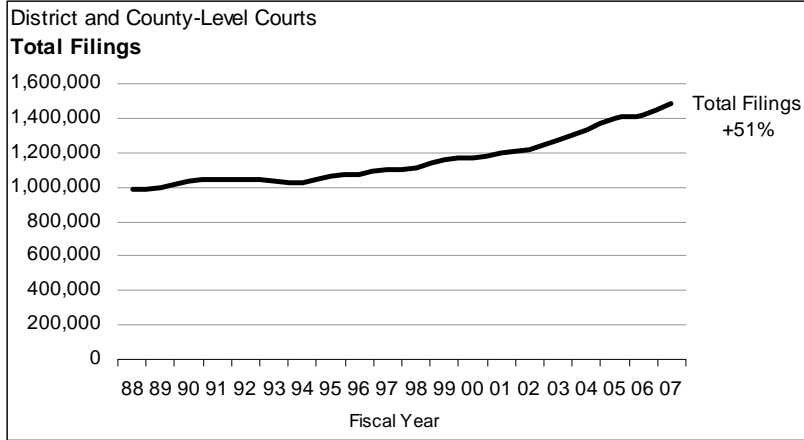


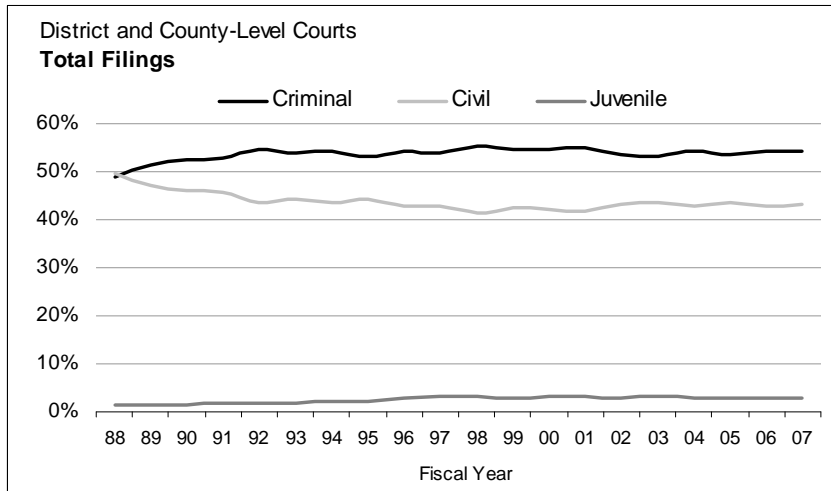
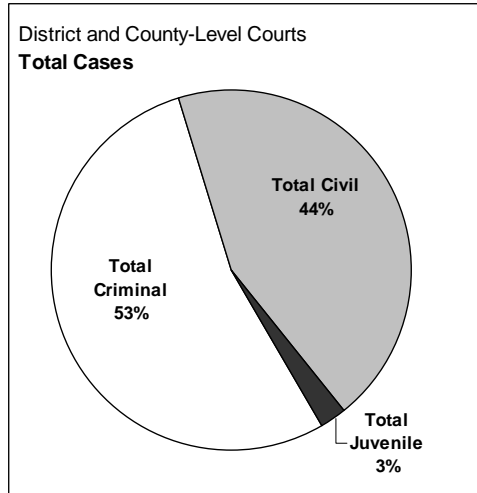
# Texas Caseload Trends by Case Type

## ALL CASES IN DISTRICT AND COUNTY-LEVEL COURTS

Total filings in district and county-level courts increased 51 percent between 1988 and 2007. In an average year, criminal cases constituted 53 percent of the district and county-level courts' caseload; civil cases accounted for 44 percent, and juvenile cases accounted for 3 percent, of the caseload.



