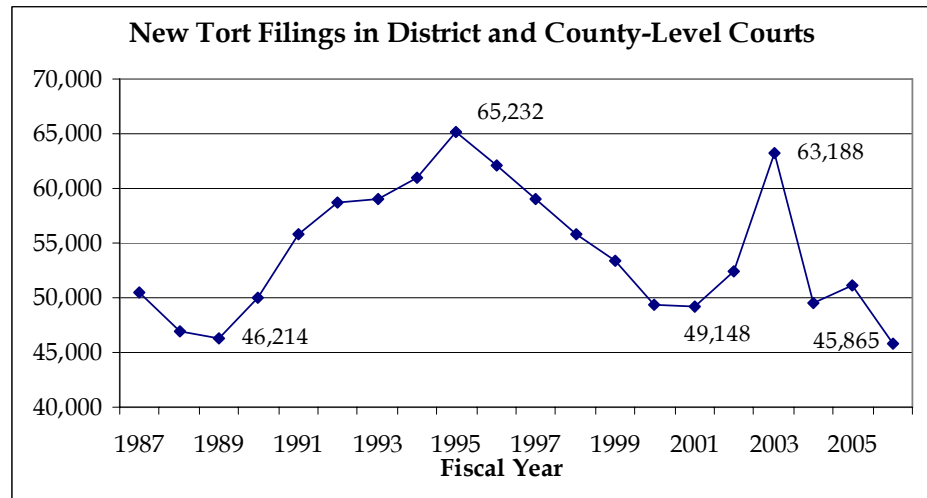


## New Tort Cases Filed in Texas District and County-level Courts Fiscal Years 1987 to 2006

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).



Approximately 77 percent of all tort cases over the past decade were filed in the 20 most populous counties.<sup>2</sup> However, only three of these counties—Dallas, Jefferson, and Nueces—ranked in the top ten counties with the highest average per capita tort filings per year. Loving County had the highest per capita tort filing rate with an average of 17.3 tort cases filed per 1,000 citizens per year, and Jefferson County had the next highest (6.3 tort cases filed per capita per year).

County	Average Number of New Tort Cases Filed per Year per 1,000 Population Fiscal Years 1997-2006
Loving	17.3
Jefferson	6.3
Orange	5.7
Duval	5.3
Madison	4.2
Dallas	3.9
Ector	3.8
Kenedy	3.8
Jim Wells	3.7
Nueces	3.6
Reeves	3.6
Rusk	3.6

<sup>1</sup> 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, prejudgment 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.

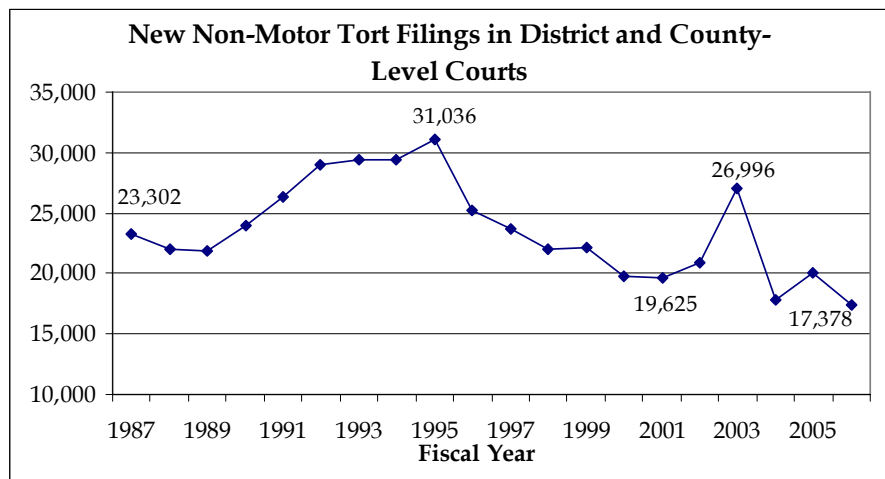
<sup>2</sup> Harris, Dallas, Tarrant, Bexar, Travis, El Paso, Hidalgo, Collin, Denton, Fort Bend, Cameron, Nueces, Montgomery, Williamson, Galveston, Jefferson, Brazoria, Lubbock, Bell, and McLennan counties.

Of the 20 most populous counties, Williamson County experienced the largest average increase in the number of new tort filings over the past decade (2.4 percent per year), while Bell County had the largest decrease (8.0 percent per year).

