitions for review came from the five most populous counties—Harris, Dallas, Tarrant, Bexar and Travis—and Harris County alone accounted for more than one-fifth (21.1 percent) of all petitions filed. The largest share of petitions filed by court of appeals district came from the Fifth Court of Appeals in Dallas (13.7 percent), followed by the Fourteenth Court of Appeals in Houston (12.4 percent) and the Thirteenth Court of Appeals in Corpus Christi/Edinburg (12.3 percent).

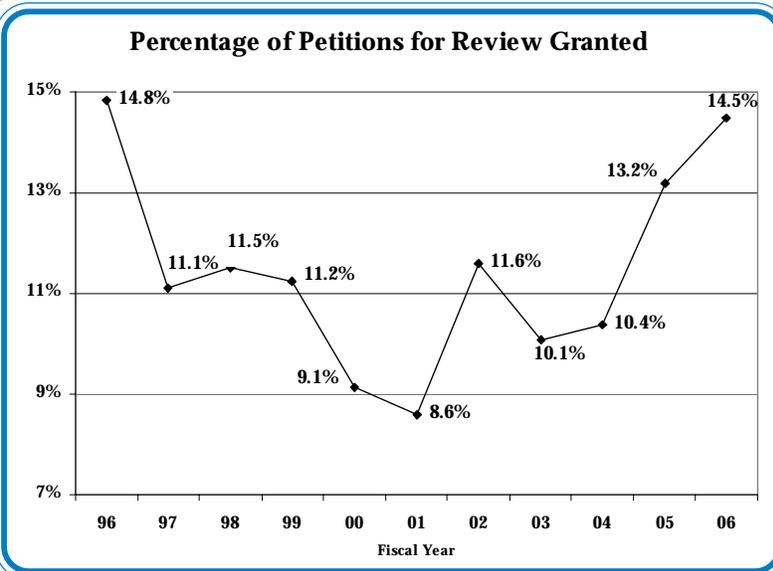
The Supreme Court disposed of 822 petitions for review in 2006, nearly identical to the number disposed of the previous year (823 petitions). Due to the large increase in the number of petitions for review filed during the year, the court's clearance rate for these matters fell to 91.6 percent. As a result, the number of petitions pending at the end of the fiscal year increased to 431—the highest number of the decade.

Of the petitions for review disposed of in 2006, initial review was granted in 14.5 percent of the cases—the highest percentage since 1996 (14.8 percent). Initial review was granted most frequently (26.1 percent) in petitions filed from the 9th Court of



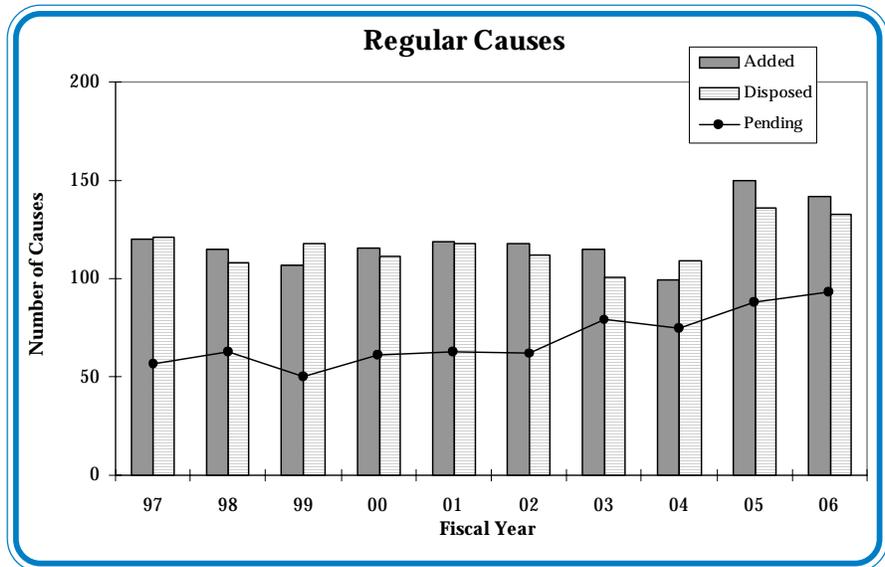
**Percentage of Petitions for Review Granted in FY 2006, by Court of Appeals District**

9th (Beaumont) - 26.1%	14th (Houston) - 13.3%
10th (Waco) - 25.5%	4th (San Antonio) - 10.9%
13th (Corpus Christi/Edinburg) - 23.7%	5th (Dallas) - 9.0%
2nd (Fort Worth) - 21.4%	3rd (Austin) - 8.6%
8th (El Paso) - 20.0%	11th (Eastland) - 7.7%
12th (Tyler) - 19.4%	7th (Amarillo) - 5.1%
1st (Houston) - 13.9%	6th (Texarkana) - 4.0%



Appeals district (Beaumont) and was granted least frequently (4.0 percent) in petitions filed from the 6th Court of Appeals district (Texarkana).

**Regular Causes<sup>2</sup>** - The 142 regular causes added to the court's docket in 2006 was slightly lower than the number added the year before (150 causes); however, this number was significantly higher than the average of 114 causes per year that had been added from 1997 to 2004.



Although the court disposed of a greater percentage of its regular causes (93.7 percent, or 133 causes) than it did during the previous year (90.7 percent), dispositions still did not keep pace with the number of causes added, resulting in the largest number of causes (93) ever pending in the court at the end of a fiscal year.

In 2006, the Supreme Court reversed the decision of the intermediate appellate court in 70.1 percent of cases in which it granted a petition for review and affirmed a decision in 5.1 percent of cases. Another 6.2 percent of cases had a mixed disposition (i.e., affirmed in part and reversed in part), 3.1 percent were dismissed, and 15.5 percent had some other type of disposition.

**Case Processing Times** - The time from filing to disposition for all cases disposed of in 2006 increased from the previous year, from 164 to 175 days. The average length of time that an active case had been pending also increased from 179 days in 2005 to 196 days in 2006, and the average time from date of oral argument to disposition increased from 318 to 341 days. The average length of time from granting of a petition to oral argument, however, decreased from 97 to 77 days.

**Opinions Written** - The justices of the Supreme Court issued 145 opinions in 2006, nearly one-third of which were majority opinions, approximately 41 percent were per curiam, 7 percent were concurring, and nearly 14 percent were dissenting. Over the past five years, justices issued an average of 139 opinions per year.

- 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.
- "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.

Supreme Court Case Processing Times		
Measure	FY 2006	Average Time
For cases disposed in FY 2006, time from filing to disposition		175 days
<i>For cases on docket in FY 2006:</i>		
For active cases, time from filing of case to end of reporting period (Aug. 31, 2006)		196 days
Time from filing to disposition of petition/motion		145 days
Time from granting of petition to oral argument		77 days
Time from filing of petition to release of per curiam opinion		523 days
Time from date of oral argument to date of disposition		341 days

## Supreme Court Activity Fiscal Years 1997 through 2006

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	10-Yr. Avg.
<b>Regular Causes:<sup>1</sup></b>											
Added to docket	120	115	107	116	119	118	115	99	150	142	120
Disposed	121	108	118	111	118	112	101	109	136	133	117
Pending at end of year	57	63	49	61	63	62	79	75	88	93	69
Clearance rate	100.8%	93.9%	110.3%	95.7%	99.2%	94.9%	87.8%	110.1%	90.7%	93.7%	97.2%
<b>Petitions for Review:<sup>2</sup></b>											
Filed	983	1,004	1,012	1,069	1,018	986	968	810	805	897	955
Disposed:											
<i>Granted</i>	104	125	113	97	96	116	98	82	109	119	106
<i>Other dispositions</i>	832	977	893	966	1,020	885	875	709	714	703	846
Pending at end of year	389	298	313	328	329	314	317	332	353	431	342
Clearance rate	95.2%	109.8%	99.4%	99.4%	109.6%	101.5%	100.5%	97.7%	102.2%	91.6%	100.8%
<b>Other Writs and Motions:</b>											
Filed	2,029	1,940	1,911	1,997	1,925	2,087	2,761	1,909	2,010	2,037	2,061
Disposed	1,980	1,992	1,940	2,011	1,877	2,117	2,775	1,788	2,031	1,985	2,050
Pending at end of year	244	129	170	139	199	187	186	308	295	352	221
Clearance rate	97.6%	102.7%	101.5%	100.7%	97.5%	101.4%	100.5%	93.7%	101.0%	97.4%	99.5%
<b>Opinions Written</b>											
	179	222	165	180	139	165	128	122	136	145	158

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, 2005 through August 31, 2006

	Affirmed	Modified	Reversed	Mixed	Dismissed	Other Disposition	Total
<b>Granted Petitions for Review</b>	5	0	68	6	3	15	97
% of Total Granted Petitions for Review	5.1%	0.0%	70.1%	6.2%	3.1%	15.5%	100.0%
	<b>Initial Review Granted</b>	<b>Review Denied</b>	<b>Dismissed</b>	<b>Abated</b>	<b>Struck</b>	<b>Other Disposition</b>	<b>Total</b>
<b>Petitions for Review</b>	119	641	22	5	23	12	822
% of Total Petitions for Review	14.5%	78.0%	2.7%	0.6%	2.8%	1.5%	100.1% <sup>1</sup>

NOTE: 1. Does not equal 100.0 percent due to rounding.



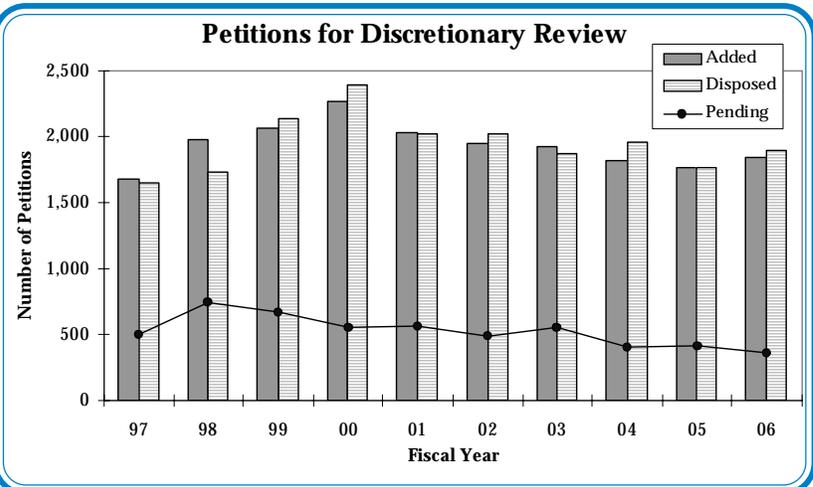
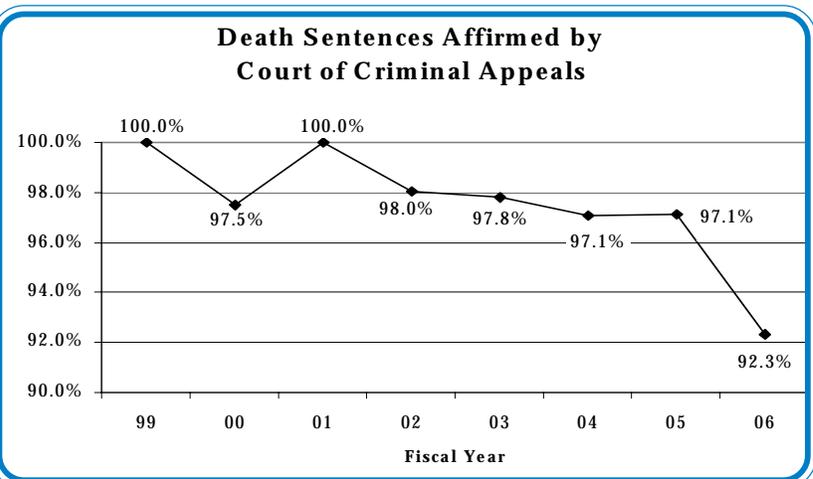
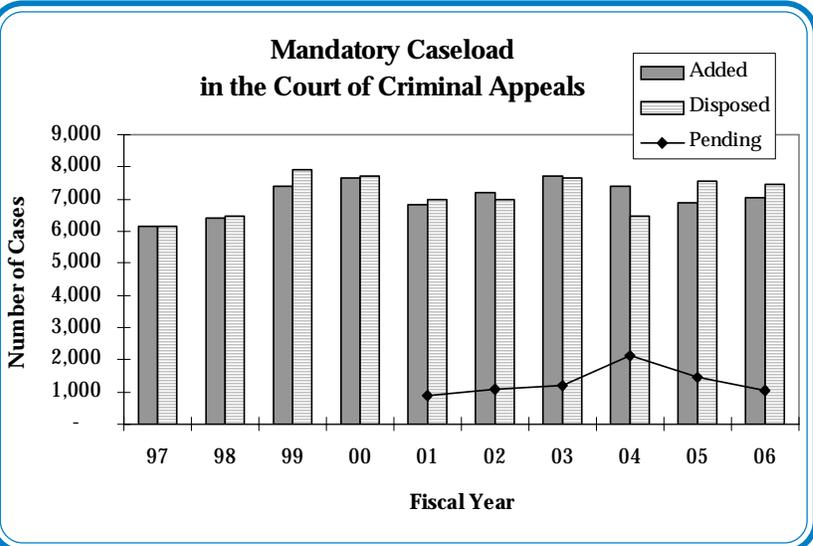
# The Court of Criminal Appeals

**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. Mandatory matters decreased slightly over the past two years as a percentage of the court’s overall caseload, comprising 77.7 percent of all cases added to the docket in 2006 compared to 79.3 percent in 2004. In 2006, applications for writs of habeas corpus accounted for 85.1 percent of the mandatory caseload.

After two consecutive years of decline, filings of mandatory matters increased in 2006 by 2.5 percent over the previous year to 7,039 cases—close to the average of 7,072 cases filed each year over the past 10 years.

In 2006, the court disposed of 7,462 cases—approximately 1 percent fewer than were disposed of the previous year. Although filings increased and dispositions decreased slightly, dispositions continued to outpace filings, resulting in a clearance rate of 106.0 percent for the court’s mandatory caseload and a decline in the number of cases pending at the end of the year.

The court denied 53.5 percent of applications for writs of habeas corpus (and dismissed another 29.7 percent) and denied 82.6 percent of original proceedings, compared to only 3.8 percent of direct appeals for habeas corpus and extraordinary matters.



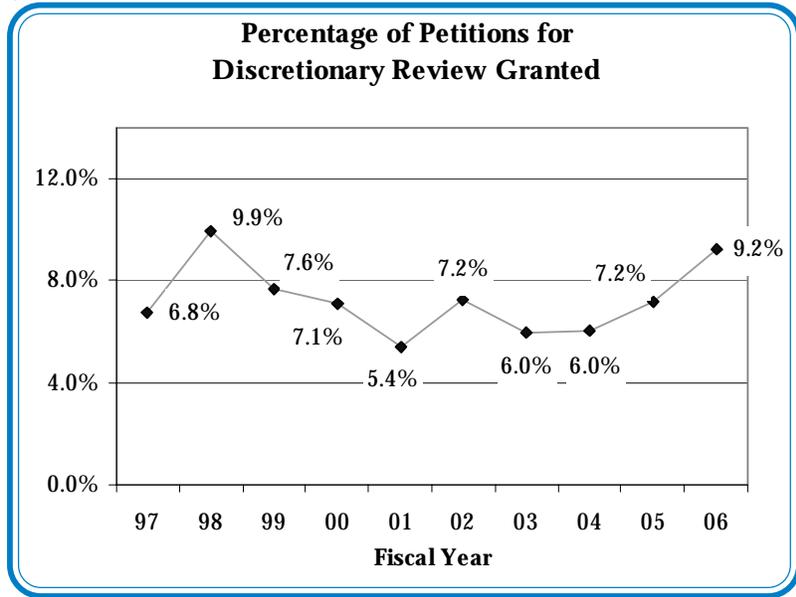
### Death Penalty Appeals

Approximately 7 percent of the direct appeal cases filed in 2006 involved death penalty appeals, compared to 10 percent in 2005, 11 percent in 2004 and 14 percent in 2003.

In 2006, the court affirmed 24 death penalty sentences, accounting for 92 percent of the cases decided—the lowest percentage of the last eight years. The remaining two death penalty sentences were reversed.

**Discretionary Caseload** – After five consecutive years of decline, the number of petitions for discretionary review and redrawn petitions for discretionary review filed with the Court of Criminal Appeals increased by 4.0 percent in 2006 to 1,842 cases.

While more than half 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 grew to an historical high of 46.5 percent. Prior to 2005, these 249 counties had never accounted for more than 40 percent of petitions filed in any one fiscal year.



In 2006, dispositions of petitions for discretionary review and redrawn petitions for discretionary review rose to 1,894 cases—an increase of more than 7 percent from the previous year—and resulted in a clearance rate of 102.8 percent for this portion of the court’s caseload. At the end of the fiscal year, 360 cases were left pending—the lowest number pending over the last 10 years.

Of the petitions and redrawn petitions for discretionary review disposed in 2006, initial review was granted in 9.2 percent of the cases—higher than the average 7.1 percent of petitions granted each year over the past five years and the second highest percentage granted over the last decade (9.9 percent were granted in 1998).

Initial review was granted most frequently (31.9 percent) in petitions filed from the 10th Court of Appeals district (Waco) and was granted least frequently (4.8 percent) in petitions filed from the 5th Court of Appeals district (Dallas).

**Opinions Written** - The judges of the Court of Criminal Appeals issued 486 opinions in 2006, 30 percent of which were signed opinions, 50 percent were per curiam, 10 percent were concurring, and 10 percent were dissenting. Over the past five years, the judges issued an average of 528 opinions per year.