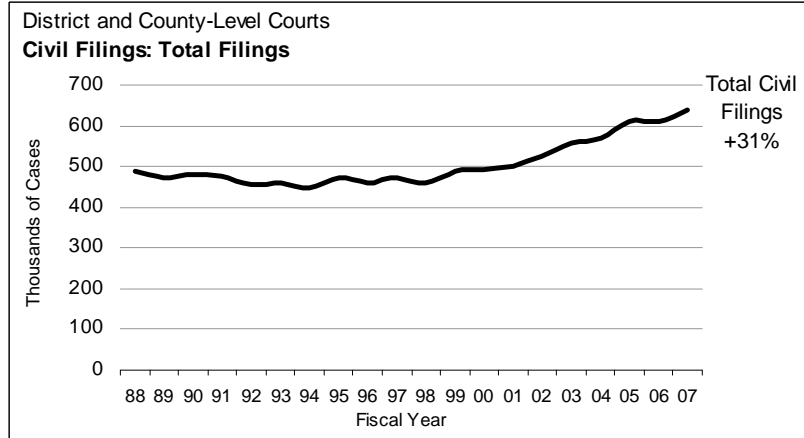
Over the last decade, juvenile cases constituted a greater share of the caseload than in the prior decade. Prior to 1993, juvenile cases accounted for less than two percent of total caseload. Since 1993, juvenile cases accounted for two to more than three percent of cases filed. The mix of criminal and civil cases filed in the courts remained also relatively stable since 1992.



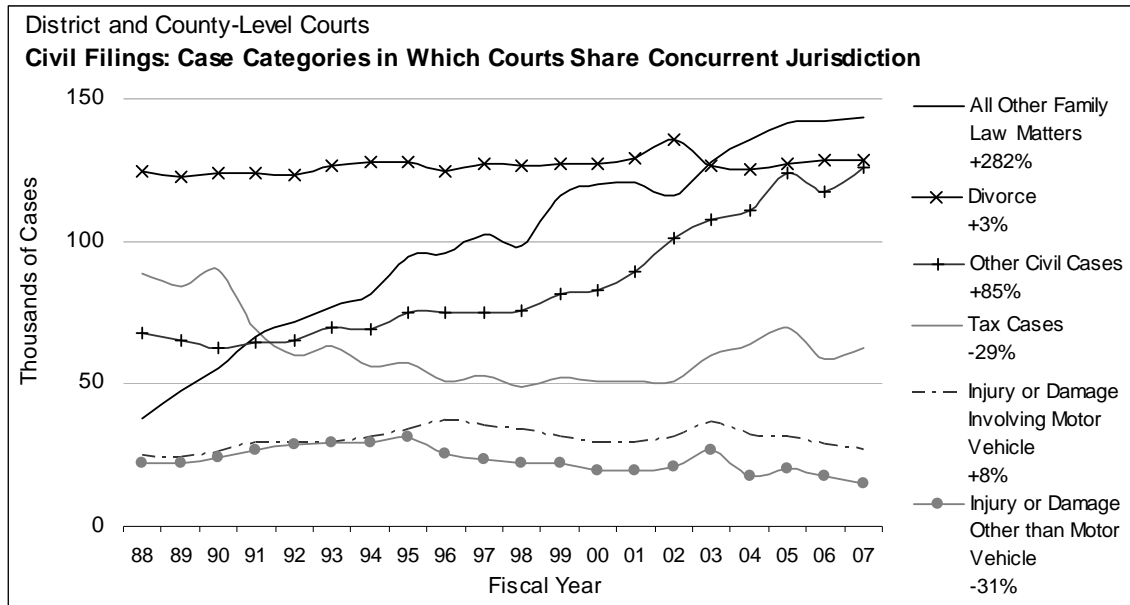
## Texas Caseload Trends by Case Type

### CIVIL CASES

In district and county-level courts, the total number of civil filings increased 31 percent between 1988 and 2007. After declining an average of less than 1 percent per year in the 1990s, the number of cases filed increased an average of nearly 4 percent per year beginning in 1999.

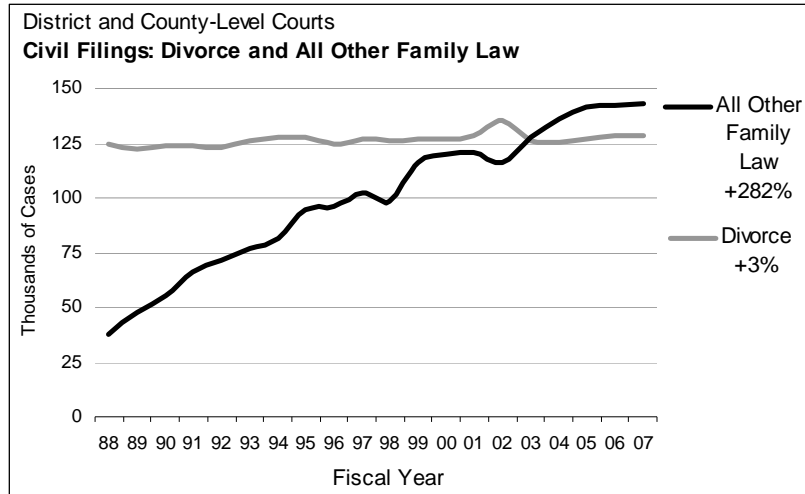


Most categories of civil cases in which district and county-level courts share concurrent jurisdiction have remained fairly steady over the past two decades. The exceptions are “all other family law matters” and “other civil cases.”



