
Measuring Current Judicial Workload in Texas, 2007

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Authors

Brian J. Ostrom
Matthew Kleiman
Neil LaFountain

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Executive Summary

This report describes the methods and results of a research enquiry conducted by the National Center for State Courts on workload in the district courts in Texas. The organizing question is how many judicial officers (district judges, associate judges, masters, magistrates, and referees) are needed in Texas to provide for the equitable handling of cases in the district courts?

The basic methodology used by the NCSC is the calculation of the average amount of work time judicial officers devote to different types of cases. Because cases vary according to complexity, the averages, called “case weights,” also vary. Based on a classification of cases agreed to by the Judicial Needs Assessment Committee, there is substantial variation in case weights, as shown in the figure below.

Case Types	Case Weights (minutes)
Felony Group A	186
Felony Group B	39
Misdemeanors	12
Injury or Damage - MV	126
Injury or Damage - Non MV	122
Contract	53
Other Civil	27
Divorce	47
Modifications / Enforcements	33
Other Family Law	48
Delinquent Conduct	54
CINS	14

The case weights represent the average amount of time judicial officers spend on the handling of cases in the district courts. When the case weights are applied to filings in individual jurisdictions, the judicial workload can be calculated.

The overarching conclusion is that there is a need for approximately 650 full-time equivalent judicial officer positions to manage and resolve the annual number of cases filed, an increase of about 8 percent over current levels.

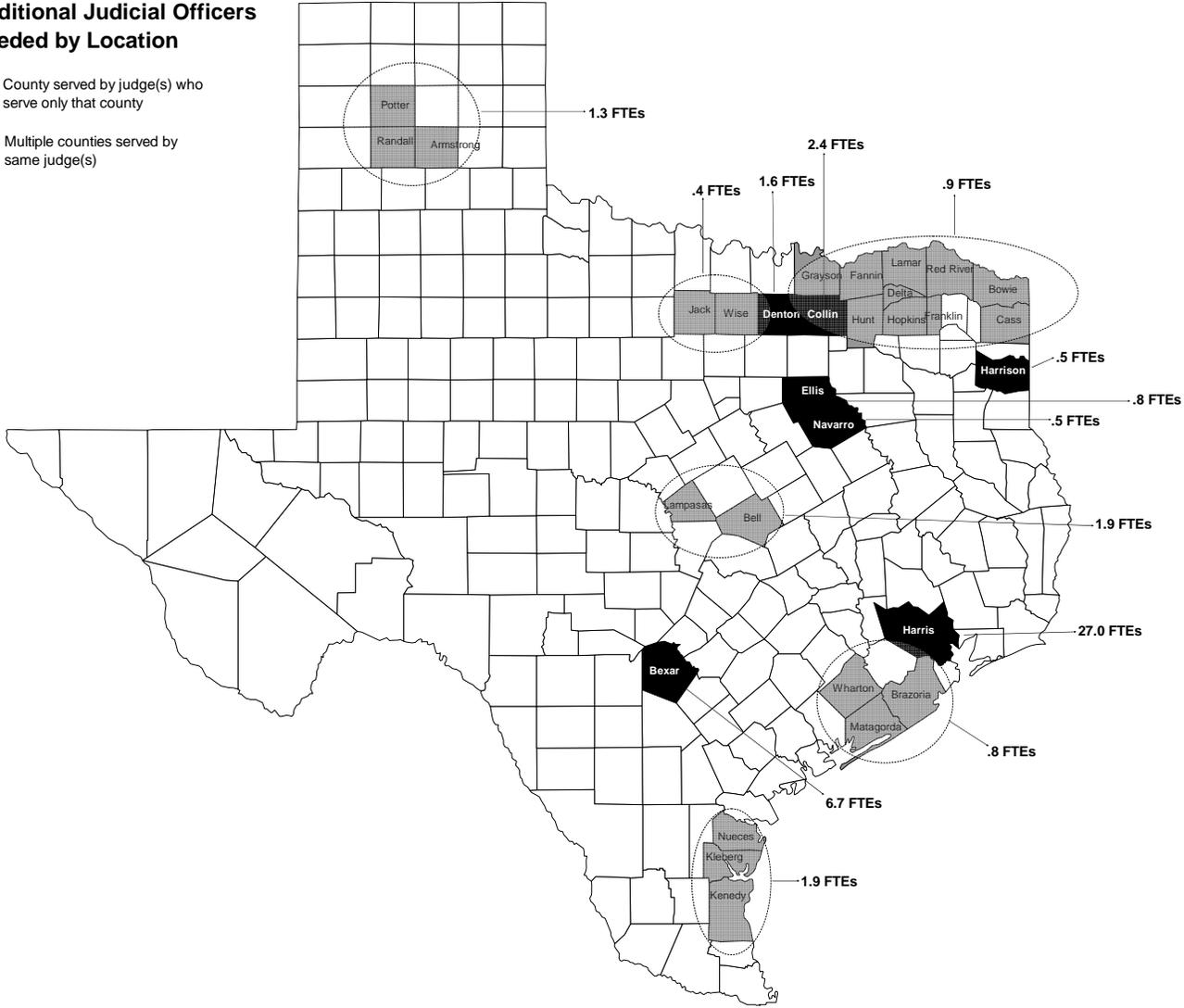
The results indicate that 31 counties need additional judicial officer resources to adequately handle existing

workload. The map on the next page identifies the counties that are relatively under-resourced and shows the estimated number of additional judicial officers needed, with need expressed in terms of additional full-time equivalent (FTE) judicial officers.

To preserve the integrity and utility of the weighted caseload system, ongoing attention should be given to ensuring the accuracy and completeness of statewide case filing information. In addition, once established, a system of weighted caseload provides a flexible tool for determining judicial need that can (and should) be periodically updated so as to incorporate and reflect ongoing developments in the Texas judicial system, including, but not limited to, changes in legislation, legal practice, technology and administrative factors. Finally, a structured assessment of current practice should be undertaken to assess whether the case weights allow sufficient time for equitable and effective case resolution as well as support judicial efforts directed at efficient case management and quality performance.

Additional Judicial Officers Needed by Location

- County served by judge(s) who serve only that county
- Multiple counties served by same judge(s)



I. Introduction

“Ensuring the judiciary is sufficiently funded would have an insignificant effect on the state’s budget overall, but would have a tremendous impact on all the Texas citizens who seek justice through our courts.”

State of the Judiciary in Texas, 2007
Chief Justice Wallace B. Jefferson

The recommendation for conducting a weighted caseload study originated with the Texas Judicial Council (Council), which advocated a more objective and accurate methodology to properly evaluate the workload of the courts. In December 2000, the Council recommended the State seek “the assistance of the National Center for State Courts or some other outside entity to conduct a weighted caseload study.”

In May 2001, the Texas Legislature (77th Regular Session) attached a rider to S.B. 1 (the Appropriations Act) that required the Council to “prepare a report on current district court locations, populations served, docket activity, and other appropriate variables that would inform a legislative determination on the need for creating additional district courts.” In the report prepared by the Judicial Council’s Committee on District Courts, and adopted by the Council in September 2002, it was recommended that the Legislature appropriate the necessary funding to the Office of Court Administration (OCA) and the Council for the implementation of a weighted caseload study for district courts. It was further recommended that the Legislature consider funding for a weighted caseload study of Texas’ entire court system.

In 2005, the Texas Legislature (79th Regular Session) passed S.B. 729, which called for a weighted caseload study of the district courts to be undertaken “for the purpose of making recommendations regarding the implementation of a systematic approach for analyzing the need for new district courts.” S.B. 729 directed the OCA to contract with a nonprofit organization that specializes in providing technical assistance and consulting services to courts to conduct a weighted caseload study of the district courts.

As such, the OCA contracted with the National Center for State Courts (NCSC) to develop a method to measure the amount of judicial officer (district judge, associate judge, master, magistrate, or referee) work in the Texas district courts. A clear and comprehensible measure of the amount of work (hereafter, workload) is central to determining how many judicial officers are needed to handle cases coming before the court. Adequate resources are essential if the Texas judiciary is to manage and resolve court business without delay while also delivering quality service to litigants and the public. Meeting these challenges involves assessing, in an objective manner, the number of judicial officers required to handle cases and whether judicial resources are being allocated and used prudently. This initiative is consistent with the trend of judicial leaders around the world to embrace empirically-based workload assessments in building a fair and valid justification for public resources.

A basic premise of a weighted caseload study is that all types of cases should be given individual judicial time and attention, but that the amount of time should be proportional to what each case warrants. Because cases vary in their degree of complexity, workload analysis studies seek to determine the corresponding amount of time that is and should be given to different types of cases. By weighting cases according to complexity, a more accurate assessment can be made of the amount of judicial officer time required to handle court business.

This report describes the methods and results of NCSC's research, conducted over an 18-month period during 2007-08, on the work and caseload of judicial officers in Texas. The assessment addresses the pertinent question of how many judicial officers are needed in Texas to provide for the handling of cases in the district courts in an empirically based, rigorous manner. Based on this rationale, the primary goals of this study are:

- Understand the complex nature of how work in the district courts is handled by judicial officers.
- Develop a clear measure of judicial workload in Texas.
- Establish a transparent formula for the OCA to use in assessing the levels of judicial resources necessary to handle cases in the district courts.

Focus on Judicial Officers

This study is designed to examine the work performed by all district court judges, county-employed associate judges, magistrates, masters and referees, and OCA associate judges (hereafter, judicial officers), processing the type of cases heard in the Texas district courts.¹ As of October 2007, there were 601.2 full-time equivalent (FTE) judicial officers distributed across the 254 counties of Texas. The three largest groups of judicial officers included 447 FTE district court judges, 55.6 FTE county-employed associate judges, and 42.5 FTE OCA IV-D associate judges, as shown in Figure 1. A complete census of judicial officers can be found in Appendix A.

Figure 1: Number Of Full-Time Equivalent Judicial Officers Hearing District Court Cases in Texas (as of October 2007)

District Court Judges	447.0
Associate Judges	55.6
Magistrates	26.6
Masters	3.0
Referees	11.5
OCA IV-D	42.5
<u>OCA Child Protection</u>	<u>15.0</u>
Total ALL Judicial Officers	601.2

¹ At its May 18, 2007 meeting, JNAC decided that in counties selected for participation in the district court time study, county courts at law that exercise civil or family law jurisdiction concurrent with the district courts should be asked to participate in the time study. Letters were sent to all the judges of the county courts at law with statutory authority to handle those cases, inviting those of them who actually exercise that jurisdiction to participate in the study. However, low participation in the time study by these county court at law judges prevented them from being included in the final model. Thus, the study was limited to the district courts.

II. Jurisdictional Patterns Of District Courts

“The Texas trial court system, complex from its inception, has become ever more confusing as ad hoc responses are devised to meet the needs of an urban, industrialized society. No one person understands or can hope to understand all the nuances and intricacies of Texas’ thousands of trial courts.”

*Citizen’s Commission on the Texas Judicial System,
Report and Recommendations—
Into the Twenty-First Century, 1993*

Texas’ multi-tiered trial court system consists of municipal courts, justice courts, constitutional county courts, statutory county courts, statutory probate courts, and district courts.² The focus of the current study is on work handled in the district courts.

To understand the complex geographical system of district courts—where many courts’ boundaries overlap wholly or partially with some other court(s)—a taxonomy of jurisdictional boundary-overlap patterns was developed. The 447 district courts covering 254 counties fit into six jurisdictional patterns, as shown in Figure 2.

Figure 2: District Court Jurisdictional Patterns

	Number of District Courts	Number of Counties
Pattern 1	261	26
Pattern 2	15	15
Pattern 3	13	23
Pattern 4	25	71
Pattern 5	56	47
Pattern 6	<u>77</u>	<u>72</u>
Total	447	254

² The Texas jurisdictional scheme “has gone from elaborate... to Byzantine” Sultan v. Mathew, 178 S.W.3d 747, 753 (Tex. 2005) (Hecht, J., dissenting).

