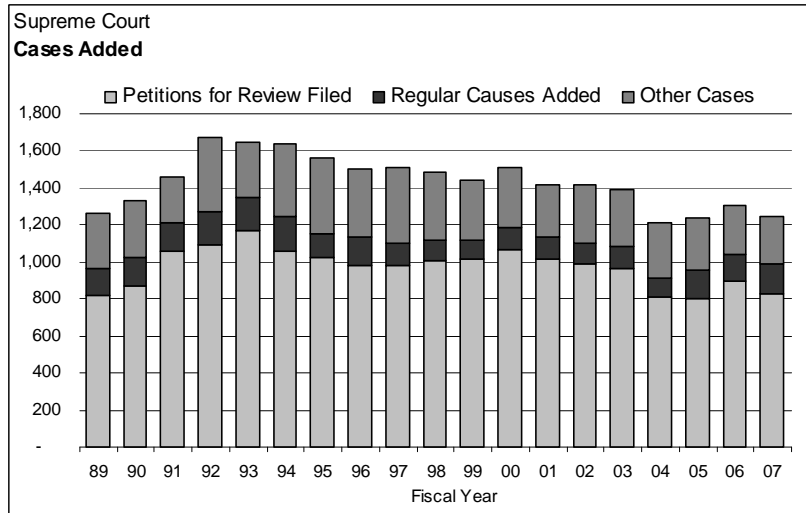


# Texas Caseload Trends by Court Type

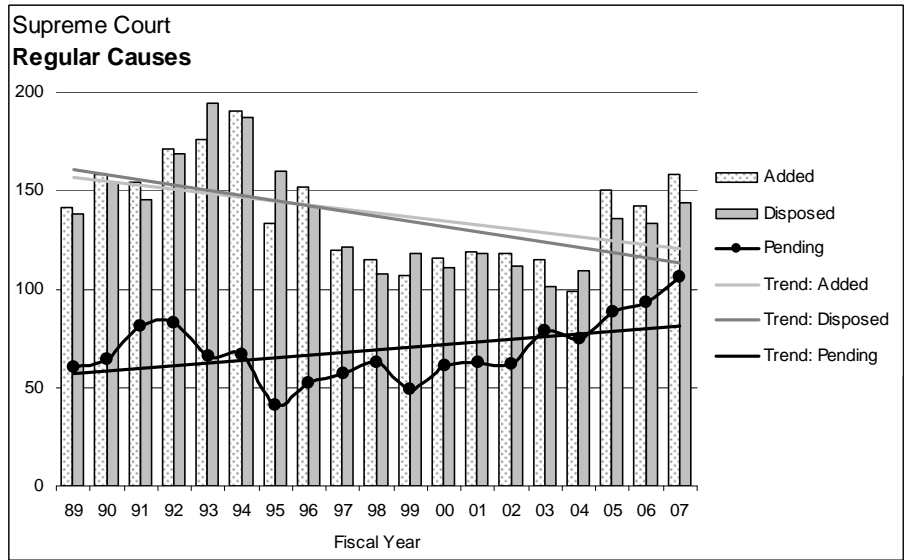
## APPELLATE COURTS

### Supreme Court

In the Texas Supreme Court, the total number of cases added generally trended downward between 1992 and 2007. The most active year in this time span was 1992, when 1,672 cases were added. This number declined 28 percent by 2004 (1,211 cases added) but increased again over the next two years. On average, petitions for review accounted for 67 percent of all cases, other cases<sup>1</sup> accounted for 23 percent, and regular causes constituted 10 percent of cases added.



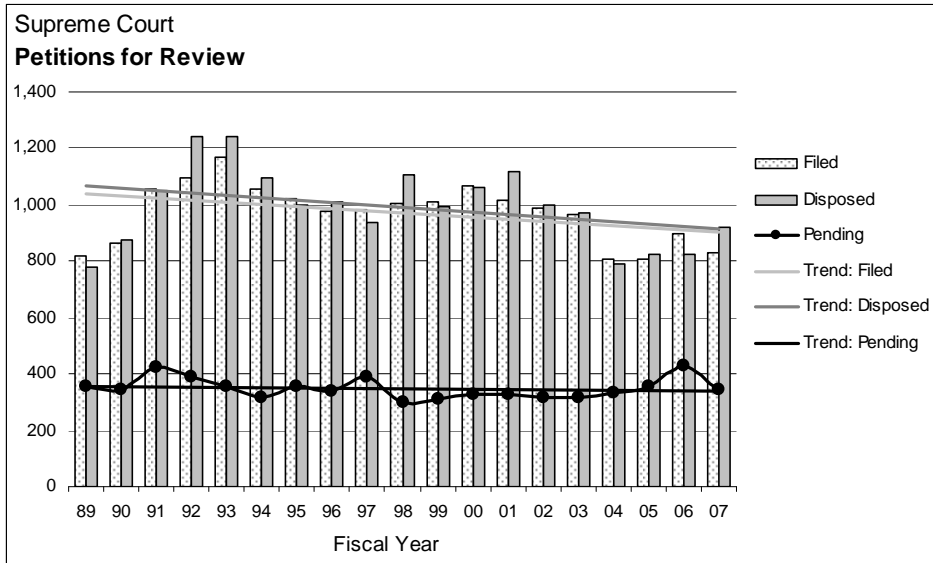
The number of regular causes added to the court's docket ranged from 190 in 1994 to 99 in 2004. On average, 139 causes were added each year. The number of causes disposed ranged from 194 in 1993 to 101 in 2003 and averaged 137 per year. The number added and the number disposed both trended downward between 1989 and 2007, yet the number of pending causes trended upward slightly.



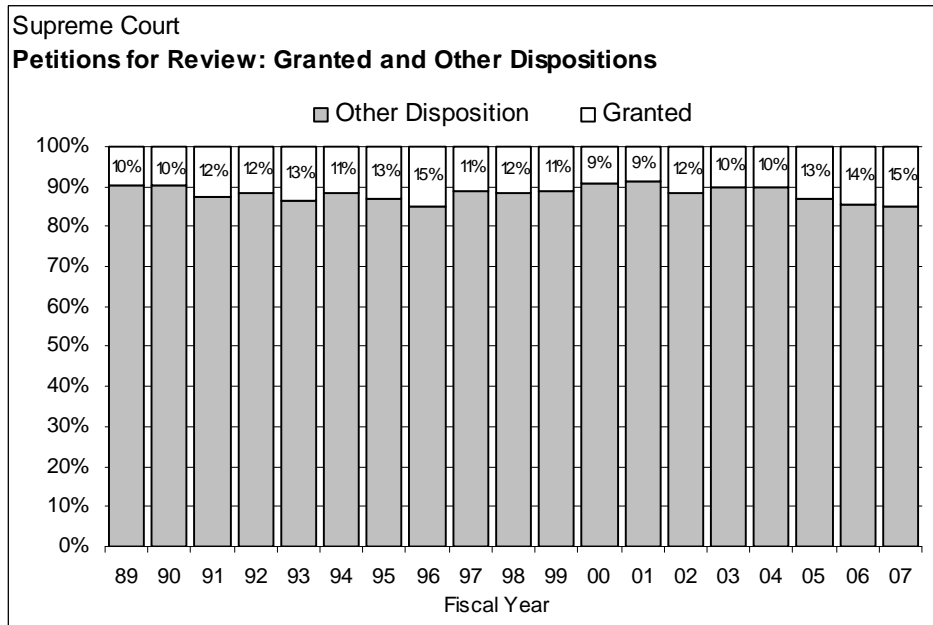
<sup>1</sup> Includes writs of mandamus, writs of habeas corpus, direct appeals, disciplinary appeals, and other matters.

## Texas Caseload Trends by Court Type

The number of petitions for review filed ranged from 805 in 2005 to 1,171 in 1993. On average, 971 petitions were filed each year. The number of petitions disposed ranged from 781 in 1989 to 1,243 in 1993 and averaged 995 per year. The number added and the number disposed both trended downward between 1989 and 2007, and the number of pending causes remained fairly stable, with a slight increase in 2006.

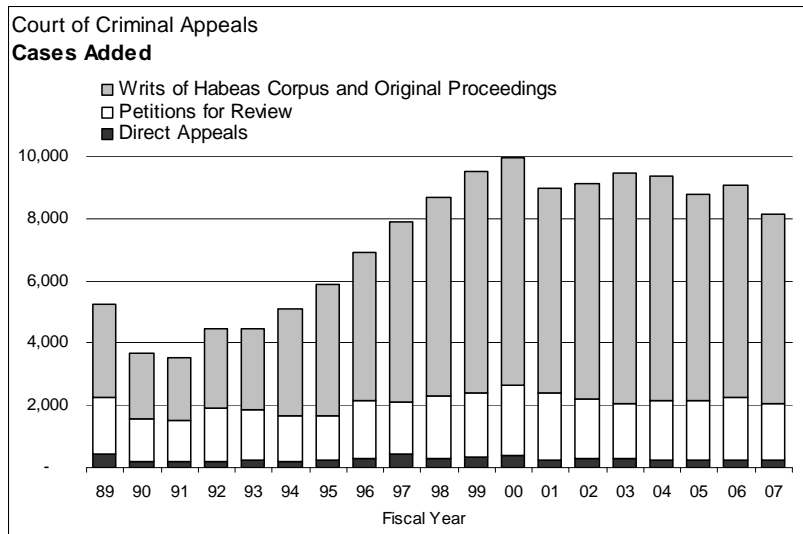


On average, 12 percent of petitions for review were granted each year, though the percentage of petitions granted each year ranged from 9 percent to 15 percent between 1989 and 2007.

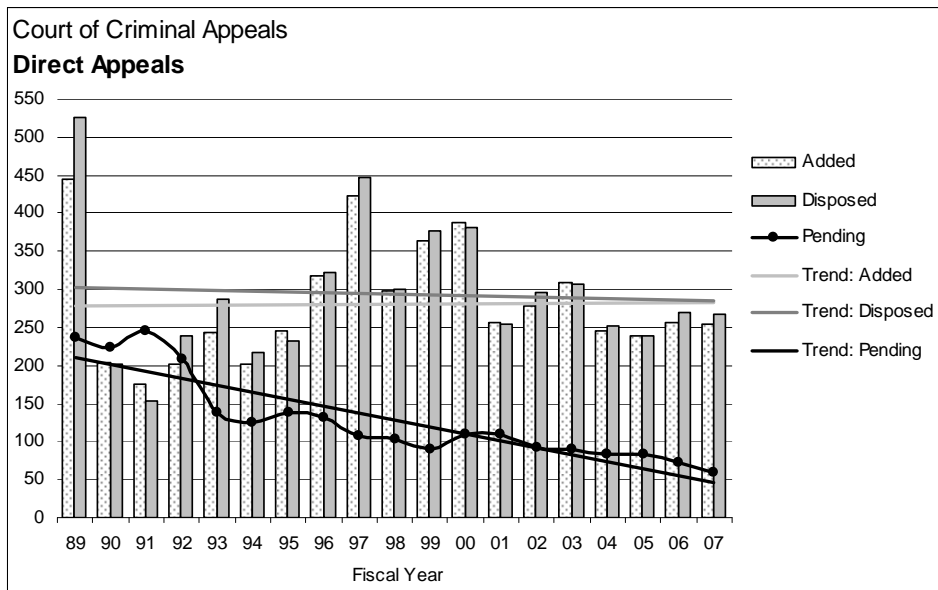


## Court of Criminal Appeals

Between 1989 and 2000, the total number of cases added per year to the docket of the Court of Criminal Appeals increased 90 percent, from 5,222 to 9,939. Most of this growth was attributable to the increase of writs of habeas corpus and original proceedings, which alone grew 144 percent during that time frame. Since 2000, the number of cases added steadied to an average of 8,981 per year.

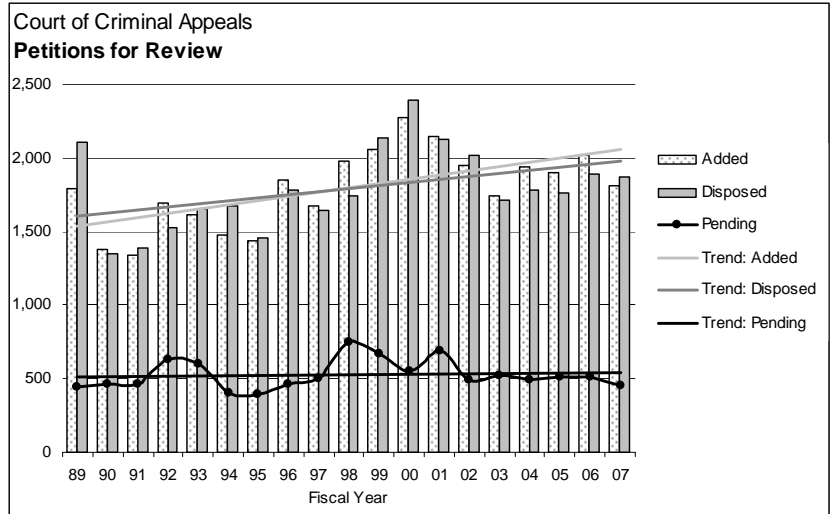


Over the past 19 years, the number of direct appeals filed averaged 281 per year, though the number filed each year varied significantly. The number of dispositions also varied greatly but averaged 293 per year. Since 2001, filings and dispositions of direct appeals have remained relatively stable. The number of direct appeals pending at the end of each year has steadily declined due to the court disposing of more cases than were filed in most years.