## Texas Caseload Trends by Case Type

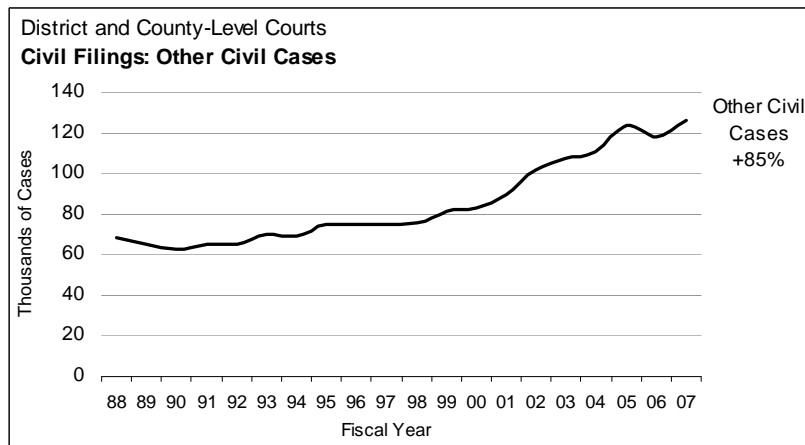
Filings of “all other family law matters” increased 282 percent during the period and rose from 8 percent of the total civil caseload in 1988 to 22 percent in 2007, while the number of divorce cases filed remained steady. Due to the “catch all” nature of this category, there may be several factors driving the increase.



First, this category includes motions to modify previously granted divorce decrees or other judgments in family law cases involving issues such as child support and child custody. Therefore, many of these previously settled cases are likely to return to the courts’ dockets for modification or enforcement actions as time passes.

Also in the “all other family law matters” category are cases for the termination of parental rights (child protection cases). The number of investigated cases that were confirmed by Texas Department of Protective and Regulatory Services increased 29 percent from 1995 to 2006, from 31,996 to 41,406.<sup>1</sup> This increase in child protective cases, however, was minor compared to the increase in other family matters that were introduced into district and county-level courts.

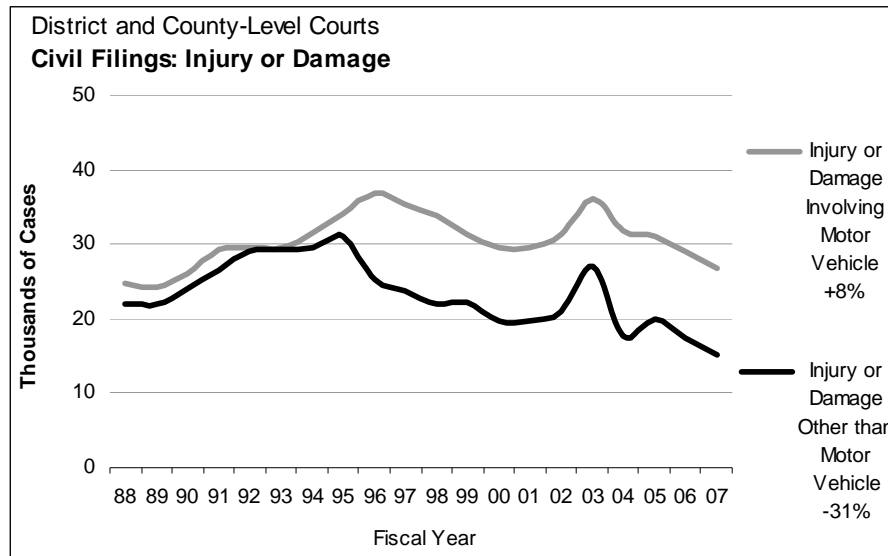
Filings of “other civil cases” increased 85 percent over the past 20 years and rose from 14 percent to 20 percent of the total civil caseload. Since this category contains all civil cases that do not clearly fall into one of the other categories, it is difficult to speculate the cause for this increase.