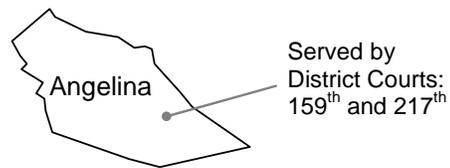
For purposes of the six jurisdictional patterns, the term ‘jurisdiction’ means geographical jurisdiction, not subject-matter jurisdiction.³

The 171 district courts comprising Jurisdictional Patterns 3 through 6 account for approximately 30% of all filings in Texas. These courts serve multiple counties and often require significant travel on the part of the judicial officers who serve them. The six jurisdictional patterns are defined as follows:

Jurisdictional Pattern 1 **Single County, Multiple Courts, No Courts Serve Another County**

Counties that have multiple courts that do not serve another county characterize Jurisdictional Pattern 1. For example, Angelina County has two district courts (159th and 217th). In total, there are 261 Jurisdictional Pattern 1 courts in 26 different counties. Jurisdictional Pattern 1 contains the counties with the largest number of district courts statewide (Bexar—24 district courts, Tarrant—26, Dallas—39, and Harris—59), while also containing five counties that have only two district courts each (Angelina, Ellis, Kaufman, Nacogdoches, and Parker).

Figure 3: Jurisdictional Pattern 1 Example

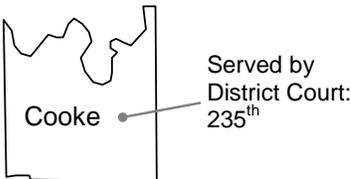


³ As the legislature creates new district courts and/or changes the configuration of which counties are served by which district courts, the census accounting for the number of judicial officers will change along with the composition of the six jurisdictional patterns.

Jurisdictional Pattern 2
Single County, Single Court, Court Does Not Serve Another County

There are 15 Jurisdictional Pattern 2 courts representing 15 different counties. For example, the 235th District Court only serves Cooke County. Counties included in Jurisdictional Pattern 2, with a single district court, include: Cooke, Coryell, Eastland, Erath, Harrison, Hill, Hood, Lamb, Milam, Navarro, Palo Pinto, Rockwall, Rusk, Van Zandt, and Wood.

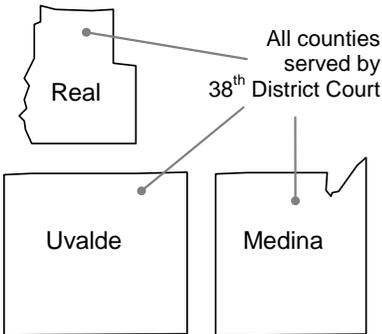
Figure 4: Jurisdictional Pattern 2 Example



Jurisdictional Pattern 4
Multiple Counties, Single Court

There are 25 district courts representing 71 counties in Jurisdictional Pattern 4. In this pattern, a single district court is responsible for multiple counties. For example, the 38th District Court services Medina, Real, and Uvalde counties. There is a range of two to five counties per district court in Jurisdictional Pattern 4.

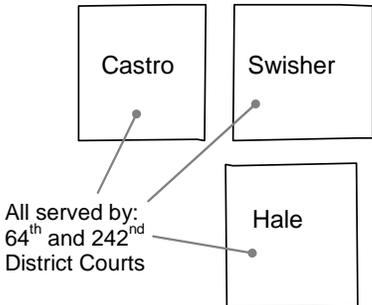
Figure 6: Jurisdictional Pattern 4 Example



Jurisdictional Pattern 3
Multiple Counties, Multiple Courts, Identical Jurisdictions

Jurisdictional Pattern 3 represents the first of the patterns that includes multiple counties. Multiple courts that serve multiple counties, but have identical jurisdictions define this pattern. For example, the 64th and the 242nd District Courts each serve Castro, Swisher, and Hale counties and only those counties. Overall there are 13 Jurisdictional Pattern 3 courts serving a total of 23 different counties. District courts in this pattern serve as few as three counties and as many as five (e.g., Atascosa, Frio, Karnes, La Salle, and Wilson).

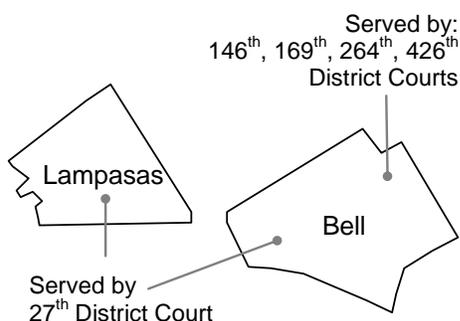
Figure 5: Jurisdictional Pattern 3 Example



Jurisdictional Pattern 5
Multiple Counties, Multiple Courts, One Separate Jurisdiction

A primary county that is home to several district courts, while a subset of those district courts also serves an additional county or counties characterize Jurisdictional Pattern 5. For example, four district courts (146th, 169th, 264th, and 426th) serve only Bell County, while the 27th District Court serves both Bell and Lampasas counties. Each of the Jurisdictional Pattern 5 groupings of districts courts (e.g., Bell and Lampasas) can be classified as a cluster. In total there are 56 Jurisdictional Pattern 5 district courts serving a total of 47 counties, organized into 14 different clusters of counties.

Figure 7: Jurisdictional Pattern 5 Example

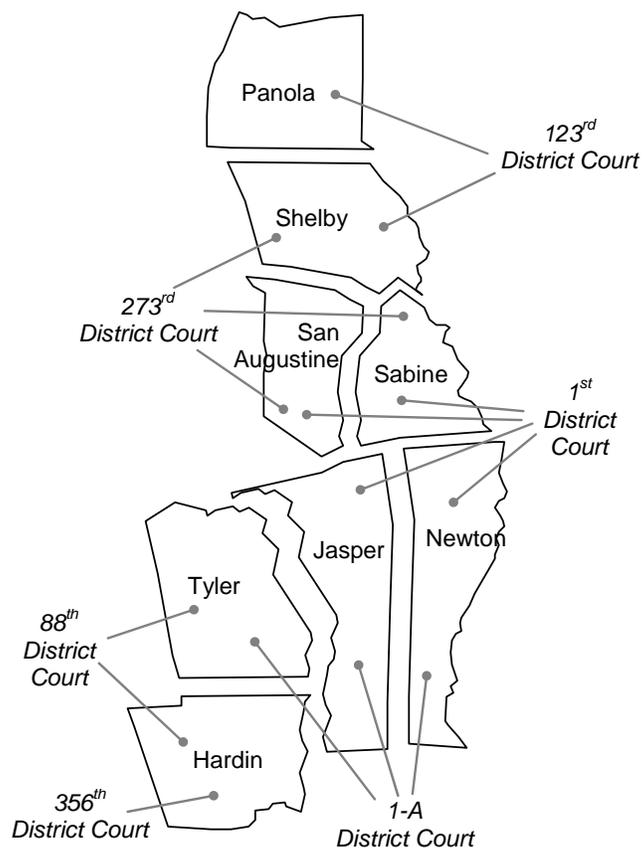


Jurisdictional Pattern 6
Multiple Counties, Multiple Courts, Many Separate Jurisdictions

Of all the jurisdictional patterns, Jurisdictional Pattern 6 represents the most complex mosaic of district courts. District courts within this pattern work in single or multiple counties with either distinct or overlapping jurisdictions. There are no counties in this jurisdictional pattern that are served by a court that does not also serve at least one additional county. For example, the eight counties of Hardin, Jasper, Newton, Panola, Sabine, San Augustine, Shelby, and Tyler represent a cluster of counties that comprise the work of six district courts. The 123rd District Court is the sole district court in Panola County. The 123rd District Court also serves Shelby County along with the 273rd

District Court. The 273rd District Court also serves San Augustine and Sabine counties along with the 1st District Court. In addition, the 1st District Court serves both Jasper and Newton counties along with the 1-A District Court. The 1-A District Court also serves Tyler County along with the 88th District Court. The 88th District Court also serves Hardin County along with the 356th District Court.⁴

Figure 8: Jurisdictional Pattern 6 Example



Appendices B, C, and D contain additional examples of district courts in Jurisdictional Patterns 4, 5, and 6.

⁴ Appendix A contains a complete listing of the counties and number of judicial officers in each jurisdictional pattern.

III. Judicial Needs Assessment Committee

A first step in the NCSC workload assessment was the establishment of a policy committee to provide oversight and guidance throughout the life of the research. Specifically, the committee, called the Judicial Needs Assessment Committee (JNAC), was charged with refining the approach and content of the proposed research and resolving important issues affecting data collection, interpretation, and analysis. The Committee consisted of 12 district judges, two county court at law judges, one child protection associate judge, one district court administrator, one district and county court administrator, and one county court administrator. A complete list of members of the Judicial Needs Assessment Committee is available in the *Acknowledgements* section of this report.⁵

Through a series of meetings, the policy committee monitored the development of the workload assessment methodology and reviewed and finalized each phase and the results of the study. One of the first responsibilities of JNAC was to identify and define the parameters for which data would be collected during the workload assessment. This included adopting the six jurisdictional patterns as an organizing framework and identifying: (a) the types of cases judicial officers handle; and, (b) the tasks and activities (case-related events and non-case-related functions) that judicial officers perform in and out of court.

Case Types

A fundamental premise of the NCSC study is that more complex cases require more time to process. Knowing the average amount of time devoted to different types of cases allows for the estimation of judicial officer need in relation to the number and relative complexity of cases handled. As a result, selecting an appropriate set of case type categories is important.

The case types should reflect the way Texas judicial officers and court administrators actually classify and count cases and they should form a meaningful,

comprehensible and stable number of categories. Furthermore, the case types should also allow for future updating of the case weights and still allow for accurate representation of workload.

District court case filings are reported to OCA by each of the district clerks elected in the 254 counties throughout Texas. Twenty-seven case type categories are currently used by the district clerks to report case filings. These categories cover criminal, civil, family and juvenile case types. It should be noted that only two case type categories, delinquency and conduct indicating a need for supervision, are currently used for reporting juvenile case filings.

Currently, the Judicial Council is undertaking a major revision to the structure and content of statewide court statistics reporting. One benefit of the new court statistics reporting system will be the provision of considerably more information and detail on the flow of cases through the Texas courts. The number of case type categories available to district clerks for reporting purposes will increase from 27 to more than 40 with the juvenile case type categories being expanded to more closely parallel the criminal case type categories used in adult criminal cases. In anticipation of the new reporting system, JNAC determined that data should be collected in a manner that will allow for filings to be used from the current reporting system when developing the initial case weights and filings to be used from the future system when updating the case weights. JNAC ultimately approved 24 case types for use in the weighted caseload study.

⁵ Meetings with JNAC were held in February 2007, May 2007, and February 2008.

Because the new court statistics system will not be implemented until September 1, 2010, current Judicial Council case type categories are used to express the results of the weighted caseload study. Consequently, data from the 24 case types used during the one-month data collection period are collapsed into 12 case weight categories that accommodate both the current and future systems for reporting by counties throughout the state.⁶ Figure 9 shows the 12 case types used to develop case weights in the four major case categories.

Figure 9: Case Types

Civil

1. Contract
2. Injury or Damage Involving Vehicle
3. Injury or Damage Other Than Vehicle
4. Other Civil

Criminal

5. Felony Group A
6. Felony Group B
7. Misdemeanor

Family

8. Divorce
9. Modifications/Enforcements
10. Other Family Law

Juvenile

11. CINS (Conduct Indicating a Need for Supervision)
 12. Delinquent Conduct
-

Case-Related and Non-Case-Related Activities

Judicial officers perform a variety of functions, both in and out of court, related to the handling of cases (case-related activities), as well as a variety of non-case-related activities. To identify the full set of tasks and activities that judicial officers perform, NCSC worked with OCA to generate a list of activities, ultimately approved by JNAC, to serve as an organizing guide for data collection during the research. A list of the four case-related events and the eight non-case-related activities are provided in Figures 10 and 11. A more detailed description can be found in Appendices F and G.

Figure 10: Case-Related Events

1. Pre-Trial
 2. Non-trial Disposition
 3. Trial
 4. Post Judgment
-

Figure 11: Non-Case-Related Activities

1. Non-Case-Related Administration
 2. Judicial Education and Training
 3. General Legal Research
 4. Community Activities and Public Outreach
 5. Travel
 6. Vacation, Sick Leave, and Holidays
 7. Lunch and Breaks
 8. NCSC Project: Includes any time filling out data collection instruments related to the current study
-

⁶ Appendix E shows the relationship between the 24 time study case types and the 12 case types for which case weights were developed.