### Percentage of Petitions for Review Granted in FY 2006, by Court of Appeals District

10th (Waco) - 31.9%	7th (Amarillo) - 10.5%
3rd (Austin) - 19.6%	11th (Eastland) - 10.5%
8th (El Paso) - 16.9%	1st (Houston) - 8.2%
6th (Texarkana) - 14.9%	12th (Tyler) - 5.9%
13th (Corpus Christi/Edinburg) - 13.5%	2nd (Fort Worth) - 5.9%
4th (San Antonio) - 13.3%	14th (Houston) - 5.0%
9th (Beaumont) - 11.4%	5th (Dallas) - 4.8%

### Court of Criminal Appeals Case Processing Times FY 2006

Average time from filing to disposition for cases involving:

<i>Capital punishment</i>	687 days
<i>Application for writ of habeas corpus</i>	39 days
<i>Petition for discretionary review</i>	280 days

## Court of Criminal Appeals Activity Fiscal Years 1997 through 2006

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	
<b>Direct Appeals: <sup>1</sup></b>											<b>10-Yr. Avg.</b>
Added to docket	422	298	363	387	256	278	308	245	239	256	307
Disposed	447	301	377	381	254	295	306	253	239	269	312
Pending at end of year	107	104	90	109	110	92	89	84	84	72	94
Clearance rate	105.9%	101.0%	103.9%	98.4%	99.2%	106.1%	99.4%	103.3%	100.0%	105.1%	100.6%
<b>Applications for Writ of Habeas Corpus:<sup>2</sup></b>											<b>6-Yr. Avg.</b>
Filed	5,782	6,416	7,074	7,281	5,964	6,167	6,660	6,342	6,046	5,987	6,194
Disposed	5,709	6,187	7,573	7,383	6,123	5,968	6,611	5,448	6,609	6,381	6,190
Pending at end of year	1,151	1,274	869	931	694	900	948	1,836	1,267	853	1,083
Clearance rate	98.7%	96.4%	107.1%	101.4%	102.7%	96.8%	99.3%	85.9%	109.3%	106.6%	99.9%
<b>Original Proceedings:<sup>3</sup></b>											<b>6-Yr. Avg.</b>
Filed	-----	-----	-----	-----	602	732	758	834	583	796	718
Disposed	-----	-----	-----	-----	602	702	721	761	702	812	717
Pending at end of year	-----	-----	-----	-----	68	101	147	219	99	101	123
Clearance rate	-----	-----	-----	-----	100.0%	95.9%	95.1%	91.2%	120.4%	102.0%	99.9%
<b>Petitions for Discretionary Review:<sup>4</sup></b>											<b>10-Yr. Avg.</b>
Filed	1,791	2,161	2,229	2,446	2,146	2,097	2,039	1,935	1,897	2,017	2,076
Disposed	1,771	1,866	2,318	2,578	2,128	2,160	2,028	2,068	1,886	2,009	2,081
Pending at end of year	596	891	802	669	685	618	629	496	507	516	641
Clearance rate	98.9%	86.3%	104.0%	105.4%	99.2%	103.0%	99.5%	106.9%	99.4%	99.6%	100.2%
<b>Motions Considered</b>	1,731	2,229	2,400	1,103	1,911	1,774	1,479	1,597	1,382	1,576	1,718
<b>Opinions Written</b>	747	652	798	709	472	595	612	471	474	486	602

**NOTES:**

- Direct appeals include death penalty appeals, DNA appeals, and appeals involving habeas corpus or extraordinary matters.
- 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.
- 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.
- 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, 2005 through August 31, 2006

	Affirmed	Reversed	Abated	Dismissed	Total		
Death Penalty Appeal	24	2	0	0	26		
DNA Appeal	3	0	0	1	4		
	Granted	Denied/Refused	Dismissed	Withdrawn	Struck	Untimely	Total
Habeas Corpus & Extraordinary Matters	221	10	8	0	0	0	239
Petitions for Discretionary Review <sup>1</sup>	175	1,471	4	3	151	90	1,894
	Affirmed	Reversed	Reversed & Remanded	Remanded	Mixed	Dismissed	Total
Granted Petitions for Discretionary Review	58	5	20	25	2	5	115
	Filed & Set	Denied	Remanded	Dismissed	Returned	Abated	Total
Applications for Writ of Habeas Corpus	235	3,415	514	1,896	321	0	6,381
Original Proceedings	1	671	0	3	0	137	812
	Granted	Denied	Dismissed	Total			
Motions for Reconsideration	8	2	0	10			
Motions for Stay of Execution	4	14	1	19			

NOTE: 1. Includes redrawn petitions for discretionary review.



# The Courts of Appeals

**Cases Filed** – In 2006, the number of filings overall declined by 4.4 percent from the previous year to 11,237 cases—the lowest number filed since 1996 (11,139 cases). The decline in filings was mostly attributable to decreases in the number of new cases filed. In 2006, 9,910 new cases were filed in the courts of appeals, representing a third consecutive year of reductions in new filings and the lowest number filed since 1995 (9,734 cases). The number of other cases<sup>1</sup> added to the courts’ dockets (1,327 cases), however, remained stable.

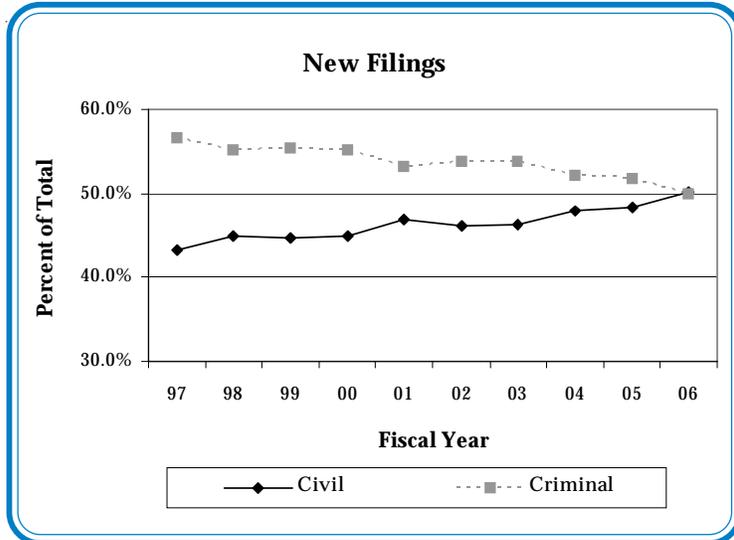
Civil cases accounted for just over 50 percent, and criminal cases just under 50 percent, of all new filings in 2006. Over the last decade, new civil filings generally grew both in number as well as a proportion of all new cases filed—from 43.4 percent of all new filings in 1997 to 50.2 percent in 2006.

Nearly half (49.7 percent) of all appeals filed in 2006 came from the state’s five most populous counties—Harris, Dallas, Tarrant, Bexar and Travis—and 18.1 percent came from Harris County alone.

**Cases Disposed** – In 2006, the courts of appeals disposed of 11,784 cases—a decrease of 2.3 percent compared to the previous year’s dispositions and the fewest number of cases disposed of since 1998. More than two-fifths (43.2 percent) of the cases disposed of in 2006 were affirmed, 6.2 percent were reversed, 2.7 percent had a mixed disposition (i.e., affirmed in part and reversed in part), and 28.9 percent were dismissed.

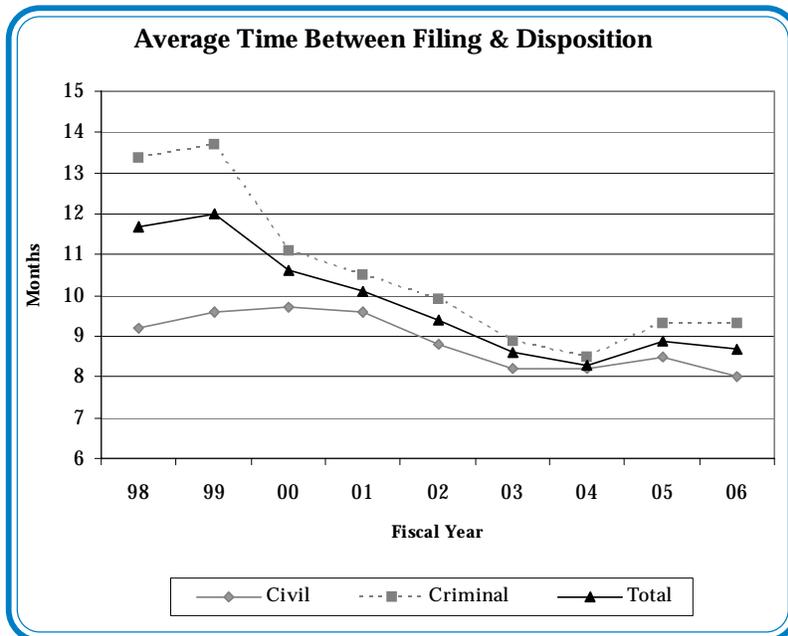
The average time between filing and disposition for civil cases dropped to the lowest level (8.0 months) since the courts began tracking this measure in 1998, while the average time for criminal cases remained unchanged at 9.3 months.

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



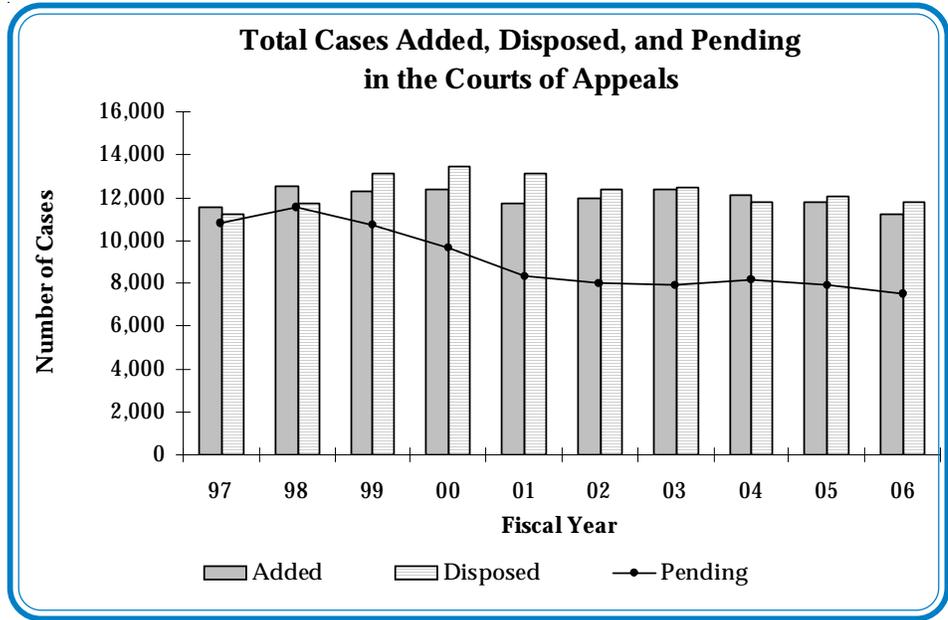
**Top Five Counties from Which Appeals Were Filed in FY 2006**

Civil Cases	Criminal Cases	Overall
Harris - 16.9 %	Harris - 19.1%	Harris - 18.1 %
Dallas - 13.8 %	Dallas - 13.4 %	Dallas - 13.6 %
Bexar - 7.4 %	Tarrant - 6.7%	Bexar - 6.7 %
Travis - 6.3 %	Bexar - 6.0%	Tarrant - 6.5 %
Tarrant - 6.2 %	Travis - 3.6 %	Travis - 4.9 %



The average time between submission and disposition for civil cases was 2.3 months, the least amount of time taken since 2002. The average time for criminal cases dropped slightly to 1.7 months; however, the time between submission and disposition for criminal cases remained relatively stable over the last decade.

The number of cases disposed of by the courts of appeals exceeded the number of cases filed in 2006, resulting in a clearance rate of 104.9 percent—the highest rate achieved since 2001 (112.3 percent).



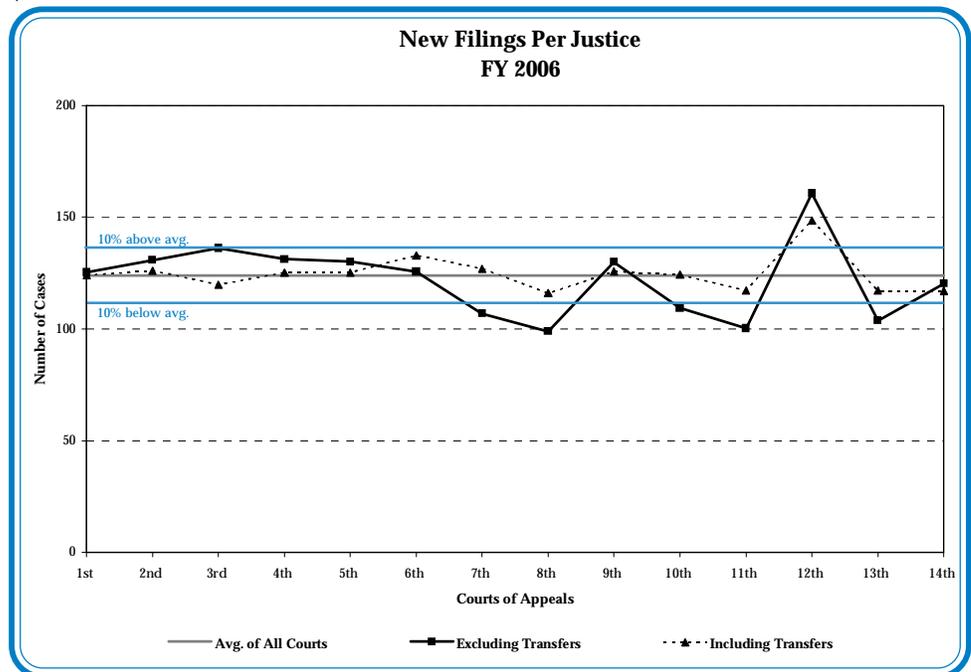
**Cases Pending** – At the end of 2006, a total of 7,476 cases were pending statewide, down 5.5 percent from the number pending at the end of the previous year. More than half (57.1 percent) of these cases had been pending for fewer than six months, and 83.4 percent had been pending for less than one year. The percentage of cases pending more than two years returned to the lowest level of the decade (matching the 1.2 percent pending in 2004).

**Opinions Written** – During 2006, the justices of the courts of appeals issued 11,408 opinions, 52.5 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.<sup>2</sup>

**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 2006, the statewide average number of new filings per justice was 124 cases prior to any transfers. The number of new cases filed per

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.



justice ranged from 99 cases in the Eighth Court of Appeals (El Paso) to 161 cases in the Twelfth Court of Appeals (Tyler). The average percentage difference of the 14 courts from the statewide average was 10.5 percent.

A total of 350 cases were transferred among the courts of appeals during the year in an effort to equalize the workloads of the courts. The Third Court of Appeals (Austin) transferred out the most cases (98 cases), while the Seventh (Amarillo) and Thirteenth (Corpus Christi/Edinburg) Courts of Appeals each received the largest number of transferred cases (80 cases).

As a result of these transfers, the number of cases filed per justice ranged from a low of 116 cases per justice in the Eighth Court of Appeals (El Paso) to a high of 149 cases filed per justice in the Twelfth Court of Appeals (Tyler). After transfers, the average percentage difference of the 14 courts from the statewide average was only 4.4 percent—far better than the goal of 10 percent set by the Texas Legislature.<sup>3</sup>

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” (79<sup>th</sup> Legislature, S.B. 1, Supreme Court Rider 3).

## Courts of Appeals

### Activity for Fiscal Years 1997 through 2006

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	10-Yr. Avg.
<b>Civil Cases:</b>											
Cases added											
<i>New filings</i>	4,666	5,191	4,969	4,898	4,792	4,877	4,888	4,999	5,013	4,971	4,926
<i>Other cases</i>	135	167	241	279	347	343	351	326	378	419	299
Cases disposed	4,517	4,722	5,254	5,457	5,515	5,404	5,172	5,220	5,441	5,440	5,214
Cases pending at end of year	3,405	4,047	3,987	3,717	3,346	3,229	3,288	3,427	3,398	3,376	3,522
Clearance rate	94.1%	88.1%	100.8%	105.4%	107.3%	103.5%	98.7%	98.0%	100.9%	100.9%	99.8%
Avg. time between filing & disposition (months)	n/a	9.2	9.6	9.7	9.6	8.8	8.2	8.2	8.5	8.0	8.9
Avg. time between submission & disposition (months)	n/a	2.7	2.5	2.1	2.4	2.3	2.8	2.8	2.8	2.3	2.5
<b>Criminal Cases:</b>											
Cases added											
<i>New filings</i>	6,088	6,375	6,145	6,016	5,436	5,686	5,671	5,444	5,381	4,939	5,718
<i>Other cases</i>	630	769	936	1,150	1,122	1,079	1,431	1,342	982	908	1,035
Cases disposed	6,732	7,014	7,894	7,972	7,614	6,995	7,248	6,610	6,617	6,344	7,104
Cases pending at end of year	7,404	7,528	6,739	5,973	4,948	4,748	4,588	4,740	4,515	4,100	5,528
Clearance rate	100.2%	98.2%	111.5%	111.2%	116.1%	103.4%	102.1%	97.4%	104.0%	108.5%	105.3%
Avg. time between filing & disposition (months)	n/a	13.4	13.7	11.1	10.5	9.9	8.9	8.5	9.3	9.3	10.5
Avg. time between submission & disposition (months)	n/a	1.9	1.8	1.3	1.6	1.6	1.9	1.7	1.9	1.7	1.7
<b>All Cases:</b>											
Cases added											
<i>New filings</i>	10,754	11,566	11,114	10,914	10,228	10,563	10,559	10,443	10,394	9,910	10,645
<i>Other cases</i>	765	936	1,177	1,429	1,469	1,422	1,782	1,668	1,360	1,327	1,334
Cases disposed	11,255	11,736	13,148	13,429	13,129	12,399	12,420	11,830	12,058	11,784	12,319
Cases pending at end of year	10,809	11,575	10,723	9,690	8,292	7,977	7,876	8,167	7,913	7,476	9,050
Clearance rate	97.5%	93.9%	107.0%	108.8%	112.3%	103.5%	100.6%	97.7%	102.6%	104.9%	102.9%
Avg. time between filing & disposition (months)	n/a	11.7	12.0	10.6	10.1	9.4	8.6	8.3	8.9	8.7	9.8
Avg. time between submission & disposition (months)	n/a	2.2	2.0	1.6	1.9	1.9	2.2	2.2	2.3	2.0	2.0
<b>Opinions Written</b>	10,480	11,457	12,787	12,798	12,691	11,959	11,404	11,363	11,461	11,408	11,781