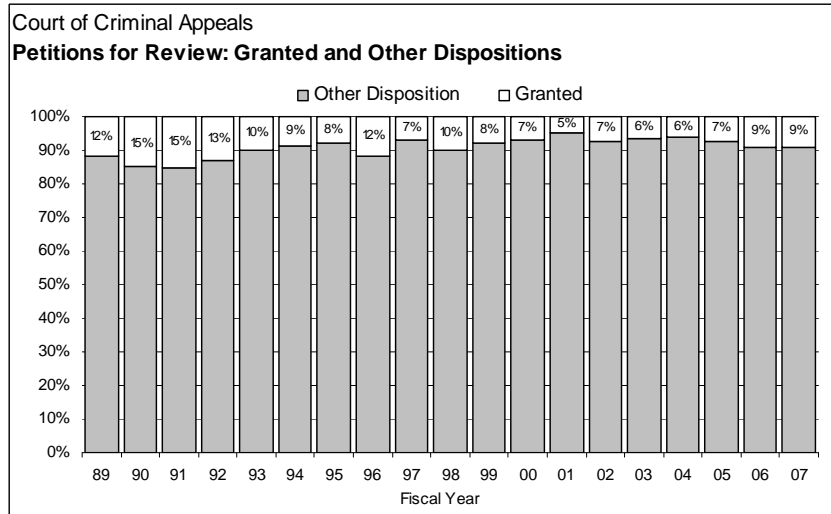


## Texas Caseload Trends by Court Type

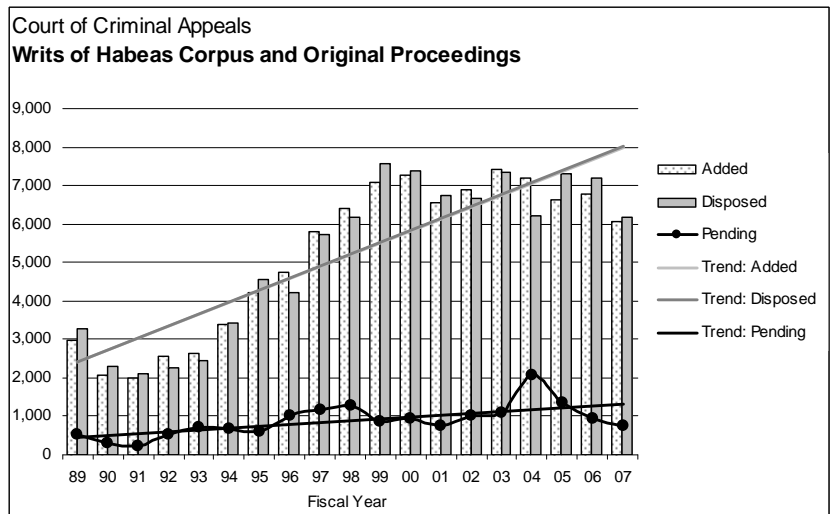
The number of petitions for review filed increased through the 1990s, peaking in the year 2000 with 2,271 petitions filed. Since 2000, the number filed per year averaged 1,928. The number of disposed cases also increased since 1989, though at a slightly slower rate than filings. Despite the increase in filings, the number of pending cases has remained relatively stable.



The percentage of petitions for review that were granted ranged from a high of 15 percent (1990 and 1991) to a low of 5 percent (2001) and averaged 9 percent.

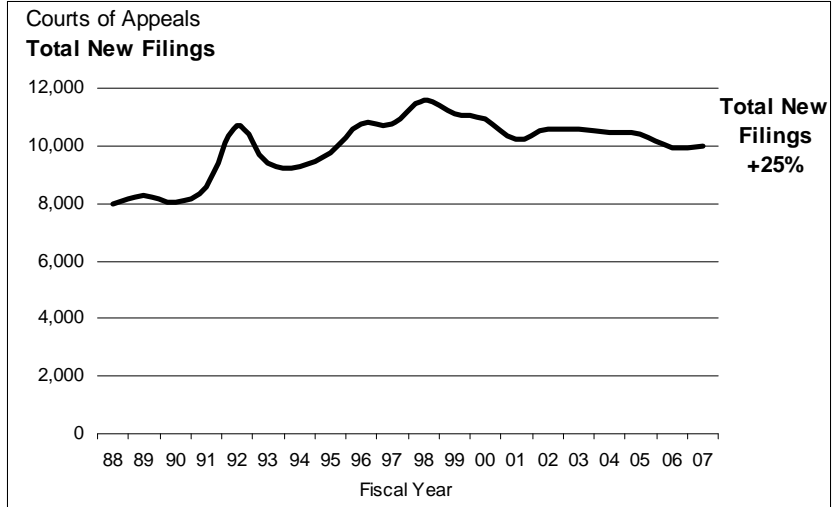


The number of writs of habeas corpus and original proceedings added increased dramatically from 1989 to 1999, and then leveled to an average of 6,852 cases added per year. The number of dispositions kept up with the rate of added cases; thus, the number of pending cases has trended upwards only slightly.

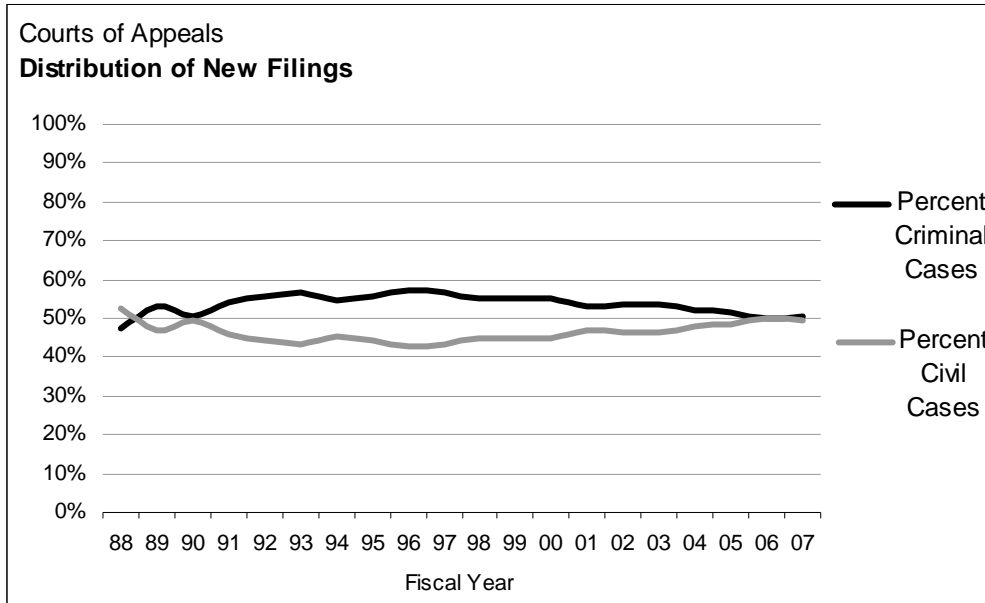


**Courts of Appeals**

Over the past 20 years, the number of new filings in the courts of appeals increased 25 percent, from 8,004 new cases filed in 1988 to 9,979 filed in 2007. The number of new filings reached a high point in 1998 with 11,566 new filings. From 2001 to 2007, the number stabilized with an average of 10,297 new cases filed per year.



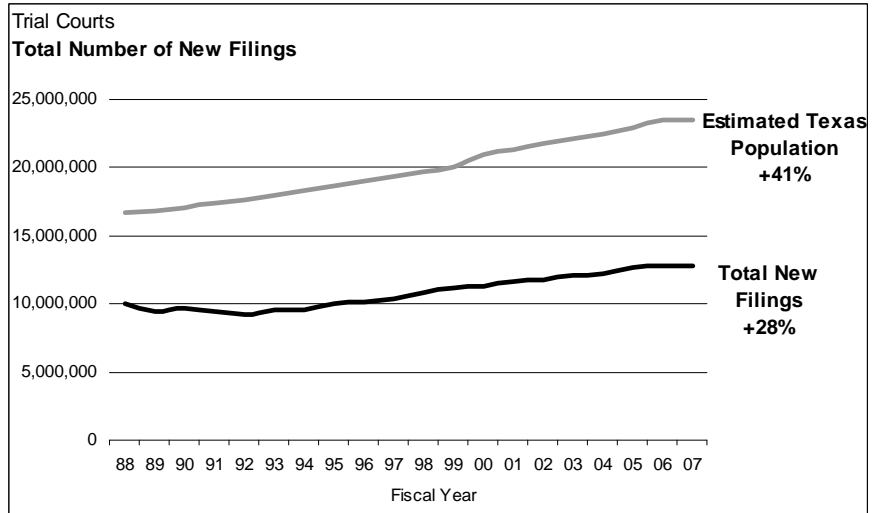
Overall, the case distribution between criminal and civil cases remained relatively unchanged from 1988 to 2007, with criminal cases accounting for a slight majority of new cases filed each year. The percentage of criminal cases decreased to exactly 50 percent in 2006 and 2007 from the peaks of 57 percent in 1993, 1996 and 1997.



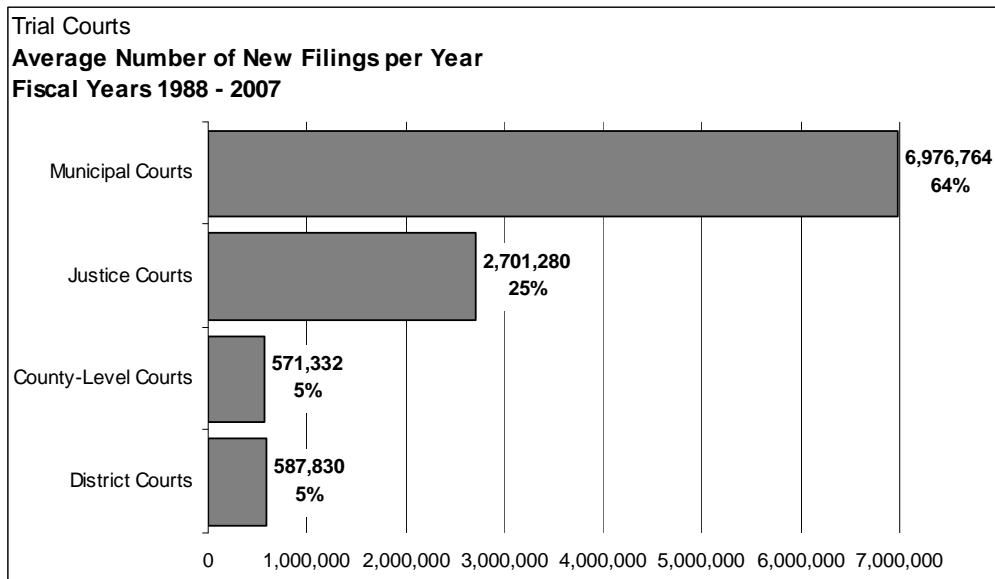
Texas Caseload Trends by Court Type

**TRIAL COURTS**

In the two decades between fiscal years 1988 and 2007, new filings in Texas trial courts increased 28 percent overall. When compared to the Texas population, which increased an estimated 41 percent during the same time frame (estimated 16,667,000 in 1987 and 23,507,783 in 2006),<sup>2</sup> the number of new filings dropped from 602 new filings for every 1,000 residents to 545 new filings for every 1,000 residents.



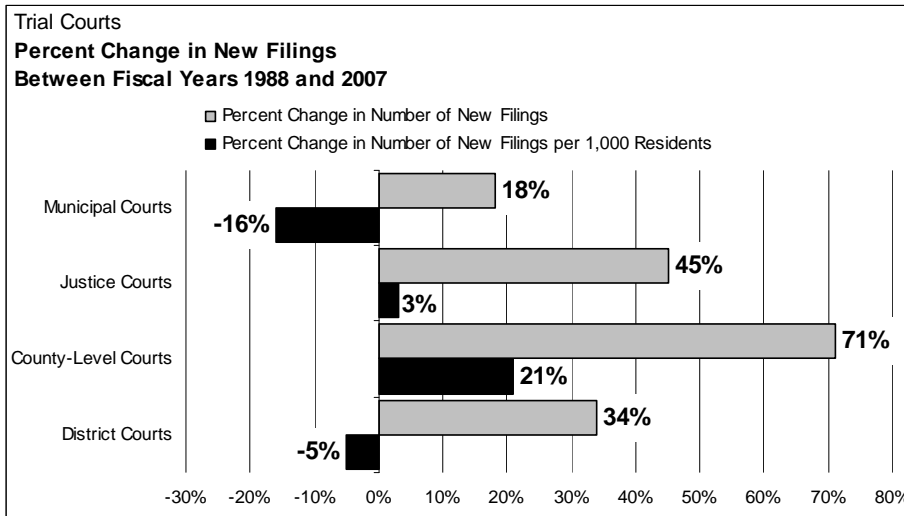
On average, the number of new filings in the state’s municipal courts far exceeded those in any other type of court, with nearly 7 million filings (64 percent of all filings). Justice courts had over 2.7 million new filings (25 percent of all filings), while county-level and district courts had over 0.5 million new filings each (5 percent of all filings, each).