<sup>1</sup> [http://www.dfps.state.tx.us/About/Data\\_Books\\_and\\_Annual\\_Reports/default.asp](http://www.dfps.state.tx.us/About/Data_Books_and_Annual_Reports/default.asp)

## Texas Caseload Trends by Case Type

New filings for injury or damage involving a motor vehicle increased 8 percent between 1988 and 2007. This category reached its high points in 1996 (36,913 cases) and 2003 (36,199 cases), but has steadily declined since then to 26,743 cases in 2007. New filings for other injury or damage cases followed a similar pattern with high points in 1995 (31,036 cases) and 2003 (26,996 cases). Cases in this category declined 31 percent over the past two decades.



Several factors may have influenced the trends seen in tort cases. The first was the Supreme Court’s decision in *Dow Chemical Co. v. Alfaro*,<sup>2</sup> which ruled that the Texas Legislature had abolished the doctrine of forum non conveniens in 1913. This ruling may have opened doors for lawsuits from around the world to be filed in Texas courts,<sup>3</sup> and indeed there was an increase of 20 percent between 1990 and 1993. The drop in tort cases that occurred in 1996 was likely due to the vast amount of legislation that occurred in the 74<sup>th</sup> Legislature (1995) concerning tort reform. Notably, SB 32<sup>4</sup> helped to close loopholes regarding venue that were created by the Alfaro decision.<sup>5</sup> Other legislation in the 74<sup>th</sup> Legislature that affected tort cases were: SB 25,<sup>6</sup> concerning limits to punitive damages; SB 28,<sup>7</sup> concerning joint and several liability; HB 668,<sup>8</sup> concerning the Deceptive Trade Practice Act; and SB 31,<sup>9</sup> concerning frivolous lawsuits. In 2003, the state legislature passed HB 4 (the Medical Malpractice and Tort Reform Act).<sup>10</sup> This act placed a cap on non-financial damages in cases that were filed prior to September 1, 2003 which may

<sup>2</sup> *Dow Chemical Co. v. Alfaro*, 786 S.W. 2d 674 (Tex. 1990)

<sup>3</sup> Daniel, B.D. and Weiss, Michael D. “Tort Reform: Has Texas Ended Its Lawsuit Lottery?” Texas Public Policy Tort Reform Publications. October 15, 1995. Texas Public Policy Foundation. September 28, 2007.

<sup>4</sup> Act of May 18, 1995, 74<sup>th</sup> Leg. R.S., Chap 138, § 1-12, Tex. Sess. Law Serv. 978.

<sup>5</sup> Daniel, B.D. and Weiss, Michael D. “Tort Reform: Has Texas Ended Its Lawsuit Lottery?” Texas Public Policy Tort Reform Publications. October 15, 1995. Texas Public Policy Foundation. September 28, 2007.

<sup>6</sup> Act of April 20, 1995, 74<sup>th</sup> Leg. R.S., Chap 19, § 1-3, Tex. Sess. Law Serv. 108.

<sup>7</sup> Act of May 18, 1995, 74<sup>th</sup> Leg. R.S. Chap 136 § 1-5, Tex. Sess. Law Serv. 971.

<sup>8</sup> Deceptive Trade Practice Act, 74<sup>th</sup> Leg. R.S., Chap 414 § 1-22, Tex. Sess. Law Serv. 2988.

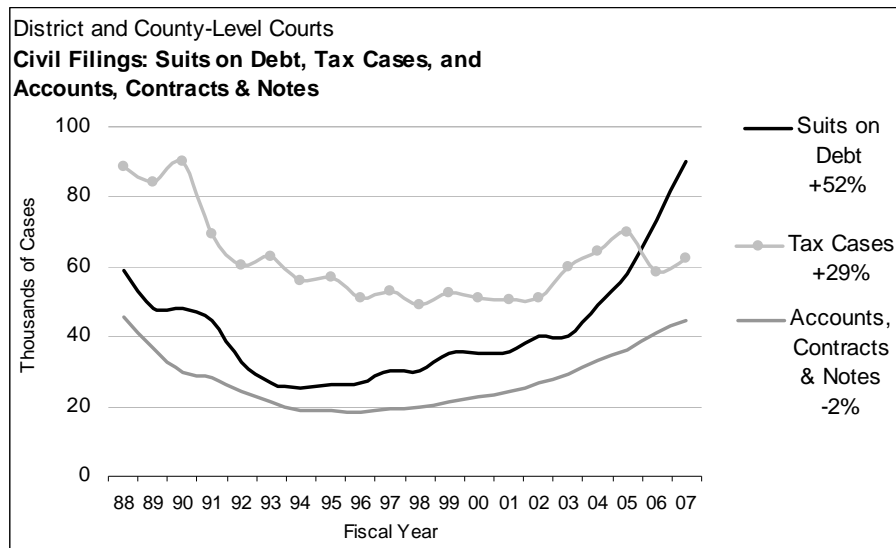
<sup>9</sup> Act of May 18, 1995, 74<sup>th</sup> Leg., R.S., Chap 137 § 1-3, Tex. Sess. Law Serv. 977.