IV. Time Study

To establish a baseline of current practice, NCSC staff used a Web-based process to collect information on the amount of time judicial officers currently spend on various activities throughout the day, including case-related and non-case-related activities. JNAC decided that *all* judicial officers from a stratified random sample of 97 of the 254 counties in Texas would be asked to participate in the time study.⁷ To assist participants, NCSC provided training to judicial officers at the Texas Associate Judges Conference (July 2007), the Annual Judicial Conference (September 2007), and through a live Webinar session and several online tutorials. Additionally, to encourage participation, NCSC and OCA staff members made site visits to Bexar, Dallas, Harris, and Travis counties in August 2007.

The time study was conducted during the entire month of October 2007. Throughout the month, judicial officers were asked to track and record the time they spent handling cases by both case type and case-related event.

Case Weights

The data allow for the construction of case weights for each of the 12 case types for which statewide filing counts exist (see Figure 9). By developing separate case weights for different case types, the research takes into account variable case complexity and the different amounts of judicial officer time and attention spent in handling different types of cases. The NCSC weighted caseload study is thus in a position to estimate judicial officer need based on the composition of case filings rather than on just the total number of filings. Relying solely on the sheer number of cases to determine the demands placed on judicial officers ignores the varying levels of resources needed to handle different types of cases effectively.

⁷ Certain clusters of counties were selected for the time study given that these counties are served by the same court(s) across the counties. For example, the 51st District Court serves Tom Green, Coke, Irion, Schleicher, and Sterling counties. Not including all of these counties would have required that the judge only report on a subset of the total workload of that court. A complete listing of counties included in the sample can be found in Appendix A.

The case weights are calculated by summing all judicial officer time recorded for each case type⁸ and dividing by a three-year average of the number of cases filed for each case type during FY 2005-2007.⁹ This result provides a picture of current practice: the average amount of time currently spent by judicial officers in Texas handling each type of case, as shown in Figure 12.

Figure 12: Case Weights (minutes)

Case Types	Case Weights (minutes)
Felony Group A	186
Felony Group B	39
Misdemeanors	12
Injury or Damage - MV	126
Injury or Damage - Non MV	122
Contract	53
Other Civil	27
Divorce	47
Modifications / Enforcements	33
Other Family Law	48
Delinquent Conduct	54
CINS	14

The case weights represent the average amount of time judicial officers *currently* spend on the handling of cases in the district courts.¹⁰ For example, judicial officers in Texas are currently spending, on average, 186 minutes handling a Felony Group A case (capital murder, murder, robbery/aggravated robbery, etc.) from filing to disposition. Some cases take more time and some

⁸ During the time study, judicial officer time was collected during October 2007, a representative one-month period. During the analysis phase, all time collected during the time study was weighted to represent one year of time. This conversion was necessary to ensure comparability and consistency with the annual filings data.

⁹ A three-year average was used to establish a longer term trend in filings by case category. The three-year averages serve to smooth short term annual fluctuations so that the case weights are more accurate estimates of the average time spent by judges resolving each particular type of case.

¹⁰ Since current filing counts cannot be disaggregated by type of judicial officer handling the case, the case weights represent the combined work of all judicial officers handling aspects of cases filed with the district courts. This means that in some courts the weights may be reflective of the combined effort of multiple types of judicial officers (e.g., district court judges and magistrates), while in other courts all the work may be performed exclusively by district court judges.

cases take less time, but on average judges spend this amount of time on Felony Group A cases.

Perhaps no case is an “average” case taking exactly 186 minutes of judge time. By design, the case weights account for the longer lasting events such as a trial but also the shorter duration events which are quite common, such as arraignments, pretrial motions, and pleas. Indeed, a murder case that goes to jury trial will consume considerably more than 186 minutes of a judge’s time to reach final disposition. On the other hand, negotiated pleas accepted at an arraignment will consume much less than 186 minutes of the judge’s time. During the course of the study, the time recorded by the judges included both the long and short duration activities. And the average amount of time spent by judicial officers resolving the full spectrum of Felony Group A cases is 186 minutes. See Appendix F for a more expansive listing of the many types of case-related events.

Another strength of the weighted caseload approach is the ability to focus on the judicial officer workload associated with important case types for which standardized statewide data do not yet exist and, in the process, clarify and prioritize essential data needs. Child protection cases offer a key example of this issue. OCA administers 15 different courts devoted to hearing child protection cases in various regions throughout Texas. These are not courts in the traditional sense; they are dockets composed exclusively of child abuse and neglect cases that have been referred to an associate or assigned “visiting” judge for handling. Collectively, these 15 courts or dockets are part of OCA’s *Specialty Courts Program* and are commonly referred to as the Child Protection Courts (CPCs). This arrangement is possible by virtue of the regional presiding, district and statutory county court judges being allowed to refer these cases to associate or assigned “visiting” judges. The OCA CPCs handle approximately 30% of all the child protection cases in the state.

The associate judges, employees of OCA, and the assigned judges who staff the CPC’s fully participated in the weighted caseload study. Additionally, OCA maintains a case management system that the 15 CPCs use to track their cases. As a result, NCSC and OCA were able to conduct a focused analysis of the workload dynamics of these

15 courts. Because the case management system used by these courts have distinct counts of the child protection case filings, case weights were developed specific to the child protection cases handled by the OCA CPCs.

The analysis produced a case weight of 323 minutes per filing for these cases, and clearly illustrates the fact that child protection cases require a great deal of judicial officer time to resolve. While the 323 minute case weight applies to the 15 OCA CPCs, it is a reasonable assumption that other judges in Texas hearing child protection cases likely spend similar time moving these cases from filing to disposition.

However, due to the nature of the current case type categories used by district clerks to report filings to OCA, a similarly focused analysis of all child protection cases throughout the state is not yet possible. Because the new reporting system coming online in FY 2010 will have a distinct case type category for child protection cases, a priority for OCA will be the development of a specific case weight for all child protection cases in Texas, regardless of whether the cases are heard by the OCA CPC associate or assigned judges or other judges not part of the OCA *Specialty Courts Program*. At this time, all judicial officer time spent hearing child protection cases has been incorporated into the case weight for Other Family Law.

When the case weights in Figure 12 are applied to filings in individual jurisdictions the implied workload and thus, the need for judicial officers can be calculated. However, before this can be accomplished the judicial officer year value must be established.

Determining the Judicial Officer Year Value

Three factors contribute to the calculation of *implied judicial officer need*: filings, case weights, and the judicial officer year value. The relationship among these elements is expressed as follows:

$$\textit{Workload} = \text{Filings} \times \text{Case Weights}$$

$$\textit{Implied Judicial Officer Need} = \text{Workload} \div \text{Judicial Officer Year Value}$$

The judicial officer year value represents the amount of time in a year judicial officers have to complete case-related tasks. Arriving at this value is a two-stage process that entails calculating how many days per year are available for judicial officers to perform case-related work (the *judicial officer work-year*) and then determining how many business hours each day are available for case-related work as opposed to non-case-related work (the *judicial officer day*). Multiplying these two measures gives the *judicial officer year value*, which is an estimate of the amount of time a judicial officer has, on average, to handle cases during the year.

1. The judicial officer work-year. Calculating the "average" judicial officer work-year requires determining the number of days a judicial officer has per year to perform case-related tasks. After deducting weekends, holidays, vacation, sick leave, and continuing legal education from 365 days, it was determined by JNAC that judicial officers in Texas have, on average, 215 days available each year to perform case-related activities.

2. The judicial officer day. The judicial officer day is separated into two parts: the amount of time devoted to (a) case-related and (b) non-case-related activities.¹¹

(a) Case-related time includes all time devoted to such activities as:

- Hearing cases on the bench;
- Reviewing case files and documents in the preparation for hearings and making decisions on cases;
- Researching specific points of law related to cases; and
- Preparing and issuing orders and making decisions (findings of fact, conclusions of law).

(b) Non-case-related time includes time devoted to:

- Court-related travel;
- Activities required of judges to contribute to the efficient and effective operation of the court (e.g., supervising personnel, meeting with clerks about administrative matters, and participating on state and local committees);

- Cooperation and coordination with other justice system agencies on matters of policy and practice;
- Community outreach and public education; and
- Lunch and breaks.

The distinction between case-related and non-case-related time recognizes that judicial officers have many varied responsibilities during the day.

After considerable discussion with JNAC that drew on results from the time study, two separate judicial officer day values were recommended by the NCSC and adopted by JNAC. Different day values were deemed appropriate to account for the variation in travel requirements between judicial officers in Jurisdictional Patterns 1 and 2 and judicial officers in the other patterns.

Judicial officers in Jurisdictional Patterns 1 and 2 are expected to work 6 hours per day on case-related matters and 2 hours per day on non-case-related matters, plus 1 hour per day for lunch and breaks. Judicial officers in Jurisdictional Patterns 3, 4, 5, and 6 are expected to work 5.5 hours per day on case-related matters and 2.5 hours per day on non-case-related matters, plus 1 hour per day for lunch and breaks.

3. The judicial officer year value. This factor is the amount of time per year that a judicial officer has available to do case-related work (after subtracting time spent on non-case related activities such as travel and administrative activities). It is calculated by multiplying the judicial officer year by the number of hours in a day available for case-related work. Hence, the judicial officer year value for judicial officers working in Jurisdictional Patterns 1 and 2 is 77,400 minutes of case-related time per judicial officer per year (215 days x 6.0 hours per day x 60 minutes per hour) and 70,950 minutes of case-related time per judicial officer per year in Jurisdictional Patterns 3, 4, 5, and 6 (215 days x 5.5 hours per day x 60 minutes per hour).

¹¹ A more detailed description of the case-related and non-case-related activities can be found in Appendices F and G.

V. Calculating Implied Judicial Officer Need

“Implied judicial officer need” refers to the number of judicial officers needed statewide in Texas as a result of applying the weighted caseload model. The results reported below make use of the following concepts:

$$\text{Current Workload} = \text{FY 2007 Filings} \times \text{Case Weights}$$

$$\text{Implied Judicial Officer Need} = \frac{\text{Current Workload}}{\text{Judicial Officer Year Value}}$$

Results are calculated for all 254 counties and then compared to the actual number of judicial officers working in each county to determine where additional judicial resources would be most beneficial.

Judicial Officer Need

Figure 13 contains the implied need calculations for judicial officers in Angelina County.

For example, multiplying the 164 Felony Group A FY 2007 filings by the case weight of 186 minutes generates a workload of 30,504 minutes. When each of the case weights is applied to the corresponding filings, the result is a workload of approximately 183,000 minutes of work. Dividing the resultant workload by the *judicial officer year value* for Jurisdictional Pattern 1 courts (77,400 minutes) translates into an *implied need* of 2.4 full-time equivalent (FTE) judicial officers.

Angelina County currently has 2.6 judicial officers handling district court work (2 FTE district court judges, .3 FTE OCA IV-D associate judges and .3 FTE OCA child protection associate judges)¹² or a difference of .2 FTE judicial officers. The comparison of the implied need to the actual judicial officers handling district court work will be the focus of the next section.

Figure 13: Calculating Implied Judicial Officer Need (FTE) Angelina County

Case Type	FY 2007 Filings	*	Case Weights (minutes)	=	Total Workload (minutes)
Felony Group A	164	*	186	=	30,504
Felony Group B	1,058	*	39	=	41,262
Misdemeanors	34	*	12	=	408
Injury or Damage - MV	78	*	126	=	9,828
Injury or Damage - Non MV	41	*	122	=	5,002
Contract	152	*	53	=	8,056
Other Civil	383	*	27	=	10,341
Divorce	561	*	47	=	26,367
Modifications / Enforcements	239	*	33	=	7,887
Other Family Law	843	*	48	=	40,464
Delinquent Conduct	60	*	54	=	3,240
CINS		*	14	=	0
Total	3,613				183,359
					↓
			Judicial Year Value (Pattern 1)	÷	77,400
			FTE Judicial Officers	=	2.4

¹² See Appendix A.

Calculating Estimated Need

Having calculated the implied judicial officer need, the next step is to compare this number with the actual number of judicial officers in each county and determine which value is larger.

Because implied need can be greater than, less than, or equal to the actual number of judicial officers, JNAC developed a decision rule on how to address each possible situation. They were particularly interested in how weighted caseload will help identify the counties that are relatively under-resourced and provide a reliable estimate of the number of judicial officers needed.

Weighted caseload introduces a measure of statewide comparability that supports efforts to ensure all citizens of Texas have similar access to the judicial system. Case weights measure the average time spent by judicial officers resolving cases statewide and, therefore, offer a common yardstick for measuring the need for judicial resources. Furthermore, weighted caseload provides an objective means to measure relative need for judicial officers across different jurisdictional patterns and among jurisdictions of different sizes.