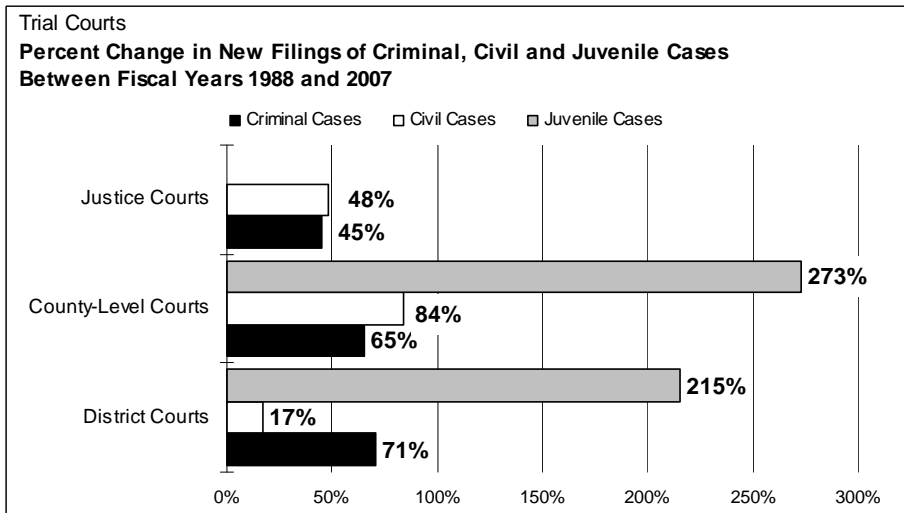
<sup>2</sup> <http://www.census.gov>. Data for 2007 not yet available.

## Texas Caseload Trends by Court Type

Between fiscal years 1988 and 2007, each type of court experienced considerable growth in the number of new cases filed. Justice and county-level courts saw the most growth with a 45 percent and 71 percent increase in the number of new filings, respectively. When population growth is accounted for (in terms of the number of new filings in the court for every 1,000 Texas residents), justice and county-level court caseloads still experienced growth with increases of 3 percent and 21 percent, respectively. New filings, however, decreased 16 percent in municipal courts and 5 percent in district courts.



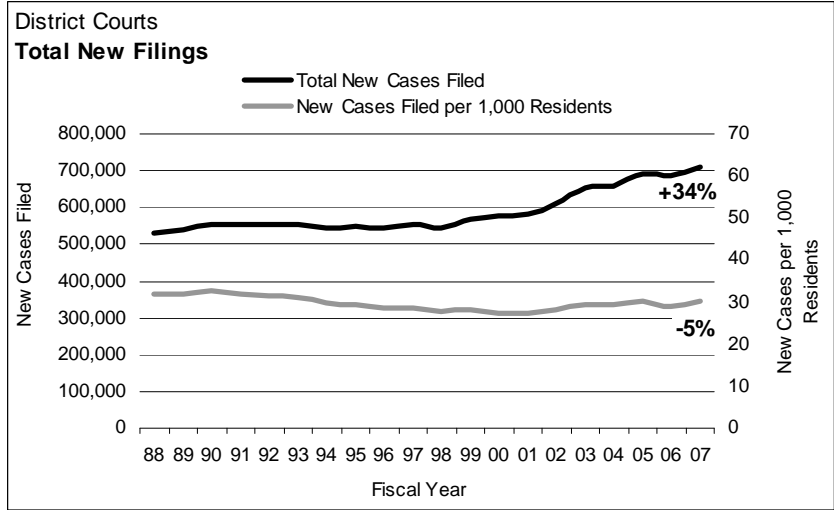
In county-level and district courts, the most significant increase occurred in juvenile cases, which more than doubled over the period. In justice courts, growth in civil cases outpaced the growth of criminal cases.



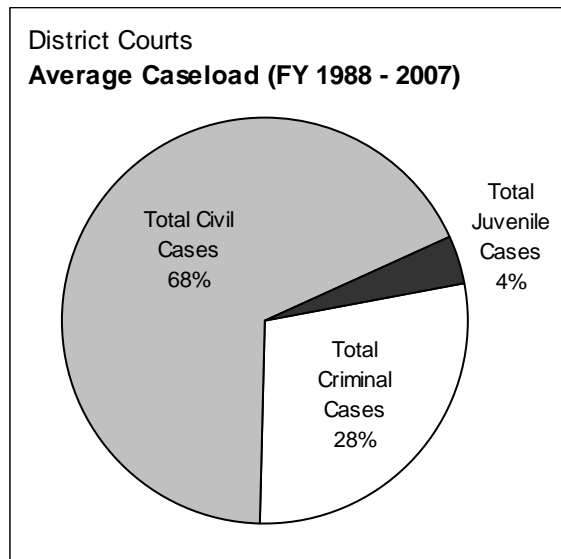
## Texas Caseload Trends by Court Type

### District Courts

In Texas' 437 district courts, the number of new filings increased 34 percent from 1988, when 529,237 new cases were filed, to 2007, when 708,013 new cases were filed. When population growth is accounted for, the number of new cases filed decreased 5 percent, from 31.8 new filings per 1,000 residents in 1988 to 30.1 new filings per 1,000 residents 20 years later.



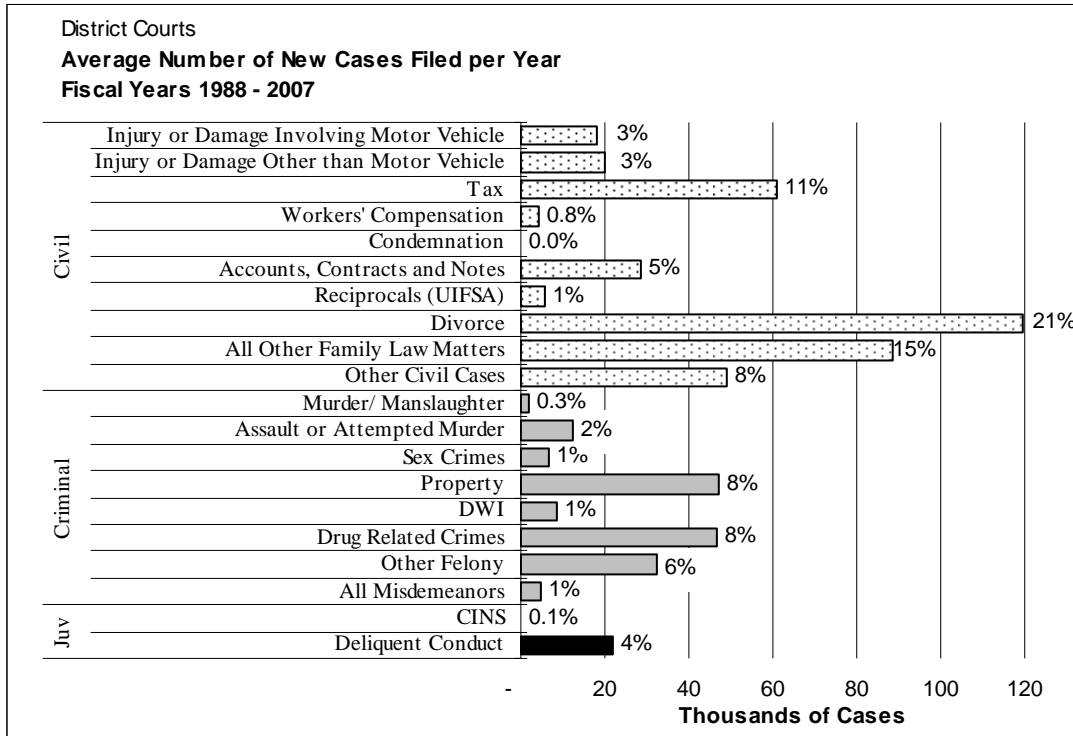
In an average year, the majority of new cases filed in district courts were civil cases. These cases accounted for 2 out of every 3 new cases filed in district courts. Criminal cases made up 28 percent, and juvenile cases accounted for 4 percent, of new cases filed. Over the past 20 years, there was not a significant change in this distribution of cases.





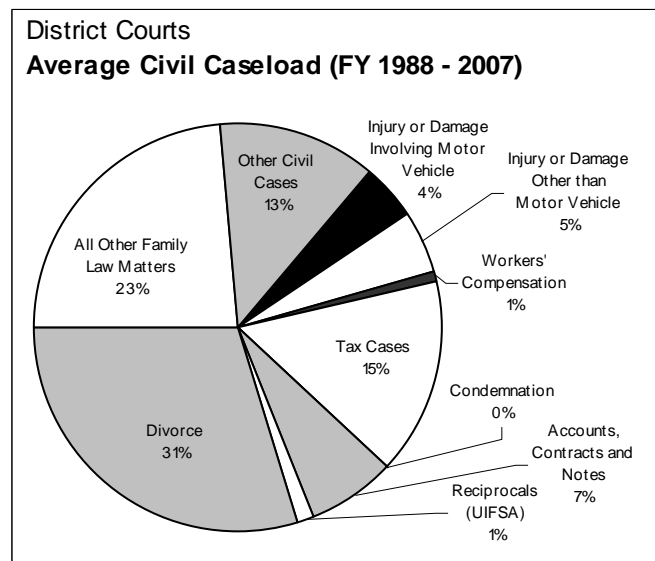
## Texas Caseload Trends by Court Type

Overall, divorce cases accounted for the largest share of new district court cases (21 percent), followed by all other family law matters (15 percent), tax cases (11 percent), and other civil cases (8 percent). Property-related and drug-related criminal cases each accounted for 8 percent of all cases filed.



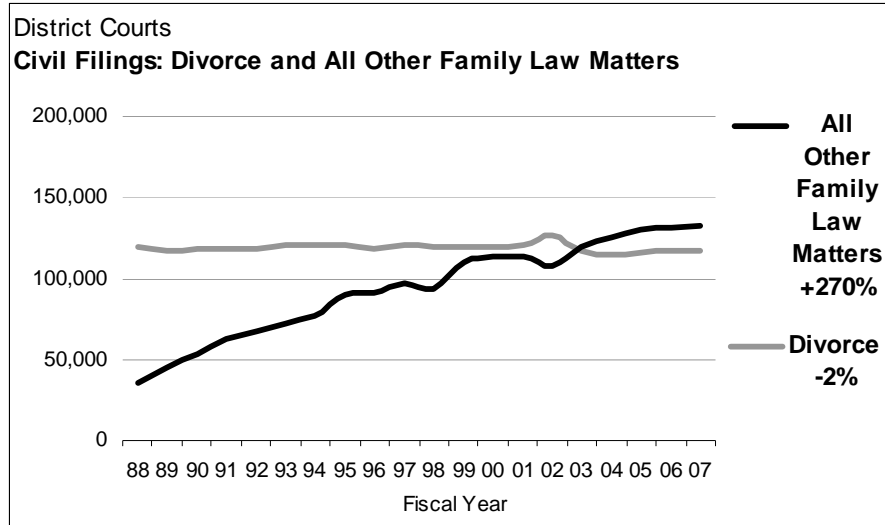
### *Civil Cases*

Two-thirds of all cases filed in district courts were civil cases. More than half of the civil cases brought before the courts involved family matters: 31 percent were divorce cases, 1 percent were reciprocal (UIFSA) cases, and 23 percent fell into the “all other family law matters” category, which includes motions to modify previously granted divorce decrees, annulments, adoptions, name changes, termination of parental rights, and other matters filed under the Family Code.

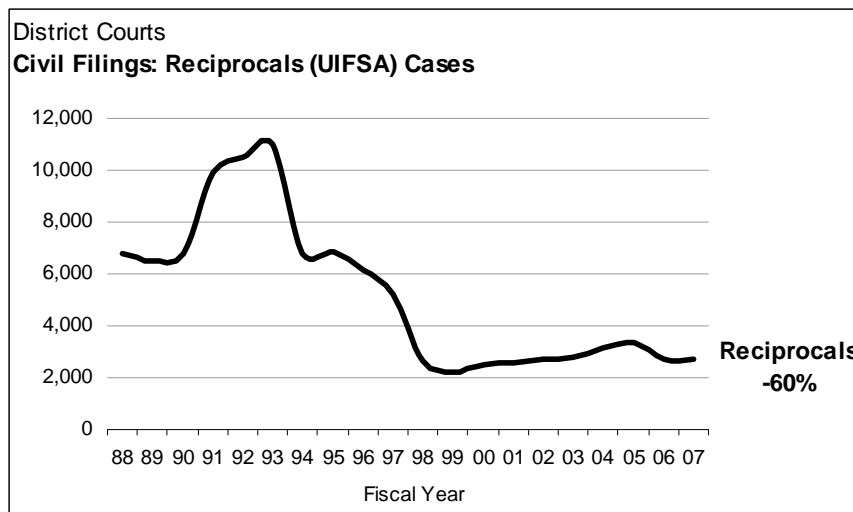


### Texas Caseload Trends by Court Type

Divorce cases, the largest category of civil cases filed in district courts, decreased slightly (2 percent) since 1988. The number of divorce cases filed in county-level courts, however, increased 148% during this time frame, resulting in a system-wide increase of 3 percent over 20 years.