<sup>10</sup> Medical Malpractice and Tort Reform Act, 78<sup>th</sup> Leg. R.S., Chap 204 § 1-23, Tex. Sess. Law Serv. 847.

## Texas Caseload Trends by Case Type

explain the spike in 2003. In 2005, the 79<sup>th</sup> Legislature passed SB 890<sup>11</sup> which restored the election of dollar-for-dollar settlement credits and which may have influenced the small increase in cases during that year.

New filings of suits on debt (county-level courts), tax cases (county-level and district courts), and accounts, contracts and notes cases (district courts) had a dichotomous trend between 1988 and 2007. Debt cases in the county-level courts dropped dramatically between 1988 (59,072 cases) and 1994 (25,308 cases), but rose again to a 20-year high in 2007 with 89,898 cases. Tax cases saw a general downward trend between 1988 and 1997, going from 1,586 cases down to 195. However, the number of cases has steadily risen in the past decade, increasing 269 percent between 1998 and 2007. In district courts, new filings for accounts, contracts and notes (which include debt cases) followed a similar pattern. New filings dropped from 45,418 cases in 1988 to a low of 18,394 in 1996, but steadily rose again every year since then.

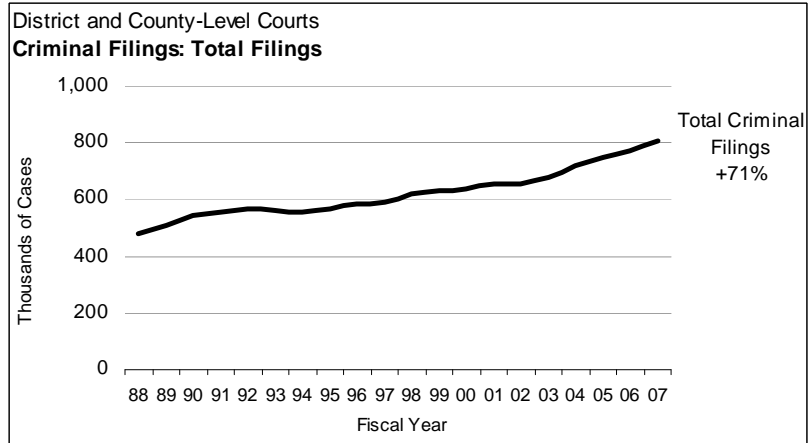


<sup>11</sup> Act of May 17, 2005, 79<sup>th</sup> Leg., R.S., Chap 277 § 1-3, Tex. Sess. Law Serv. 770.