# Activity for the Fiscal Year Ended August 31, 2006

	1 <sup>st</sup> Houston	2 <sup>nd</sup> Fort Worth	3 <sup>rd</sup> Austin	4 <sup>th</sup> San Antonio	5 <sup>th</sup> Dallas	6 <sup>th</sup> Texarkana	7 <sup>th</sup> Amarillo	8 <sup>th</sup> El Paso	9 <sup>th</sup> Beaumont	10 <sup>th</sup> Waco	11 <sup>th</sup> Eastland	12 <sup>th</sup> Tyler	13 <sup>th</sup> Corpus Christi/ Edinburg	14 <sup>th</sup> Houston
<b>Number of Justices</b>	9	7	6	7	13	3	4	3	4	3	3	3	6	9
<b>Civil Cases:</b>														
Cases added	581	484	453	553	863	141	210	186	255	209	190	201	454	610
Cases disposed	593	497	473	544	843	163	233	177	205	199	182	208	461	662
Cases pending at end of year	474	248	343	278	450	60	141	118	163	152	141	91	329	388
Clearance rate (%)	102.1%	102.7%	104.4%	98.4%	97.7%	115.6%	111.0%	95.2%	80.4%	95.2%	95.8%	103.5%	101.5%	108.5%
Avg. time between filing & disposition (months)	10.0	7.1	8.8	6.0	6.8	5.8	10.7	7.3	6.5	8.2	8.9	6.7	9.8	8.3
Avg. % of cases filed but not yet disposed for > 24 months	3.56%	0.80%	2.07%	0.36%	0.66%	0.00%	2.30%	0.44%	0.05%	1.94%	0.81%	0.00%	6.50%	1.20%
Avg. time between submission & disposition (months)	1.5	2.3	4.5	0.9	1.4	0.8	2.6	1.7	2.4	2.0	1.9	1.7	5.9	2.1
Avg. % of cases under submission for > 12 months	6.94%	4.28%	12.41%	0.84%	6.02%	0.00%	0.43%	1.12%	0.00%	0.00%	0.49%	0.00%	18.99%	1.33%
<b>Criminal Cases:</b>														
Cases added	640	497	374	360	1,160	286	368	187	259	234	198	262	400	622
Cases disposed	639	536	421	412	1,406	266	355	201	187	261	198	255	436	771
Cases pending at end of year	513	385	282	245	622	196	259	181	205	173	186	156	260	437
Clearance rate	99.8%	107.9%	112.6%	114.4%	121.2%	93.0%	96.5%	107.5%	72.2%	111.5%	100.0%	97.3%	109.0%	124.0%
Avg. time between filing & disposition (months)	9.4	10.8	11.3	8.9	8.1	6.9	8.7	11.3	8.1	9.5	10.4	9.9	9.2	9.5
Avg. % of cases filed but not yet disposed for > 24 months	2.27%	0.40%	1.51%	0.33%	0.28%	0.00%	0.51%	0.09%	0.87%	0.05%	0.67%	0.00%	5.14%	0.99%
Avg. time between submission & disposition (months)	1.1	3.0	4.9	1.1	1.1	0.8	0.7	1.2	1.9	1.5	1.4	1.1	2.0	1.9
Avg. % of cases under submission for > 12 months	0.94%	2.10%	4.34%	1.48%	1.48%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	7.78%	1.62%
<b>All Cases:</b>														
Cases added	1,211	981	827	913	2,023	427	578	373	514	443	388	463	854	1,232
Cases disposed	1,232	1,033	894	956	2,249	429	588	378	392	460	380	463	897	1,433
Cases pending at end of year	987	633	625	523	1,072	256	400	299	368	325	327	247	589	825
Clearance rate	100.9%	105.3%	108.1%	104.7%	111.2%	100.5%	101.7%	101.3%	76.3%	103.8%	97.9%	100.0%	105.0%	116.3%
Avg. time between filing & disposition (months)	9.7	9.0	10.0	7.3	7.6	6.5	9.5	9.4	7.3	9.0	9.7	8.4	9.5	8.9
Avg. % of cases filed but not yet disposed for > 24 months	1.85%	0.60%	1.81%	0.35%	0.45%	0.00%	1.23%	0.21%	0.47%	0.84%	0.73%	0.00%	5.85%	1.08%
Avg. time between submission & disposition (months)	1.3	2.7	4.7	1.0	1.3	0.8	1.5	1.5	2.2	1.7	1.6	1.3	3.9	2.0
Avg. % of cases under submission for > 12 months	4.45%	3.09%	9.20%	1.09%	3.73%	0.00%	0.29%	0.66%	0.00%	0.00%	0.27%	0.00%	15.75%	1.43%
<b>Opinions Issued</b>	1,183	1,022	1,042	977	1,852	423	645	370	404	516	338	473	825	1,338
<b>Published Opinions</b>	718	613	595	590	838	182	192	184	226	329	58	232	469	761

# Caseload Trends in the Trial Courts

Analysis of Activity for the Fiscal Year  
Ended August 31, 2006



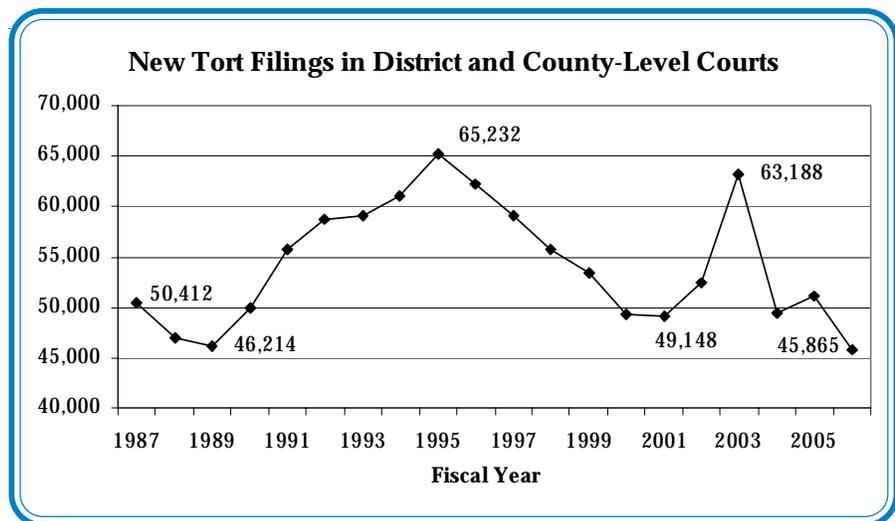
Photo courtesy of TexasCourthouses.com

*Wood County Courthouse - Quitman*

## Trends in Texas District and County-Level Courts

### New Tort Cases Filed in District and County-Level Courts

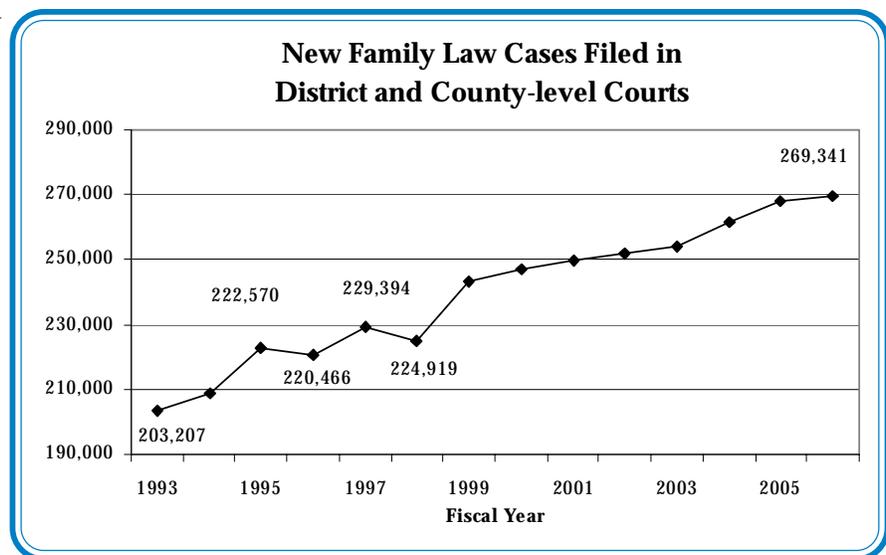
Between 1989 and 1995, the number of new tort filings increased an average of 4.9 percent per year. After peaking in 1995—with a total of 65,232 new cases filed—the number of new cases filed decreased by an average of 4.6 percent per year until 2001, when a total of 49,148 new cases were filed. In 2003, new filings spiked to 63,188 cases—an increase of 28.6 percent from the number filed in 2001—prior to implementation of state tort reform legislation<sup>1</sup> on September 1, 2003. Nevertheless, the number of new filings fell back to approximately 50,000 cases in 2004 and 2005. In 2006, the number of filings fell to the lowest level since 1985 (44,549 cases).



Over the past decade, approximately 77 percent of all new tort cases were filed in the 20 most populous counties.

### New Family Law Cases Filed in District and County-Level Courts

Statewide, Texas district and county-level courts experienced a small increase in the number of new family law cases filed each year over the past decade (an average of 1.8 percent per year) and over the past five years (an average of 1.7 percent per year).



In 2006, approximately 92 percent (247,558 cases) of new family law cases were filed at the district court level. However, as family law caseloads in the district courts grew over the last decade, 16 counties have shifted some of the workload from the district to the county-level courts, which had never previously handled these matters.

1. The Medical Malpractice and Tort Reform Act of 2003 (H.B. 4, 78<sup>th</sup> Leg., R.S.) amended the Civil Practice and Remedies Code and the Medical Liability and Insurance Improvement Act of Texas (Art. 4590i, Vernon's Texas Civil Statutes) to reform certain procedures and remedies in civil actions. It contained elements addressing class action lawsuits, offers of settlement, venue and forum non conveniens, proportionate responsibility, products liability, prejudice and postjudgment interest, appeal bonds, seat belts and child safety seats, medical malpractice, charitable volunteer immunity and liability, admissibility of evidence regarding nursing homes, and liability relating to asbestos claims.

### New Felony and Misdemeanor Cases Filed per Capita in District and County-Level Courts -

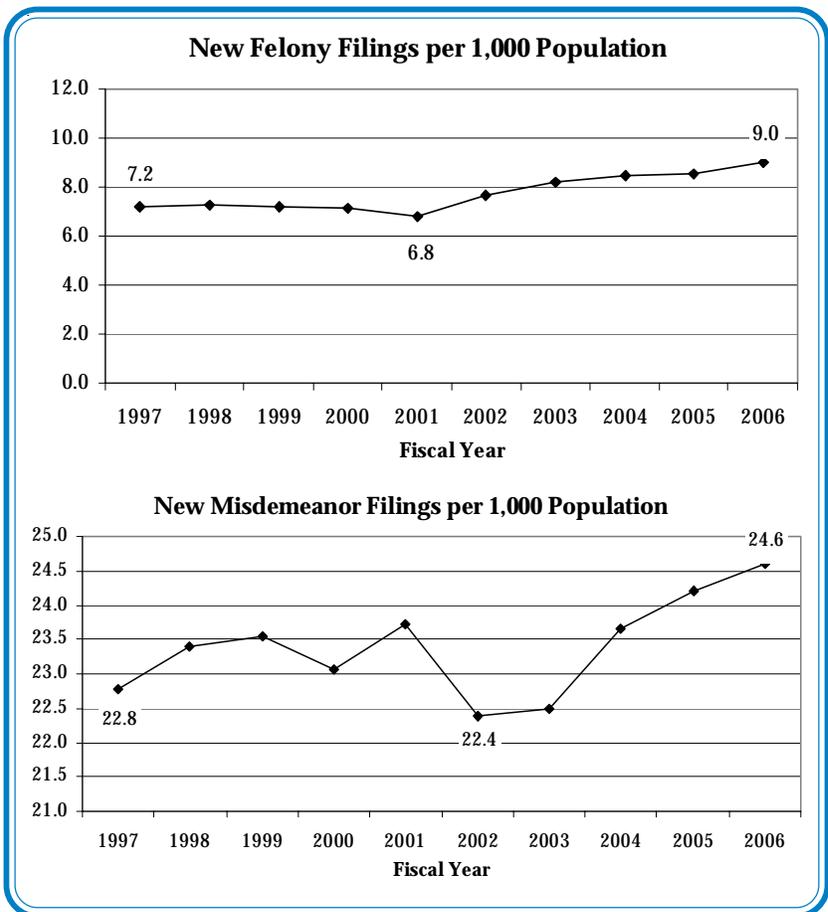
The number of new felony cases filed in the state's district courts increased by an average of 4.2 percent per year over the past decade and 6.3 percent per year over the past five years.

In contrast, the number of misdemeanors filed in the state's district and county-level courts increased by an average of 2.6 percent over the past decade and 3.7 percent over the past five years.

While part of these trends can be attributed to population growth—the state's population increased an average of 1.9 percent per year over the past decade—the growth in the felony and misdemeanor filing rates per capita exceeded the rate of population growth.

Approximately 48 percent of all felony cases, and 40 percent of all misdemeanor cases, over the past decade were filed in the five largest counties—Harris, Dallas, Tarrant, Bexar, and Travis—yet none of these counties

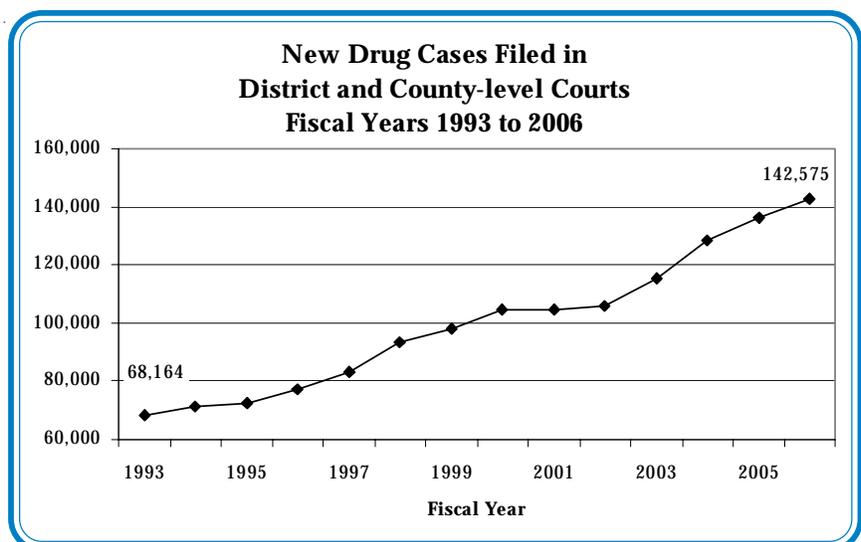
placed in the top ten counties with the highest average felony or misdemeanor filing rates per capita per year. Seven of the top ten counties with the highest felony filing rates per capita were located in South Texas or along the United States-Mexico border. There was no regional pattern apparent among the counties with the highest misdemeanor filing rates per capita.



### New Drug Cases Filed in District and County-Level Courts -

The number of new felony and misdemeanor drug cases filed in the state's district and county-level courts increased by an average of 6.2 percent per year over the past decade and 7.8 percent per year over the past five years. The number of new drug cases filed in 2006 (142,575 cases) was more than double that filed in 1993 (68,164 cases).

The number of new misdemeanor drug cases grew at a faster rate (an average of 7.1 percent per year) over the last decade than did the number of new felony drug cases filed (an average of 5.6 percent per year).





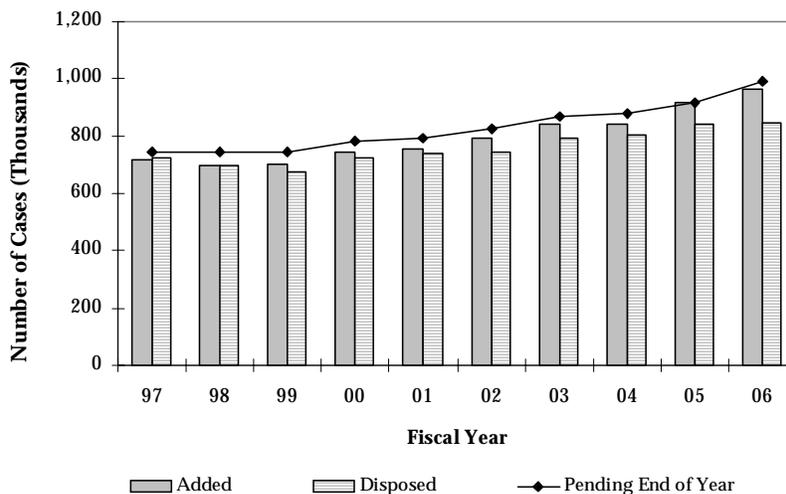
# District Courts

**Cases Added** – In 2006, nearly 964,000 civil, criminal, and juvenile<sup>1</sup> cases were filed in the state’s 432 district courts—an increase of more than 5 percent over the previous year and the largest number ever filed—for an average of 2,231 cases per district judge. Filings in the district courts increased by an average of 3.2 percent per year over the last decade and by an average of 5.1 percent per year over the past five years.

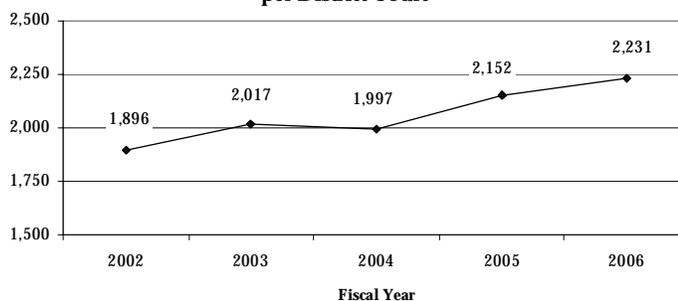
More than half (51 percent) of all cases were filed in the five largest counties—Harris, Dallas, Tarrant, Bexar, and Travis, and nearly a quarter of cases were filed in Harris County alone. Harris County experienced the heaviest incoming caseload, with an average of 4,039 cases added to the docket of each of the county’s 59 district courts. In comparison, the county with the next highest incoming caseload was Bexar, with an average of 2,968 cases filed per court. King County had the lowest incoming caseload, with 7 cases added during the year.

Civil cases accounted for 67.4 percent of all cases filed during the fiscal year—the highest percentage filed since 1991. Civil filings grew by nearly 6 percent over the previous year, slightly exceeding the average increase of 5.4 percent per year over the last five years. More than two-thirds (68.3 percent) of all civil cases filed in 2006 involved divorce or other family law matters, the highest percentage ever reported.