Increase		Decrease	
Williamson	2.4%	Bell	-8.0%
Hidalgo	2.4%	Travis	-7.8%
Montgomery	1.4%	Nueces	-6.2%
Galveston	1.4%	McLennan	-4.5%
Collin	1.1%	Dallas	-4.1%
Lubbock	1.0%	El Paso	-4.1%
Cameron	0.9%	Denton	-3.1%
Hidalgo	0.5%	Tarrant	-0.9%
Harris	0.3%	Bexar	-0.7%
		Brazoria	-0.7%
		Jefferson	-0.3%

### Non-Motor Vehicle Tort Cases

Statewide, non-motor tort filings decreased by an average of 1.9 percent per year over the past decade and an average of 1.5 percent per year over the past five years.



Approximately 78 percent of all non-motor tort cases over the past decade were filed in the 20 most populous counties in Texas.

Of these 20 counties, only three (Jefferson, Dallas, and Galveston) ranked in the top ten counties with the highest per capita non-motor tort filings per year. Loving County had the highest per capita filing rate with 17.3 non-motor tort cases filed per 1,000 citizens per year.

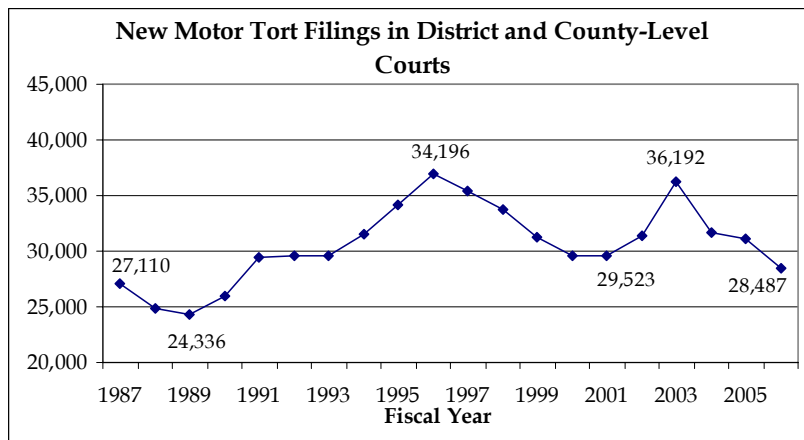
County	Average Number of New Non-Motor Tort Cases Filed per Year per 1,000 Population Fiscal Years 1997 to 2006
Loving	17.3
Jefferson	3.4
Orange	3.4
Duval	2.6
Zapata	2.0
Calhoun	1.8
Ector	1.8
Galveston	1.8
Dallas	1.7
Jeff Davis	1.7

Of the 20 most populous counties, Hidalgo County reported the greatest increase in the number of non-motor tort cases filed with an average increase of 10.9 percent per year, while Travis County reported the largest reduction with an average decrease of 8.5 percent per year.

Average Annual Percentage Change in Non-Motor Tort Cases Filed in the 20 Most Populous Counties from Fiscal Years 1997 to 2006			
Increase		Decrease	
Hidalgo	10.9%	Travis	-8.5%
Galveston	8.7%	Dallas	-7.8%
Cameron	7.7%	Denton	-6.4%
Montgomery	6.1%	Nueces	-4.7%
Fort Bend	4.3%	McLennan	-4.1%
Harris	4.3%	Lubbock	-3.3%
Jefferson	4.3%	El Paso	-0.9%
Brazoria	3.8%	Tarrant	-0.3%
Bell	2.4%	Bexar	-0.1%
Williamson	2.2%	Collin	-0.1%

### Motor Vehicle Tort Cases

Motor tort filings statewide decreased by an average of 1.6 percent per year over the past decade, but increased an average of 1.8 percent per year over the past five years. However, motor tort filings actually increased year to year only twice in the past ten years (2002 and 2003).



More than three-quarters (77 percent) of all motor tort cases over the past decade were filed in the 20 most populous counties in Texas. Of these 20 counties, only three (Jefferson, Nueces, and Dallas) ranked in the top ten counties with the highest average motor tort filings per capita per year. Kenedy County had the highest per capita filing rate with 3.8 motor tort cases filed per 1,000 citizens per year.

Only one of the 20 most populous counties reported an increase in motor tort filings—Lubbock County, with an average increase of 1.3 percent per year.