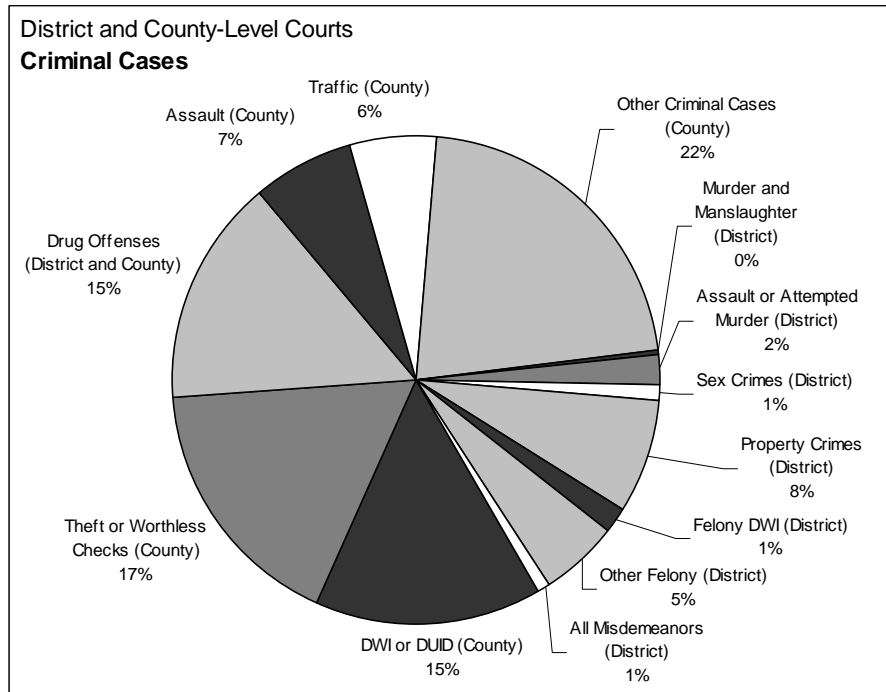
## Texas Caseload Trends by Case Type

### CRIMINAL CASES

Criminal filings in district and county-level courts increased 71 percent between 1988 and 2007, from 481,989 new filings in 1988 to 804,746 in 2007.

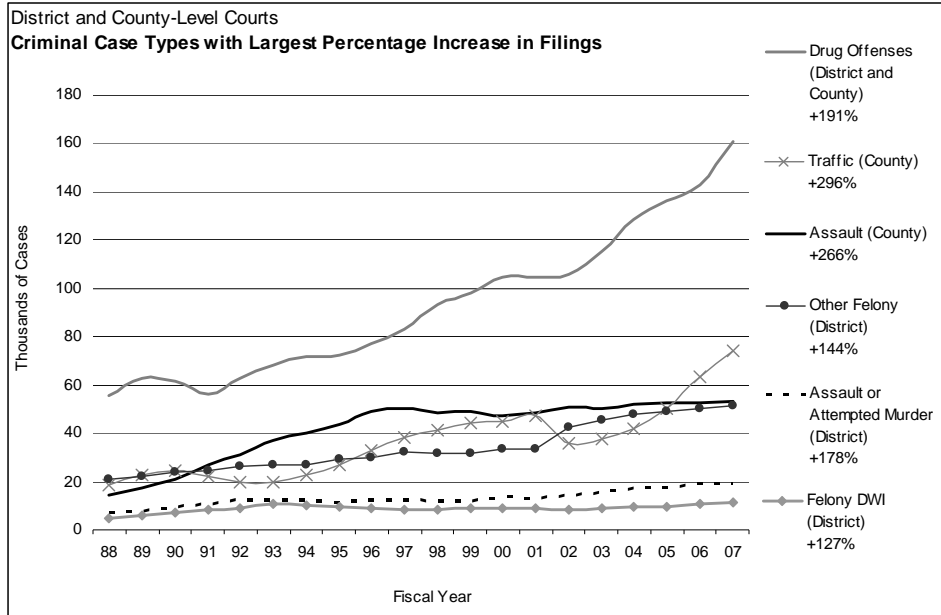


In an average year, the catch-all category “other criminal (misdemeanor) cases” in county-level courts accounted for the largest share of the criminal caseload in the courts with 22 percent of the total. Theft or worthless check cases (county-level courts) was the second largest category with 17 percent of the total, and DWI or DUID cases (county-level courts) and drug offenses each accounted for 15 percent of the total.

