

Caseload Trends in the Fourteen Courts of Appeals

Analysis of Activity for Fiscal Year Ended August 31, 2003

BACKGROUND

The 14 Courts of Appeals have intermediate appellate jurisdiction in civil and criminal cases. Each Court of Appeals has jurisdiction over appeals from the trial courts in its respective district. The Courts of Appeals also have limited original writ jurisdiction.

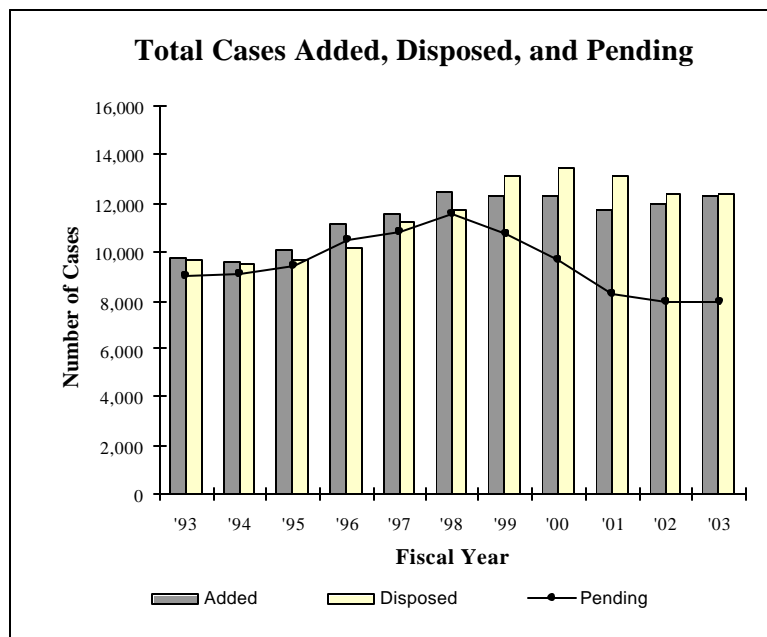
A total of 80 justices serve on the Courts of Appeals, which are located in Fort Worth, Austin, San Antonio, Dallas, Texarkana, Amarillo, El Paso, Beaumont, Waco, Eastland, Tyler, Corpus Christi/Edinburg, and Houston.¹ The number of justices on each court ranges from three, on five of the smaller courts, to 13 on the Court of Appeals in Dallas, which is the largest court.

CASES ADDED TO THE DOCKETS

- **The number of new cases filed in the Courts of Appeals during FY 2003 was 10,559.** New civil cases (4,888 cases) made up 46.3 percent of all new filings, while new criminal cases (5,671 cases) comprised the remaining 53.7 percent.
- **The total number of cases added to the dockets of the Courts of Appeals continued the relatively stable five-year trend.** Total cases added includes new cases filed, rehearings granted, cases reinstated, cases remanded from higher courts, and transfers. In FY 2003, 12,341 cases were added to the courts' dockets, which is similar to the five-year (FY 1999 to FY 2003) average of 12,131 cases added to the dockets.

CASES DISPOSED

- **The Courts of Appeals disposed of 12,420 total cases during FY 2003, a slight increase over the 12,399 cases disposed in FY 2002.** The number of dispositions in FY 2003 (12,420 dispositions) was comparable to the five-year (FY 1999 to FY 2003) average of 12,905 dispositions.
- **From FY 1993 to FY 1998, there was a steady increase in the number of cases added and disposed, but with the number of cases added outpacing the number disposed, the result was an increasing trend of pending cases during this time.** From FY 1999 to FY 2001, the number of disposed cases was greater than the number filed, greatly reducing the number of cases pending during this time.



During FY 2002 and FY 2003, the Courts of Appeals continued to have a clearance rate greater than 100 percent;² however, with the number of cases disposed decreasing, the reduction in the number of cases pending slowed as well. This pattern can be attributed, in part, to the discontinuation of the Metropolitan Court Backlog Reduction Program, which provided extra staff attorneys and visiting judges to the First, Fifth, and Fourteenth Courts of Appeals during FY 1999 to FY 2001.

¹ Two Courts of Appeals are situated in Houston. Both districts cover the same 14-county area.

² The clearance rate is calculated by dividing the number of cases disposed by the number of cases added to the docket.