County	Average Number of New Motor Tort Cases Filed per 1,000 Population Fiscal Years 1997 to 2006
Kenedy	3.8
Madison	3.7
Jefferson	2.9
Maverick	2.7
Duval	2.7
Nueces	2.6
Jim Wells	2.5
Reeves	2.3
Orange	2.3
Angelina	2.2
Dallas	2.2
Potter	2.2

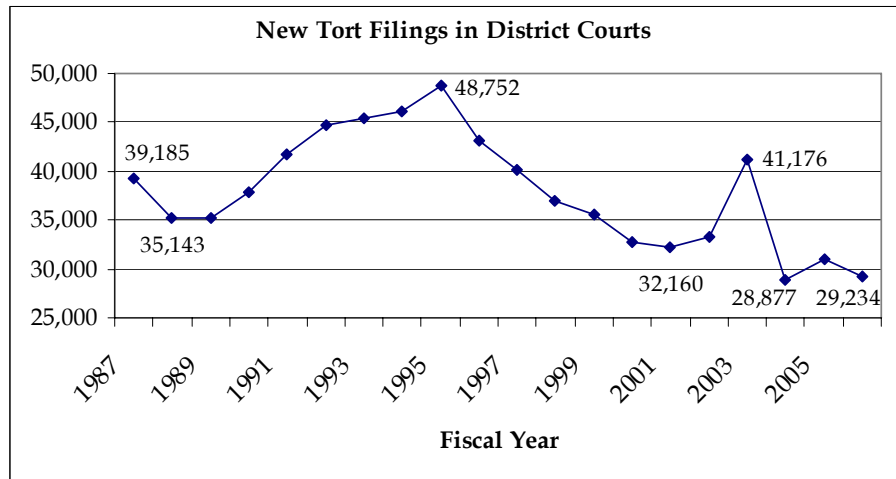
**Average Annual Percentage Change in Motor Tort Cases Filed in the 20 Most Populous Counties from Fiscal Years 1997 to 2006**

Increase		Decrease	
Lubbock	1.3%	Bell	-13.3%
		El Paso	-11.8%
		Travis	-11.7%
		McLennan	-9.4%
		Nueces	-8.5%
		Jefferson	-7.9%
		Brazoria	-7.7%
		Denton	-7.1%
		Galveston	-7.0%
		Montgomery	-6.5%
		Dallas	-6.2%
		Harris	-5.6%
		Tarrant	-5.3%
		Williamson	-4.0%
		Cameron	-3.8%
		Hidalgo	-3.4%
		Bexar	-2.6%
		Fort Bend	-1.5%
		Collin	-0.6%

The largest decrease in motor tort filings occurred in Bell County, which reported an average decrease of 13.3 percent per year.

***Tort Cases in the District Courts***

Tort filings in district courts mirrored the overall statewide trend. Between 1989 and 1995 the number of new tort filings increased an average of 4.8 percent per year. After peaking in 1995 – with a total of 48,752 new cases filed – the number of new cases filed decreased an average of 6.6 percent per year until 2001, when a total of 32,160 new cases were filed.



In 2003, new filings spiked to 41,176 cases – an increase of 28 percent from the number filed in 2001. Nevertheless, the number of new filings decreased to 28,877 in 2004 – the lowest level since 1981 (27,662 cases) and remained relatively stable through 2006.

Approximately 71 percent of all tort cases in district courts filed over the past decade were filed in the 20 most populous counties. However, Jefferson County was the only one of these counties that ranked in the top ten with the highest per capita tort filings in district courts. Loving County had the highest tort filing rate per 1,000 citizens in its district court with 17.3 filings per capita per year.

Overall, Galveston County reported the highest increase in tort filings with an average increase of 5.6 percent per year over the past decade, and Nueces County reported the largest decrease with an average decrease of 9.7 percent per year.

County	Average Number of Tort Cases Filed per Year per 1,000 Population in District Courts Fiscal Years 1997 to 2006
Loving	17.3
Duval	5.2
Orange	5.1
Jefferson	4.4
Madison	4.1
Ector	3.8
Kenedy	3.8
Jim Wells	3.5
Rusk	3.5
Reeves	3.4