The category “all other family law matters” increased dramatically in district courts. Twenty years ago, there were less than 36,000 cases filed; in 2007, the number had more than tripled to over 132,409. As with divorce cases, county-level courts saw an even larger increase in other family law matters than did district courts, indicating that county courts at law were assuming a growing share of the family law caseload in the state. The number of child protective cases may have contributed to the increase of family law cases in district courts. 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>3</sup> This increase in child protective cases, however, was minor compared to the increase in other family matters that were introduced into district courts.



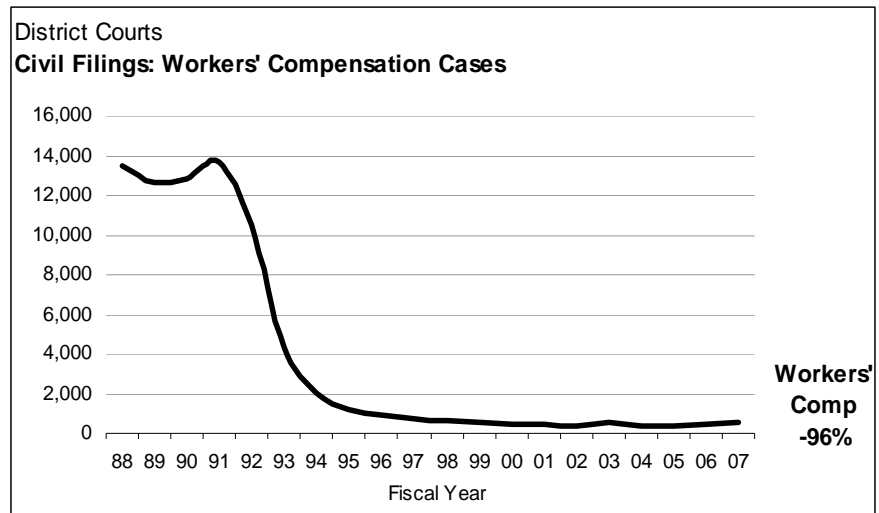
Although they account for only 1 percent of civil cases when averaged across 20 years, the number of reciprocals (UIFSA) cases filed has dropped considerably over the last 20 years (6,821 cases filed in 1988 to 2,736 cases filed in 2007). Replacing the URESA/RURESAs rules, UIFSA was intended to facilitate interstate child

<sup>3</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)

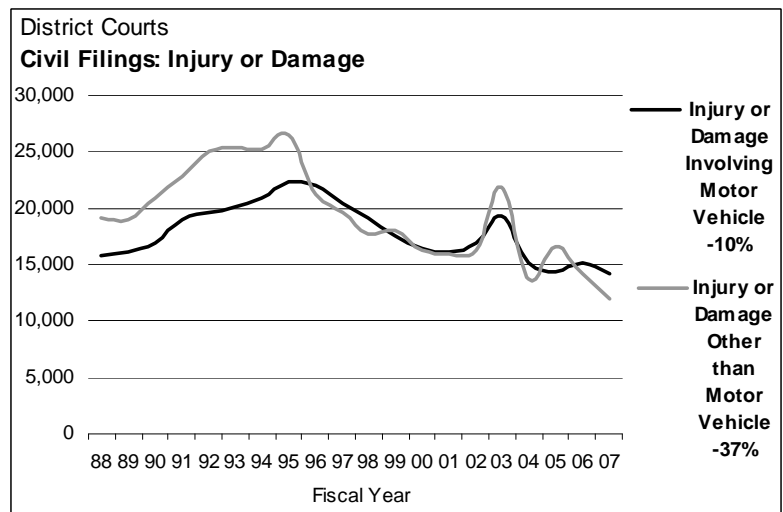
## Texas Caseload Trends by Court Type

support orders and clarify many questions such as choice of law and the question of which state has the power to modify orders. UIFSA was adopted by Texas in 1993,<sup>4</sup> with new versions and revisions adopted in later years, and all states in the nation were required to adopt the law by 1998. Since 1998, the number of cases entering Texas district courts leveled to an annual average of 2,731, which may indicate that the new laws made reciprocal cases easier to resolve outside the court system.

The number of workers' compensation cases also took a significant downward turn due to legislation. In 1991, the Texas Workers' Compensation Act took effect, which sought to replace litigation with an administrative review process.<sup>5</sup> Since 1991, district courts only hear appeals of workers' compensation cases; therefore, the data show that appeals remained steady since the enactment of this legislation.



Cases of injury or damage involving a motor vehicle and cases of injury or damage other than a motor vehicle both decreased over the past two decades (10 percent and 37 percent, respectively). Coinciding with this decrease in district courts, county-level courts saw an increase of these types of cases - injury or damage involving a motor vehicle increased 38 percent and injury or damage other than a motor vehicle increased 14 percent in county-level courts. Several factors may have influenced the trends seen in tort cases. The first was the Supreme Court's decision



<sup>4</sup> Act of April 6, 1995, 74<sup>th</sup> Leg., R.S., Ch. 20 § 1, 1995, Tex. Gen. Laws 113.

<sup>5</sup> Texas Workers' Compensation Act, 1989, 71<sup>st</sup> Leg., 2<sup>nd</sup> C.S., Ch. 1 Articles 1-11, Tex. Gen. Laws 1.

## Texas Caseload Trends by Court Type

in *Dow Chemical Co. v. Alfaro*,<sup>6</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>7</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>8</sup> helped to close loopholes regarding venue that were created by the Alfaro decision.<sup>9</sup> Other legislation in the 74<sup>th</sup> Legislature that affected tort cases were: SB 25,<sup>10</sup> concerning limits to punitive damages; SB 28,<sup>11</sup> concerning joint and several liability; HB 668,<sup>12</sup> concerning the Deceptive Trade Practice Act; and SB 31,<sup>13</sup> concerning frivolous lawsuits. In 2003, the state legislature passed HB 4 (the Medical Malpractice and Tort Reform Act).<sup>14</sup> This act placed a cap on non-financial damages in cases that were filed prior to September 1, 2003 which may explain the spike in 2003. In 2005, the 79<sup>th</sup> Legislature passed SB 890<sup>15</sup> which restored the election of dollar-for-dollar settlement credits and which may have influenced the small increase in cases during that year.

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<sup>6</sup> *Dow Chemical Co. v. Alfaro*, 786 S.W. 2d 674 (Tex. 1990)

<sup>7</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>8</sup> Act of May 18, 1995, 74<sup>th</sup> Leg. R.S., Chap 138, § 1-12, Tex. Sess. Law Serv. 978.

<sup>9</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>10</sup> Act of April 20, 1995, 74<sup>th</sup> Leg. R.S., Chap 19, § 1-3, Tex. Sess. Law Serv. 108.

<sup>11</sup> Act of May 18, 1995, 74<sup>th</sup> Leg. R.S. Chap 136 § 1-5, Tex. Sess. Law Serv. 971.

<sup>12</sup> Deceptive Trade Practice Act, 74<sup>th</sup> Leg. R.S., Chap 414 § 1-22, Tex. Sess. Law Serv. 2988.

<sup>13</sup> Act of May 18, 1995, 74<sup>th</sup> Leg., R.S., Chap 137 § 1-3, Tex. Sess. Law Serv. 977.

<sup>14</sup> Medical Malpractice and Tort Reform Act, 78<sup>th</sup> Leg. R.S., Chap 204 § 1-23, Tex. Sess. Law Serv. 847.

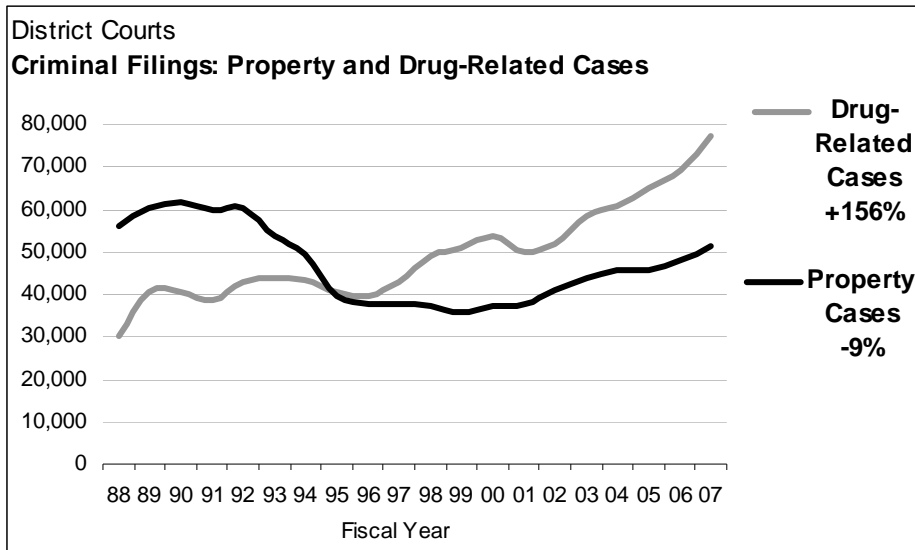
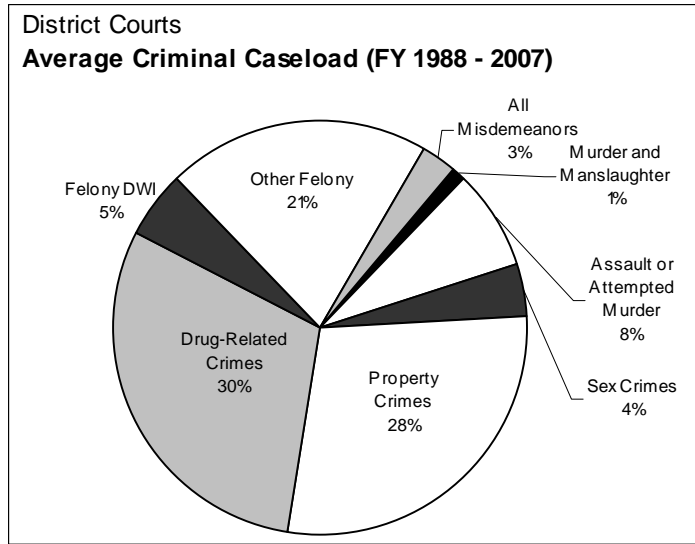
<sup>15</sup> Act of May 17, 2005, 79<sup>th</sup> Leg., R.S., Chap 277 § 1-3, Tex. Sess. Law Serv. 770.

## Texas Caseload Trends by Court Type

### *Criminal Cases*

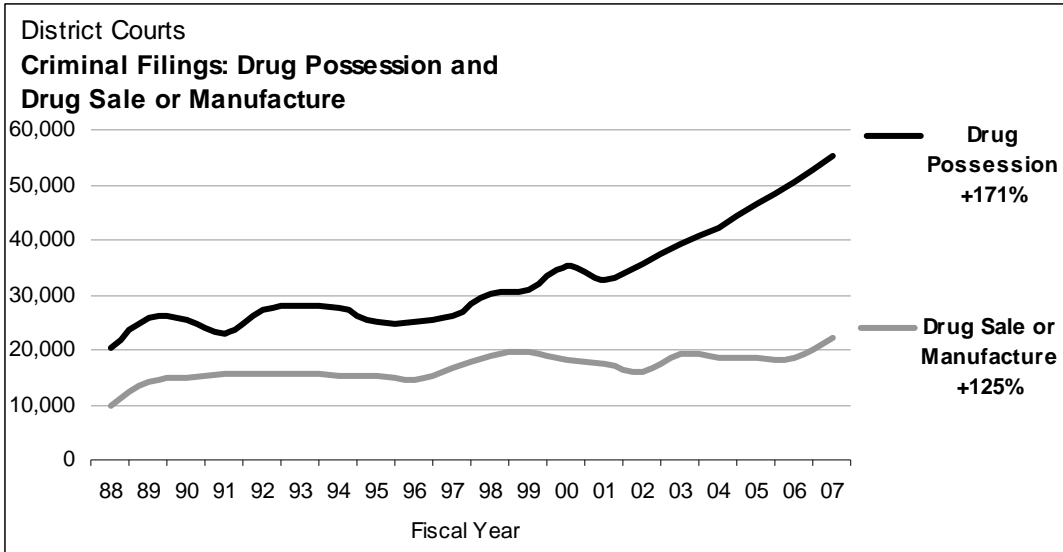
Cases involving drug-related crimes (drug sale or manufacture and drug possession) made up the largest category of criminal cases filed in district courts in the past 20 years (30 percent). Cases involving crimes against property (robbery, burglary, theft, auto theft, and arson) ranked a close second with 28 percent of the total, and “other felonies” ranked third with 21 percent.

Although property cases and drug-related cases appear to be equal when looking at the 20-year average, a clear pattern of change between the two categories emerges when data are analyzed across the years. Twenty years ago, cases involving property crimes outnumbered drug-related cases by nearly 2 to 1. By 2007, the distribution between these categories reversed, and the number of drug-related cases outnumbered property cases by 1.5 to 1.