The implied judicial officer need calculation provides a basic benchmark for assessing whether litigants and the public are receiving equitable levels of judicial service throughout the state. For some counties, implied judicial officer need is greater than the actual number of judicial officers, suggesting the county is under-resourced. In these counties, either the press of caseload volume or resource constraints is such that judicial officers are made to spend less than the statewide average time handling cases. JNAC determined that counties fitting this description are good candidates to be ranked as the highest priority for receiving additional judicial resources.

JNAC members were also committed to preserving judicial staffing levels in counties that are able to spend more time per case than the statewide average. There was consensus among the JNAC members that a willingness by counties to provide judicial resources above the average level by employing associate judges, masters, magistrates, and referees to assist with the workload of the

district courts should be welcomed. The rationale was that the calculated implied judicial officer need from the weighted caseload model represents a *reasonable* level of staffing that should be present in all counties, but not an optimal level. Because higher staffing levels likely increase the level and quality of service to the public, it was agreed that jurisdictions where the actual number of judicial officers exceeded the implied need would be “held harmless.”

Following extensive discussion, JNAC developed the following decision rule for calculating *Estimated Need*:

- If implied need is greater than actual number, then estimated need equals implied need
- If implied need is less than actual number, then estimated need equals actual number (hold harmless)

Two examples clarify the use of this decision rule. First, building on an earlier example, the hold harmless approach is illustrated in Figure 14. Angelina County shows an implied need of 2.4 FTE judicial officers. This is .2 FTE less than the actual number of judicial officers. Therefore,

- Because 2.4 FTE (implied need) is less than 2.6 FTE (actual judicial officers),
- Estimated need equals 2.6 FTE (hold harmless)

Following the hold harmless approach, Angelina County has an estimated need of 2.6 FTE judicial officers, equivalent to the current complement of judicial officers.

Figure 14: Example of the Hold Harmless Approach, Angelina County

Jurisdictional Pattern	1
Actual (FTE)	2.6
<u>Implied (FTE)</u>	<u>2.4</u>
Difference	-0.2
Estimated Need (FTE)	2.6

A second example from Jurisdictional Pattern 5 shows a situation where the actual number of judicial officers is less than the implied need, suggesting a strong case for additional judicial officers. Referencing Figure 7, four district courts (146th, 169th, 264th, and 426th) serve only Bell County, while the 27th District Court serves both Bell and Lampasas counties. Since the work of the 27th District Court in Lampasas County cannot be separated from the work done by the 27th District Court in Bell County, the two counties are treated as a cluster of courts within Jurisdictional Pattern 5.

In addition, there are a .7 FTE OCA IV-D associate judge and a .8 FTE OCA child protection associate judge in Bell County for a total of 6.5 FTE judicial officers in the Bell/Lampasas cluster. In Figure 15, workload and the resultant implied judicial officer need are calculated for Bell and Lampasas counties. Bell County has an implied need of 8.0 FTE judicial officers and Lampasas County has an implied need for .4 FTE, or a combined 8.4 FTE implied need for the cluster.

Figure 15: Calculating Implied Judicial Officer Need (FTE), Bell and Lampasas Counties

Case Type	Bell County				Lampasas County			
	FY 2007 Filings	*	Case Weights (minutes)	= Workload (minutes)	FY 2007 Filings	*	Case Weights (minutes)	= Workload (minutes)
Felony Group A	616	*	186	= 114,576	23	*	186	= 4,278
Felony Group B	2,729	*	39	= 106,431	216	*	39	= 8,424
Misdemeanors	15	*	12	= 180	0	*	12	= 0
Injury or Damage - MV	78	*	126	= 9,828	0	*	126	= 0
Injury or Damage - Non MV	23	*	122	= 2,806	3	*	122	= 366
Contract	227	*	53	= 12,031	46	*	53	= 2,438
Other Civil	794	*	27	= 21,438	119	*	27	= 3,213
Divorce	3,241	*	47	= 152,327	130	*	47	= 6,110
Modifications / Enforcements	1,643	*	33	= 54,219	12	*	33	= 396
Other Family Law	2,005	*	48	= 96,240	66	*	48	= 3,168
Delinquent Conduct	0	*	54	= 0	11	*	54	= 594
CINS	0	*	14	= 0	0	*	14	= 0
Total	11,371			570,076	626			28,987
				↓				↓
			Judicial Year Value (Pattern 5)	÷ 70,950			÷ 70,950	
			FTE Judicial Officers	= 8.0			= 0.4	

Figure 16 displays the estimated need calculation of 1.9 FTE judicial officers. The implied need for the cluster is 8.4 judicial officers, while the actual judicial officer FTE for the cluster is 6.5 FTE. Therefore,

- Because 8.4 FTE (implied need) is greater than 6.5 FTE (actual judicial officers),
- Estimated need equals 8.4 FTE

Figure 16: Example of a Need for Additional Judicial Officers, Bell/Lampasas Cluster

Jurisdictional Pattern	5
Actual (FTE)	6.5
Implied Need for Cluster (Bell=8.0, Lampasas=4)	8.4
Difference	1.9
Estimated Need (FTE)	8.4

Statewide Estimated Need

When the statewide case weights are applied to FY 2007 filings and the resultant workload is divided by the two distinct judicial year values, the result is an implied need statewide of 589.7 FTE judicial officers. Applying the JNAC decision rule (incorporating hold harmless) produces an estimated need of 650.1 FTE judicial officers statewide. The estimated need by jurisdictional pattern is displayed in Figure 17 and a complete set of results by county can be found in Appendix H.

In the adjacent summary table (Figure 17), the column labeled Estimated Need (FTE) is not necessarily equal to either Actual (FTE) or Implied (FTE) for a particular Jurisdictional Pattern. The reason has to do with the application of the hold harmless rule at the county level.

As discussed earlier, the estimated need (FTE) for a given county or cluster of counties may be equal to the actual (FTE) count or the implied (FTE) need depending on which is larger. For example, as shown Figures 14 and 16, the combined actual FTE count for Angelina, Bell and Lampasas counties is

9.1 FTEs (2.6 for Angelina and 6.5 for the Bell/Lampasas cluster). The implied need for the three counties is 10.8 FTEs (2.4 for Angelina and 8.4 for the Bell/Lampasas cluster). However, applying the hold harmless rule means that estimated need is not simply 10.8 FTEs (the implied need), but, rather, 11.0 FTEs – the actual FTE count for Angelina County (2.6) and the implied need for the Bell/Lampasas cluster (8.4). Keeping this decision rule in mind is important for a clear understanding of the statewide summary data presented below and the detailed information shown in Appendix H.

Figure 17: Implied Judicial Officer Need (FTE) by Jurisdictional Pattern

Jurisdictional Pattern	Total Statewide			
	Actual (FTE)	Implied (FTE)	Difference	Estimated Need (FTE)
Pattern 1	365.9	388.7	22.8	405.5
Pattern 2	17.8	15.2	- 2.6	19.0
Pattern 3	16.0	12.8	- 3.2	16.0
Pattern 4	30.0	19.9	- 10.1	30.8
Pattern 5	73.2	65.9	- 7.3	77.6
Pattern 6	98.3	87.2	- 11.1	101.3
Statewide	601.2	589.7	- 11.5	650.1

An examination of Appendix H shows that the model fits very well in the vast majority of counties. JNAC members confirm that in almost all instances, the model produces judicial need estimates that are credible and defensible. The weighted caseload model provides clear guidance on the counties and/or clusters of counties where relative need for additional judicial resources is greatest.

Overall, the greatest need for judicial officers is found within Jurisdictional Pattern 1. Currently there are 365.9 FTE judicial officers and an estimated need of 405.5 FTE judicial officers in this pattern. The model indicates a majority of the extra judicial officers are needed in Harris County, where the estimated need is 27 additional judicial officers above their current complement. Because the weighted caseload model is based on average statewide case processing practices and fits well in other counties throughout the state, an estimated need of the magnitude found in Harris County requires additional investigation beyond the scope of the current study. Possible factors include economies of scale, more efficient case management practices, and the well-integrated use of technology.

The results from Jurisdictional Pattern 4 illustrate another important aspect of judicial workload assessment—the need to provide adequate accessibility to the courts in all areas of the state. In some instances, most common in single court, rural jurisdictions, measured workload is less than the standard set for the judicial officer year value. That is, the annual judicial workload (as measured by the case weights) is less than 70,950 minutes (*the judicial officer year value*). In these situations, measured workload becomes secondary to ensuring litigants and the public have reasonable access to a judicial officer without traveling excessive distances. As many areas in Texas continue to grow, particularly around the large metropolitan areas, the weighted caseload system will provide early notice on rising judicial workload as well as indicate when additional resources become necessary.

VI. Recommendations And Conclusion

The workload standards suggest the need for 650.1 FTE judicial officers to effectively handle the district court caseload of Texas. These workload standards are grounded in current practice (as measured by the NCSC research) and were reviewed by JNAC. Three recommendations are made below to maintain the integrity and utility of the workload standards.

Recommendation #1:

NCSC recommends updating judicial officer need on an annual basis using the most recent case filings data. Calculating judicial officer need on a yearly basis necessitates that cases be counted consistently and accurately for all case type categories defined in this report. OCA and the district courts should continue to work together to ensure accuracy and reliability in the reporting of case filings data.

Recommendation #2:

Over time the integrity of workload standards are affected by multiple influences, including changes in legislation, legal practice, technology and administrative factors. Periodic updating is necessary to ensure that the workload standards continue to accurately represent judicial officer workload. As such, OCA and the district courts should:

- a) Establish a standing committee that meets after each legislative session to review the impact of new legislation or other contextual factors on judicial officer workload standards. The present study considerably enhances the potential for keeping the workload standards current. Through a regular review process, targeted adjustments can be made to the workload standards at the case level to respond to new court rules, legislative mandates, and improved case processing strategies.
- b) Conduct a systematic update of the workload standards approximately every five years. This process should be undertaken under the auspices of an advisory board similar to JNAC.

Recommendation #3:

The case weights developed in this report are derived from the time study and reflect current practice. A structured assessment of current practice should be undertaken to assess whether the case weights allow sufficient time for equitable and effective case resolution as well as support judicial efforts directed at efficient case management and quality performance. This type of assessment will provide a means to determine the appropriate judicial complement needed to allow judicial officers to listen to victims, acquire and adequately consider important factors related to pretrial custody decisions and sentences, monitor and enforce compliance orders, meet statutorily defined timelines and interact appropriately with the public.

Conclusion

Overall, the research undertaken to assess the workload of Texas' district courts has been a success. A much greater level of knowledge is now available about the various workload demands placed upon the district courts. The state now has a reliable tool to assist in the decision-making process for determining whether and where new district courts are needed. The legislature will no longer have to view all cases as being equal in terms of workload demand; rather, empirically derived estimates of workload associated with various case types are available. As a result, more informed decisions can be made regarding the need for district courts.

Ideally, this process will be the first step in a continuing effort to accurately measure judicial workload beyond strictly counting case filings. The entire judiciary could benefit greatly from similar workload evaluations. To that end, JNAC made clear at its meeting on May 18, 2007 that the ultimate goal is for a weighted caseload study of the entire Texas trial court system to be conducted. Such an undertaking would be a challenge, but the potential for improved understanding of judicial workload is too important to ignore.