Average Annual Percentage Change in Tort Cases Filed in District Courts in the 20 Most Populous Counties from Fiscal Years 1997 to 2006			
Increase		Decrease	
Galveston	5.6%	Nueces	-9.7%
Harris	2.6%	Bell	-9.3%
Jefferson	2.4%	Travis	-7.1%
Montgomery	2.0%	Dallas	-6.9%
Fort Bend	1.6%	Denton	-6.4%
Collin	0.6%	Hidalgo	-4.6%
Brazoria	0.6%	El Paso	-3.9%
Lubbock	0.0%	McLennan	-2.3%
		Williamson	-2.3%
		Bexar	-1.8%
		Cameron	-0.6%
		Tarrant	-0.4%

### *Non-Motor Vehicle Tort Cases*

Non-motor torts filed in district courts decreased by an average of 1.6 percent per year over the past ten years but increased an average of 1.0 percent per year over the past five years. Overall, approximately 73 percent of counties reported an increase in non-motor tort filings in their district courts over the past decade.

The largest increase of non-motor tort filings in the 20 most populous counties occurred in Cameron County, which

Average Annual Percentage Change in Non-Motor Tort Cases Filed in the 20 Most Populous Counties in District Courts from Fiscal Years 1997 to 2006			
Increase		Decrease	
Cameron	17.3%	Dallas	-9.6%
Bexar	11.2%	Nueces	-7.1%
Galveston	10.1%	Denton	-5.6%
Hidalgo	8.1%	Travis	-3.2%
Jefferson	7.1%	McLennan	-1.1%
Montgomery	5.6%	El Paso	-0.8%
Harris	5.6%	Lubbock	-0.5%
Brazoria	4.4%		
Fort Bend	4.3%		
Bell	3.9%		
Tarrant	0.3%		
Williamson	0.2%		
Collin	0.0%		

had an average increase of 17.3 percent per year over the past decade, and Dallas County experienced the largest decrease (an average of 9.6 percent per year).

**Motor Vehicle Tort Cases**

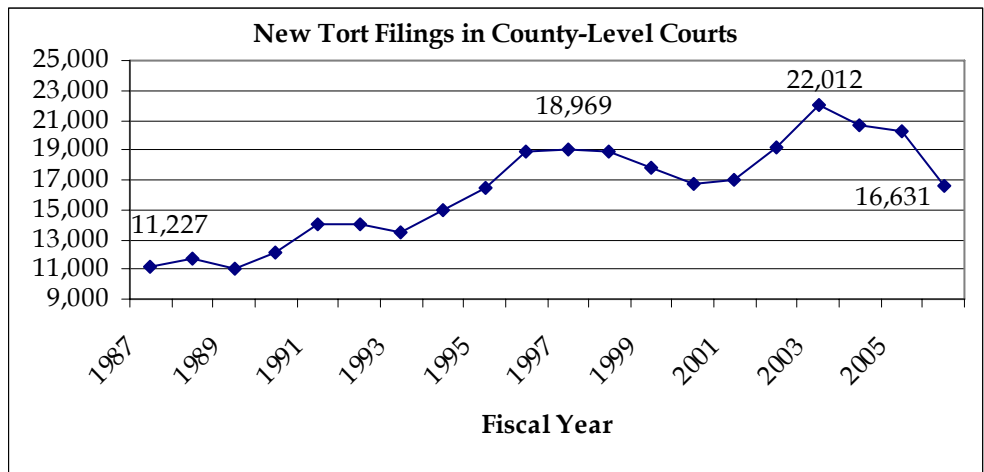
Motor tort filings decreased in district courts statewide over the past decade (an average of 8.3 percent per year), but fell at a slower rate over the past five years (an average of 2.0 percent per year).

Overall, motor tort filings decreased in all of the 20 most populous counties over the past ten years. Hidalgo County experienced the largest decrease with an average decrease of 15.3 percent per year. Nueces and El Paso counties experienced the next highest decrease with reductions of 14.5 percent per year and 14.3 percent per year, respectively, in motor tort filings.

Average Annual Percentage Change in Motor Tort Cases Filed in District Courts in the 20 Most Populous Counties from Fiscal Years 1997 to 2006	
Decrease	
Hidalgo	-15.3%
Nueces	-14.5%
El Paso	-14.3%
Denton	-10.2%
McLennan	-10.1%
Bell	-10.1%
Travis	-10.0%
Brazoria	-7.7%
Dallas	-7.5%
Galveston	-7.5%
Harris	-6.9%
Tarrant	-5.8%
Williamson	-5.2%
Montgomery	-4.2%
Jefferson	-3.5%
Lubbock	-3.2%
Cameron	-2.8%
Bexar	-2.7%
Collin	-2.7%
Fort Bend	-2.5%

**Tort Cases in the County-Level Courts**

Between 1987 and 1997, the number of new tort filings increased an average of 5.6 percent per year. From 1998 to 2000, new filings an average of 6 percent per year. Filings increased again from 2001 to 2003, when the number peaked at 22,012. Over the past three years, filings decreased an average of 8.7 percent per year. In 2006, 16,631 cases were filed—the lowest number since 1995.