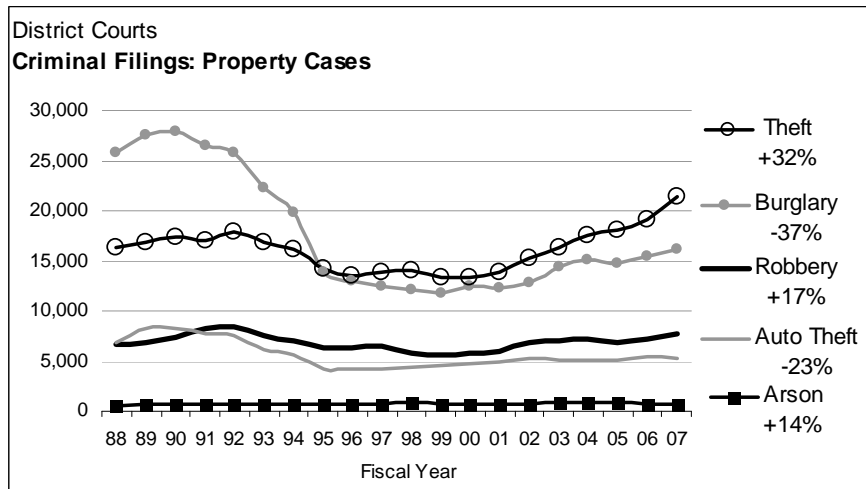


In drug-related cases, the number of cases involving drug sale or manufacture more than doubled since 1988, but the number of drug possession cases nearly tripled. Since 2001, drug possession cases increased an average of 9 percent per year. This increase remains even when accounting for the population increase (1.7 cases per 1,000 adult residents in 1988 compared to 3.2 cases per 1,000 adult residents in 2007).

## Texas Caseload Trends by Court Type



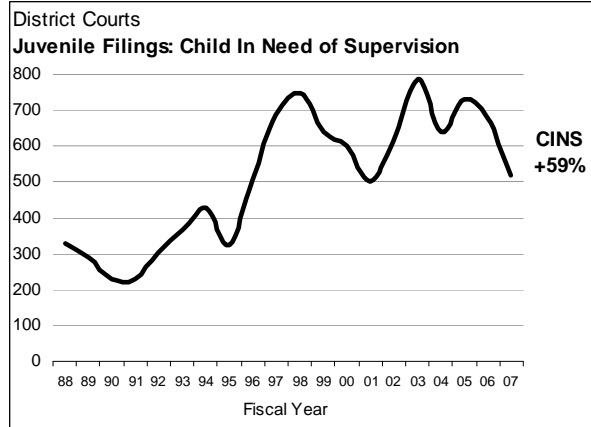
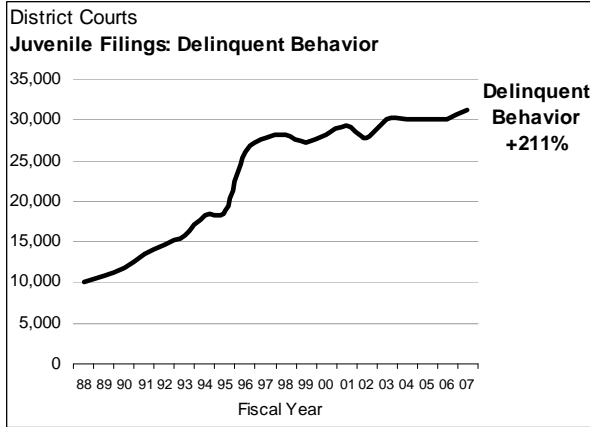
Among the property-related cases, the most significant change occurred in burglary cases, which dropped 37 percent from 1988 to 2007. Theft increased 32 percent in 20 years, but auto theft declined by 23 percent. Robbery and arson increased slightly in the same time frame.



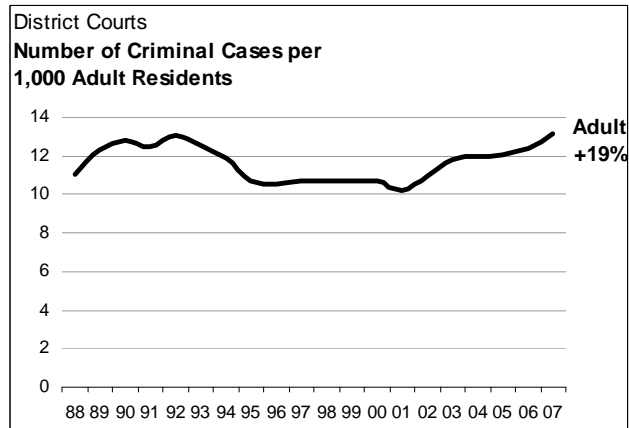
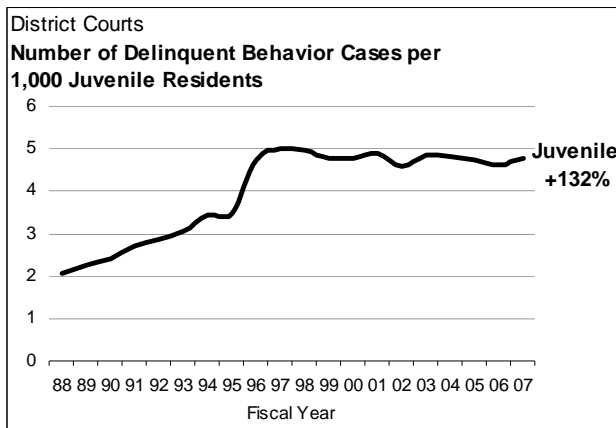
## Texas Caseload Trends by Court Type

### Juvenile Cases

Juvenile cases constituted 4 percent of all cases filed in district courts between 1988 and 2007. The vast majority of new juvenile cases filed were delinquent conduct cases (98 percent), while CINS cases accounted for the remaining 2 percent. Both categories increased over the past two decades: delinquent conduct increased 211 percent from 10,012 in 1988 to 31,120 in 2007, and CINS cases increased 59 percent from 327 in 1988 to 520 in 2007.



The total number of juvenile cases tripled over the past 20 years (10,039 in 1988 to 31,640 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 215 percent. When population growth is accounted for, the number of delinquent conduct cases per 1,000 juvenile Texas residents increased 132 percent over the past 20 years, compared with a 19 percent increase in the number of adult criminal cases per 1,000 adult residents for the same time frame.



## Texas Caseload Trends by Court Type

Reports from the Texas Youth Commission (TYC) corroborate that there was a significant increase in juvenile arrests in the 1990s.<sup>16</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.

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<sup>16</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:

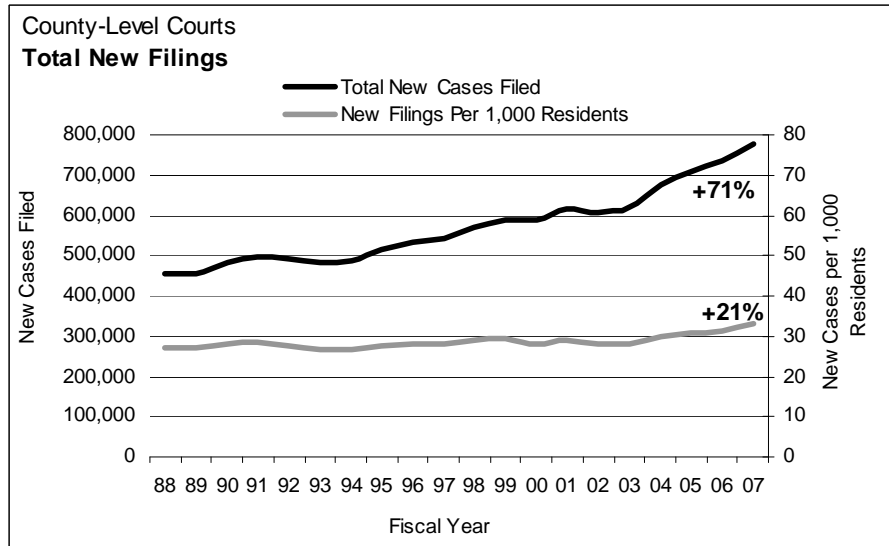
- The juvenile proportion of total arrests increased from 23% to 35%.
- Juvenile violent crime arrests also increased. The arrest rate peaked in 1994 at 18%, up from 13% in 1990.”

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



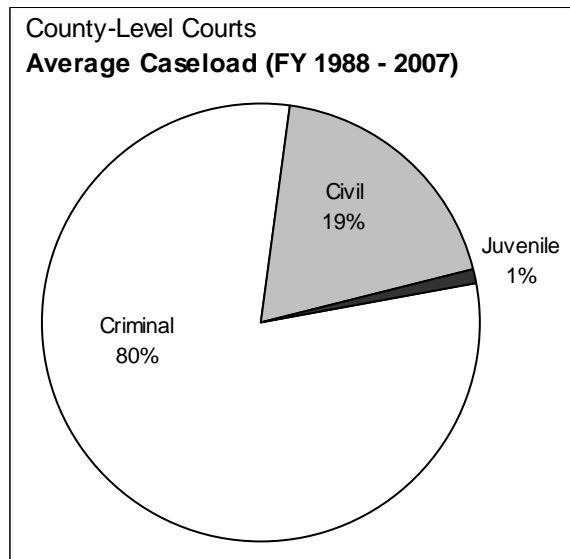
**County-Level Courts**

County-level courts saw an increase of 71 percent in the number of new filings from 1988 (455,448 new cases filed) to 2007 (777,114 new cases filed). When population growth is accounted for, the number of new cases per 1,000 residents increased 21 percent, from 27.3 new filings per 1,000 residents in 1987 to 33.1 per 1,000



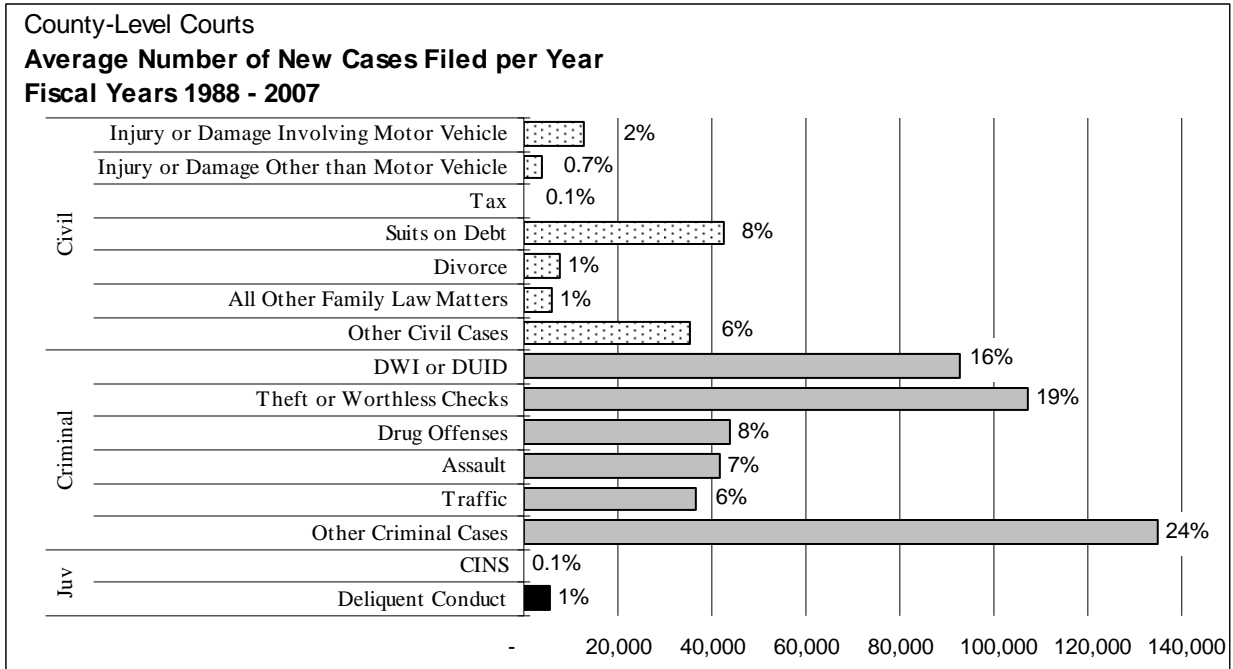
residents in 2007. The number of new criminal cases filed increased 65 percent, civil cases increased 84 percent, and juvenile cases increased 273 percent.

On average, the majority of new cases filed in county-level courts were criminal cases, which accounted for 4 out of every 5 new cases filed. Civil cases made up 19 percent of new cases filed, and juvenile cases were 1 percent of new cases filed.



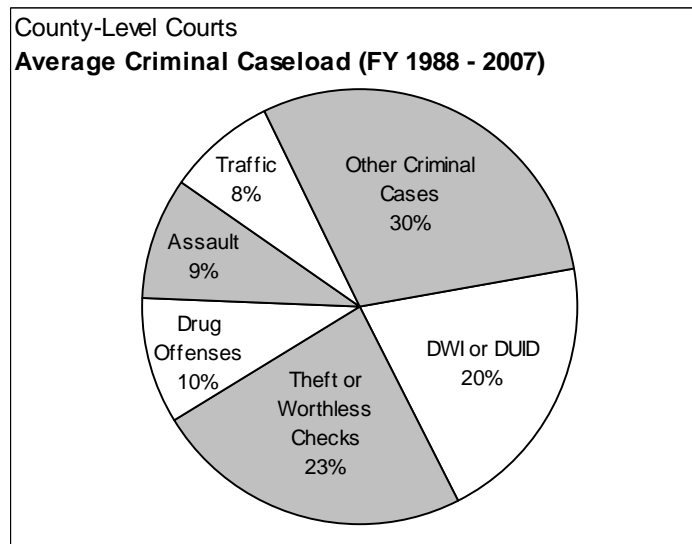
## Texas Caseload Trends by Court Type

Overall, the largest number of cases filed in county-level courts fell into the “other criminal case” category (24 percent). Theft or worthless checks was the second largest category (19 percent), with DWI/DUID as a close third (16 percent). In civil matters, suits on debt was the most frequent type of case filed (8 percent), and the category of “other civil case” was the second most frequent (6 percent). Most juvenile cases were filed as delinquent conduct cases (1 percent of total cases filed).