**District Court Civil, Criminal & Juvenile Cases**



**Civil, Criminal and Juvenile Cases Added per District Court**



**Civil, Criminal and Juvenile Cases Added in Fiscal Year 2006**

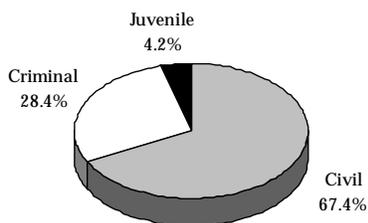
*Counties with Most Cases Added per District Court*

*Counties with Fewest Cases Added per District Court*

Harris - 4,039  
Bexar - 2,968  
Bell - 2,867  
Harrison - 2,746  
Cass - 2,737

King - 7  
McMullen - 10  
Terrell - 10  
Loving - 12  
Foard - 14

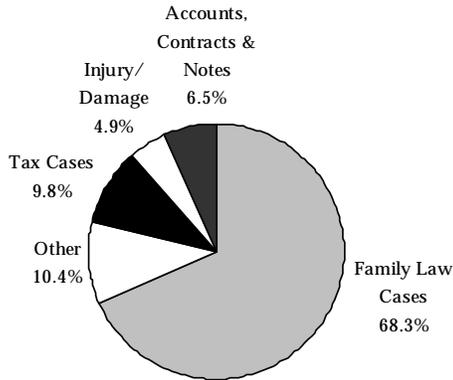
**Cases Added in Fiscal Year 2006**  
(963,792 Cases)



Criminal filings increased for the fifth consecutive year, growing an average of 5 percent per year over the period. One-third of felony cases added to the dockets in 2006 involved drug possession, sale, or manufacture offenses.

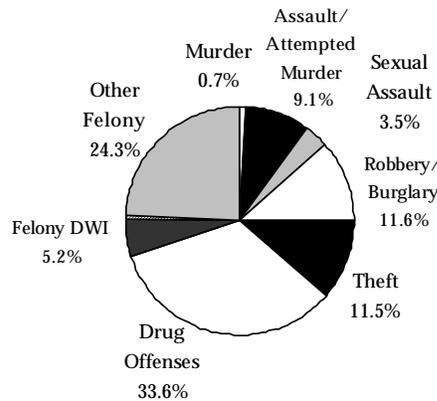
1. Juvenile caseload is discussed in the Juvenile Cases section.

**Civil Cases Filed**  
(649,460 Cases)



Note: Condemnation cases accounted for 0.05%, and workers' compensation cases accounted for 0.1%, of cases filed.

**Felony Cases Filed**  
(268,066 Cases)

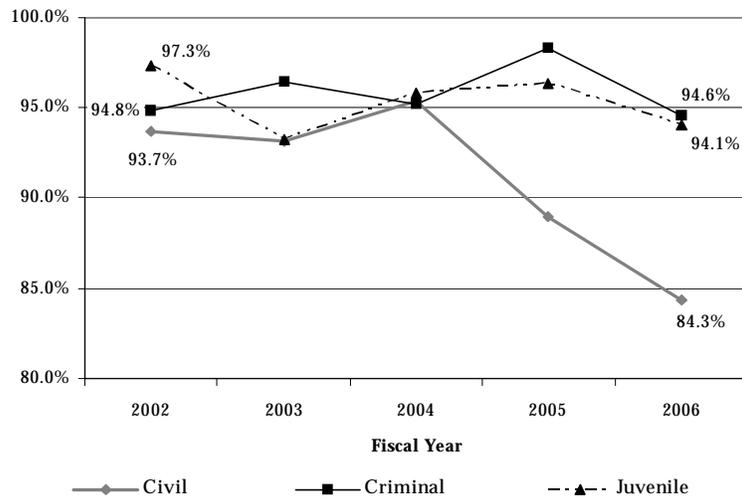


Note: Arson cases accounted for 0.4% of cases filed.

**Clearance Rates** – In 2006, a record 844,878 cases were disposed by district courts—an increase of 0.5 percent from the previous year. On average, however, each district judge disposed of 1,956 cases, a decrease of 1.2 percent from the number disposed per judge in 2005.

Despite the increase in dispositions, the overall case clearance rate for the district courts fell to 87.7 percent—the lowest rate since 1980 (87.3 percent)—as the number of cases added to the courts' dockets outpaced dispositions. The civil case clearance rate declined from 89.0 percent in 2005 to 84.3 percent in 2006, and the criminal clearance rate declined from 98.3 percent to 94.6 percent—the lowest rate since 1992 (94.4 percent).

**Clearance Rates Statewide**



The number of cases pending at the end of the fiscal year increased for the eighth consecutive year to an unprecedented 991,823 cases, or 2,296 cases per district judge. However, counties reported that further court proceedings could not be conducted in approximately 29 percent (69,025 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. Travis County, with nearly 4,500 cases pending per judge, reported the greatest number of cases pending per court at the end of the fiscal year, a little less than twice the statewide average.

2. Data submitted by Harris County for civil case activity was inaccurate at the time that this publication was prepared. Harris County later submitted amended reports that showed the civil case clearance rate to be 91 percent. Please see OCA's website for the most up to date information: [www.dm.courts.state.tx.us/oca/reportselection.aspx](http://www.dm.courts.state.tx.us/oca/reportselection.aspx).

**Civil Case Clearance Rates, FY 2006**  
*In the Ten Most Populous Counties*

Harris - 52% <sup>2</sup>	El Paso - 67%
Dallas - 96%	Hidalgo - 69%
Tarrant - 99%	Collin - 97%
Bexar - 102%	Denton - 102%
Travis - 102%	Fort Bend - 99%

**Criminal Case Clearance Rates, FY 2006**  
*In the Ten Most Populous Counties*

Harris - 97%	El Paso - 55%
Dallas - 95%	Hidalgo - 103%
Tarrant - 101%	Collin - 93%
Bexar - 96%	Denton - 99%
Travis - 94%	Fort Bend - 92%

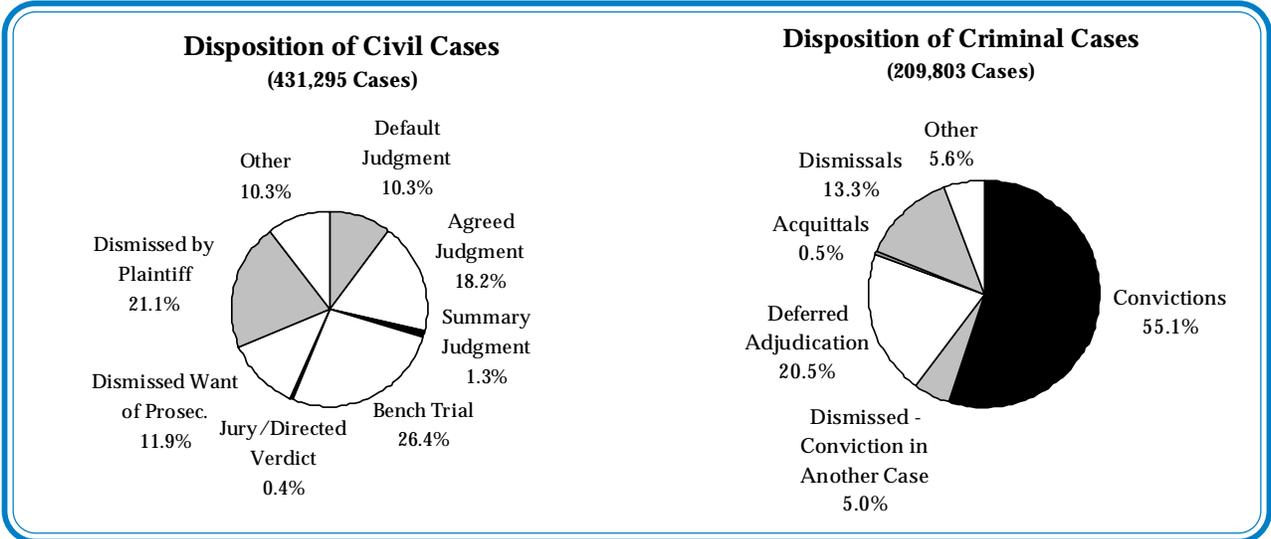
**Manner of Disposition** – A total of 547,813 civil cases were disposed of in 2006 (431,295 civil cases and 116,518 show cause motions filed in family law matters). Of the 431,295 civil cases disposed of during the year, one-third were either dismissed by the plaintiff or dismissed for want of prosecution, while 26 percent were disposed of by bench trial.

Overall, only 0.4 percent of civil cases were settled by a jury verdict. However, almost 5 percent of workers' compensation cases, 3 percent of injury or damage cases involving a motor vehicle, and 2 percent of other injury or damage cases were disposed of by jury trial.

In 2006, district courts disposed of a record 258,991 criminal cases and motions to revoke probation, an increase of 0.8 percent over the previous year. Of the 209,803 criminal cases that did not involve transfers or a motion to revoke probation, defendants were convicted in 55 percent of cases. Another 5 percent of cases were dismissed because the defendant was convicted in another case. The highest conviction rate occurred in felony DWI cases (82 percent), while the lowest rate (35 percent) occurred in cases involving sexual assault of an adult. Misdemeanors had the highest rate of dismissal at 36 percent.<sup>3</sup>

**Counties with Most Civil, Criminal and Juvenile Cases Pending per District Court as of August 31, 2006**

Travis - 4,475	Van Zandt - 3,480
Hidalgo - 4,175	Liberty - 3,311
Harris - 3,884	Denton - 2,900
Angelina - 3,728	Brazos - 2,760
Ellis - 3,508	Cass - 2,757



Overall, 96.7 percent of criminal 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 (80 percent) and auto theft cases (63 percent).

Two percent of all cases (excluding transfers and motions to revoke probation) went to trial in 2006. Trial rates were significantly higher, however, in capital murder and murder cases, which went to trial in 25 percent and 21 percent of cases, respectively.

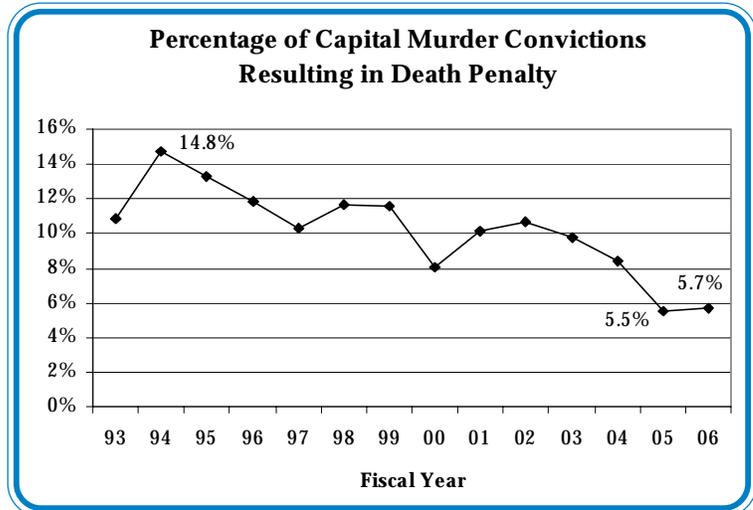
Of the 4,121 criminal cases that went to trial, 75 percent were tried before a jury. Defendants were convicted in 78 percent of cases that went to jury trial, compared to 69 percent of cases decided by a judge.

**Criminal Cases Reaching Trial: FY 2006**

	Bench	Jury	All Trials
Convictions	711 (69.2%)	2,425 (78.4%)	3,136 (76.1%)
Acquittals	316 (30.8%)	669 (21.6%)	985 (23.9%)
Total	1,027 (100%)	3,094 (100%)	4,121 (100%)

3. Dismissal rates do not include cases dismissed due to conviction in another case or due to the refile of a case.

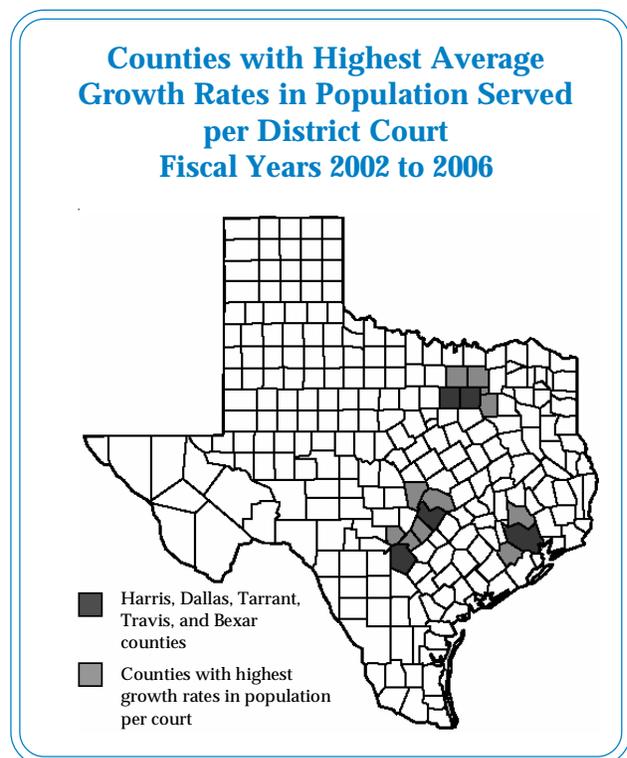
**Death and Life Sentences** – Death sentences were assessed in 5.7 percent of all capital murder convictions in 2006. Declining for the fourth consecutive year, the 14 death sentences handed down was the lowest number recorded in at least 30 years<sup>4</sup> and was well below the average 26 death sentences handed down per year over the past decade. The 337 life sentences assessed during 2006 represented a 37 percent decrease from the previous year. Over the past decade an average of 367 life sentences were handed down per year.



**Population Served per Court** - In fiscal year 2006, the average population served per district court in Texas was 52,916 citizens. With more than 92,000 citizens per court, Fort Bend and Denton counties topped the list of highest average population served per court, approximately 75 percent more than the statewide average.

From 2002 to 2006, the statewide average population served per court grew 7.2 percent, despite the creation of seven new district courts during this period. The Dallas-Ft. Worth area experienced the greatest growth in population served per court. Rockwall County’s population per court rose by one-third, Fort Bend and Collin counties’ by more than 20 percent, and Denton and Kaufman counties’ by nearly 20 percent. Other areas of significant growth centered around Houston and the San Antonio-Austin area.

<i>Counties with Highest Average Population Served per District Court in FY 2006</i>	<i>Counties with Highest Average Growth Rates in Population Served per District Court FY 2002 to 2006</i>
Fort Bend - 92,730	Rockwall - 33.3%
Denton - 92,440	Fort Bend - 23.1%
Williamson - 83,364	Collin - 22.6%
Collin - 82,432	Montgomery - 20.9%
Coryell - 75,802	Williamson - 20.5%
Montgomery - 75,607	Denton - 19.7%
Hidalgo - 75,364	Hays - 19.2%
Ellis - 66,737	Kaufman - 18.1%
Bell - 64,014	Comal - 17.5%
Harrison - 63,459	Kendall - 16.3%
Bexar - 63,265	Burnet - 15.7%
<b>Statewide - 52,916</b>	<b>Statewide - 7.2%</b>