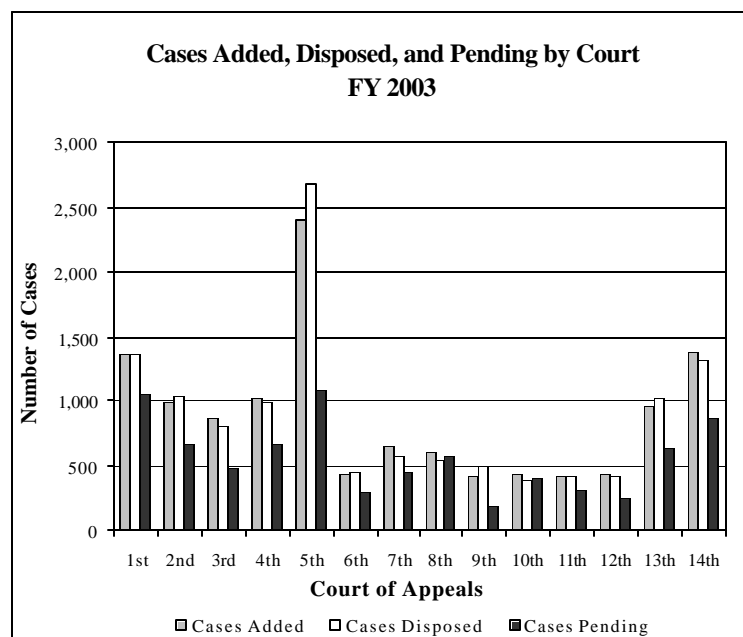
- **In FY 2003, the average clearance rate for the Courts of Appeals was 100.6 percent.** This indicates that the Courts of Appeals collectively disposed of slightly more cases than were added to their dockets during the fiscal year. However, the average clearance rate was lower in FY 2002 and FY 2003 than its high of 112.3 percent in FY 2001.
- **Statewide, the average time between filing and disposition in FY 2003 was 8.2 months for civil cases and 8.9 months for criminal cases.** The average time for civil cases was 0.4 months less than the five-year (FY 1999 to FY 2003) average time of 8.6 months. The average time for criminal cases was 1.6 months lower than the five-year (FY 1999 to FY 2003) average of 10.5 months.

In FY 2003, the average time between *submission and disposition* for civil cases was 2.8 months, while the average time for criminal cases was 1.9 months.

- **Of the 12,420 cases disposed in FY 2003, affirmed cases accounted for 41.0 percent (5,096 cases) of the total cases disposed.** The second most frequent type of disposition was dismissals, which comprised 28.2 percent (3,507 cases) of total cases disposed statewide.

PENDING CASES

- **At the end of FY 2003, 7,876 total cases were pending in all Courts of Appeals. The number of cases left pending at the end of FY 2003 continued the downward trend that began in FY 1998.** Of the cases pending at the end of FY 2003, 42 percent (3,288 cases) were civil cases and 58 percent (4,588 cases) were criminal cases. The average number of cases pending per justice at the end of FY 2003 was 98.5 cases.
- **Of the 7,876 cases pending at the end of FY 2003, 58.1 percent (4,572 cases) were pending for a period of less than six months.** Pending cases that had been on the dockets between six and twelve months accounted for 27.8 percent (2,193 cases), cases pending from twelve to twenty-four months accounted for 12.6 percent (991 cases), and cases that had been pending for over twenty-four months accounted for 1.5 percent (120 cases) of all cases pending at the end of FY 2003.



OPINIONS WRITTEN

- **During FY 2003, the justices of the Courts of Appeals wrote 11,404 total opinions.** Of the 11,404 opinions issued, 37.6 percent (4,286 opinions) were published, and 62.4 percent (7,118 opinions) were not published. This marks a large increase in the number of published opinions issued over previous years. The five-year (FY 1999 to FY 2003) average for published opinions was 2,473, or 20.1 percent of the total opinions. The primary reason for the increase in the number of published opinions is due to an amendment to Rule 47, Texas Rules of Appellate Procedure, effective January 1, 2003, which required all civil opinions to be made public (except those in parental notification of abortion matters) and abolished the “do not publish” designation in civil cases.
- **Sitting justices wrote 93.3 percent (10,637 opinions) of the Courts of Appeals opinions, while visiting justices wrote the remaining 6.7 percent (767 opinions).**

DOCKET EQUALIZATION

- The docket equalization program,³ which strives to reduce caseload disparity among the Courts of Appeals, resulted in the transfer of 863 cases in FY 2003.** The Fifth Court of Appeals (Dallas) transferred out the most total cases (318 cases), while the Eleventh Court of Appeals (Eastland) had the highest number of total cases (206 cases) transferred in.