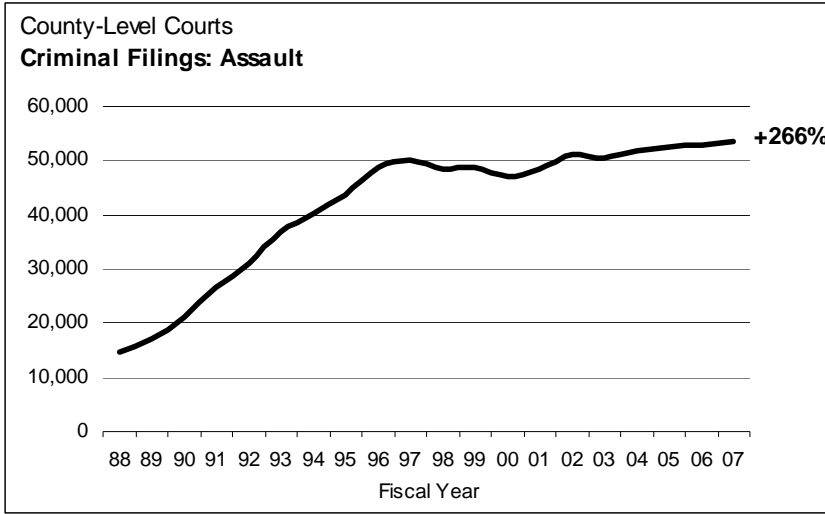


### *Criminal Cases*

As noted above, the category “other criminal cases” accounted, on average, for the largest percentage of new criminal cases filed (30 percent) over the past 20 years. Twenty-three (23) percent of new criminal cases were filed as theft or worthless check cases, and DWI/DUID cases accounted for 20 percent of new criminal cases filed. Drug offenses and assault cases accounted for 10 percent and 9 percent, respectively, and traffic offenses accounted for 8 percent of new criminal cases filed.



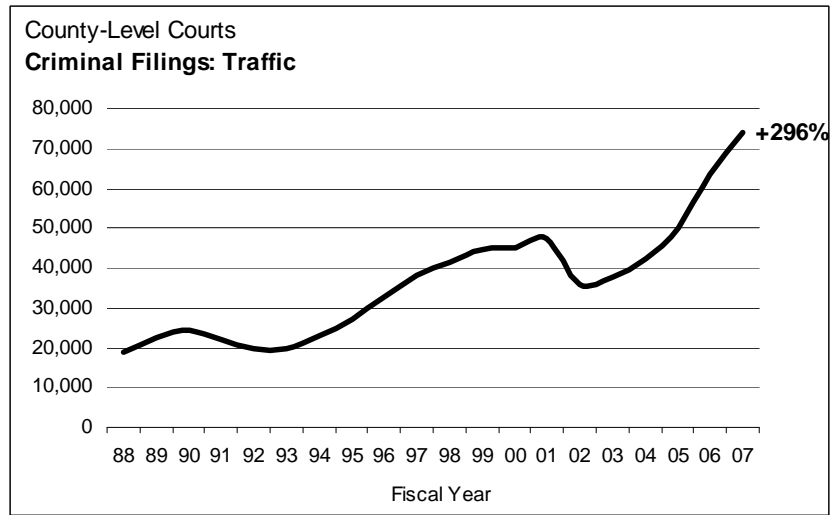
## Texas Caseload Trends by Court Type



Over the past 20 years, the number of new assault filings increased 266 percent, the largest percentage increase of all criminal categories. Although in a 20-year average this category comprised 8 percent of all criminal cases filed, it increased from only 4 percent in 1988 to 9 percent of criminal cases filed in 2007 (reaching a

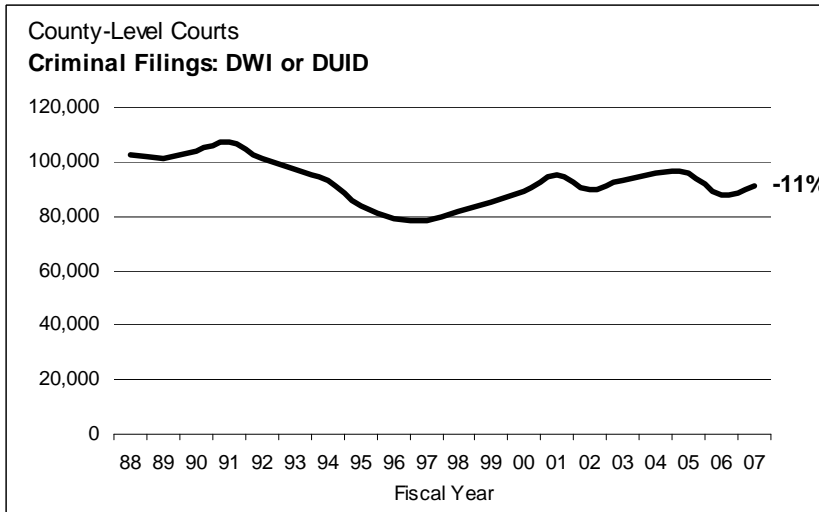
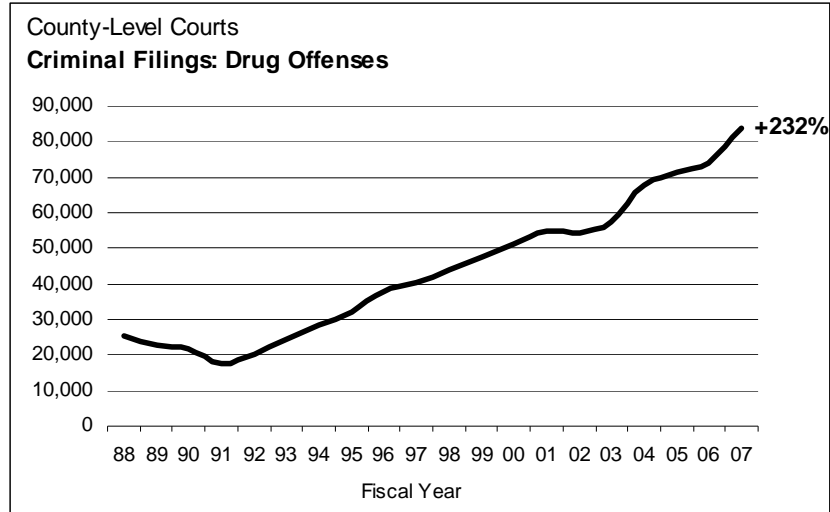
high of 11 percent in fiscal years 1996, 1997 and 2002). The decade between 1987 and 1997 showed the largest growth rate for this category, when new filings increased an average of 16 percent per year. The number of assault filings stabilized since 1997 to an average of 50,476 per year.

The smallest group of criminal filings, traffic offenses, also saw a significant increase between 1988 and 2007. This category increased 296 percent in two decades, and went from comprising only 5 percent of new criminal filings in 1988 to 13 percent in 2007.



## Texas Caseload Trends by Court Type

Filings of drug offense cases also grew significantly between 1988 and 2007, with an increase of 232 percent. The 20-year low was reached in 1991 with 17,400 new filings, but consistently rose each year since.

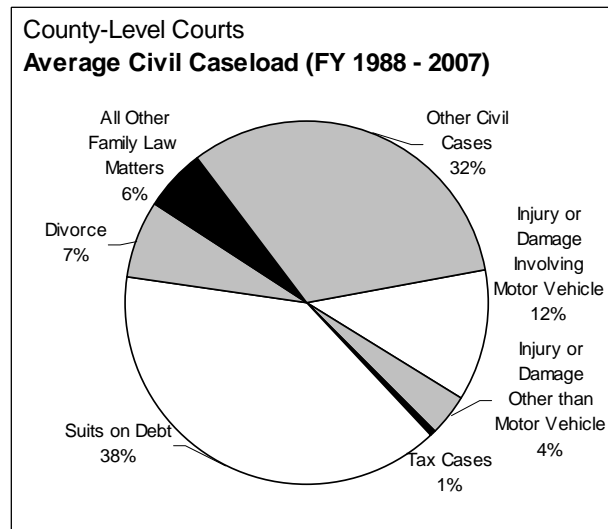


The number of new DWI and DUID cases filed decreased 11 percent since 1988, the only decrease reported in any of the criminal categories.

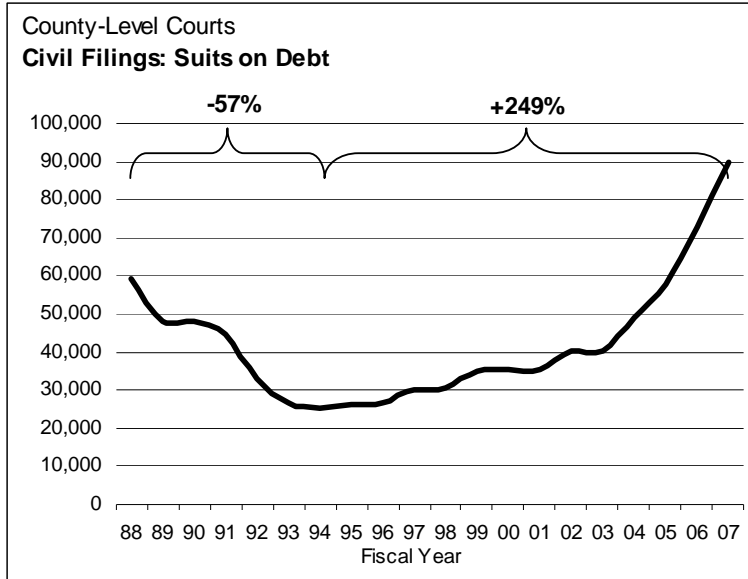
The other categories of criminal cases, theft of worthless checks and "other criminal cases," have increased 14 percent and 76 percent, respectively.

### Civil Cases

Nineteen (19) percent of all cases introduced in county-level courts were civil cases. On average, 38 percent of all new civil cases filed involved suits on debt, while "other civil cases" accounted for 32 percent. Family law cases (divorce and all other family matters) accounted for 13 percent of new civil cases filed; injury or damage involving a motor vehicle accounted for 12 percent; and all other case categories accounted for only 5 percent of all new civil cases filed.

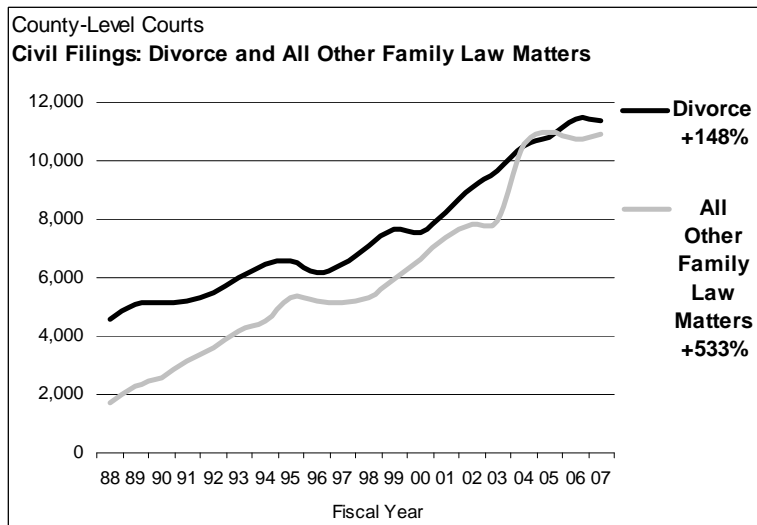


## Texas Caseload Trends by Court Type



The largest category of civil cases filed, suits on debt, had a dichotomous trend between 1988 and 2007. In 1988, there were 59,072 suits on debt cases filed in the courts. This number declined steadily to a low point of 25,308 in 1994, and then increased steadily back up to a 20-year high in 2007 at 89,898, an increase of 249 percent.

Divorce filings increased 148 percent in 20 years, and in 2007 were 2.5 times the number in 1988. However, according to Texas Department of State Health Services Vital Statistics Unit,<sup>17</sup> the divorce ratio (number of divorces per resident) declined steadily in Texas to 3.6 divorces per 1,000 residents in 2004, the lowest rate since divorce statistics began to be captured in 1970. The total number of divorce cases filed both in district and county-level courts only increased 3 percent between 1988 and 2007, with an increasing percentage of cases being filed in county-level courts rather than district courts (4 percent of divorce cases filed in county-level courts in 1988 versus 9 percent in 2007).

