

Caseload Trends in the Fourteen Courts of Appeals

Analysis of Activity for Year Ended August 31, 2002

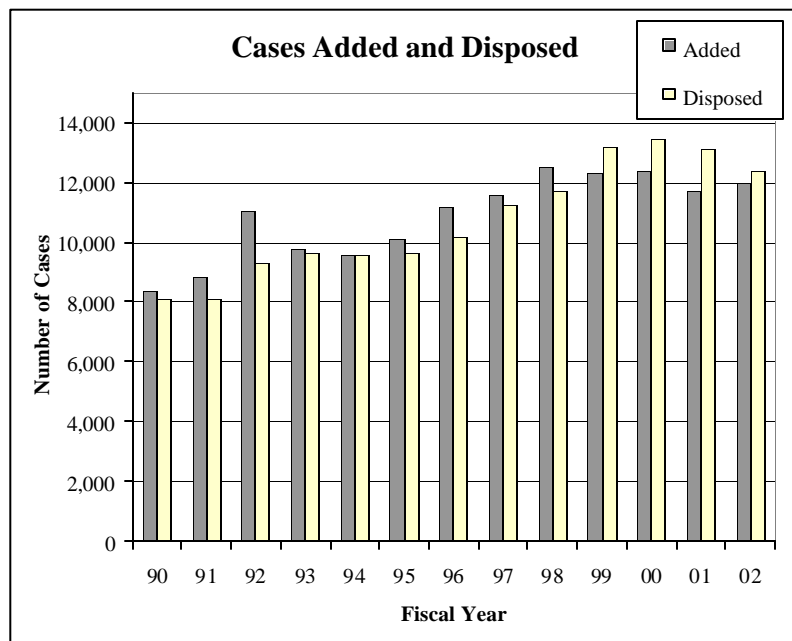
BACKGROUND

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, and Houston.¹ The number of justices on each court ranges from three on five of the courts to 13 on the Court of Appeals in Dallas, which is the largest court.

CASES ADDED TO THE DOCKETS

- **The number of cases added to the Courts of Appeals dockets increased slightly.** The number of cases added² to the Courts of Appeals dockets grew from 11,696 in FY 2001 to 11,984 in FY 2002—a 2.5 percent increase. Despite this increase, the number of cases added to the dockets has remained relatively stable since FY 1998, when a record 12,502 cases were added.
- **New filings increased by 3.3 percent.** In FY 2002, a total of 10,563 new cases (5,686 criminal cases and 4,877 civil cases) were filed in the Courts of Appeals, compared to 10,228 cases in FY 2001. Growth in the number of new criminal cases filed accounted for most of this increase. New criminal cases rose 4.6 percent from the 5,436 filed in FY 2001, while civil cases increased only 1.8 percent from the 4,792 cases filed in FY 2001.



CASES DISPOSED

- **The Courts of Appeals disposed of more cases than were added to the dockets.** Although 731 fewer cases were disposed in FY 2002 (12,399 cases) than in the previous fiscal year (13,130 cases), the Courts of Appeals disposed of more cases than were added to the dockets (11,984). The Courts' overall disposition rate³ remained stable—61.2 percent in FY 2002, compared to 61.3 percent in the previous fiscal year—and continued to exceed the ten-year average of 54.0 percent.
- **The average clearance rate⁴ for the Courts of Appeals fell from its all-time high of 112.3 percent in FY 2001 to 103.5 percent in FY 2002.** The average clearance rate for the Courts has exceeded 100 percent for four consecutive years, indicating that the Courts have disposed of more cases than have been added to their dockets each fiscal year since FY 1999.
- **The number of dispositions of both criminal and civil cases decreased.** Disposition of criminal cases by the Courts decreased 8.1 percent, from 7,615 in FY 2001 to 6,995 in FY 2002. Disposition of civil cases decreased by 2.0 percent, from 5,515 in FY 2001 to 5,404 in FY 2002.