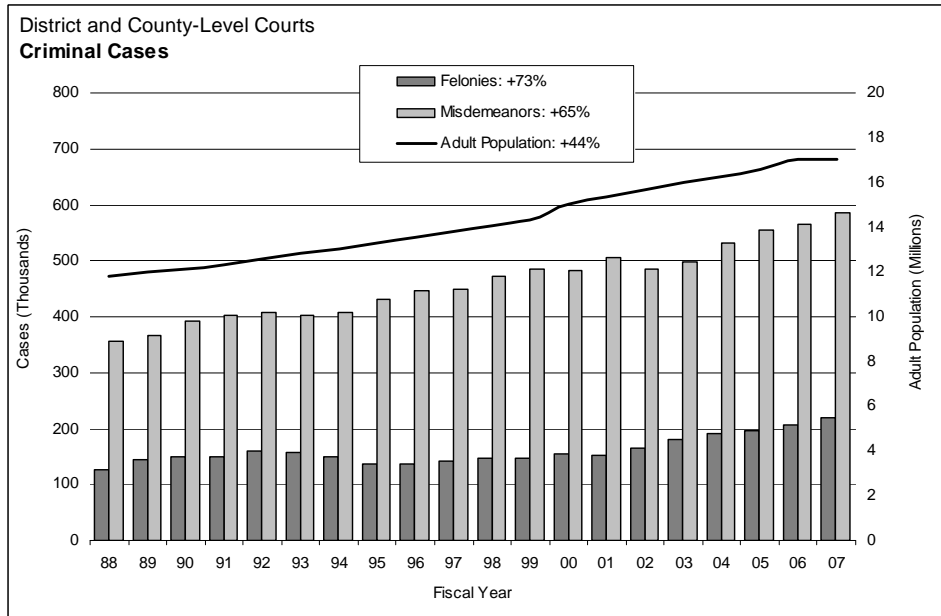


## Texas Caseload Trends by Case Type

Six categories of criminal cases increased over 100 percent in the past 20 years. Traffic cases filed in county courts increased the most (296 percent). Misdemeanor assault cases increased 266 percent; felony and misdemeanor drug offense cases increased 191 percent; felony assault or attempted murder cases increased 178 percent; other felonies increased 144 percent; and felony DWI cases increased 127 percent.

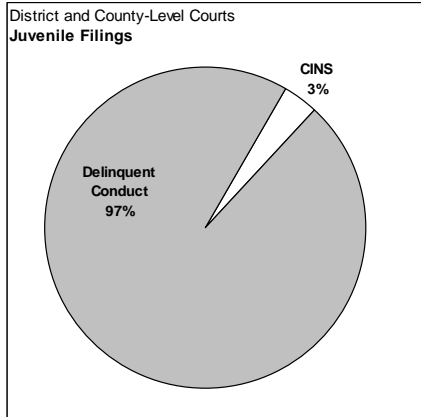
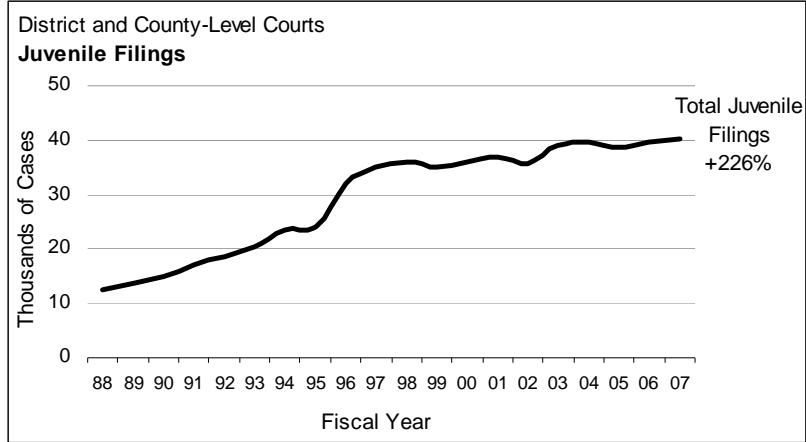


The number of felony and misdemeanor cases filed in the courts increased at a higher rate than the growth in the adult population in Texas. Although the adult population increased 44 percent between 1988 and 2007 (from 12 million to 17 million), the number of felony cases rose 73 percent in that same time frame, and misdemeanor cases increased 44 percent.



**JUVENILE CASES**

Although juvenile filings constituted only an average of 3 percent of new cases filed in district and county-level courts over the past 20 years, they increased dramatically during this timeframe, comprising a small but growing share of the courts' caseloads in recent years. Juvenile filings in district and county-level courts increased 226 percent between 1988 and 2007.