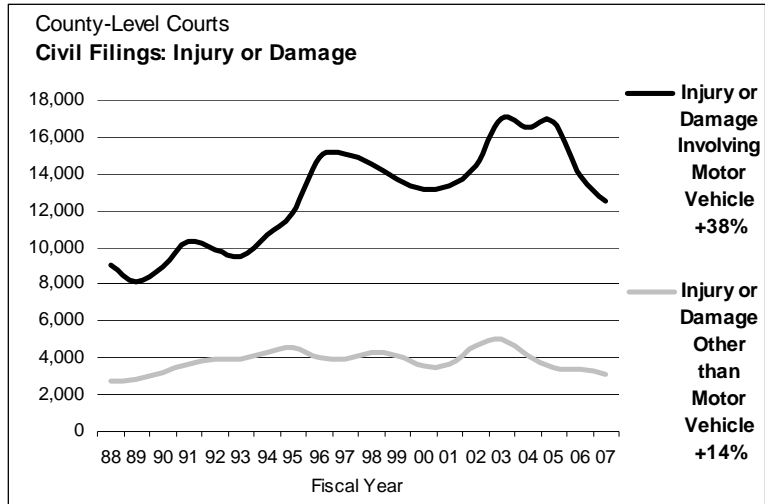


Increasing 533 percent, the growth in “all other family matters” greatly outpaced divorces and increased more than any other category of civil cases. In 2007, this category was more than 6 times the number filed 20 years prior. The number of divorces may have influenced this number since this category also includes modifications to previously granted divorce decrees. Also, this number reflects the shift of family law caseloads from district courts to county courts at law.

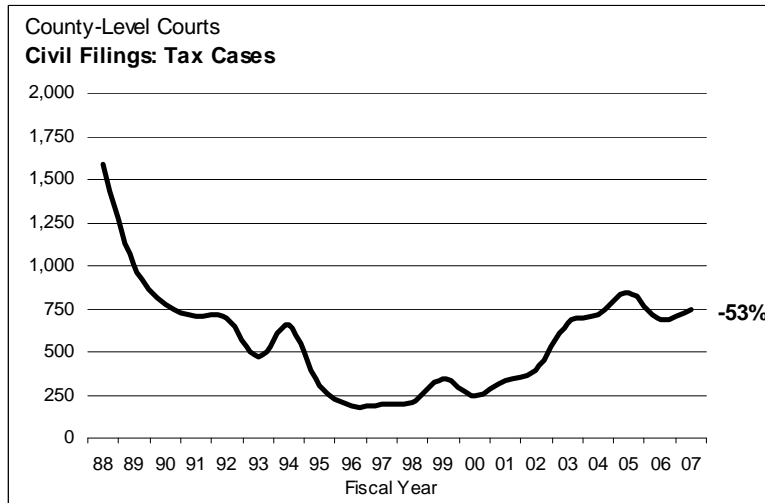
<sup>17</sup> <http://www.dshs.state.tx.us/CHS/VSTAT/latest/nuptil.shtm>

## Texas Caseload Trends by Court Type

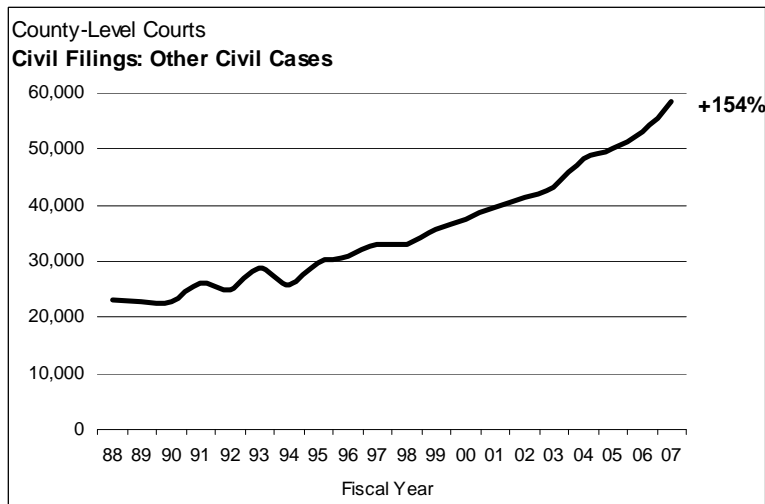
Cases of injury or damage involving a motor vehicle and cases of injury or damage other than a motor vehicle both increased over the past two decades (38 percent and 14 percent, respectively). In 2006 and 2007, cases of injury or damage involving a motor vehicle decreased slightly from its 20-year high of nearly 17,000 new filings per year between the years 2003 and 2005.



Tax cases was the only category of civil cases that saw a 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.



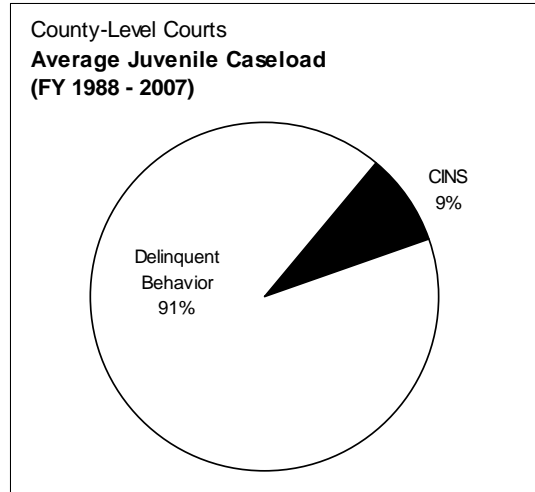
The category of “other civil cases” increased 154 percent over the 20 years. Other than family matters (divorce and all other family matters), this catch-all category increased more than any other civil case category.



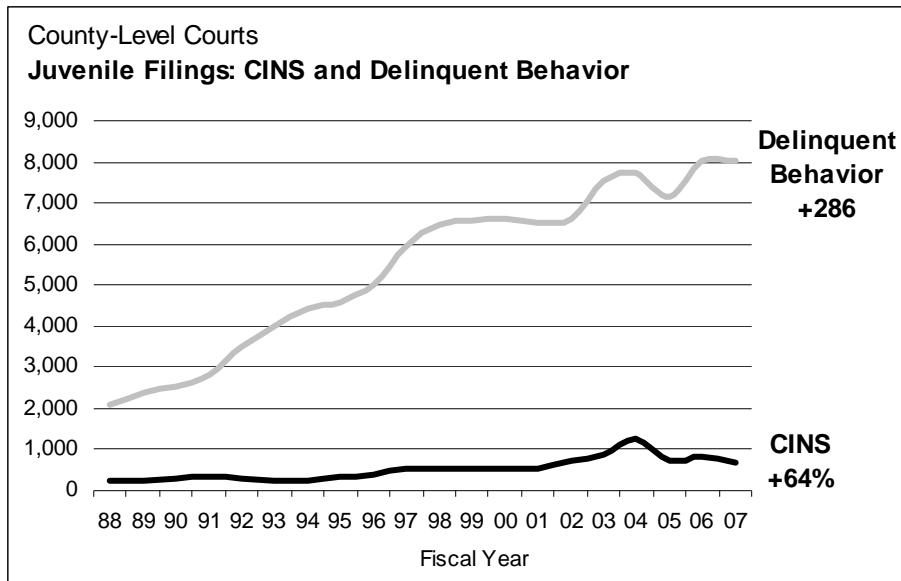
## Texas Caseload Trends by Court Type

### *Juvenile Cases*

Juvenile cases constituted 1 percent of all cases introduced in county-level courts over the past 20 years. Ninety-one (91) percent of new juvenile cases filed were delinquent conduct cases, while CINS cases accounted for the remaining 9 percent.

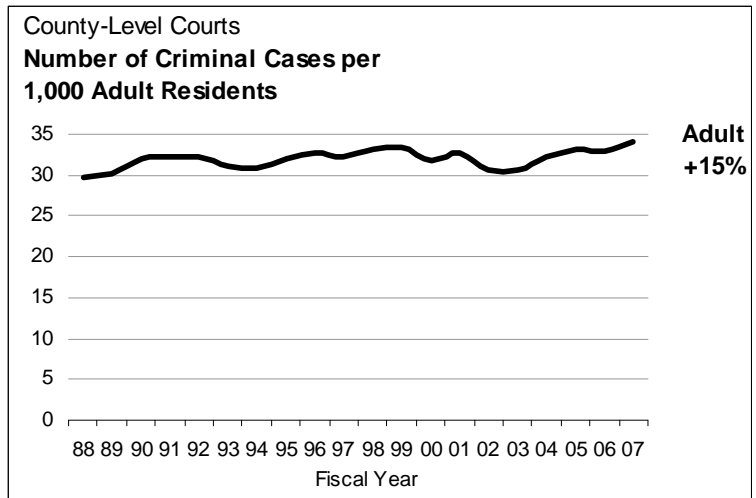
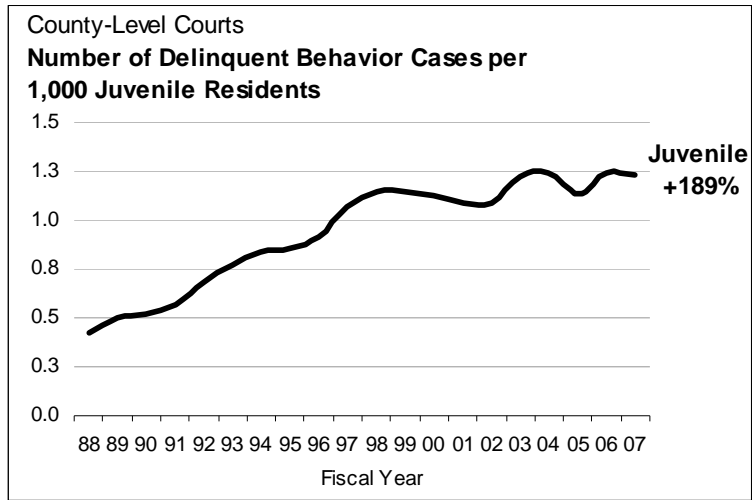


Both the number of new delinquent conduct cases and CINS cases filed increased between 1988 and 2007. In 1988, there were 2,075 new delinquent cases filed in county-level courts, which increased 286 percent to 8,018 in 2007. CINS cases increased from 264 in 1988 to 697 in 2007 (an increase of 64 percent), and reached the 20-year high in 2004 with 1,253 new cases.



## Texas Caseload Trends by Court Type

The number of juvenile cases filed in the county-level courts outpaced the growth of Texas's youth population. While the youth population in Texas only increased by one-third in 20 years (34 percent), the number of juvenile cases (delinquent conduct and CINS) more than tripled, increasing from 2,339 in 1988 to 8,715 in 2007. The number of new juvenile delinquency filings per 1,000 juvenile Texas residents shows a clear upward trend since 1988, and it reached its peak of 1.24 juvenile case filings per 1,000 juvenile residents in 2004 and 2006. Overall, the number of juvenile delinquency filings per 1,000 juvenile residents increased 189 percent in the last two decades. In comparison, adult criminal filings have increased only 15 percent when compared to the Texas adult population.



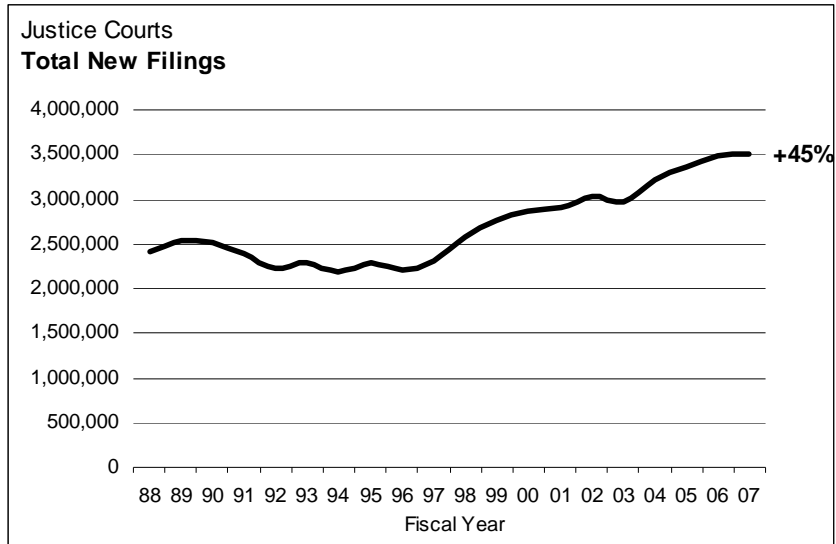
Reports from the Texas Youth Commission (TYC) corroborate that there was a significant increase in juvenile arrests in the 1990s.<sup>18</sup> Legislation that became effective in 1996 considerably changed the state's juvenile justice system, including the promotion of the concept of punishment for criminal 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>18</sup> See fn. 5.