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

² Cases added include new filings, rehearings granted, cases reinstated, and cases remanded from higher courts.

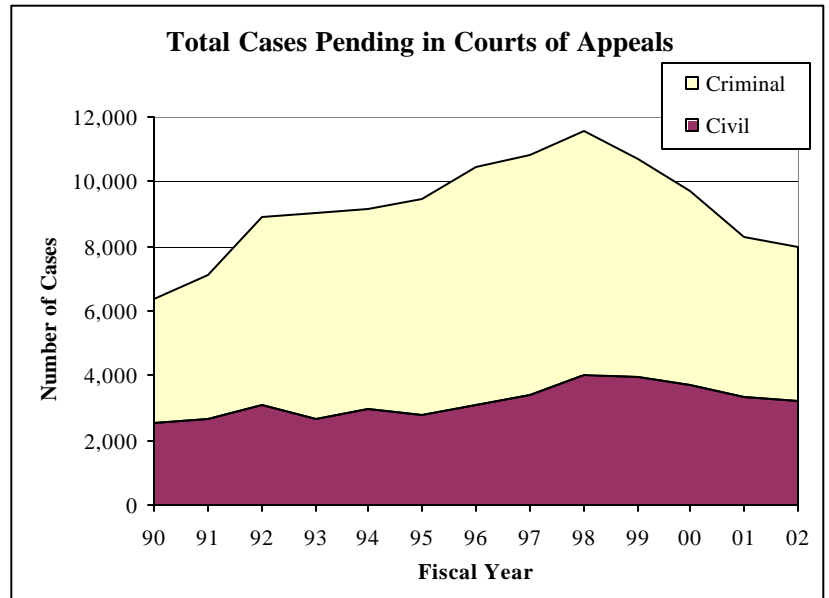
³ The disposition rate is calculated by dividing the number of dispositions by the total number of cases on the docket (cases pending at the beginning of the fiscal year as well as all cases added over the same fiscal year).

⁴ The clearance rate is calculated by dividing the number of dispositions by the number of cases added to the docket.

- **The average times to disposition in FY 2002 were similar to those in FY 2001.** In FY 2002, the average length of time between the filing of a case in a Court of Appeals and its disposition was 10.2 months for criminal cases and 8.4 months for civil cases. In addition, the average length of time between submission⁵ of an appeal and its disposition was 1.7 months for criminal cases and 2.3 months for civil cases.