4. The Texas Judicial Council began collecting statistics on death and life sentences in fiscal year 1974.

**District Courts**  
**Activity Summary by Case Type from September 1, 2005 to August 31, 2006**

<b>CRIMINAL CASES</b>																
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
<b>Cases Pending 9/01/2005</b>	<b>845</b>	<b>2,752</b>	<b>18,841</b>	<b>2,592</b>	<b>10,901</b>	<b>7,386</b>	<b>18,609</b>	<b>25,658</b>	<b>5,806</b>	<b>1,109</b>	<b>18,674</b>	<b>47,567</b>	<b>12,568</b>	<b>49,505</b>	<b>6,141</b>	<b>228,954</b>
Docket Adjustments	(53)	12	(660)	(59)	(185)	(168)	(599)	(373)	(166)	(21)	(1,129)	(317)	(174)	73	559	(3,260)
Cases Filed by Indictment	486	1,158	17,072	1,300	5,773	6,695	13,053	16,026	4,266	625	15,266	36,097	9,628	43,822	1,006	172,273
Cases Filed by Information	10	32	1,944	80	230	470	2,262	3,007	1,190	93	3,388	14,195	992	6,430	3,993	38,316
Other Cases Reaching Docket:																
<i>Motions to Revoke Probation Filed</i>	19	134	4,615	292	1,434	1,680	5,960	4,436	1,290	297	4,357	15,145	3,211	11,616	747	55,233
<i>Shock Probation Returned from TDCJ/ID</i>	0	3	65	6	25	69	130	39	4	9	139	143	32	118	19	801
<i>Transfers from Other Counties</i>	0	1	1	1	3	0	0	0	0	0	2	3	1	8	0	20
<i>All Other Cases</i>	43	120	823	81	95	355	465	551	102	57	821	436	201	3,038	35	7,223
<b>Total Cases on Docket:</b>	<b>1,350</b>	<b>4,212</b>	<b>42,701</b>	<b>4,293</b>	<b>18,276</b>	<b>16,487</b>	<b>39,880</b>	<b>49,344</b>	<b>12,492</b>	<b>2,169</b>	<b>41,518</b>	<b>113,269</b>	<b>26,459</b>	<b>114,610</b>	<b>12,500</b>	<b>499,560</b>
<b>Dispositions:</b>																
Convictions:																
<i>Guilty Pleas or Nolo Contendere</i>	142	490	8,364	398	2,013	4,037	8,330	10,222	3,395	317	10,906	28,320	7,750	24,756	2,369	111,809
<i>Not Guilty Plea - No Jury</i>	1	17	55	7	37	20	69	61	24	4	59	120	72	138	27	711
<i>Guilty Plea - Jury Verdict</i>	3	49	76	11	96	88	27	17	6	3	47	60	30	134	4	651
<i>Not Guilty Plea - Jury Verdict</i>	98	201	289	73	373	251	102	71	13	10	188	235	91	414	16	2,425
<b>Total Convictions</b>	<b>244</b>	<b>757</b>	<b>8,784</b>	<b>489</b>	<b>2,519</b>	<b>4,396</b>	<b>8,528</b>	<b>10,371</b>	<b>3,438</b>	<b>334</b>	<b>11,200</b>	<b>28,735</b>	<b>7,943</b>	<b>25,442</b>	<b>2,416</b>	<b>115,596</b>
Placed on Deferred Adjudication	11	43	4,623	246	1,189	1,026	3,561	3,968	759	194	4,099	11,646	344	10,676	726	43,111
Acquittals:																
<i>Non - Jury Trial</i>	1	7	40	5	6	14	16	26	10	1	14	52	17	100	7	316
<i>Jury Verdict</i>	7	32	92	30	119	34	26	25	3	6	21	73	26	120	24	638
<i>Directed Verdict or JNOV</i>	1	0	0	1	2	2	1	3	0	1	3	5	2	9	1	31
<b>Total Acquittals</b>	<b>9</b>	<b>39</b>	<b>132</b>	<b>36</b>	<b>127</b>	<b>50</b>	<b>43</b>	<b>54</b>	<b>13</b>	<b>8</b>	<b>38</b>	<b>130</b>	<b>45</b>	<b>229</b>	<b>32</b>	<b>985</b>
Dismissals:																
<i>Insufficient Evidence</i>	2	7	203	44	115	69	157	198	75	10	163	815	63	741	115	2,777
<i>Conviction in Another Case</i>	32	30	987	120	457	356	703	717	306	30	715	2,038	213	3,326	408	10,438
<i>Speedy Trial Act Limitation</i>	0	0	7	1	1	0	4	4	3	0	3	4	5	26	1	59
<i>Case Refined</i>	45	64	356	68	160	136	169	190	24	12	186	360	129	648	29	2,576
<i>Defendant Unapprehended</i>	0	1	19	1	5	11	24	45	6	0	24	134	19	85	1	375
<i>Defendant Granted Immunity</i>	0	0	1	0	1	2	6	3	1	0	4	6	4	4	5	37
<i>Other Dismissals</i>	46	131	2,377	283	789	575	1,445	2,096	544	82	1,127	4,201	533	5,857	1,922	22,008
<b>Total Dismissals</b>	<b>125</b>	<b>233</b>	<b>3,950</b>	<b>517</b>	<b>1,528</b>	<b>1,149</b>	<b>2,508</b>	<b>3,253</b>	<b>959</b>	<b>134</b>	<b>2,222</b>	<b>7,558</b>	<b>966</b>	<b>10,687</b>	<b>2,481</b>	<b>38,270</b>
Transfers:																
<i>On Change of Venue</i>	0	1	1	0	3	0	0	0	0	0	1	6	4	7	16	39
<i>To County Court</i>	1	0	80	6	8	14	37	69	14	1	2	44	74	241	329	920
Other Dispositions:																
<i>Placed on Shock Probation</i>	0	8	75	11	26	69	145	40	7	4	150	145	43	155	2	880
<i>Motion to Revoke Granted</i>	16	49	2,463	173	690	957	3,553	2,420	881	147	2,944	7,910	1,587	6,450	414	30,654
<i>Motion to Revoke Denied</i>	0	37	1,555	100	502	574	1,738	1,503	308	136	1,060	5,051	997	3,810	204	17,575
<i>All Other Dispositions</i>	45	137	1,134	102	178	447	865	847	191	62	1,062	1,397	403	4,045	46	10,961
<b>Total Other Dispositions</b>	<b>61</b>	<b>231</b>	<b>5,227</b>	<b>386</b>	<b>1,396</b>	<b>2,047</b>	<b>6,301</b>	<b>4,810</b>	<b>1,387</b>	<b>349</b>	<b>5,216</b>	<b>14,503</b>	<b>3,030</b>	<b>14,460</b>	<b>666</b>	<b>60,070</b>
<b>Total Dispositions</b>	<b>451</b>	<b>1,304</b>	<b>22,797</b>	<b>1,680</b>	<b>6,770</b>	<b>8,682</b>	<b>20,978</b>	<b>22,525</b>	<b>6,570</b>	<b>1,020</b>	<b>22,778</b>	<b>62,622</b>	<b>12,406</b>	<b>61,742</b>	<b>6,666</b>	<b>258,991</b>
<b>Cases Pending 8/31/2006</b>	<b>899</b>	<b>2,908</b>	<b>19,904</b>	<b>2,613</b>	<b>11,506</b>	<b>7,805</b>	<b>18,902</b>	<b>26,819</b>	<b>5,922</b>	<b>1,149</b>	<b>18,740</b>	<b>50,647</b>	<b>14,053</b>	<b>52,868</b>	<b>5,834</b>	<b>240,569</b>
<b>Sentencing Information:</b>																
Death Sentence	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	14
Life Sentence	89	52	25	21	62	34	15	1	0	0	6	4	3	25	0	337
Lesser Offense Convictions	86	98	3,246	94	380	1,225	1,290	1,482	161	79	1,507	3,202	671	4,028	172	17,721
<b>Cases - Unapprehended Defendants</b>																<b>69,025</b>
<b>Additional Court Activity:</b>																
Jury Panels Examined			3,913													
Jury Sworn & Evidence Presented			3,484													
Cases in Which Attorney Appointed			169,998													
				<b>Age of Cases Disposed:</b>			<b>60 Days or Less</b>		<b>61 to 90 Days</b>		<b>91 to 120 Days</b>		<b>Over 120 Days</b>		<b>TOTAL</b>	
				Number of Cases			84,410		25,972		22,791		125,818		258,991	

Note: Overall, there was a 99.2 percent reporting rate for the fiscal year. No reports were received for 2 months from Hays County, for 5 months from Hill County, for 8 months from Live Oak County, and for 10 months from Swisher County. In addition, district court information reported by Hill County also contained statistics for the county court at law.

**District Courts**  
**Activity Summary by Case Type from September 1, 2005 to August 31, 2006**

CIVIL CASES											
	Injury or Damage Involving Motor Vehicle	Injury or Damage Other than Motor	Workers' Compensation	Tax Cases	Condemnation	Accounts, Contracts and Notes	Recip- rocals (UIFSA)	Divorce	All Other Family Law Matters	Other Civil Cases	Total Cases
<b>Cases on Docket:</b>											
<b>Cases Pending 9/01/2005</b>	25,027	36,283	1,958	132,485	476	47,102	5,009	90,637	208,293	118,594	665,864
Docket Adjustments	(332)	(499)	(30)	(3,746)	(25)	(736)	(129)	(2,904)	(893)	(27,851)	(37,145)
New Cases Filed	15,069	14,167	451	57,612	296	41,149	2,687	116,478	131,100	64,596	443,605
<b>Other Cases Reaching Docket:</b>											
<i>Show Causes Added</i>	0	0	0	0	0	0	0	0	121,953	0	121,953
<i>Other Cases Added</i>	509	2,048	52	5,761	2	981	150	3,926	67,217	3,256	83,902
<b>Total Cases on Docket:</b>	<b>40,273</b>	<b>51,999</b>	<b>2,431</b>	<b>192,112</b>	<b>749</b>	<b>88,496</b>	<b>7,717</b>	<b>208,137</b>	<b>527,670</b>	<b>158,595</b>	<b>1,278,179</b>
<b>Dispositions:</b>											
Change of Venue Transfers	100	770	6	21	0	269	20	287	1,147	475	3,095
Default Judgments	386	337	17	11,045	10	9,750	197	8,731	7,488	6,606	44,567
Agreed Judgments	2,417	2,029	43	1,379	35	3,015	363	34,742	25,572	8,910	78,505
Summary Judgments	184	543	30	224	1	1,306	7	100	115	3,080	5,590
<b>Final Judgments:</b>											
<i>After Trial - No Jury</i>	1,571	1,101	51	12,302	64	2,963	919	45,779	37,688	11,306	113,744
<i>By Jury Verdicts</i>	439	329	19	56	3	143	6	124	107	248	1,474
<i>By Directed Verdicts</i>	8	12	0	24	0	20	11	60	207	106	448
<i>Dismissed for Want of</i>	1,996	2,205	69	5,801	6	5,843	313	16,490	12,685	6,061	51,469
<i>Dismissed by Plaintiff</i>	6,728	5,910	136	27,109	54	11,763	504	5,377	20,116	13,310	91,007
<i>Show Causes Disposed</i>	0	0	0	0	0	0	0	0	116,518	0	116,518
<i>Other Dispositions</i>	1,245	2,250	46	5,311	18	3,404	245	3,802	15,420	9,655	41,396
<b>Total Dispositions</b>	<b>15,074</b>	<b>15,486</b>	<b>417</b>	<b>63,272</b>	<b>191</b>	<b>38,476</b>	<b>2,585</b>	<b>115,492</b>	<b>237,063</b>	<b>59,757</b>	<b>547,813</b>
<b>Cases Pending 8/31/2006</b>	<b>25,199</b>	<b>36,513</b>	<b>2,014</b>	<b>128,840</b>	<b>558</b>	<b>50,020</b>	<b>5,132</b>	<b>92,645</b>	<b>290,607</b>	<b>98,838</b>	<b>730,366</b>
<b>Court Jury Activity:</b>											
Jury Fee Paid/Oath	23,497	<b>Age of Cases Disposed:</b>		<b>3 Months</b>	<b>Over 3 to 6</b>	<b>Over 6 to 12</b>	<b>Over 12 to 18</b>	<b>Over 18</b>			
Jury Panel Examined	1,634			<b>or Less</b>	<b>Months</b>	<b>Months</b>	<b>Months</b>	<b>Months</b>	<b>TOTAL</b>		
Jury Sworn Evid. Presented	1,617	Number of Cases		177,288	101,769	113,815	47,710	107,231	547,813		
<b>JUVENILE DOCKET</b>											
<b>Cases on Docket:</b>	<b>CINS</b>	<b>Delin</b>	<b>Total</b>	<b>Findings of Delinquent Conduct or CINS:</b>				<b>CINS</b>	<b>Delin</b>	<b>Total</b>	
<b>Cases Pending 9/01/2005</b>	<b>452</b>	<b>17,948</b>	<b>18,400</b>	<b>Placed on Probation:</b>							
Docket Adjustments	5	91	96	<i>Under Parental Care</i>				293	15,812	16,105	
New Petitions Filed	679	29,862	30,541	<i>Under Foster Care</i>				0	151	151	
Motion to Revoke Probation Filed	119	5,310	5,429	<i>Residential Facility</i>				41	5,063	5,104	
Other Cases Added	11	4,485	4,496	Committed to TYC				0	2,453	2,453	
<b>Total on Docket</b>	<b>1,266</b>	<b>57,696</b>	<b>58,962</b>	Final Judgment Without Disp.				9	633	642	
<b>Dispositions:</b>											
<b>Finding of Delinquent Conduct/CINS:</b>											
<i>Trials by Judge</i>	286	19,932	20,218	<b>Total</b>				<b>343</b>	<b>24,112</b>	<b>24,455</b>	
<i>Trials by Jury</i>	1	44	45	<b>Other Juvenile Court Activity:</b>							
<b>Finding of No Delinquent Conduct/CINS:</b>											
<i>Trials by Judge</i>	0	251	251	Detention Hearings				931	23,518	24,449	
<i>Trials by Jury</i>	0	14	14	Hearing to Modify Order				21	812	833	
<i>Directed Verdicts</i>	0	7	7	Child Certified for Adult Crim. Court				0	251	251	
Probation Revoked	3	2,267	2,270	Attorneys Appointed				503	19,252	19,755	
Continue on Probation	44	1,858	1,902								
Change of Venue Transfer	2	159	161								
Dismissed & Other Dispositions	418	12,788	13,206								
<b>Total</b>	<b>754</b>	<b>37,320</b>	<b>38,074</b>								
<b>Cases Pending 8/31/2006</b>	<b>512</b>	<b>20,376</b>	<b>20,888</b>								
<b>OTHER PROCEEDINGS</b>											
	<b>Post-Conviction Writs of Habeas Corpus</b>	<b>Other Writs of Habeas Corpus</b>	<b>Contempt, Extradition and Other Separately Docketed Proceedings</b>	<b>Bond Forfeiture Proceedings</b>							
Pending 9/01/2005	12,181	3,165	2,880	34,518							
Docket Adjustments	183	269	19	1,298							
Total Added	4,559	13,813	6,153	8,748							
Total Disposed	3,901	13,278	4,421	8,281							
Pending 8/31/2006	13,022	3,969	4,631	36,283							

Note: Overall, there was a 99.2 percent reporting rate for the fiscal year. No reports were received for 2 months from Hays County, for 5 months from Hill County, for 8 months from Live Oak County, and for 10 months from Swisher County. In addition, information reported by Hill County contained statistics for the county court at law.



# County-Level Courts

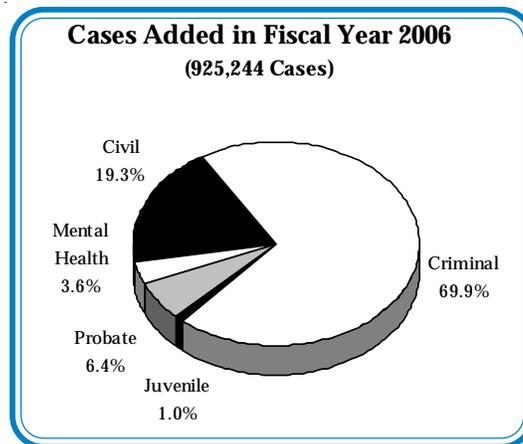
**Cases Added** – The number of civil, criminal, juvenile,<sup>1</sup> probate, and mental health cases filed in the state’s 489 county-level courts (254 constitutional county courts,<sup>2</sup> 218 county courts at law, and 17 statutory probate courts) increased by an average of 2.3 percent per year over the last decade and by 3.1 percent per year over the last five years. In 2006, more than 925,000 cases were added to the courts’ dockets—an increase of 2.4 percent over the previous year and the largest number ever filed.

Statewide, 0.04 civil, criminal, and juvenile cases were filed per 1,000 population in 2006. Approximately 41 percent of these cases were filed in the five largest counties—Harris, Dallas, Tarrant, Bexar, and Travis.

Over the decade, civil cases grew as a percentage of the courts’ caseload. Civil cases accounted for more than 19 percent of all cases filed during 2006, compared to 14 percent in 1997. In 2006, civil filings grew by 6.4 percent over the previous year, nearly identical to the average increase of 6.2 percent per year that occurred over the last decade. The largest category of civil cases added in 2006 involved suits on debt (nearly 41 percent).

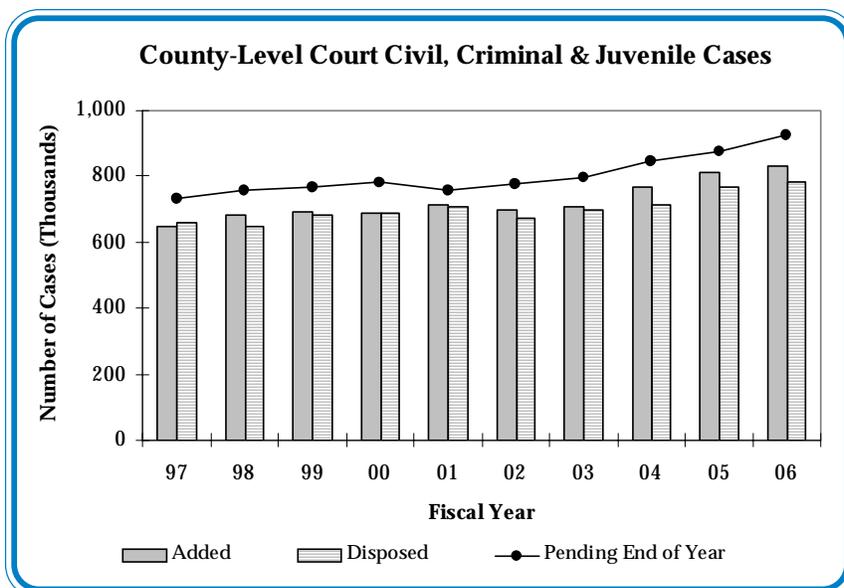
Despite the growth in civil cases, criminal cases continued to constitute a large majority of the courts’ caseload (70 percent). In 2006, criminal filings increased 1.5 percent from the previous year—similar to the average increase of 1.7 percent per year that occurred since 1997. Theft or worthless check cases accounted for 18.5 percent of all criminal cases added during 2006.

**Clearance Rates** – In 2006, county-level courts disposed of a record 779,945 civil, criminal and juvenile cases—well above the average of 727,035 disposed over each of the past five years. While the courts disposed of more cases in each category than they did the year before, the number of filings in each category grew at a faster rate in 2006. As a result, the



**Civil, Criminal and Juvenile Cases Filed per 1,000 Population in Fiscal Year 2006**

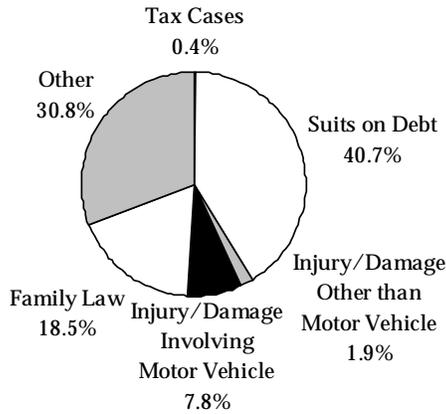
Counties with Highest Filing Rates per Capita	Filing Rates per Capita in Largest Counties
Kenedy - 0.26	Harris - 0.03
Sterling - 0.11	Dallas - 0.04
Ward - 0.1	Tarrant - 0.03
Kleberg - 0.09	Bexar - 0.04
Nolan - 0.08	Travis - 0.04



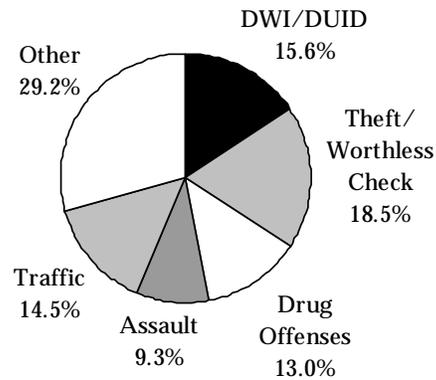
1. Juvenile caseload is discussed in the Juvenile Cases section.

2. The actual judicial functions of the constitutional county courts vary greatly by county. Some courts may have very limited jurisdiction and/or activity or may have no judicial function at all (such as in the state’s largest counties).

**Civil Cases Filed**  
(178,234 Cases)



**Misdemeanor Cases Filed**  
(646,307 Cases)



overall case clearance rate for the courts decreased slightly to 92.5 percent in 2006, and the number of cases pending at the end of the fiscal year reached an unprecedented 925,968 cases—an increase of 5.4 percent over the number pending the year before.