Appendices

Appendix A: Census of Judicial Officers

(shaded counties represent a cluster defined by the respective jurisdictional pattern)

County	Jurisdictional Pattern	District Court Judges	Associate					OCA IV-D	OCA Child Protection	Total ALL Judicial Officers	Sample County
			Judge	Magistrate	Master	Referees					
Angelina	1	2					.3	.3	2.6		
Bexar	1	24	5.0	1.0			2.0		32.0	Y	
Brazos	1	3		1.0		1.0	.5	.2	5.7		
Collin	1	8				.5	.3		8.8	Y	
Dallas	1	39	9.0	10.5		2.0	3.0		63.5	Y	
Denton	1	6					.4		6.4	Y	
Ector	1	4					.7	.4	5.1		
Ellis	1	2					.2		2.2		
Fort Bend	1	6	2.0				.6	.3	8.9	Y	
Galveston	1	6	1.0	.5		.5	.4		8.4	Y	
Gregg	1	3					.3		3.3	Y	
Harris	1	59	12.0	5.0	2.0	1.0	4.0		83.0	Y	
Hidalgo	1	11				1.0	1.9	.4	14.3	Y	
Jefferson	1	8	4.0				.7		12.7	Y	
Kaufman	1	2					.1	.3	2.4	Y	
McLennan	1	5					.6		5.6	Y	
Midland	1	4					.6	.2	4.8	Y	
Montgomery	1	7					.6	.7	8.3	Y	
Nacogdoches	1	2					.2		2.2		
Orange	1	3					.2	.2	3.4		
Parker	1	2					.2		2.2		
Smith	1	4							4.0	Y	
Tarrant	1	26	9.0	3.0			2.0		40.0	Y	
Travis	1	17	6.0	1.5			1.5		26.0	Y	
Wichita	1	3					.7		3.7		
Williamson	1	5		1.0			.4		6.4	Y	
Subtotal		261	48.0	23.5	2.0	6.0	22.4	3.0	365.9		

County	Jurisdictional Pattern	District Court Judges	Associate					OCA IV-D	OCA Child Protection	Total ALL Judicial Officers	Sample County
			Judge	Magistrate	Master	Referees					
Cooke	2	1					.0		1.0		
Coryell	2	1					.1	.2	1.3		
Eastland	2	1					.0		1.0		
Erath	2	1					.1		1.1		
Harrison	2	1					.1		1.1		
Hill	2	1				1.0	.1		2.1	Y	
Hood	2	1					.1		1.1		
Lamb	2	1							1.0		
Milam	2	1					.1		1.1	Y	
Navarro	2	1					.1		1.1	Y	
Palo Pinto	2	1					.1		1.1		
Rockwall	2	1					.0		1.0		
Rusk	2	1					.1	.2	1.3		
Van Zandt	2	1					.0	.2	1.2		
Wood	2	1					.1	.2	1.3	Y	
Subtotal		15	.0	.0	.0	1.0	1.0	.8	17.8		

County	Jurisdictional Pattern	District Court Judges	Associate					OCA IV-D	OCA Child Protection	Total ALL Judicial Officers	Sample County
			Judge	Magistrate	Master	Referees					
Blanco	3	2					.0	.0	2.4	Y	
Burnet	3						.1	.2		Y	
Llano	3						.0	.1		Y	
San Saba	3						.0	.0		Y	
Castro	3	2							2.4		
Hale	3						.3	.1			
Swisher	3							.0			
Dimmit	3	2					.1		2.4		
Maverick	3						.2				
Zavala	3						.1				
Polk	3	2					.1	.2	2.5		
San Jacinto	3						.1	.1			
Trinity	3						.0	.0			
Atascosa	3	2					.3	.2	2.9		
Frio	3						.1	.1			
Karnes	3						.1	.0			
La Salle	3						.0	.0			
Wilson	3						.1	.0			
Aransas	3	3					.1		3.4		
Bee	3						.1				
Live Oak	3						.0				
McMullen	3						.0				
San Patricio	3						.2				
Subtotal		13	.0	.0	.0	.0	2.0	1.0	16.0		

Appendix A: Census of Judicial Officers (continued)

(shaded counties represent a cluster defined by the respective jurisdictional pattern)

County	Jurisdictional Pattern	District Court Judges	Associate Judge	Magistrate	Master	Referees	OCA IV-D	Child Protection	Total ALL Judicial Officers	Sample County				
Medina	4	1					.2	.2	1.8	Y				
Real	4						.0	.0		Y				
Uvalde	4						.3	.1		Y				
Dawson	4	1					.1	.0	1.4	Y				
Gaines	4						.0	.1		Y				
Garza	4						.1	.0		Y				
Lynn	4						.1	.0		Y				
Archer	4	1					.0		1.1	Y				
Clay	4						.0			Y				
Montague	4						.1			Y				
Jack	4	1					.0		1.1	Y				
Wise	4						.1			Y				
Bosque	4	1					.0		1.0	Y				
Comanche	4									Y				
Hamilton	4									Y				
Carson	4	1					.0	.1	1.5					
Childress	4						.3	.1						
Collingsworth	4						.0	.0						
Donley	4						.0	.0						
Hall	4						.0	.0						
Falls	4	1					.1		1.2					
Robertson	4						.1							
Brooks	4	1					.0		1.1					
Jim Wells	4						.1							
Borden	4	1					.0		1.1					
Scurry	4						.1							
Jones	4	1					.1		1.1					
Shackelford	4						.0							
Stephens	4	1					.1		1.2					
Young	4						.1							
Terry	4	1					.1	.0	1.1					
Yoakum	4						.0	.0						
Deaf Smith	4	1					.1	.1	1.2					
Oldham	4						.0	.0						
Cochran	4	1						.0	1.2					
Hockley	4						.1	.1						
Bailey	4	1						.1	1.1					
Parmer	4							.0						
Brown	4	1					.2	.4	1.6					
Mills	4						.0	.0						
Fisher	4	1					.0		1.1					
Mitchell	4						.0							
Nolan	4						.1							
Andrews	4	1					.0	.1	1.2					
Crane	4						.0	.0						
Winkler	4						.1	.0						
Glasscock	4	1					.0	.0	1.2					
Howard	4						.1	.1						
Martin	4						.0	.0						
Loving	4	1					.0	.0	1.3					
Reeves	4						.1	.0						
Ward	4						.1	.1						
Foard	4	1					.0		1.1					
Hardeman	4						.0							
Wilbarger	4						.1							
Haskell	4	1					.0		1.0					
Kent	4						.0							
Stonewall	4						.0							
Throckmorton	4						.0							
Dallam	4	1						.1	1.1					
Hartley	4							.0						
Moore	4													
Sherman	4							.0						
Briscoe	4	1					.0	.0	1.2					
Dickens	4						.0	.0						
Floyd	4						.1	.1						
Motley	4						.0	.0						
Baylor	4	1					.0		1.0					
Cottle	4						.0							
King	4						.0							
Knox	4						.0							
Subtotal		25					.0	.0	.0	.0	3.2	1.8	30.0	

Appendix A: Census of Judicial Officers (continued)

(shaded counties represent a cluster defined by the respective jurisdictional pattern)

County	Jurisdictional Pattern	District Court Judges	Associate Judge	Magistrate	Master	Referees	OCA IV-D	OCA Child Protection	Total ALL Judicial Officers	Sample County	
Bell	5	5					.7	.8	6.5	Y	
Lampasas	5						.0	.0		Y	
Webb	5	4					2.0	.7	.9	8.2	Y
Zapata	5						.5	.0	.1		Y
Kenedy	5	8					.0			8.9	Y
Kleberg	5						.1				Y
Nueces	5						.8				Y
Cameron	5	8		1.0			.9	.5		10.5	Y
Willacy	5						.1	.0			Y
Bandera	5	2					.1	.1		3.3	Y
Gillespie	5						.1	.1			Y
Kendall	5						.1	.1			Y
Kerr	5						.3	.3			Y
Kimble	5						.0	.0			Y
Mason	5							.0			Y
McCulloch	5						.0	.1			Y
Menard	5						.0	.0			Y
Crosby	5	6					.1	.0		8.9	Y
Lubbock	5		.6	.6			.8	.8			Y
Chambers	5	3					.0	.1		3.4	
Liberty	5						.1	.2			
Hansford	5	2								2.0	
Hutchinson	5										
Ochiltree	5										
Callahan	5	4					.0			5.8	
Coleman	5						.1				
Taylor	5		1.0				.7				
Duval	5	2					.0	.0		2.2	
Jim Hogg	5						.0	.0			
Starr	5						.1	.1			
Calhoun	5	4					.1			4.6	
De Witt	5						.1				
Goliad	5						.0				
Jackson	5						.0				
Refugio	5						.0				
Victoria	5						.4				
Gray	5	2						.3		2.4	
Hemphill	5							.0			
Lipscomb	5							.1			
Roberts	5							.0			
Wheeler	5							.0			
Johnson	5	3					.2			3.2	
Somervell	5						.0				
Bastrop	5	3					.1			3.3	
Burleson	5						.1				
Lee	5						.0				
Washington	5						.1				
Subtotal		56	1.6	1.6	.0	2.5	6.9	4.6	73.2		

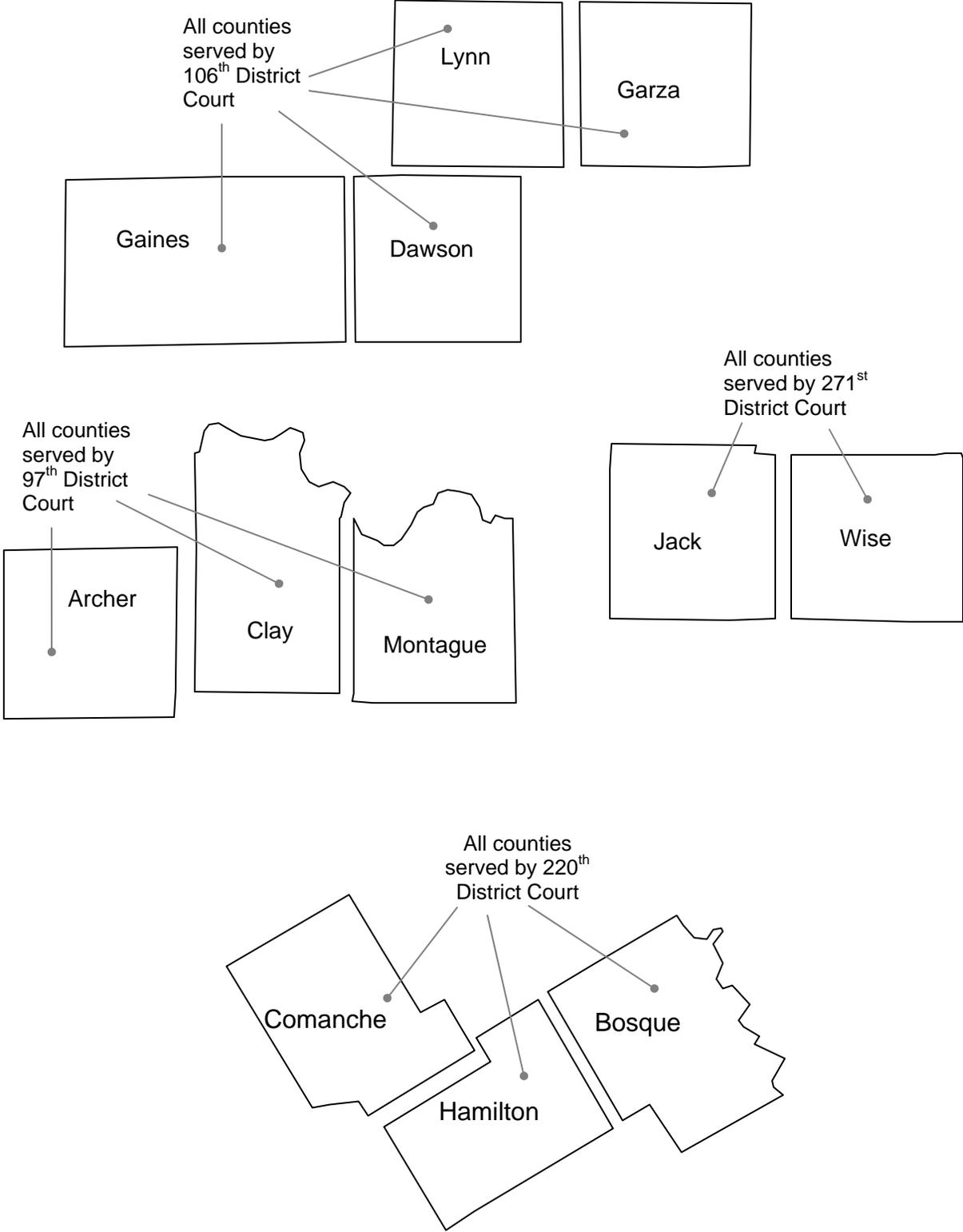
Appendix A: Census of Judicial Officers (continued)

(shaded counties represent a cluster defined by the respective jurisdictional pattern)