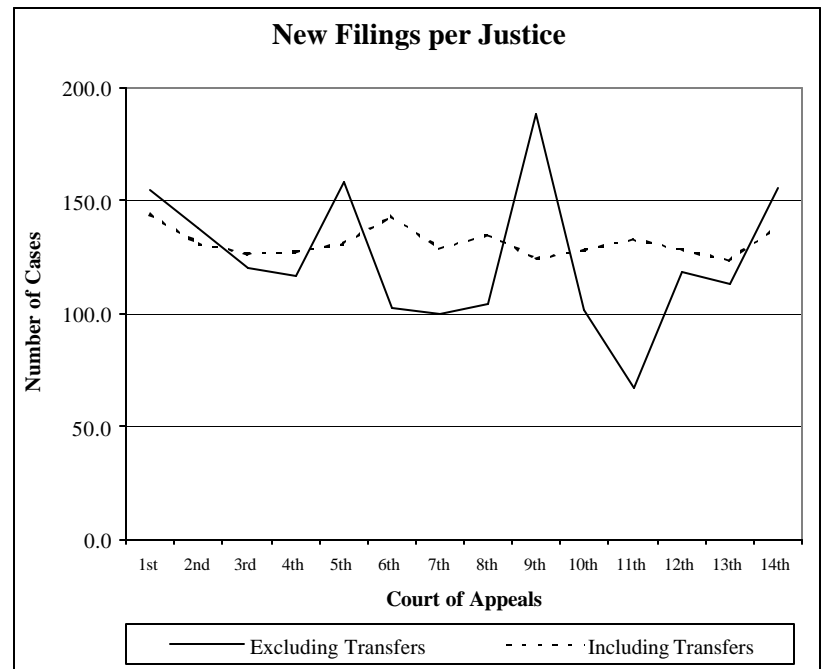
PENDING CASES

- **In FY 2002, the year-end total civil and criminal pending caseload (7,977 cases) reached its lowest level since FY 1991, when 7,125 cases remained on the Courts of Appeals' dockets.** The Courts' backlog has declined each year since peaking in FY 1998 (11,575 cases), though the rate of backlog reduction fell from 14.4 percent in FY 2001 to 3.8 percent in FY 2002.
- **The number of pending criminal cases has declined more quickly than the pending civil caseload over the last four years.** From FY 1998 to FY 2002, the number of pending civil cases decreased by 20.2 percent (from 4,047 to 3,229 cases), while the number of pending criminal cases fell by 36.9 percent (from 7,528 to 4,748 cases). Criminal cases, therefore, comprised 59.5 percent of the total pending caseload in FY 2002, compared to 65 percent in FY 1998.



TRANSFERRED CASES

- **The docket equalization program, which strives to reduce disparities among the 14 Courts of Appeals regarding the average number of new cases filed per justice, resulted in the transfer of 856 cases in FY 2002.** Pursuant to orders of the Supreme Court, a total of 258 civil cases and 598 criminal cases were transferred among the Courts in FY 2002. This represents fewer overall transfers than the 968 transfers required to equalize the docket in FY 2001.
- **In FY 2002, the docket equalization program reduced caseload disparities by 80.5 percent.** The average number of new cases filed per justice for all 14 Courts of Appeals was 132. Pre-transfer filings ranged from 67.3 per justice in the 11th Court of Appeals (Eastland) to 188.3 per justice in the 9th Court of Appeals (Beaumont). New filings per justice for 13 of the 14 Courts of Appeals were more than 13 cases (or 10 percent) above or below the statewide average; however, none of the Courts varied more than 10 percent from the statewide average when transfers were included. Including transfers, the average difference from the statewide mean dropped from 8.0 cases (or an average of



⁵ A case is considered "submitted" when the Court hears oral argument or, if no oral argument is heard, when the case is referred to the justices for formal consideration.

20.5 %) to 0.6 cases (or an average of 4.0 percent)⁶, and the new filings ranged from 123.3 per justice in the 13th Court of Appeals (Corpus Christi) to 143.9 per justice in the 1st Court of Appeals (Houston).

Note: The objective of the Docket Equalization program is to reduce or eliminate the disparities among the 14 Courts of Appeals regarding the number of new cases filed per justice. Pursuant to quarterly Supreme Court orders, the Courts of Appeals transfer cases from those courts with larger filings rates to those with smaller filings 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 heavily influenced by the filings rates of the previous year as well as the current year. Therefore, the combination of natural fluctuations in case filings and the lag in case transfers causes some Courts of Appeals to have more new cases filed per justice than others in any given fiscal year. However, over longer periods, such as three to five years, the filings rates for new cases in each court would be much closer to the average for all Courts of Appeals.

OPINIONS WRITTEN

- **The justices of the Courts of Appeals wrote 11,959 opinions in FY 2002.** This was 732 opinions fewer than were written during the previous fiscal year. Of the 11,959 opinions issued, 2,977 were published, and 8,982 were not published. Sitting justices wrote 94.3 percent (11,276) of the opinions, while visiting justices wrote the other 5.7 percent (683).

⁶ Equalization is considered achieved if the new cases filed each year per justice in each of the Courts of Appeals vary by 10 percent or less from the statewide average of new cases filed per justice. (Article IV, Senate Bill 1, General Appropriations Act, 2002-2003 Biennium, Seventy-seventh Legislature, Regular session, 2001.)