**Manner of Disposition** – A total of 154,448 civil cases were disposed of in 2006 (144,957 civil cases and 9,491 show cause motions filed in family law matters). Of the 144,957 civil cases disposed of during the year, nearly 36 percent were dismissed by the plaintiff or for want of prosecution, and the next largest proportion (18.4 percent) was disposed of by default judgment. Only 0.6 percent of cases were settled by a jury verdict.

County-level courts disposed of approximately 617,000 criminal cases and motions to revoke probation in 2006. Defendants were convicted in 50.3 percent, and acquitted in

**Civil Case Clearance Rates, FY 2006**  
*In Ten Largest Counties*

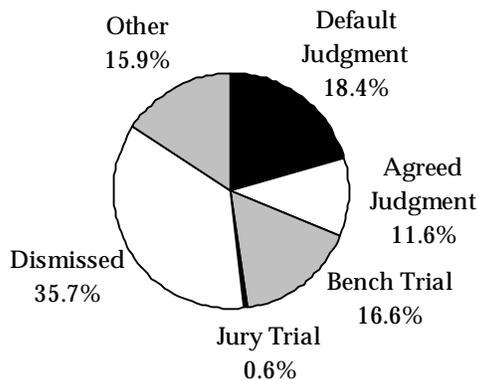
Harris - 100%	El Paso - 68%
Dallas - 97%	Hidalgo - 48%
Tarrant - 92%	Collin - 107%
Bexar - 77%	Denton - 88%
Travis - n/a *	Fort Bend - 65%

\* Civil data for Travis County was incomplete and inaccurate.

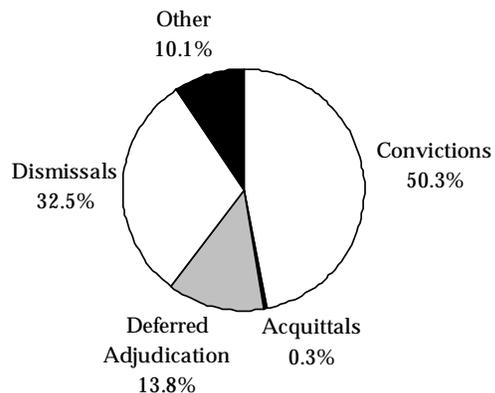
**Criminal Case Clearance Rates, FY 2006**  
*In Ten Largest Counties*

Harris - 97%	El Paso - 98%
Dallas - 93%	Hidalgo - 95%
Tarrant - 105%	Collin - 112%
Bexar - 87%	Denton - 105%
Travis - 99%	Fort Bend - 83%

**Disposition of Civil Cases**  
(144,957 Cases)



**Disposition of Criminal Cases**  
(576,125 Cases)



0.3 percent, of the 576,125 cases that did not involve a motion to revoke probation. The highest conviction rate (76 percent) was in cases involving driving while intoxicated or under the influence, and the lowest rate (35 percent) occurred in theft or worthless check cases. Overall, 99 percent of convictions were the result of a guilty or *nolo contendere* plea.

	Bench	Jury	All Trials
<b>Convictions</b>	948 (54.5%)	1,442 (54.5%)	2,390 (54.5%)
<b>Acquittals</b>	791 (45.5%)	1,205 (45.5%)	1,996 (48.9%)
<b>Total</b>	1,739 (100%)	2,647 (100%)	4,386 (100%)

Approximately 0.8 percent of all criminal cases (excluding motions to revoke probation) went to trial in 2006. Trial rates were slightly higher, however, for driving while intoxicated or under the influence cases and assault cases, which went to trial in 2.3 percent and 1.5 percent of cases, respectively.

Of the 4,386 cases that went to trial, approximately 60 percent were tried before a jury. Defendants were convicted in 54.5 percent of cases that went to jury trial and were convicted in an identical percentage of cases that were decided by a judge.

Dismissals constituted 32.5 percent of all cases disposed in 2006 (excluding motions to revoke probation). The highest rate of dismissal occurred in theft or worthless check cases (49 percent).

**Probate and Mental Health Cases** – Approximately 59,000 probate cases were filed in 2006—a very slight increase over 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 0.7 percent per year.

Mental health cases, on the other hand, increased an average of 2.7 percent per year over the decade. Nearly 33,000 cases were filed in 2006, and nearly 34,000 mental health hearings were held. Counties reported 19,800 new applications filed in 2006 for involuntary mental health services commitment orders, approximately 99 percent of which were for temporary, rather than extended, services. Of the 17,623 applications for temporary services disposed in 2006, proposed patients were committed to treatment in 39 percent of cases. Of the 228 applications for extended services disposed, proposed patients were committed in nearly 96 percent of cases.

	New Applications Filed	Release Prior to Final Hearing	Disposition at Final Hearing	
			Release	Order
<b>Temporary Mental Health Services</b>	19,576	9,659	980	<i>Inpatient:</i> 6,840 <i>Outpatient:</i> 144
<b>Extended Mental Health Services</b>	224	7	3	<i>Inpatient:</i> 210 <i>Outpatient:</i> 8
<b>Modification: Outpatient to Inpatient</b>	15	2	1	10
<b>Modification: Inpatient to Outpatient</b>	41	0	27	61

**County-Level Courts  
Activity Summary by Case Type  
September 1, 2005 to August 31, 2006**

CRIMINAL CASES							
Cases on Docket:	DWI or DUID	Theft or Worthless Check	Drug Offenses	Assault	Traffic	Other Criminal Cases	Total Cases
<b>Cases Pending 9/01/2005</b>	<b>118,867</b>	<b>256,078</b>	<b>50,806</b>	<b>55,616</b>	<b>54,777</b>	<b>138,648</b>	<b>674,792</b>
Docket Adjustments	(826)	(1,009)	(160)	(480)	60	99	(2,316)
New Cases Filed	87,418	108,659	73,629	52,595	62,931	172,362	557,594
Cases Appealed From Lower Courts	0	204	110	109	26,802	2,699	29,924
Other Cases Reaching Docket:							
<i>Motions to Revoke Filed</i>	12,915	9,896	9,551	6,420	3,356	12,245	54,383
<i>All Other Cases Reaching Docket</i>	506	844	539	985	317	1,215	4,406
<b>Total Cases on Docket</b>	<b>218,880</b>	<b>374,672</b>	<b>134,475</b>	<b>115,245</b>	<b>148,243</b>	<b>327,268</b>	<b>1,318,783</b>
Dispositions:							
Convictions:							
<i>Guilty Pleas or Nolo Contendere</i>	64,765	39,185	35,489	22,230	30,265	94,905	286,839
<i>Not Guilty Plea - No Jury</i>	239	177	73	111	111	237	948
<i>Guilty Plea - Jury Verdict</i>	144	52	52	61	31	128	468
<i>Not Guilty Plea - Jury Verdict</i>	861	44	40	197	59	241	1,442
Total Convictions	66,009	39,458	35,654	22,599	30,466	95,511	289,697
Placed on Deferred Adjudication	698	15,347	14,705	7,330	22,514	19,178	79,772
Acquittals:							
<i>Non - Jury Trial</i>	276	47	46	195	50	177	791
<i>Jury Verdict</i>	624	37	28	252	18	189	1,148
<i>Directed Verdict or JNOV</i>	23	6	3	9	4	12	57
Total Acquittals	923	90	77	456	72	378	1,996
Dismissals:							
<i>Insufficient Evidence</i>	978	943	683	953	2,062	1,922	7,541
<i>Speedy Trial Act Limitation</i>	1,030	1,368	759	715	634	1,318	5,824
<i>Other Dismissals</i>	14,481	53,302	16,910	18,595	22,971	47,344	173,603
Total Dismissals	16,489	55,613	18,352	20,263	25,667	50,584	186,968
Other Dispositions:							
<i>Motion to Revoke Granted</i>	6,437	5,331	5,744	3,626	1,610	6,869	29,617
<i>Motion to Revoke Denied</i>	3,620	2,091	1,671	1,084	491	2,163	11,120
<i>All Other Dispositions</i>	2,559	2,553	2,421	1,801	3,469	4,889	17,692
Total Other Dispositions	12,616	9,975	9,836	6,511	5,570	13,921	58,429
<b>Total Dispositions</b>	<b>96,735</b>	<b>120,483</b>	<b>78,624</b>	<b>57,159</b>	<b>84,289</b>	<b>179,572</b>	<b>616,862</b>
<b>Cases Pending 8/31/2006</b>	<b>122,145</b>	<b>254,189</b>	<b>55,851</b>	<b>58,086</b>	<b>63,954</b>	<b>147,696</b>	<b>701,921</b>
Cases - Unapprehended Defendants							271,023
Cases Where Attorney Appointed as Counsel							139,601
<b>Age of Cases Disposed</b>	<b>30 Days or Less</b>	<b>31 to 60 Days</b>	<b>61 to 90 Days</b>	<b>Over 90 Days</b>	<b>TOTAL</b>		
Number of Cases	150,408	73,653	57,933	334,868	616,862		
PROBATE AND MENTAL HEALTH CASES							
	<b>Cases Filed</b>	<b>Hearings Held</b>					
Probate	58,943	77,182					
Mental Health	32,849	33,837					

Note: Overall, there was a 99.1 percent reporting rate for the fiscal year. No reports were received for 8 months from Grimes County, for 1 month from Hays County, for 4 months from Hudspeth County, and for 10 months from Swisher County. In addition, information for the county court at law in Hill County was reported along with district court information in the District Court Monthly reports.

**County-Level Courts  
Activity Summary by Case Type  
September 1, 2005 to August 31, 2006**

<b>CIVIL CASES</b>									
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	
<b>Cases Pending 9/01/2005</b>	23,712	7,452	2,172	70,496	9,323	16,182	70,222	199,559	
Docket Adjustments	(534)	(106)	77	(2,388)	(319)	(326)	(2,317)	(5,913)	
New Cases Filed	13,420	3,211	691	70,751	11,291	10,492	51,412	161,268	
Cases Appealed From Lower Courts	26	91	1	337	0	0	2,806	3,261	
Show Cause Motions Filed	0	0	0	0	0	8,800	0	8,800	
Other Cases Added	462	64	1	1,371	892	1,469	646	4,905	
<b>Total Cases on Docket</b>	<b>37,086</b>	<b>10,712</b>	<b>2,942</b>	<b>140,567</b>	<b>21,187</b>	<b>36,617</b>	<b>122,769</b>	<b>371,880</b>	
Dispositions:									
Default Judgments	1,447	271	59	21,885	512	639	5,123	29,936	
Agreed Judgments	1,074	252	67	3,406	2,951	1,347	6,208	15,305	
Judg. After Trial - No Jury	1,293	338	259	4,078	6,262	4,410	7,373	24,013	
Judg. by Jury Verdicts	239	33	1	94	193	253	104	917	
Dismissed for Want of Prosecution or by Plaintiff	8,400	1,751	319	26,358	1,480	2,512	10,960	51,780	
Show Causes Disposed	0	0	0	0	0	9,491	0	9,491	
Other Dispositions	1,712	617	24	3,700	296	1,929	14,728	23,006	
<b>Total Dispositions</b>	<b>14,165</b>	<b>3,262</b>	<b>729</b>	<b>59,521</b>	<b>11,694</b>	<b>20,581</b>	<b>44,496</b>	<b>154,448</b>	
<b>Cases Pending 8/31/2006</b>	<b>22,921</b>	<b>7,450</b>	<b>2,213</b>	<b>81,046</b>	<b>9,493</b>	<b>16,036</b>	<b>78,273</b>	<b>217,432</b>	
<b>Age of Cases Disposed</b>	<b>3 Months or Less</b>	<b>Over 3 to 6 Months</b>	<b>Over 6 to 12 Months</b>	<b>Over 12 to 18 Months</b>	<b>Over 18 Months</b>	<b>TOTAL</b>			
Number of Cases	49,472	37,918	36,512	13,014	17,532	154,448			
<b>JUVENILE CASES</b>									
<b>Cases on Docket:</b>	<b>CINS</b>	<b>Delin</b>	<b>Total</b>	<b>Findings of Delinquent Conduct or CINS:</b>			<b>CINS</b>	<b>Delin</b>	<b>Total</b>
<b>Cases Pending 9/01/2005</b>	1,077	4,380	5,457						
Docket Adjustments	1,124	(242)	882						
New Petitions Filed	810	7,190	8,000	Placed on Probation					
Motions to Revoke Filed	11	563	574	Under Parental Care			541	4,042	4,583
Other Cases Added	20	317	337	Under Foster Care			0	19	19
<b>Total on Docket</b>	<b>3,042</b>	<b>12,208</b>	<b>15,250</b>	Residential Facility			19	601	620
Dispositions:									
Find Delin Cond/CINS				Committed to TYC			0	464	464
Trials by Judge	555	4,946	5,501	Judgment No Disp.			6	240	246
Trials by Jury	1	43	44	<b>Total</b>			<b>566</b>	<b>5,366</b>	<b>5,932</b>
Find No Delin Cond/CINS				<b>Other Juvenile Court Activity:</b>					
Trials by Judge	13	14	27	Detention Hearings			786	9,420	10,206
Trials by Jury	0	16	16	Hearing to Modify Order			34	1,010	1,044
Directed Verdicts	0	1	1	Child Cert. as Adult			0	42	42
Probation Revoked	2	250	252	Attorneys Appointed			702	5,713	6,415
Continue on Probation	8	127	135						
Change of Venue Transfer	37	80	117						
Dismissed & Other Disp.	232	2,310	2,542						
<b>Total Dispositions</b>	<b>848</b>	<b>7,787</b>	<b>8,635</b>						
<b>Cases Pending 8/31/2006</b>	<b>2,194</b>	<b>4,421</b>	<b>6,615</b>						

Note: Overall, there was a 99.1 percent reporting rate for the fiscal year. No reports were received for 8 months from Grimes County, for 1 month from Hays County, for 4 months from Hudspeth County, and for 10 months from Swisher County. In addition, civil reports were missing for 3 months from Collin County and 5 months from Travis County, and information for the county court at law in Hill County was reported along with district court information in the District Court Monthly reports.



# Juvenile Cases

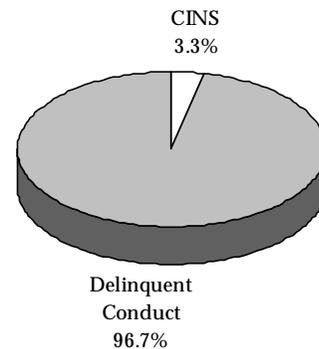
**Cases Added** – A record number of cases—49,377 cases—were added in 2006 to the juvenile dockets of district and county-level courts, up nearly 4 percent from 2005. Over the past five years, the number of cases added<sup>1</sup> increased an average of 1.2 percent per year.

In 2006, 96.7 percent of cases added were delinquent conduct cases—cases involving violations of laws punishable by incarceration if committed by an adult. Approximately 82 percent of all juvenile cases were filed in district courts.

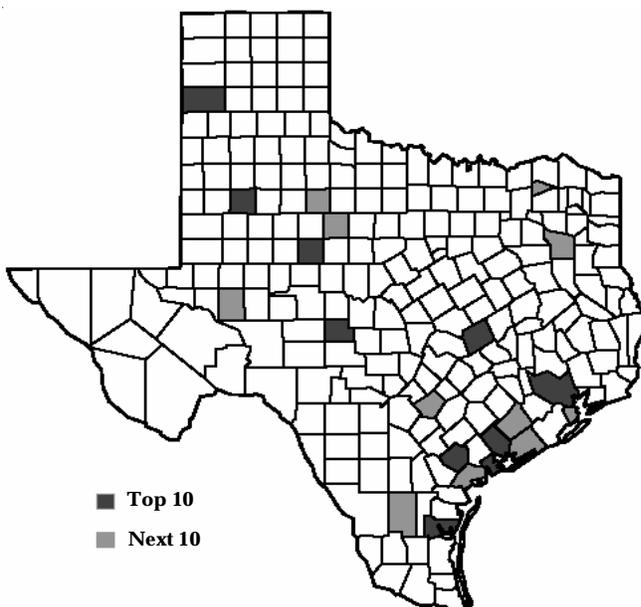
The 10 most populous counties in Texas—Harris, Dallas, Tarrant, Bexar, Travis, El Paso, Hidalgo, Denton, Collin, and Fort Bend—accounted for 68 percent of juvenile cases added in 2006. Harris County alone accounted for nearly 29 percent of all cases added. In an effort to address the rise in activity over the past decade, 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 2006 averaged 2.2 cases per 1,000 population, while the rate in the 10 most populous counties was slightly higher at 2.6 cases. Kleberg County, with an estimated population of 30,757 in 2005, had the highest filing rate

**Cases Added in Fiscal Year 2006**  
(49,377 Cases)



**Counties With Highest Juvenile Case Filings Per Capita in Fiscal Year 2006**



**Juvenile Cases Filed per 1,000 Population in Fiscal Year 2006**

*Counties with Highest per Capita Filing Rates*      *Filings per Capita in Largest Counties*

Kleberg - 6.5	Harris - 3.8
Calhoun - 5.5	Dallas - 2.0
Menard - 5.5	Tarrant - 1.6
Deaf Smith - 5.3	Bexar - 2.9
Jackson - 4.9	Travis - 3.0

with 6.5 cases filed per capita, and Calhoun and Menard counties, population 20,606 and 2,201, respectively, ranked second at 5.5 cases filed per capita. Only one of the 10 most populous counties—Harris—ranked in the top 20.

**Clearance Rates** – During 2006, the district and county-level courts disposed of 46,709 cases on their dockets, resulting in a clearance rate of 94.6 percent—a decrease from 2005 (96.0 percent) and slightly below the five- and ten-year averages (94.9 percent and 95.0 percent, respectively). The clearance rate in district courts in 2006 was 94.1

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

percent and was nearly 97 percent in county-level courts.

The number of cases pending at the end of 2006 was the highest ever reported. Overall, the number of cases pending in 2006 increased more than 16 percent from 2005, the first increase in cases pending since 2003 and the largest increase since 1996.