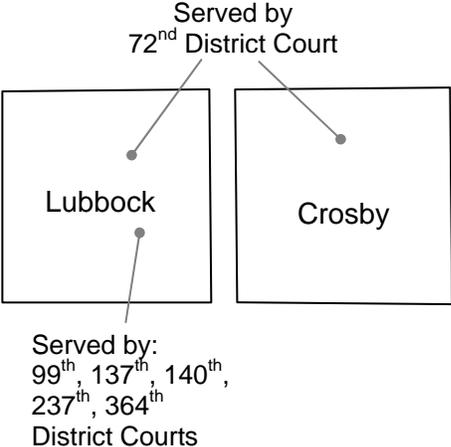
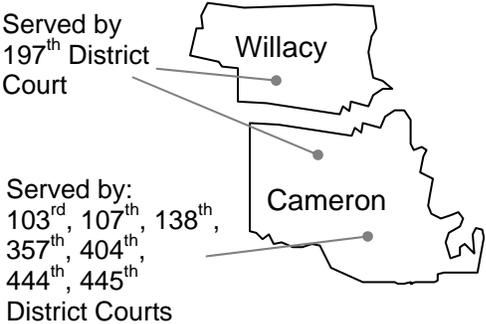
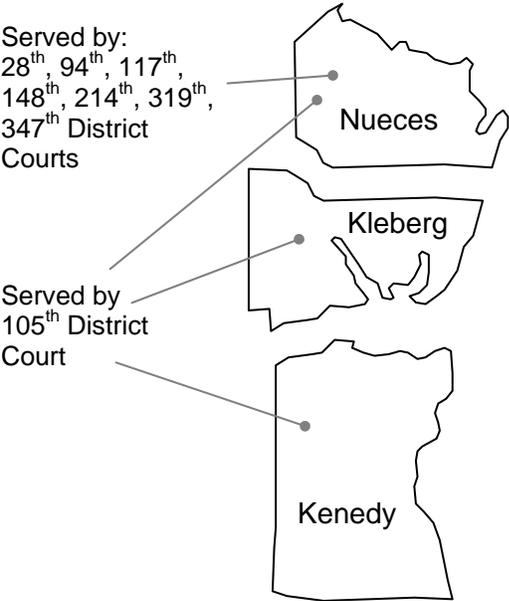
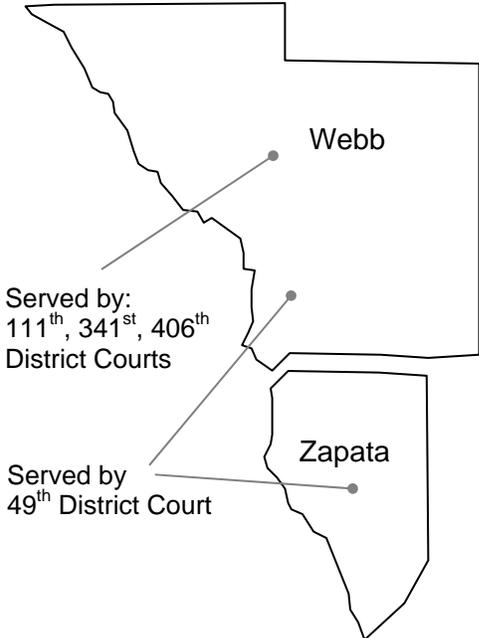
County	Jurisdictional Pattern	District Court Judges	Associate Judge	Magistrate	Master	Referees	OCA IV-D	OCA Child Protection	Total ALL Judicial Officers	Sample County
Hardin	6	6					.0	.1	6.5	Y
Jasper	6						.1	.1		Y
Newton	6						.0	.0		Y
Panola	6						.0	.0		Y
Sabine	6						.0	.0		Y
San Augustine	6						.0	.0		Y
Shelby	6						.1	.0		Y
Tyler	6						.0	.1		Y
Brazoria	6	7					.2	.6	8.0	Y
Matagorda	6						.1			Y
Wharton	6						.1	.0		Y
Austin	6	2					.1		2.2	Y
Fayette	6						.0			Y
Waller	6						.0	.1		Y
Brewster	6	18					.0		27.0	Y
Culberson	6						.0			Y
El Paso	6		5.0	1.0		2.0	1.0			Y
Hudspeth	6						.0			Y
Jeff Davis	6						.0			Y
Presidio	6						.0			Y
Coke	6	4					.0		4.7	Y
Concho	6						.0			Y
Irion	6						.0			Y
Runnels	6						.1			Y
Schleicher	6						.0			Y
Sterling	6						.0			Y
Tom Green	6						.6			Y
Armstrong	6	5					.0	.0	5.9	Y
Potter	6						.7			Y
Randall	6						.2			Y
Caldwell	6	8					.1	.2	11.4	Y
Colorado	6						.1			Y
Comal	6			.5			.1	.2		Y
Gonzales	6						.1	.0		Y
Guadalupe	6						.6	.3		Y
Hays	6		.5				.2	.3		Y
Lavaca	6						.1	.1		Y
Camp	6	3					.0	.0	3.7	Y
Marion	6						.0	.0		Y
Morris	6						.1	.0		Y
Titus	6						.1	.3		Y
Upshur	6						.1	.1		Y
Crockett	6	3					.0		3.5	Y
Edwards	6						.0			Y
Kinney	6						.1			Y
Pecos	6						.1			Y
Reagan	6						.0			Y
Sutton	6						.0			Y
Terrell	6						.0			Y
Upton	6						.0			Y
Val Verde	6						.3			Y
Anderson	6	10							12.9	Y
Cherokee	6		.5		1.0			.1		Y
Freestone	6						.0	.1		Y
Grimes	6						.1	.0		Y
Henderson	6						.1			Y
Houston	6						.1			Y
Leon	6						.0	.1		Y
Limestone	6						.1	.2		Y
Madison	6						.0	.0		Y
Walker	6						.2	.3		Y
Bowie	6	11							12.5	Y
Cass	6						.1			Y
Delta	6									Y
Fannin	6						.1			Y
Franklin	6									Y
Grayson	6						.2			Y
Hopkins	6									Y
Hunt	6						.1	.4		Y
Lamar	6						.4			Y
Rains	6							.1		Y
Red River	6						.1	.0		Y
Subtotal		77	6.0	1.5	1.0	2.0	7.0	3.8	98.3	
Statewide		447	55.6	26.6	3.0	11.5	42.5	15.0	601.2	

Note: FTE counts for judicial officers should be verified on a regular basis.

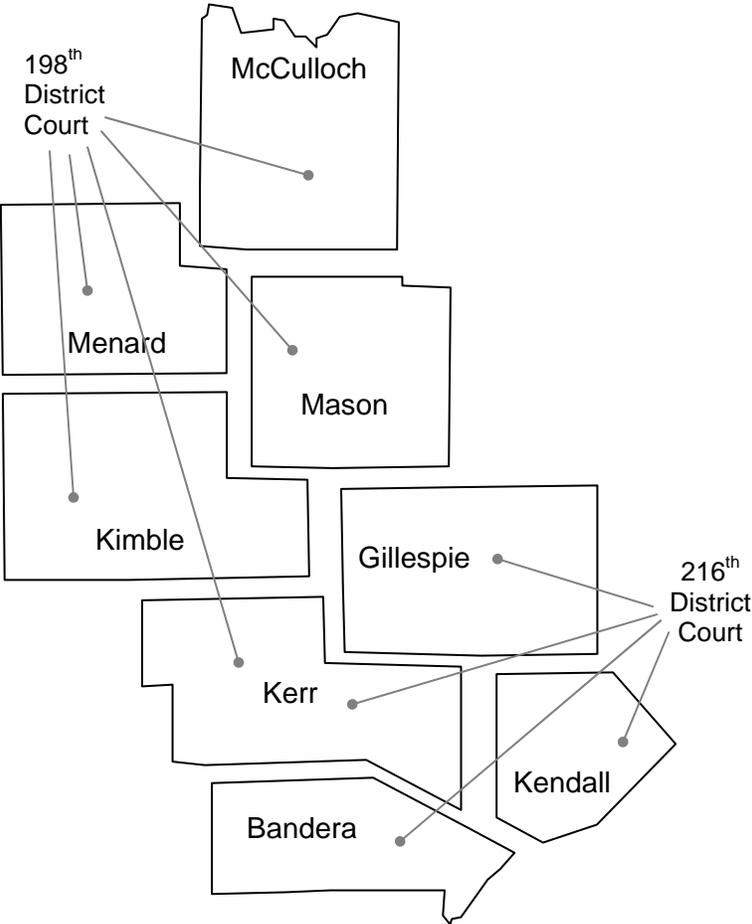
Appendix B: Additional Sample District Courts within Jurisdictional Pattern 4



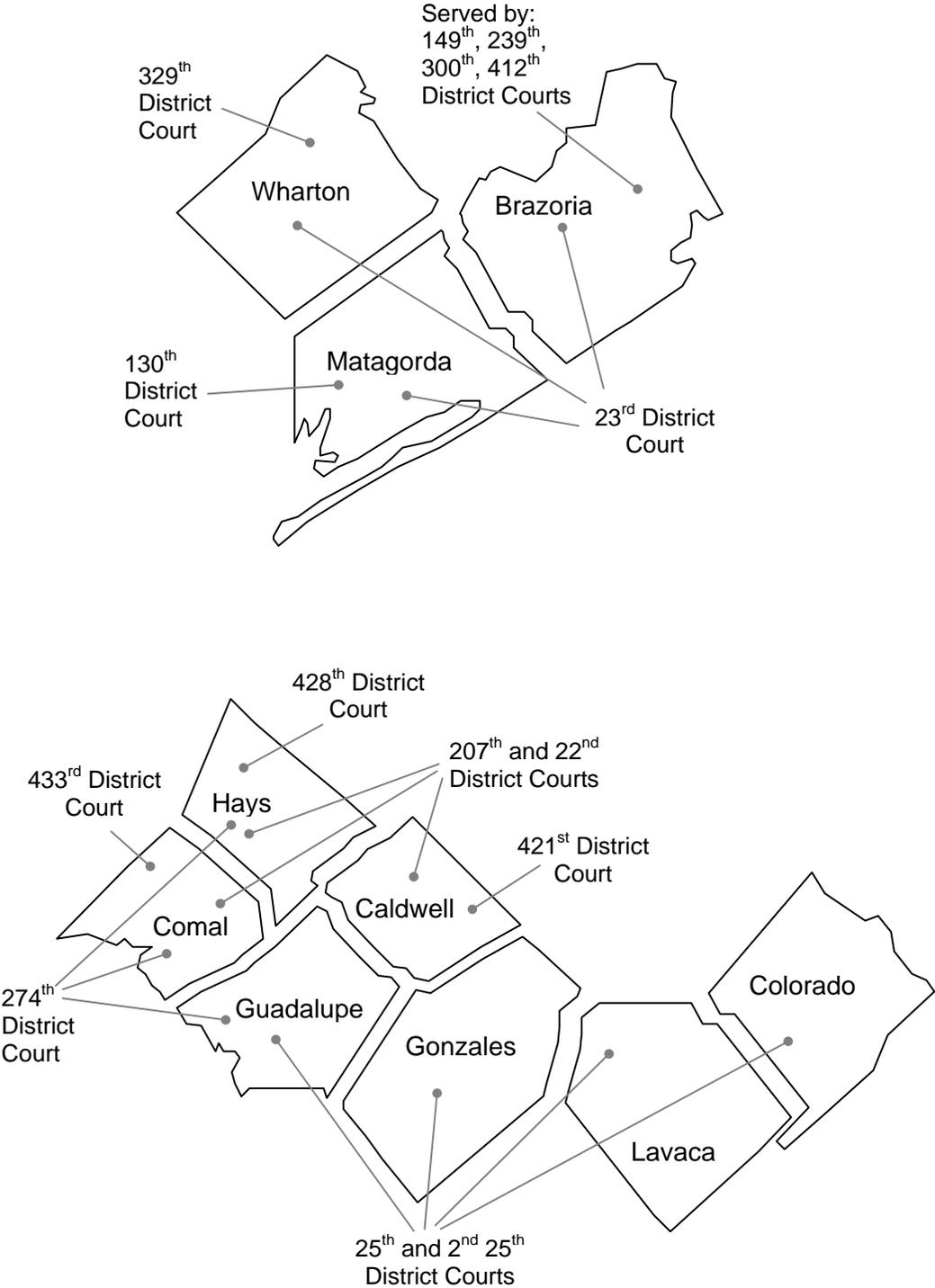
Appendix C: Additional Sample District Courts within Jurisdictional Pattern 5