Approximately 89 percent of all tort cases filed in county-level

courts over the past decade were filed in the 20 most populous counties. Seven of these 20 counties ranked in the top ten counties with the highest per capita tort filings. Nueces and Jefferson counties had the highest per capita tort filing rate with an average of 1.9 tort cases filed per 1,000 citizens per year.

Average Number of New Tort Cases Filed per Year per 1,000 Population in County-Level Courts Fiscal Years 1997 to 2006	
County	
Jefferson	1.9
Nueces	1.9
Dallas	1.8
Hidalgo	1.7
Smith	1.6
Travis	1.6
Bexar	1.4
Nacogdoches	1.3
Starr	1.3
Harris	1.2

Of the 20 most populous counties, El Paso County experienced the greatest growth in tort filings with an average increase of 37.0 percent per year, and McLennan County reported the largest decrease with an average decrease of 7.2 percent per year.

Average Annual Percentage Change in Tort Cases Filed in County-Level Courts in the 20 Most Populous Counties from Fiscal Years 1997 to 2006			
Increase		Decrease	
El Paso	37.0%	McLennan	-7.2%
Williamson	16.4%	Travis	-6.6%
Montgomery	15.4%	Galveston	-5.9%
Hidalgo	8.9%	Jefferson	-4.4%
Lubbock	8.7%	Harris	-2.6%
Collin	8.0%	Bell	-2.1%
Cameron	3.9%	Brazoria	-1.4%
Bexar	3.8%	Nueces	-1.1%
Denton	3.3%	Tarrant	-0.6%
Fort Bend	1.1%	Dallas	-0.3%

### Non-Motor Vehicle Tort Cases

Non-motor torts filed in county-level courts decreased by an average of 1.2 percent per year over the past ten years and 8.5 percent per year over the past five years.

Of the 20 most populous counties, McLennan County experienced the largest increase in non-motor tort cases filed, with an average increase of 49.5 percent per year. Only three counties reported an average decrease—Harris, Tarrant, and Denton. Harris County had the largest reduction in non-motor torts

Average Annual Percentage Change in Non-Motor Tort Cases Filed in County-Level Courts in the 20 Most Populous Counties from Fiscal Years 1997 to 2006			
Increase		Decrease	
McLennan	49.5%	Harris	-8.3%
El Paso	44.4%	Tarrant	-5.1%
Williamson	28.6%	Travis	-4.3%
Hidalgo	25.8%	Lubbock	-0.1%
Montgomery	20.1%		
Cameron	14.3%		
Fort Bend	14.1%		
Bell	13.7%		
Brazoria	8.0%		
Collin	4.8%		
Dallas	4.2%		
Bexar	4.1%		
Galveston	2.9%		
Nueces	1.9%		
Jefferson	1.2%		
Denton	0.7%		

with an average decrease of 8.3 percent per year.

***Motor Vehicle Tort Cases***

Motor tort filings in county-level courts statewide decreased by an average of 3.7 percent per year over the past decade and 0.9 percent per year over the past five years.

Of the 20 most populous counties, Williamson County experienced the largest increase in motor tort filings over the past decade, with an average increase of 22.4 percent per year. El Paso County also experienced significant increases (an average of 22.2 percent per year). The largest decrease in motor tort filings over the past decade occurred in Galveston County, which reported an average decrease of 13.7 percent per year.

Average Percentage Change in Motor Tort Cases Filed in County-Level Courts in the 20 Most Populous Counties from Fiscal Years 1997 to 2006			
Increase		Decrease	
Williamson	22.4%	Galveston	-13.7%
El Paso	22.2%	Jefferson	-11.6%
Montgomery	13.4%	Travis	-8.2%
Collin	12.2%	McLennan	-6.7%
Denton	8.5%	Brazoria	-6.4%
Lubbock	6.9%	Bell	-5.7%
Hidalgo	5.9%	Fort Bend	-5.6%
Bexar	2.5%	Nueces	-4.8%
Cameron	1.8%	Harris	-4.6%
		Dallas	-2.5%
		Tarrant	-0.7%