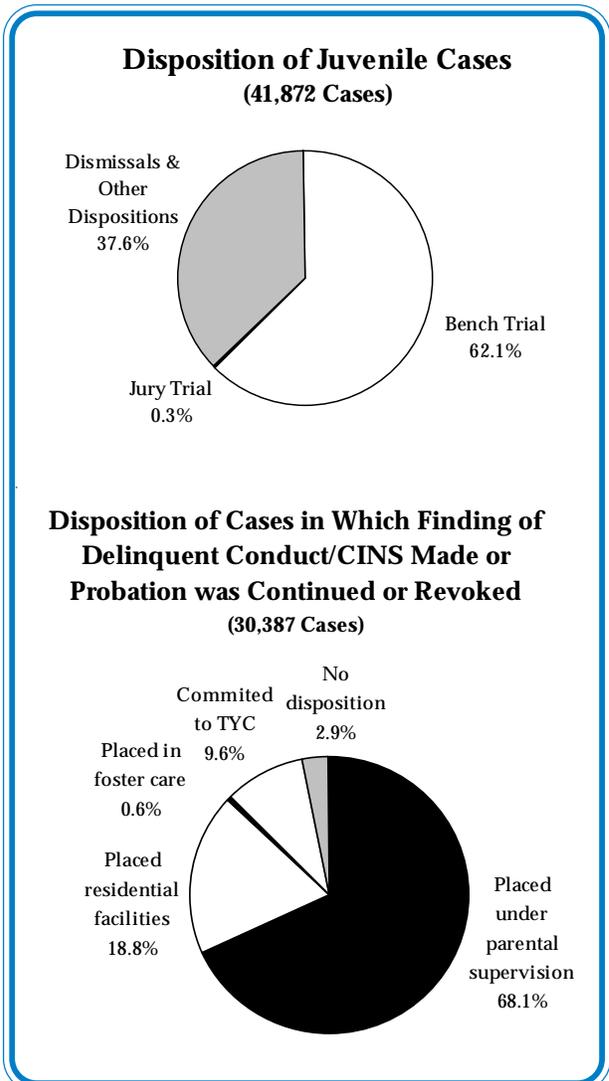
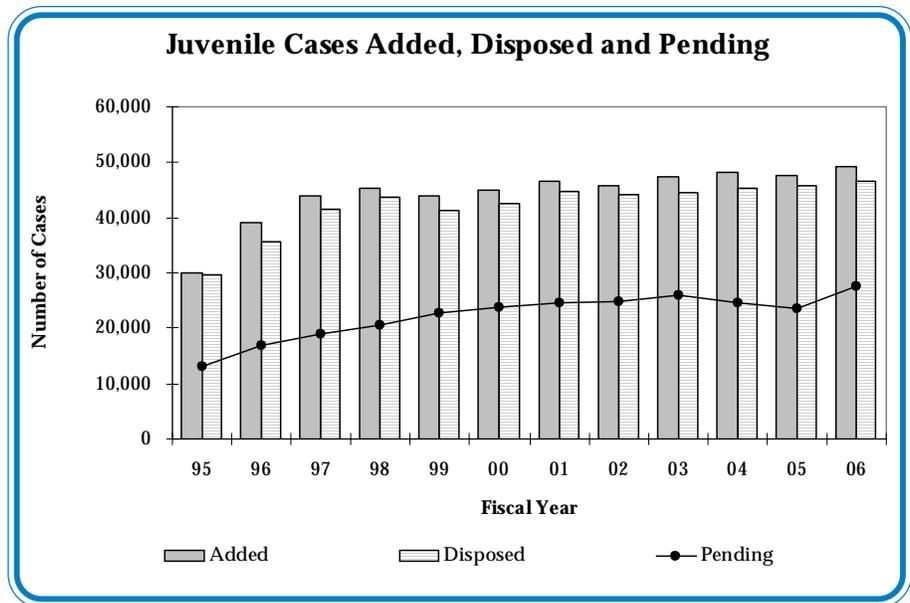
**Manner of Disposition**

– Of the 46,709 cases disposed in 2006, 10.4 percent involved transfers or motions to modify dispositions. Of the remaining 41,872 cases disposed during the year, 62.1 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 37.6 percent.

Overall, findings of delinquent conduct or CINS were made in 99 percent of cases decided by a judge,<sup>2</sup> compared to 70 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 (68 percent of cases). In approximately 19 percent of cases, juveniles were placed in a residential facility, and less than one percent were placed in foster care. The percentage of juveniles committed to the Texas Youth Commission (TYC) increased slightly each year since 2003. In 2006, juveniles were committed to TYC in 9.6 percent of cases—the highest percentage since 1999 (10.7 percent).

In 2006, 293 juveniles were certified for trial as adults—the highest number certified since 2000 and substantially more than the 168 certified in 2005. From 1997 to 2001, the number of juveniles certified dropped from 419 to 186 and then remained just at or below 200 through the year 2005.



2. 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, 2005 to August 31, 2006

98.4 Percent Reporting Rate 2,998 Reports Received Out of a Possible 3,048			
	CINS*	Delinquent	TOTAL
<b>CASES PENDING September 1, 2005</b>	1,529	22,328	23,857
Docket Adjustments	1,129	(151)	978
<b>CASES ADDED DURING YEAR:</b>			
New Petitions Filed	1,489	37,052	38,541
Motions to Revoke Filed	130	5,873	6,003
Other Cases Added	31	4,802	4,833
<b>TOTAL CASES ADDED DURING YEAR</b>	<b>1,650</b>	<b>47,727</b>	<b>49,377</b>
<b>TOTAL CASES ON DOCKET</b>	<b>4,308</b>	<b>69,904</b>	<b>74,212</b>
<b>CASES DISPOSED OF DURING YEAR:</b>			
Finding of Delinquent Conduct or CINS*	843	24,965	25,808
Finding of No Delinquent Conduct or CINS*	13	303	316
Transfers on Change of Venue	39	239	278
Motions to Revoke Disposed	57	4,502	4,559
Dismissals and Other Dispositions	650	15,098	15,748
<b>TOTAL DISPOSITIONS DURING YEAR</b>	<b>1,602</b>	<b>45,107</b>	<b>46,709</b>
<b>CASES PENDING August 31, 2006</b>	<b>2,706</b>	<b>24,797</b>	<b>27,503</b>
<b>INFORMATION ON FINDINGS OF DELINQUENT CONDUCT OR CINS:</b>			
Probation Granted or Continued:			
Under Parental Care	834	19,854	20,688
Under Foster Care	0	170	170
To Residential Facilities	60	5,664	5,724
Commitments to Texas Youth Commission	0	2,917	2,917
Judgments with No Disposition	15	873	888
<b>MISCELLANEOUS INFORMATION:</b>			
Detention Hearings Held	1,717	32,938	34,655
Hearings to Modify Court Orders Held	55	1,822	1,877
Children Certified for Trial as Adults	0	293	293
Attorneys Appointed	1,205	24,965	26,170

\*Conduct Indicating a Need for Supervision.



# Justice Courts

**Cases Filed** – Nearly 3.5 million cases were filed in the state’s justice courts in 2006—the largest number of filings ever reported.<sup>1</sup> Since 1997, the number of filings grew an average of 3.9 percent per year.

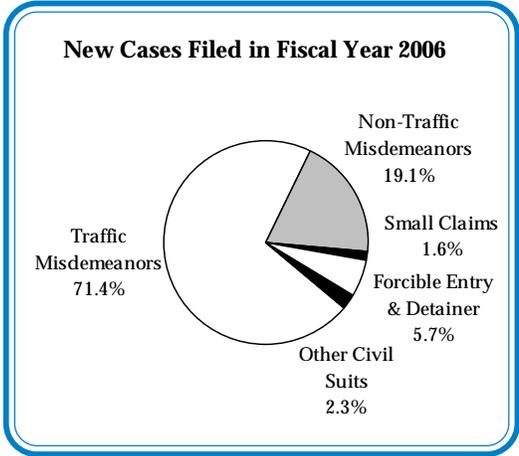
While filings steadily increased over the years, the composition of the justice courts’ caseload remained basically unchanged. As in past years, the great majority—approximately 91 percent—of new filings consisted of criminal cases, nearly 78.9 percent of which involved traffic violations. Forcible entry and detainer cases accounted for 59.3 percent of new civil cases filed during the fiscal year, while small claims suits and other civil suits constituted 16.4 percent and 24.3 percent, respectively.

The 10 largest counties, representing approximately 57 percent of the state’s population, accounted for 44.2 percent of all new cases filed. All but two of these counties had per capita filing rates lower than the statewide average of 0.15. The highest per capita filing rate (10.52) occurred in Kenedy County, population 417, which was nearly three times higher than the next largest filing rate (3.56 in Loving County).

**Clearance Rates** – Justice courts disposed of 3,020,731 cases in 2006, a slight increase over the previous year. While dispositions increased by approximately 3 percent, the average case clearance rate fell for the second straight year to 86.6 percent—the lowest rate since 1998 (86.1 percent). By case type, “other” civil suits had the lowest clearance rate (70.3 percent) in 2006, while forcible entry and detainer cases had the highest (approximately 92 percent).

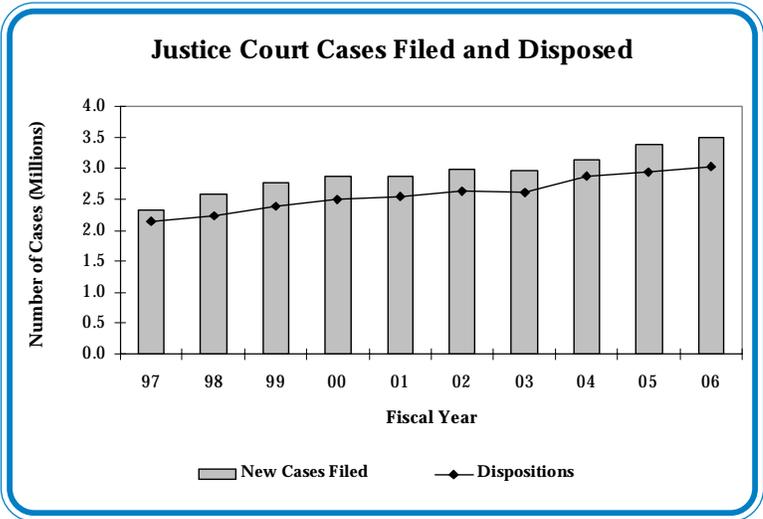
**Manner of Disposition** – In 2006, justice courts disposed of approximately 2.2 million traffic cases and 542,000 non-traffic misdemeanor cases, half of which were disposed of by payment of a fine (without appearing before a judge) or by a bond forfeiture. Approximately eight percent of cases were disposed of by bench trial or other appearance before a judge, and only 0.1 percent were disposed of by jury trial.

Overall, guilty findings were made in 97 percent of the 230,413 cases that went to bench trial or were otherwise disposed of by an appearance before

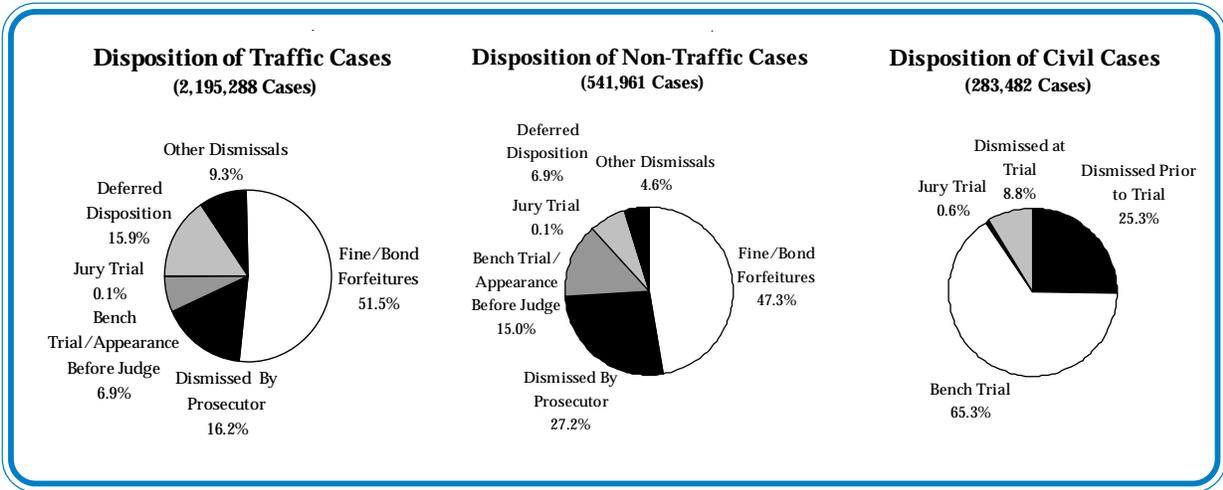


**Filings per Capita in Fiscal Year 2006**

Counties with Highest per Capita Filing Rates	Filings per Capita in Largest Counties
Kenedy - 10.52	Harris - 0.16
Loving - 3.56	Dallas - 0.17
Sterling - 3.20	Tarrant - 0.03
Oldham - 2.63	Bexar - 0.11
Kimble - 2.59	Travis - 0.12



1. While the number of new filings reported in 2006 was 3.0 percent higher than the number reported the year before, the reporting rate of the justice courts also increased by 1.9 percent, as 177 more reports were received in 2006 than in 2005.

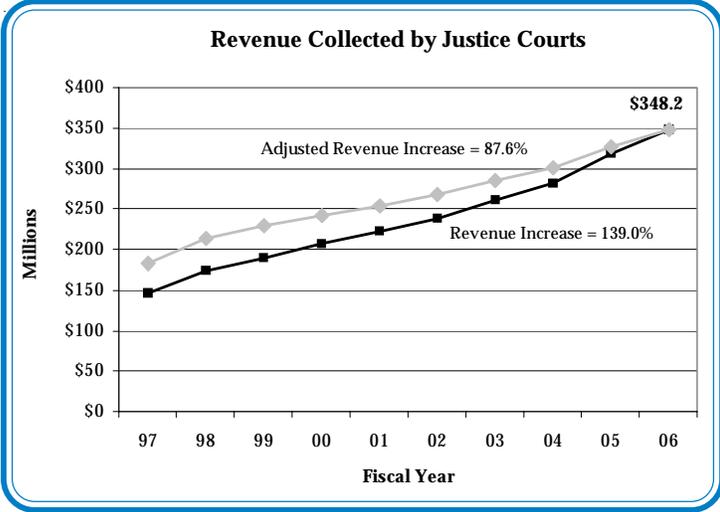


the judge.<sup>2</sup> In contrast, guilty verdicts accounted for approximately 82 percent of the 2,680 cases that went to jury trial.

Nearly two-thirds (65.3 percent) of the more than 283,000 civil cases disposed in 2006 were disposed of by bench trial, approximately one-quarter were dismissed before trial, and only 0.6 percent went to jury trial.

**Juvenile Activity** - In 2006, the number of warnings administered and detention hearings held were at the lowest levels since 1988 and 1994, respectively. The number of referrals to juvenile court for delinquent conduct, however, increased by 44 percent from the previous year. There was also an increase from the previous year in the number of failure to attend school cases (up nearly 13 percent), in cases involving violations of local daytime curfew ordinances (up approximately 21 percent), and in cases where the defendant was held in contempt, fined, or denied driving privileges (up almost 14 percent).

**Court Revenue** - Total revenues collected by justice courts increased steadily over the past 10 years. In 2006, the courts collected revenue in excess of \$348 million—an increase of nearly 10 percent from the previous year. The amount collected in 2006 was 139 percent higher than that collected in 1997, or nearly 88 percent higher when adjusting for inflation.<sup>3</sup> Excluding cases dismissed prior to or at trial, the amount of revenue collected per disposition averaged \$148, compared to \$138 in 2005.



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

3. Using Consumer Price Index Conversion Factors.

**The following courts did not submit activity reports for the entire fiscal year:**

Hardin Pct. 5-1	Kleberg Pct. 1-1
Hidalgo Pct. 1-2	Marion Pct. 2-1
Hidalgo Pct. 4-1	Reeves Pct. 4-1
Hidalgo Pct. 4-2	Willacy Pct. 2-1
Hudspeth Pct. 3-1	

**The following courts did not submit all activity reports for the fiscal year:**

Archer Pct. 4-1: 8% *	Hudspeth Pct. 2-1: 92%	Trinity Pct. 3-1: 33%	Willacy Pct. 3-1: 92%
Atascosa Pct. 1: 92%	Knox Pct. 1 & 2: 75%	Tyler Pct. 4-1: 75%	Willacy Pct. 5-1: 8%
Brewster Pct. 3-1: 75%	La Salle Pct. 2-1: 75%	Webb Pct. 2-1: 50%	
Dallas Pct. 2-2: 92%	San Patricio Pct. 4-1: 67%	Willacy Pct. 1-1: 92%	

\* Percentage of reports received

**Activity Report for Justice Courts**  
**September 1, 2005 to August 31, 2006**

98.1 Percent Reporting Rate 9,709 Reports Received Out of a Possible 9,900						
	CRIMINAL CASES		CIVIL CASES			REPORTED TOTALS
	Traffic Misdemeanors	Non-Traffic Misdemeanors	Small Claims Suits	Forcible Entry & Detainer	Other Civil Suits	
<b>NEW CASES FILED</b>	<b>2,490,362</b>	<b>664,928</b>	<b>54,440</b>	<b>197,078</b>	<b>80,952</b>	<b>3,487,760</b>
<b>DISPOSITIONS:</b>						
Dispositions Prior to Trial:						
<i>Bond Forfeitures</i>	6,323	2,801	---	---	---	9,124
<i>Fined</i>	1,124,285	253,361	---	---	---	1,377,646
<i>Cases Dismissed</i>	355,776	143,978	15,456	38,438	17,844	571,492
<b>Total Dispositions Prior to Trial</b>	<b>1,486,384</b>	<b>400,140</b>	<b>15,456</b>	<b>38,438</b>	<b>17,844</b>	<b>1,958,262</b>
Dispositions at Trial:						
<i>Trial by Judge</i>						
Guilty	148,190	75,159	---	---	---	223,349
Not Guilty	3,652	3,412	---	---	---	7,064
Civil Trials	---	---	24,758	124,095	36,318	185,171
<i>Trial by Jury</i>						
Guilty	1,816	383	---	---	---	2,199
Not Guilty	319	162	---	---	---	481
Civil Trials	---	---	491	857	224	1,572
<i>Dismissed at Trial</i>	47,177	25,104	4,032	18,420	2,549	97,282
<b>Total Dispositions at Trial</b>	<b>201,154</b>	<b>104,220</b>	<b>29,281</b>	<b>143,372</b>	<b>39,091</b>	<b>517,118</b>
Cases Dismissed After:						
<i>Driving Safety Course</i>	203,220	---	---	---	---	203,220
<i>Deferred Disposition</i>	146,621	37,601	---	---	---	184,222
<i>Proof of Financial Responsibility</i>	157,909	---	---	---	---	157,909
<b>Total Cases Dismissed After</b>	<b>507,750</b>	<b>37,601</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>545,351</b>
<b>TOTAL DISPOSITIONS</b>	<b>2,195,288</b>	<b>541,961</b>	<b>44,737</b>	<b>181,810</b>	<b>56,935</b>	<b>3,020,731</b>
<b>CASES APPEALED</b>	21,453	1,914	601	2,086	282	26,336
<b>JUVENILE ACTIVITY:</b>						
Warnings Administered						6,548
Statements Certified						3,794
Detention Hearings Held						2,901
Failure to Attend School Cases Filed						81,415
Violation of Local Daytime Curfew Ordinance Cases Filed						522
Referred to Juvenile Court for Delinquent Conduct						7,634
Held in Contempt, Fined, or Denied Driving Privileges						11,523
<b>OTHER ACTIVITY:</b>						
Parent Contributing to Nonattendance Cases Filed						56,487
Peace Bond Hearings Held						2,455
Class A or B Misdemeanor Complaints Accepted						88,780
Felony Complaints Accepted						61,732
Examining Trials Conducted						3,728
Inquests Conducted						17,601
Safety Responsibility and Driver's License Suspension Hearings Held						3,658
Search Warrants Issued						2,632
Arrest Warrants Issued:						
Class C Misdemeanors Only						764,058
Felonies and Class A and B Misdemeanors Only						93,449
<i>Total Arrest Warrants Issued</i>						857,507
Magistrate Warnings Given						317,418
Emergency Mental Health Hearings Held						10,324
Magistrate's Orders for Emergency Protection						7,084
Conference Held Prior to Legal Action Resulting in:						
Legal Action Being Filed in Court			Criminal	Civil	Total	
			9,054	2,560	11,614	
No Legal Action Being Taken			5,592	8,261	13,853	
<b>TOTAL REVENUE</b>						<b>\$348,205,240</b>



# Municipal Courts

**Cases Filed** – Roughly 7.9 million cases were filed in the state’s municipal courts in 2006, slightly above the average of about 7,826,000 cases that were filed over each of the last five years. Consistent with previous years, traffic and parking cases constituted approximately 83 percent of the incoming caseload.