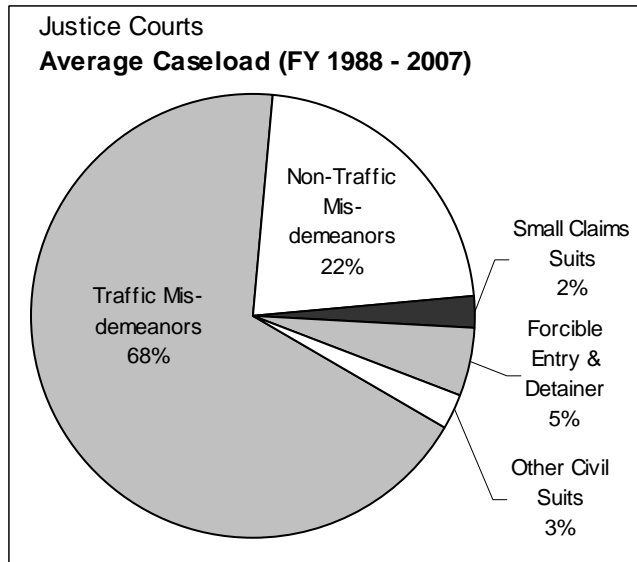


**Justice Courts**

The number of new filings in justice courts increased 45 percent from 1988, when 2,416,384 new cases were filed, to 2007, when 3,505,812 new cases were filed. During this timeframe, new criminal cases (traffic and non-traffic misdemeanors) grew by 45 percent, while new civil cases (small claims, forcible entry and detainer, and other civil suits) increased by 48 percent.



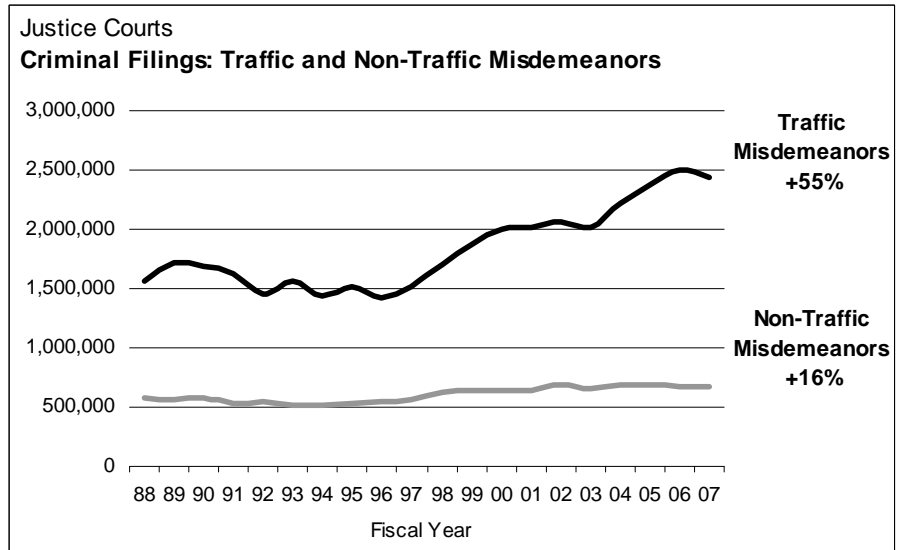
Overall, the distribution of cases over the past 20 years remained relatively unchanged with 90 percent of new cases being new criminal filings (traffic and non-traffic misdemeanors).



## Texas Caseload Trends by Court Type

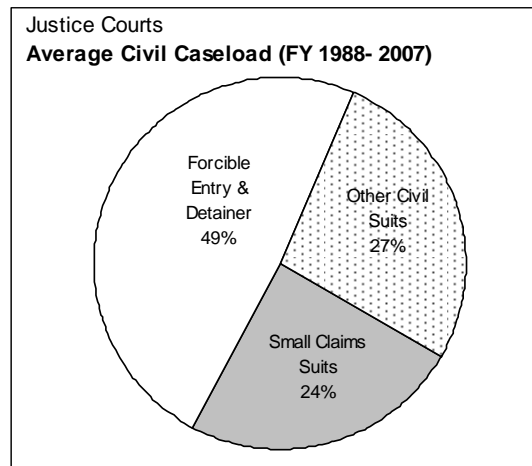
### *Criminal Cases*

Traffic misdemeanors accounted for, on average, 75 percent of all new criminal cases filed. The remaining 25 percent of new criminal cases were filed as non-traffic misdemeanor cases. Between 1988 and 2007, the number of new traffic misdemeanors increased 55 percent, reaching a 20-year high at 2,493,178 new filings in 2006. Non-traffic misdemeanors also increased, though not at the same pace as traffic misdemeanors. Non-traffic misdemeanors increased 16 percent in the past two decades.



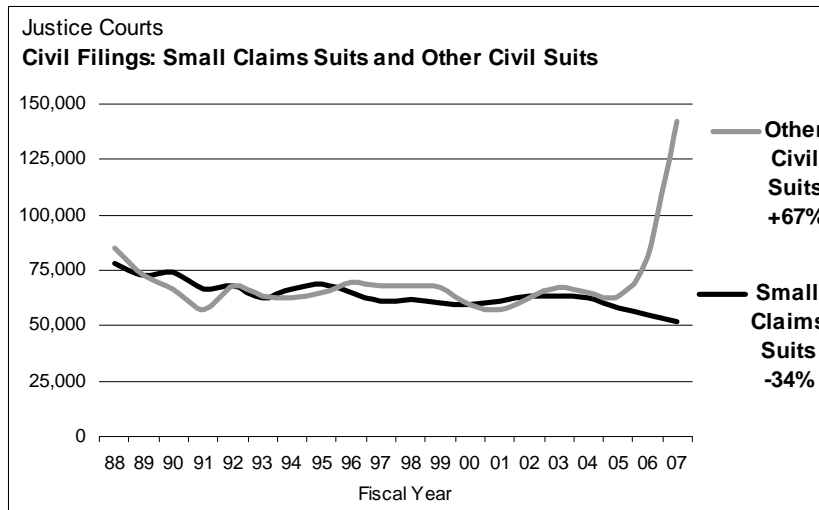
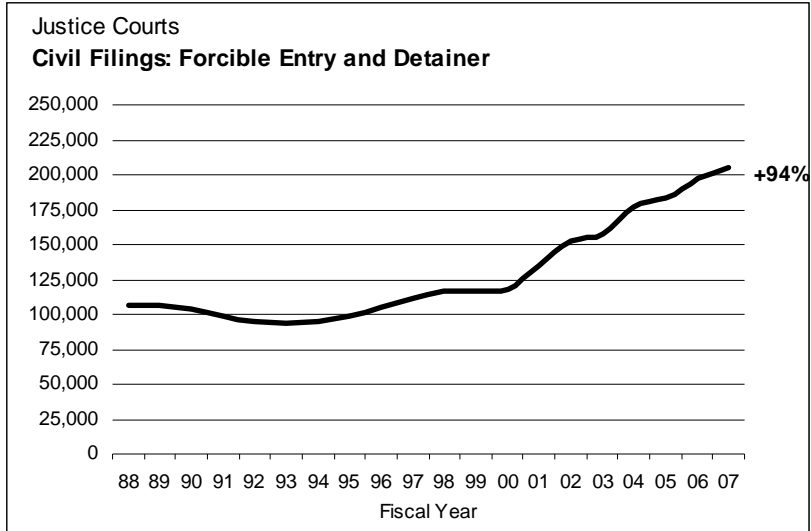
### *Civil Cases*

Forcible entry and detainer cases accounted for nearly half of all new civil cases filed in justice courts. Other civil suits accounted for 27 percent of new civil cases filed, while small claims suits accounted for the remaining 24 percent.



## Texas Caseload Trends by Court Type

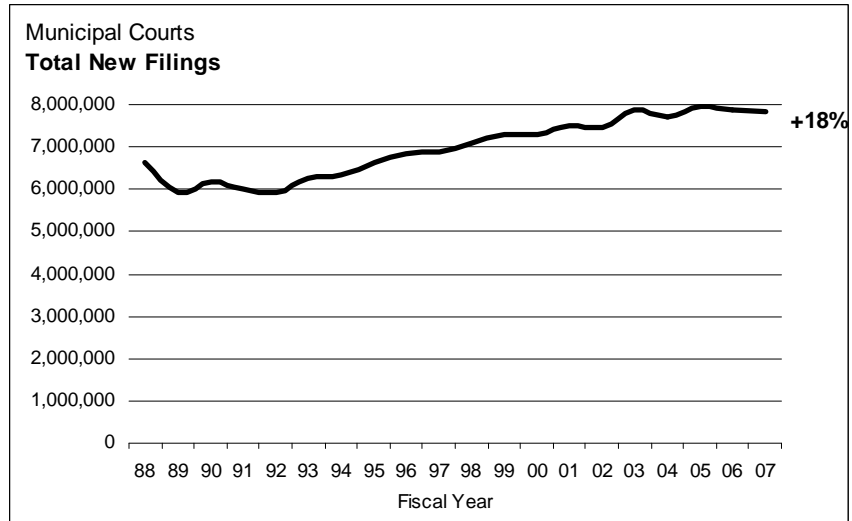
The number of new forcible entry and detainer cases filed from 1988 to 2007 increased by 94 percent. After a decrease in the number of cases in the mid-1990s, the number increased significantly since 2001, with a rate of almost 9 percent per year. In 1989, the 71<sup>st</sup> legislature amended the Texas Property Code concerning forcible entry and detainers, which may have influenced these numbers.



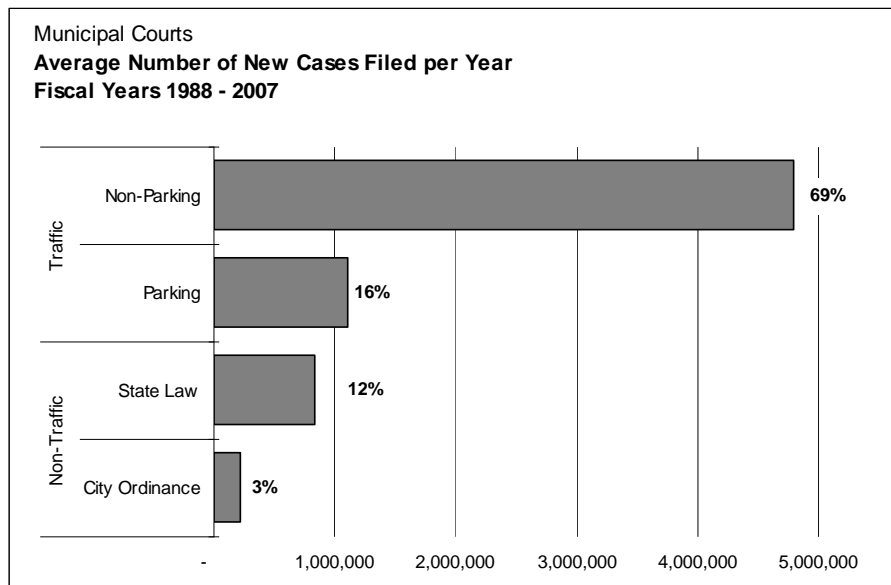
From 1988 to 2007, the number of small claims suits trended downward; decreasing 34 percent in 20 years and averaging 64,063 cases. Other civil suits averaged 70,599 but took a significant turn upward in 2007 – an increase of 76 percent over the previous year.

## Municipal Courts

New filings in municipal courts increased 18 percent between 1988 and 2007. On average, 85 percent of new filings were traffic cases, and 15 percent were non-traffic cases.



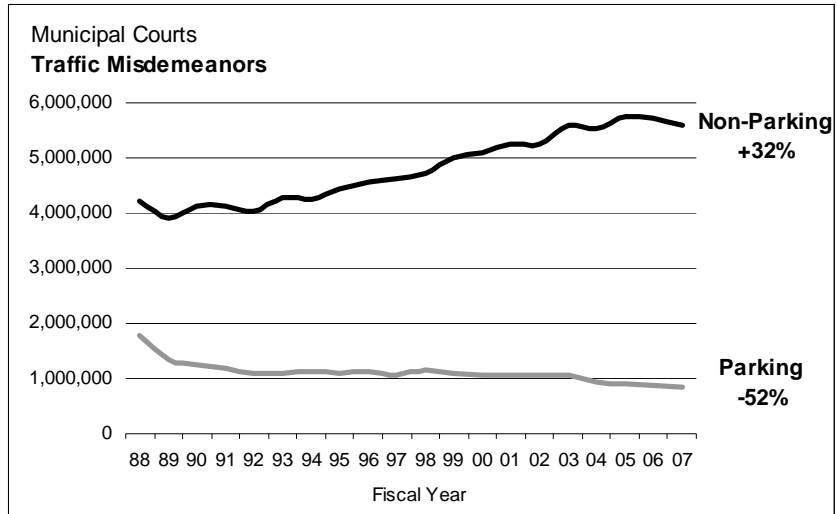
Non-parking traffic cases constituted the vast majority of all cases filed in municipal courts (69 percent). Parking cases were the next numerous at 16 percent, then state law cases at 12 percent and city ordinance cases at 3 percent.



## Texas Caseload Trends by Court Type

### *Traffic Cases*

On average, non-parking cases accounted for 81 percent of new traffic filings, while parking filings accounted for 19 percent. New non-parking cases increased by 32 percent between 1988 and 2007. The number of new parking cases increased by 32 percent between 1988 and 2007. The number of new parking filings, however, decreased by 52 percent during this timeframe.



### *Non-Traffic Cases*

Together, state law and city ordinance cases made up an average of 15 percent of all new municipal court cases between 1988 and 2007. The rate of increase for these two categories was significantly higher than the rate of increase in traffic cases. State law filings increased 103 percent, even after a slight decrease after the 20-year high of 1,010,736 in 1998. City ordinance filings, though the smallest category of all municipal filings, increased 183 percent during this 20-year timeframe.