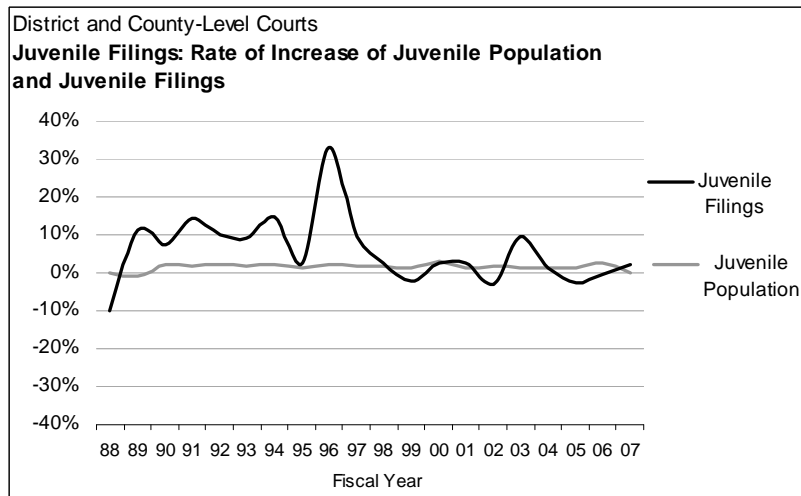


The vast majority of new juvenile cases filed were delinquent conduct cases (97 percent), while CINS cases accounted for the remaining 3 percent.

The total number of juvenile cases more than tripled over the past 20 years (12,378 in 1988 to 40,355 in 2007). When compared to the population growth in Texas, the number of juvenile cases greatly outpaced the growth of Texas' youth population. While the youth population in Texas increased by 34 percent in 20 years, the number of juvenile cases increased by 226 percent. The annual rate of increase of the

juvenile population was steady for 20 years, averaging an increase 1.5 percent per year. However, the annual rate of increase of juvenile filings fluctuated greatly from a decrease of nearly 10 percent (in 1988) to an increase of 33 percent (in 1996), and averaged an increase of 6.1 percent per year.

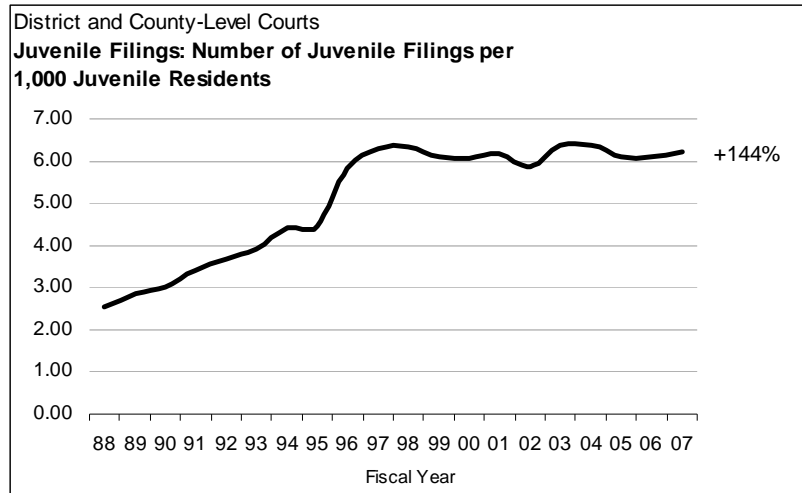
When population growth is accounted for, the number of delinquent conduct cases per 1,000 juvenile Texas residents increased 144 percent over the past 20 years.





## Texas Caseload Trends by Case Type

Reports from the Texas Youth Commission (TYC) corroborate that there was a significant increase in juvenile arrests in the 1990s.<sup>12</sup> Legislation that became effective in 1996 considerably changed the state's juvenile justice system, including the promotion of the concept of punishment for criminal acts, lowering the certification age from



15 to 14 for capital and first degree felonies, expanding determinate sentencing practices, and requiring all felonies, weapons offenses and misdemeanor assault offenses to be reviewed by the prosecutor. Despite these efforts, juvenile filings generally continue to increase, though at a slower rate.

<sup>12</sup> “From 1988 to 1993 in Texas there was a 69% increase in all referrals to juvenile probation for delinquent activity and a 161% increase in referrals for violent offenses. The Texas rate for homicides by juveniles was almost twice the national rate (12.8 per 100,000 vs. 6.6) and there was a 285% increase in youth committed to TYC for violent offenses. . . . The alarming rise in juvenile crime continued. In Texas, from 1990 to 1998:

- The juvenile proportion of total arrests increased from 23% to 35%.
- Juvenile violent crime arrests also increased. The arrest rate peaked in 1994 at 18%, up from 13% in 1990.”

Texas Youth Commission. (2000). *A Brief History of TYC*. <http://www.tyc.state.tx.us/about/history2.html>. September 24, 2007.