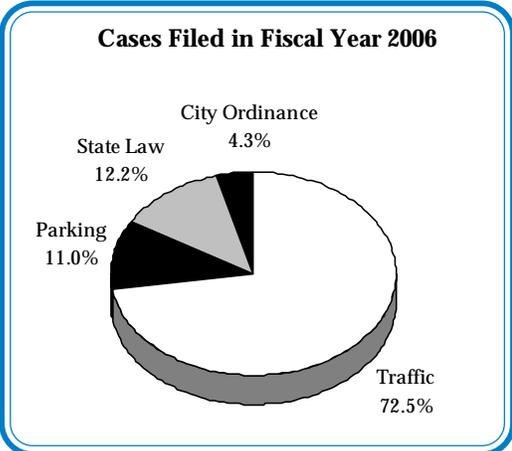
The 10 most populous cities, representing slightly less than 33 percent of the state’s population, accounted for 47.4 percent of all cases filed. Only four of the 10 cities had per capita filing rates greater than the statewide average of 0.44—Houston, Austin, Fort Worth and El Paso. The highest per capita filing rates, however, occurred in Westlake (a suburb of Fort Worth with a population of 206) and Estelline (with a population of 167, located in Hall County) and were considerably higher than the rates in all other cities of the state.

**Clearance Rates** – Municipal courts disposed of 7,101,848 cases in 2006—a decrease of 7.3 percent from the number disposed of during the previous year. As a result, the statewide clearance rate for municipal court cases fell to 90.2 percent—the lowest rate since 1997 (86.0 percent). By case type, traffic (non-parking) cases had the highest clearance rate (94.3 percent), while parking cases had the lowest clearance rate (75.2 percent).

**Manner of Disposition** – In 2006, municipal courts disposed of more than six million traffic and parking cases, the largest share—approximately 36 percent—of which was disposed of by payment of a fine (without appearing before a judge) or by a bond forfeiture. Seventeen percent were disposed of after a bench trial or other appearance before a judge, and only 0.1 percent were disposed of by a jury trial.

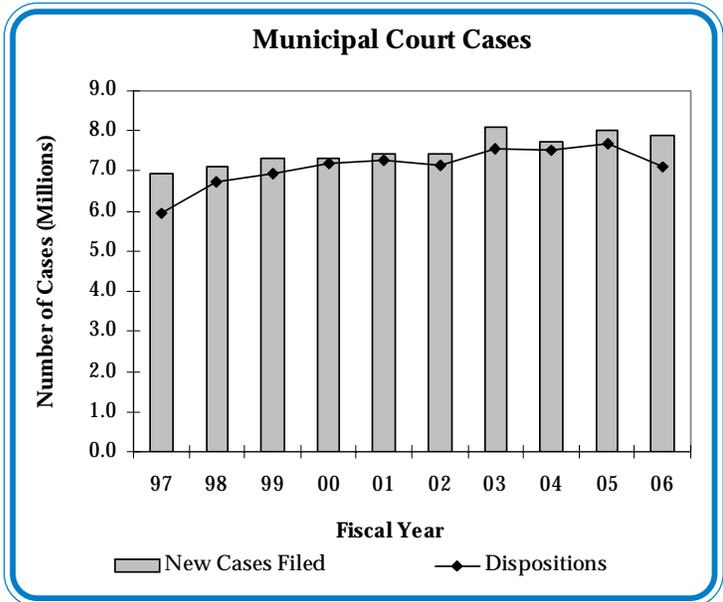
Municipal courts also disposed of more than one million state law and city ordinance cases (i.e., non-traffic cases). Approximately 35 percent of these cases were disposed of by payment of a fine or by bond forfeiture. While the jury trial rate was nearly the same as for traffic and parking cases (0.2 percent), defendants in these cases were more likely to have a bench trial or other appearance before the judge (29.0 percent) in order to dispose of the case.

Overall, guilty findings were made in approximately 98.2 percent of the 1,331,906 cases that were not dismissed and went to



**Filings per Capita in Fiscal Year 2006**

Cities with Highest Filings per Capita	Filings per Capita in 5 Most Populous Cities
Westlake - 57.77	Houston - 0.65
Estelline - 15.89	San Antonio - 0.29
Montgomery - 10.52	Dallas - 0.44
Domino - 6.62	Austin - 0.61
Northlake - 6.37	Fort Worth - 0.64
Statewide - 0.44	



bench trial or were otherwise disposed of by an appearance before the judge.<sup>1</sup> In contrast, guilty verdicts accounted for 69.2 percent of 5,132 cases that went to jury trial.

**Juvenile Case Activity**

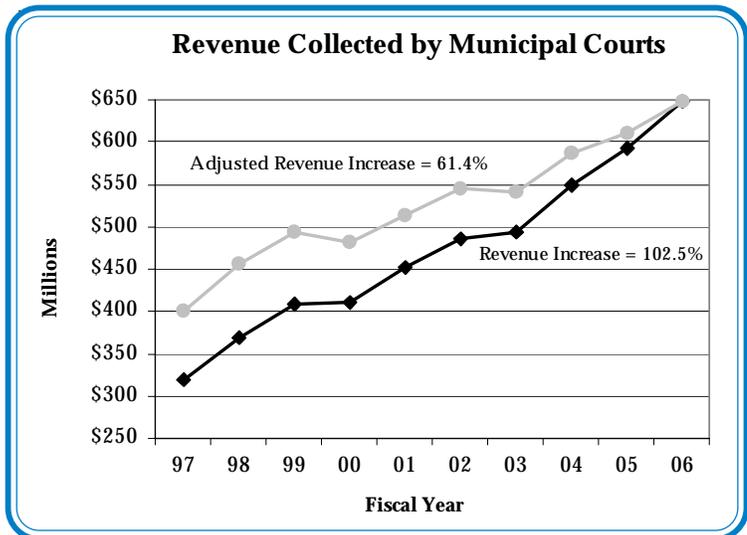
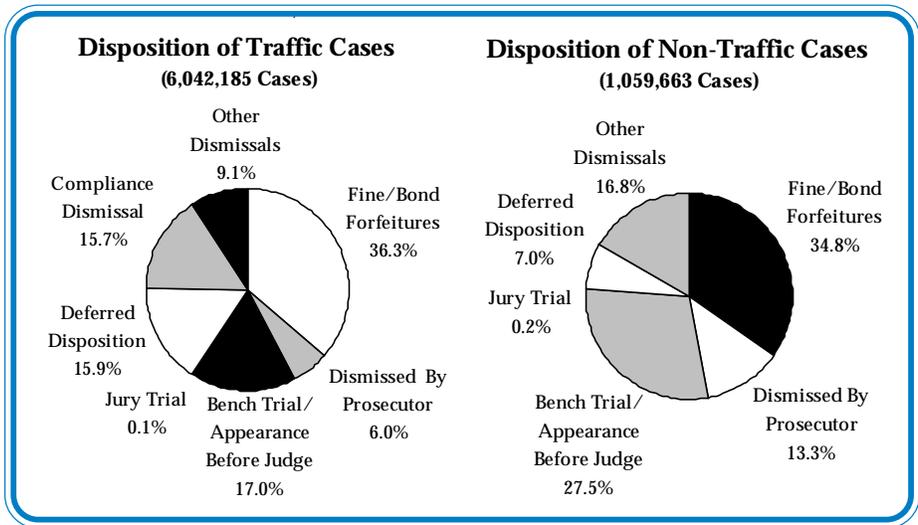
- In 2006, 301,840 juvenile cases were filed in the municipal courts, a decrease of 11.4 percent from the number filed during the previous year. The number of juvenile filings declined in all

categories tracked by the Office of Court Administration, except in the non-driving Alcoholic Beverage Code case category<sup>2</sup> (which increased by 2.5 percent). The most significant decrease occurred in the number of filings of failure to attend cases,<sup>3</sup> which dropped by 27.9 percent from the previous year. Since 2001, the number of cases in which municipal courts waived jurisdiction and referred a juvenile to juvenile court generally declined—from 7,354 cases in 2000 to 3,842 in 2006.

**Magistrate Activity** - In 2006, municipal courts issued approximately 7,800 search warrants, more than 2.1 million arrest warrants, just over 9,000 magistrate orders for emergency protection, and more than 289,000 magistrate warnings to adults, continuing the upward trend in these areas of court activity over recent years. Magistrate activity in juvenile cases, however, generally declined over the past few years. Certifications of juvenile statements declined from 1,555 in 2003 to 1,091 in 2006, and warnings administered to juveniles declined steadily from 5,419 warnings in 2000 to 3,316 in 2005. In 2006, however, the number of warnings administered to juveniles (4,209 warnings) increased for the first time since 2000.

**Court Revenue** - The amount of revenue collected by municipal courts increased steadily over the last 10 years. In 2006, the courts collected revenue in excess of \$647 million—an increase of nearly \$55 million from the previous year. The amount collected in 2006 was 102.5 percent higher than that collected in 1997, or 61.4 percent higher when adjusted for inflation.<sup>4</sup>

Excluding cases dismissed prior to trial or at trial, the amount of revenue collected per disposition averaged approximately \$110.



1. Guilty and *nolo contendere* pleas are included in the "Trial by Judge" category in the Municipal Court Monthly Activity Report.  
 2. Includes purchase or attempt to purchase alcohol, consumption of alcohol, and possession of alcohol by a minor, as well as misrepresentation of age by a minor.  
 3. Failure to attend school offenses filed pursuant to Sec. 25.094 of the Texas Education Code.  
 4. Using Consumer Price Index Conversion Factors.

**The following cities did not submit all activity reports for the fiscal year:**

Anson: 58% *	Cottonwood Shores: 92%	Tiki Island: 33%
Arcola: 83%	Munday: 58%	Wallis: 92%
Caney City: 8%	Somerset: 92%	

\* Percentage of reports received

## Activity Report for Municipal Courts

September 1, 2005 to August 31, 2006

99.7 Percent Reporting Rate 10,935 Reports Received Out of a Possible 10,968					
	Traffic		Non-Traffic		REPORTED TOTALS
	Misdemeanors		Misdemeanors		
	Non - Parking	Parking	State Law	City Ordinance	
<b>NEW CASES FILED</b>	<b>5,711,966</b>	<b>869,487</b>	<b>959,094</b>	<b>335,051</b>	<b>7,875,598</b>
<b>DISPOSITIONS:</b>					
Dispositions Prior to Trial:					
<i>Bond Forfeitures</i>	42,089	1,387	12,015	2,119	57,610
<i>Fined</i>	1,596,066	554,319	275,983	78,621	2,504,989
<i>Cases Dismissed</i>	312,535	48,077	86,349	43,458	490,419
<b>Total Dispositions Prior to Trial</b>	<b>1,950,690</b>	<b>603,783</b>	<b>374,347</b>	<b>124,198</b>	<b>3,053,018</b>
Dispositions at Trial:					
<i>Trial by Judge</i>					
Guilty	973,057	32,681	236,211	66,028	1,307,977
Not Guilty	11,316	7,405	3,130	2,078	23,929
<i>Trial by Jury</i>					
Guilty	2,568	63	540	379	3,550
Not Guilty	849	24	373	336	1,582
<i>Dismissed at Trial</i>	541,675	7,853	117,124	60,459	727,111
<b>Total Dispositions at Trial</b>	<b>1,529,465</b>	<b>48,026</b>	<b>357,378</b>	<b>129,280</b>	<b>2,064,149</b>
Cases Dismissed After:					
<i>Driver Safety Course</i>	431,615	---	---	---	431,615
<i>Deferred Disposition</i>	529,998	1,753	53,650	20,810	606,211
<i>Proof of Financial Responsibility</i>	506,750	---	---	---	506,750
<i>Compliance Dismissal</i>	440,105	---	---	---	440,105
<b>Total Cases Dismissed After</b>	<b>1,908,468</b>	<b>1,753</b>	<b>53,650</b>	<b>20,810</b>	<b>1,984,681</b>
<b>TOTAL DISPOSITIONS</b>	<b>5,388,623</b>	<b>653,562</b>	<b>785,375</b>	<b>274,288</b>	<b>7,101,848</b>
<b>COMMUNITY SERVICE ORDERED</b>	138,711	830	40,711	10,558	190,810
<b>CASES APPEALED</b>	11,182	98	2,164	378	13,822
<b>JUVENILE ACTIVITY:</b>					
Transportation Code Cases Filed					146,895
Non-Driving Alcoholic Beverage Code Cases Filed					36,286
DUI of Alcohol Cases Filed					3,341
Health & Safety Code Cases Filed					8,856
Failure to Attend School Cases Filed					9,673
Education Code Cases Filed					9,924
Violation of Local Daytime Curfew Ordinance Cases Filed					9,258
All Other Non-Traffic Fine-Only Cases Filed					77,607
Waiver of Jurisdiction of Non-Traffic Cases					3,842
Referred to Juvenile Court for Delinquent Conduct					577
Held in Contempt, Fined, or Denied Driving Privileges					7,269
Warnings Administered					4,209
Statements Certified					1,091
<b>OTHER ACTIVITY:</b>					
Parent Contributing to Nonattendance Cases Filed					5,426
Safety Responsibility and Driver's License Suspension Hearings Held					695
Search Warrants Issued					7,796
Arrest Warrants Issued					
Class C Misdemeanors			2,046,433		
Felonies and Class A and B Misdemeanors			75,169		
<b>Total Arrest Warrants Issued</b>					2,121,602
Magistrate Warnings Given					
Class A and B Misdemeanors			207,399		
Felonies			82,541		
<b>Total Magistrate Warnings Given</b>					289,940
Emergency Mental Health Hearings Held					1,674
Magistrate's Orders for Emergency Protection					9,004
<b>TOTAL REVENUE</b>					<b>\$647,071,638</b>

# Explanation of Case Categories by Court Level

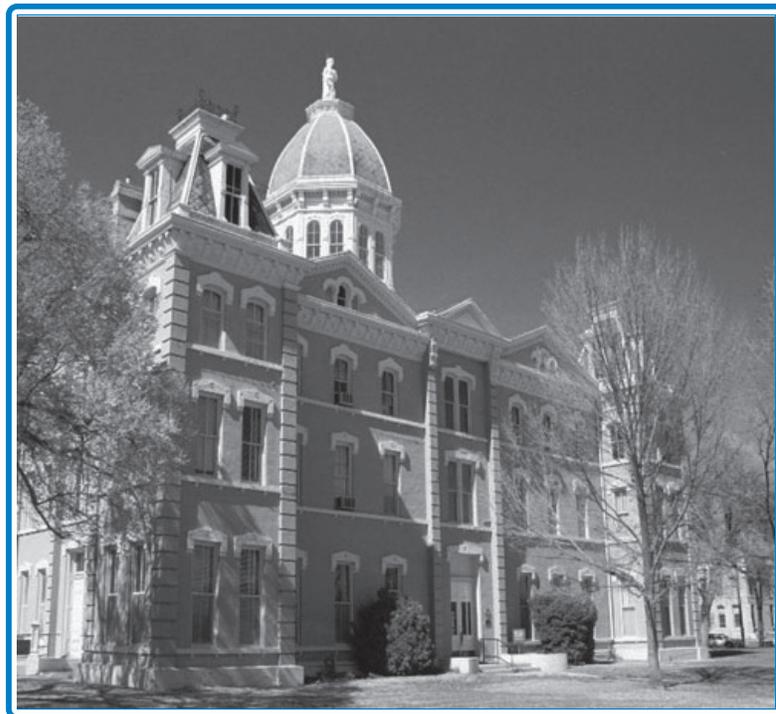


Photo courtesy of TexasCourthouses.com

*Presidio County Courthouse - Marfa*

# District Courts

## Explanation of Case Categories

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### CRIMINAL DOCKET

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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 Sections 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.

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### CIVIL DOCKET

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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.

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### JUVENILE DOCKET

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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.

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### OTHER PROCEEDINGS

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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

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### CRIMINAL DOCKET

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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 Sections 49.04 or 49.09, Penal Code.

**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 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.

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### 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.

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### PROBATE AND MENTAL HEALTH CASES

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**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 \$5,000) 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 \$5,000) 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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