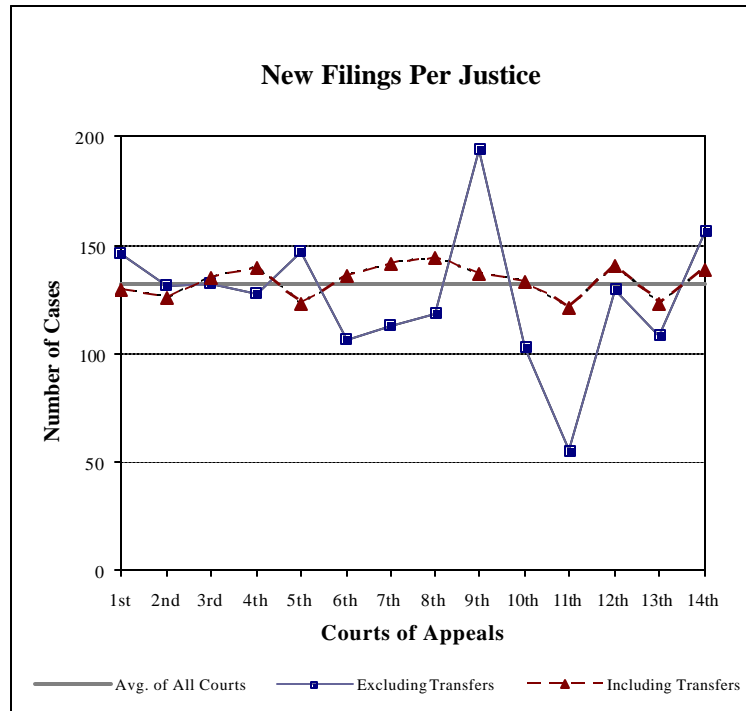
The highest average net cases transferred out per justice occurred in the Ninth Court of Appeals (Beaumont), where 57.7 cases per justice were transferred out. The highest average net cases transferred in occurred in the Eleventh Court of Appeals (Eastland), where 66.0 cases per justice were transferred in.

- In FY 2003, the docket equalization program reduced caseload disparity.**

Before equalization, the number of new cases filed ranged from approximately 55 cases per justice in the Eleventh Court of Appeals (Eastland) to 194 cases per justice in the Ninth Court of Appeals (Beaumont). The average number of new cases filed per justice for all the Courts of Appeals was 132. Prior to equalization, the average difference from the mean in the number of cases filed per justice was 22.4 cases, while the average difference from the mean following docket equalization was 6.5 cases, demonstrating considerable improvement in the equalization of case load per justice.

Based on the results of the net equalization calculation, five courts transferred cases out, while nine courts transferred cases in. After equalization, all of the average number of cases filed per justice fell within a range that was plus or minus 10 percent (119 cases to 145 cases) of the overall average number of cases filed per justice (132 cases). Specifically, after equalization, the average number of cases filed per justice ranged from a low of 121 per justice in the Eleventh Court of Appeals (Eastland) to a high of 144 cases filed per justice in the Eighth Court of Appeals (El Paso).

Note: The objective of the Docket Equalization program is to reduce or eliminate any disparities in the number of new cases filed per justice among the Courts of Appeals. Pursuant to quarterly Supreme Court orders, the Courts of Appeals transfer cases from those courts with larger filing rates to those with smaller filing rates. Because the natural fluctuation in the number of new case filings in each court is not known in advance, the number of cases transferred each quarter is determined according to a formula that takes into account the average filings in each court during the previous four quarters. As a result, the number of cases filed in a given fiscal year is influenced by the filing rates of the previous, as well as, the current year. Therefore, the combination of natural fluctuations in case filings and the lag in case transfers cause some Courts of Appeals to have more new cases filed per justice than others in a given fiscal year. However, over longer periods, such as five years, the filing rates for new cases in each court are closer to the average for all Courts of Appeals than without equalization.



³ See end note for a detailed description of the docket equalization process.