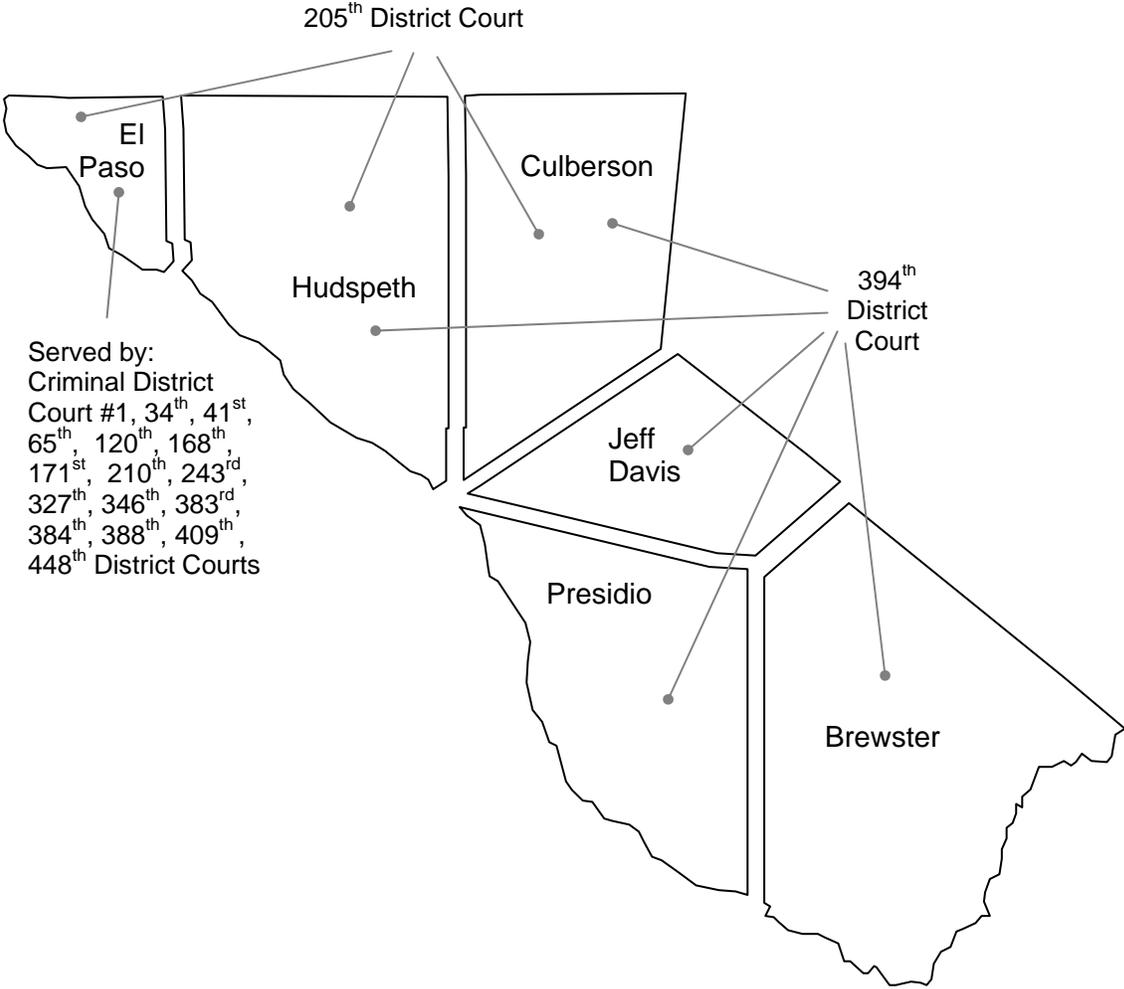
Appendix C: Additional Sample District Courts within Jurisdictional Pattern 5 (cont)



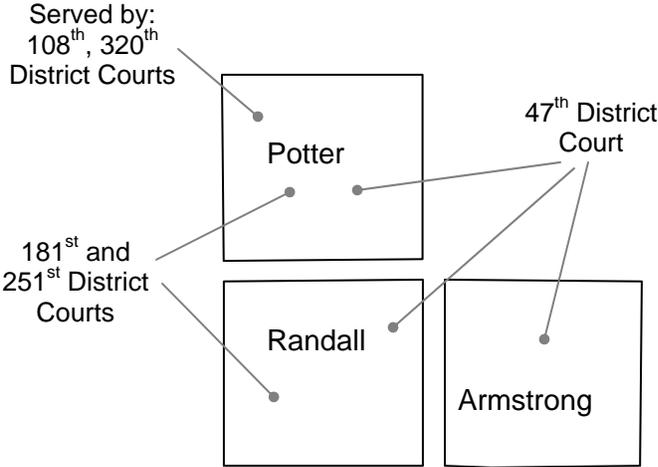
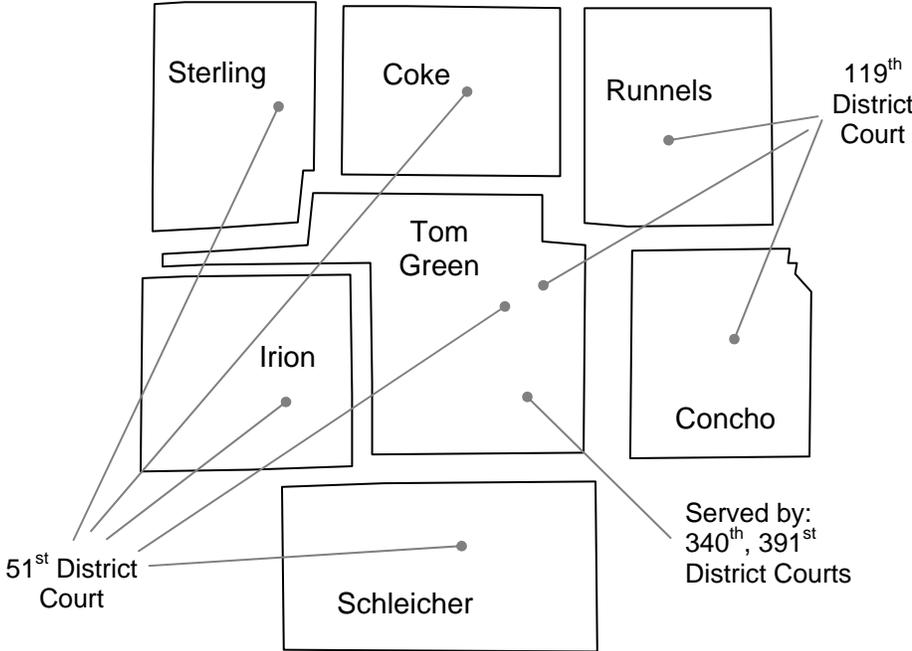
Appendix D: Additional Sample District Courts within Jurisdictional Pattern 6



Appendix D: Additional Sample District Courts within Jurisdictional Pattern 6 (cont)



Appendix D: Additional Sample District Courts within Jurisdictional Pattern 6 (cont)



Appendix E: Case Type Comparison, Time Study and Case Weight Case Types

Time Study Case Types	Case Weight Case Types
1 Felony Group A capital murder murder assault / attempted murder sexual assault of an adult indecenty with or sexual assault of a child robbery / aggravated robbery arson	Felony Group A
2 Felony Group B burglary (all felony levels) theft auto theft drug sale / manufacture drug possession felony DWI other felony	Felony Group B
3 Misdemeanor	Misdemeanor
4 Injury or Damage Involving Vehicle	Injury or Damage Involving Vehicle
5 Injury or Damage Other than Vehicle	Injury or Damage Other than Vehicle
6 Malpractice	
7 Product Liability	
8 Contract accounts, contracts, and notes	Contract
9 Other Civil tax cases condemnation other civil	Other Civil
10 Real Property	
11 Administrative Law	
12 Government	
13 Divorce with Children	Divorce
14 Divorce without Children	
15 Protective Orders: non-divorce	Other Family Law^a
16 IV-D Paternity	
17 IV-D Support Order Established	
18 Parent-Child - no divorce	
19 Other Family Law Matters	
20 Child Protection Cases	
21 Modifications	Modifications/Enforcements^b
22 Enforcements	
23 Delinquency	Delinquency
24 CINS	CINS

Notes:

^a For time study case types 15 - 20 other family law matters, excluding 'show causes added,' are included.

^b For time study case types 21 and 22 only the 'show causes added' from other family law matters are included.

Appendix F: Case-Related Activities

1. Pre-Trial Matters

Examples include:

- Initial/first appearance
- Non-dispositive pre-trial motions
- Probable cause
- Pre-trial conferences of any kind
- Pre-indictment hearing
- Scheduling conference
- Arraignment
- Bail
- Issuing warrants
- Preliminary hearing
- Determination/detention hearings
- Subsequent detention hearings
- Temporary injunctions
- Temporary restraining orders
- Hearings on temporary custody or support
- Emergency or ex parte order for removal of child
- Certification and transfer hearings
- Other temporary financial hearings in domestic cases
- Review of petitions
- Any work by the judicial officer related to research, case review, writing findings related to motions at this stage of the case is counted here.

2. Non-trial Disposition Matters

Examples include:

- Plea and sentence
- Plea hearings
- Agreed judgments
- Divorce dissolution/divorce hearings (non-trial)
- Juvenile court adjudicatory hearings (non-trial)
- Juvenile court disposition hearings (non-trial)
- Adoption decrees
- Order establishing guardianship
- Various orders settling probate matters (non-trial)
- Default judgments
- Summary judgments
- Any work by the judicial officer related to research, case review, writing findings and conclusions on non-trial dispositions.

3. Trial Matters

Examples include:

- Bench trial: counted as a trial when the case is called (includes all time related to in-trial activities). Includes criminal trials, civil trials, contested divorces, contested adjudicatory and/or disposition hearings in juvenile cases, contested probate matters, etc.

- Jury trial: counted as a trial when a jury is empanelled. Includes jury selection, arguments and evidence, jury deliberation, jury polling, announcement of verdict.
- Any work by the judicial officer related to research, case review, writing findings of fact and conclusions of law on specific cases that have gone to trial is counted.
- Sentencing hearing following trial

4. Post Judgment Matters

Examples include:

- Probation violation hearing or probation review (adult or juvenile)
- Juvenile petitions for extension, revision or change of placement
- Review and/or modification of orders for support, custody, or visitation
- Orders to enforce civil judgments
- Motions for reconsideration
- Motions after verdict
- Motions for post-conviction relief
- Sentencing after revocation
- Motions to modify sentence
- Motions to revoke probations
- Motions for new trial
- Motions for shock probation
- Motions for DNA testing
- Release and transfer hearing
- Writ hearing

Appendix G: Non-Case-Related Activities

1. Non-Case-Related Administration

All non-case-related working time related to administration. Time spent on activities such as routine office matters, staff meetings, docket analysis should be reported under this code. These events are not related to a particular case(s).

Examples include:

- Judges meeting
- Court committee meeting (e.g., Planning and Policy Advisory Committee)
- Docket analysis
- Personnel matters
- Any required meeting for administrative purposes
- Work on court projects
- Court commissioner evaluations
- Chief judge duties

2. Judicial Education and Training

All time spent in judicial continuing education and attending judicial conferences.

Examples include:

- Judicial seminars
- Annual Judicial Conference
- Judicial continuing education
- Other judicial conferences

3. General Legal Research (not related to a specific case)

Examples include:

- Routine review, reading of reports of decisions, law review articles, advance sheets.

4. Community Activities and Public Outreach

Examples include:

- State Boards and Commissions
- Community education (including speeches)
- Community meetings with local judges, county boards, and committees
- Bar association meetings

5. Travel

Time spent traveling on court business, but does not include time spent traveling from your residence to your headquarters. It does include travel time for which you seek reimbursement; for example, traveling from your home to another county or to a different location in a county from the routine place you work.

6. Vacation, Sick Leave, and Holidays

Includes all time where the judicial officer is away from the court due to vacation, personal time, holiday or illness.

7. Lunch and Breaks

8. NCSC Project

Includes any time filling out the Daily Time Log or the Supplemental Time Log and time spent entering data on the Web.

Appendix H: Estimated Judicial Officer Need

(shaded counties represent a cluster defined by the respective jurisdictional pattern)

County	Jurisdictional Pattern	Actual (FTE)	Implied (FTE)	Difference	Estimated Need	Sample County
Angelina	1	2.6	2.4	-.2	2.6	
Bexar	1	32.0	38.7	6.7	38.7	Y
Brazos	1	5.7	5.0	-.7	5.7	
Collin	1	8.8	11.2	2.4	11.2	Y
Dallas	1	63.5	61.9	-1.6	63.5	Y
Denton	1	6.4	8.0	1.6	8.0	Y
Ector	1	5.1	4.2	-.9	5.1	
Ellis	1	2.2	3.0	.8	3.0	
Fort Bend	1	8.9	8.0	-.9	8.9	Y
Galveston	1	8.4	7.1	-1.3	8.4	Y
Gregg	1	3.3	3.4	.1	3.4	Y
Harris ***	1	83.0	110.0	27.0	110.0	Y
Hidalgo	1	14.3	14.5	.2	14.5	Y
Jefferson	1	12.7	12.3	-.4	12.7	Y
Kaufman	1	2.4	2.0	-.4	2.4	Y
McLennan	1	5.6	5.8	.2	5.8	Y
Midland	1	4.8	3.0	-1.8	4.8	Y
Montgomery	1	8.3	7.0	-1.3	8.3	Y
Nacogdoches	1	2.2	1.2	-1.0	2.2	
Orange	1	3.4	2.2	-1.2	3.4	
Parker	1	2.2	2.3	.1	2.3	
Smith	1	4.0	4.4	.4	4.4	Y
Tarrant	1	40.0	40.1	.1	40.1	Y
Travis	1	26.0	24.6	-1.4	26.0	Y
Wichita	1	3.7	3.0	-.7	3.7	
Williamson	1	6.4	3.4	-3.0	6.4	Y
Subtotal		365.9	388.7	22.8	405.5	

County	Jurisdictional Pattern	Actual (FTE)	Implied (FTE)	Difference	Estimated Need	Sample County
Cooke	2	1.0	.9	-.1	1.0	
Coryell	2	1.3	1.2	-.1	1.3	
Eastland	2	1.0	.7	-.3	1.0	
Erath	2	1.1	.8	-.3	1.1	
Harrison	2	1.1	1.6	.5	1.6	
Hill	2	2.1	1.0	-1.1	2.1	Y
Hood	2	1.1	1.1	.0	1.1	
Lamb	2	1.0	.4	-.6	1.0	
Milam	2	1.1	.9	-.2	1.1	Y
Navarro	2	1.1	1.6	.5	1.6	Y
Palo Pinto	2	1.1	.8	-.3	1.1	
Rockwall	2	1.0	1.2	.2	1.2	
Rusk	2	1.3	.7	-.6	1.3	
Van Zandt	2	1.2	1.3	.1	1.3	
Wood	2	1.3	1.1	-.2	1.3	Y
Subtotal		17.8	15.2	-2.6	19.0	

County	Jurisdictional Pattern	Actual (FTE)	Implied (FTE)	Implied Need for Cluster	Difference	Estimated Need	Sample County
Blanco	3	2.4	.2	1.4	-1.0	2.4	Y
Burnet	3		.6				Y
Llano	3		.4				Y
San Saba	3		.1				Y
Castro	3	2.4	.2	1.7	-.7	2.4	
Hale	3		1.3				
Swisher	3		.2				
Dimmit	3	2.4	.2	1.4	-1.0	2.4	
Maverick	3		1.1				
Zavala	3		.2				
Polk	3	2.5	1.0	2.3	-.2	2.5	
San Jacinto	3		.9				
Trinity	3		.4				
Atascosa	3	2.9	.8	2.6	-.3	2.9	
Frio	3		.5				
Karnes	3		.3				
La Salle	3		.1				
Wilson	3		.8				
Aransas	3	3.4	.5	3.3	-.1	3.4	
Bee	3		.7				
Live Oak	3		.2				
McMullen	3		.0				
San Patricio	3		1.8				
Subtotal		16.0	12.8	12.8	-3.2	16.0	

*** For a more in depth discussion of judicial officer need in Harris County, see p. 15 of this report.

Appendix H: Estimated Judicial Officer Need (continued)

(shaded counties represent a cluster defined by the respective jurisdictional pattern)

County	Jurisdictional Pattern	Actual (FTE)	Implied (FTE)	Implied Need for Cluster	Difference	Estimated Need	Sample County
Medina	4	1.8	.5	1.3	-.5	1.8	Y
Real	4		.1				Y
Uvalde	4		.7				Y
Dawson	4	1.4	.4	.9	-.5	1.4	Y
Gaines	4		.3				Y
Garza	4		.1				Y
Lynn	4		.2				Y
Archer	4	1.1	.2	.9	-.2	1.1	Y
Clay	4		.2				Y
Montague	4		.6				Y
Jack	4	1.1	.2	1.5	.4	1.5	Y
Wise	4		1.3				Y
Bosque	4	1.0	.4	.9	-.1	1.0	Y
Comanche	4		.3				Y
Hamilton	4		.2				Y
Carson	4	1.5	.2	.7	-.8	1.5	
Childress	4		.2				
Collingsworth	4		.1				
Donley	4		.1				
Hall	4		.1				
Falls	4	1.2	.3	1.0	-.2	1.2	
Robertson	4		.7				
Brooks	4	1.1	.5	1.5	.4	1.5	
Jim Wells	4		1.0				
Borden	4	1.1	.0	.5	-.6	1.1	
Scurry	4		.5				
Jones	4	1.1	.6	.7	-.4	1.1	
Shackelford	4		.1				
Stephens	4	1.2	.3	.8	-.4	1.2	
Young	4		.5				
Terry	4	1.1	.4	.6	-.5	1.1	
Yoakum	4		.2				
Deaf Smith	4	1.2	.6	.7	-.5	1.2	
Oldham	4		.1				
Cochran	4	1.2	.1	.8	-.4	1.2	
Hockley	4		.7				
Bailey	4	1.1	.2	.5	-.6	1.1	
Parmer	4		.2				
Brown	4	1.6	1.1	1.3	-.3	1.6	
Mills	4		.1				
Fisher	4	1.1	.1	.6	-.5	1.1	
Mitchell	4		.2				
Nolan	4		.3				
Andrews	4	1.2	.4	.8	-.4	1.2	
Crane	4		.1				
Winkler	4		.3				
Glasscock	4	1.2	.0	1.1	-.1	1.2	
Howard	4		1.0				
Martin	4		.1				
Loving	4	1.3	.0	.9	-.4	1.3	
Reeves	4		.5				
Ward	4		.4				
Foard	4	1.1	.1	.5	-.6	1.1	
Hardeman	4		.1				
Wilbarger	4		.3				
Haskell	4	1.0	.2	.3	-.7	1.0	
Kent	4		.0				
Stonewall	4		.0				
Throckmorton	4		.1				
Dallam	4	1.1	.2	.7	-.4	1.1	
Hartley	4		.1				
Moore	4		.3				
Sherman	4		.1				
Briscoe	4	1.2	.0	.2	-1.0	1.2	
Dickens	4		.0				
Floyd	4		.2				
Motley	4		.0				
Baylor	4	1.0	.1	.2	-.8	1.0	
Cottle	4		.0				
King	4		.0				
Knox	4		.1				
Subtotal		30.0	19.9	19.9	-10.1	30.8	

Appendix H: Estimated Judicial Officer Need (continued)

(shaded counties represent a cluster defined by the respective jurisdictional pattern)

County	Jurisdictional Pattern	Actual (FTE)	Implied (FTE)	Implied Need for Cluster	Difference	Estimated Need	Sample County
Bell	5	6.5	8.0	8.4	1.9	8.4	Y
Lampasas	5		.4				Y
Webb	5	8.2	3.5	3.8	-4.4	8.2	Y
Zapata	5		.3				Y
Kenedy	5	8.9	.1	10.8	1.9	10.8	Y
Kleberg	5		.7				Y
Nueces	5		10.1				Y
Cameron	5	10.5	10.2	10.7	.2	10.7	Y
Willacy	5		.5				Y
Bandera	5	3.3	.5	2.7	-6	3.3	Y
Gillespie	5		.4				Y
Kendall	5		.4				Y
Kerr	5		1.0				Y
Kimble	5		.2				Y
Mason	5		.1				Y
McCulloch	5		.2				Y
Menard	5		.1				Y
Crosby	5	8.9	.1	8.0	-.9	8.9	Y
Lubbock	5		7.8				Y
Chambers	5	3.4	.9	3.0	-.4	3.4	
Liberty	5		2.0				
Hansford	5	2.0	.1	1.0	-1.0	2.0	
Hutchinson	5		.7				
Ochiltree	5		.3				
Callahan	5	5.8	.3	4.2	-1.6	5.8	
Coleman	5		.2				
Taylor	5		3.7				
Duval	5	2.2	.6	1.3	-.9	2.2	
Jim Hogg	5		.3				
Starr	5		.5				
Calhoun	5	4.6	.4	4.6	.0	4.6	
De Witt	5		.7				
Goliad	5		.2				
Jackson	5		.4				
Refugio	5		.2				
Victoria	5		2.7				
Gray	5	2.4	.8	1.1	-1.3	2.4	
Hemphill	5		.1				
Lipscomb	5		.1				
Roberts	5		.0				
Wheeler	5		.2				
Johnson	5	3.2	3.3	3.5	.3	3.5	
Somervell	5		.2				
Bastrop	5	3.3	1.3	2.7	-.6	3.3	
Burleson	5		.5				
Lee	5		.5				
Washington	5		.5				
Subtotal		73.2	65.9	65.9	-7.3	77.6	

Appendix H: Estimated Judicial Officer Need (continued)

(shaded counties represent a cluster defined by the respective jurisdictional pattern)

County	Jurisdictional Pattern	Actual (FTE)	Implied (FTE)	Implied Need for Cluster	Difference	Estimated Need	Sample County
Hardin	6	6.5	1.6	5.4	-1.1	6.5	Y
Jasper	6		1.0				Y
Newton	6		.3				Y
Panola	6		.3				Y
Sabine	6		.3				Y
San Augustine	6		.2				Y
Shelby	6		1.0				Y
Tyler	6		.7				Y
Brazoria	6	8.0	5.6	8.8	.8	8.8	Y
Matagorda	6		1.4				Y
Wharton	6		1.8				Y
Austin	6	2.2	.2	1.3	-.9	2.2	Y
Fayette	6		.5				Y
Waller	6		.6				Y
Brewster	6	27.0	.1	24.8	-2.2	27.0	Y
Culberson	6		.1				Y
El Paso	6		24.5				Y
Hudspeth	6		.1				Y
Jeff Davis	6		.0				Y
Presidio	6		.1				Y
Coke	6	4.7	.1	3.8	-.9	4.7	Y
Concho	6		.1				Y
Irion	6		.0				Y
Runnels	6		.3				Y
Schleicher	6		.1				Y
Sterling	6		.0				Y
Tom Green	6		3.3				Y
Armstrong	6	5.9	.0	7.2	1.3	7.2	Y
Potter	6		4.8				Y
Randall	6		2.4				Y
Caldwell	6	11.4	1.2	9.1	-2.3	11.4	Y
Colorado	6		.6				Y
Comal	6		2.1				Y
Gonzales	6		.5				Y
Guadalupe	6		1.9				Y
Hays	6		2.6				Y
Lavaca	6		.3				Y
Camp	6	3.7	.3	3.5	-.2	3.7	Y
Marion	6		.4				Y
Morris	6		.6				Y
Titus	6		1.0				Y
Upshur	6		1.1				Y
Crockett	6	3.5	.1	1.7	-1.8	3.5	Y
Edwards	6		.0				Y
Kinney	6		.1				Y
Pecos	6		.4				Y
Reagan	6		.1				Y
Sutton	6		.1				Y
Terrell	6		.0				Y
Upton	6		.1				Y
Val Verde	6		.8				Y
Anderson	6	12.9	1.2	8.2	-4.7	12.9	Y
Cherokee	6		.7				Y
Freestone	6		.5				Y
Grimes	6		.6				Y
Henderson	6		2.2				Y
Houston	6		.5				Y
Leon	6		.5				Y
Limestone	6		1.0				Y
Madison	6		.4				Y
Walker	6		.8				Y
Bowie	6	12.5	2.0	13.4	.9	13.4	Y
Cass	6		1.1				Y
Delta	6		.3				Y
Fannin	6		1.1				Y
Franklin	6		.4				Y
Grayson	6		2.4				Y
Hopkins	6		1.5				Y
Hunt	6		2.2				Y
Lamar	6		1.5				Y
Rains	6		.4				Y
Red River	6		.6				Y
Subtotal		98.3	87.2	87.2	-11.1	101.3	