

**Judicial Districts Board**

**December 11, 2020**

# JUDICIAL DISTRICTS BOARD

December 11, 2020

9:30 a.m.

## AGENDA

- I. Call to Order/Roll Call
- II. Introduction of New Members
- III. Approval of Minutes – May 25, 2018 Meeting
- IV. Briefing – Board Duties
- V. Discussion - Court Caseload Statistics and Trends
- VI. Discussion – Update Regarding the Office of Court Administration’s Weighted Caseload Study
- VII. Discussion and Possible Action – Plan to Study and Evaluate the Need for Reapportionment of the State’s Judicial Districts and the Necessity for and Location of New Judicial Districts
- VIII. Public Comment
- IX. Adjourn

Meeting materials will be available at: <https://www.txcourts.gov/jdb/meetings-agendas/>

The meeting will be streamed for public viewing on the Texas Courts YouTube channel at: <https://www.youtube.com/c/TexasCourts>.

Persons who wish to provide public comment must join the meeting via Zoom Webinar at: <https://txcourts.zoom.us/j/91727261037>

Or iPhone one-tap:

US: +13462487799, 91727261037# or +16699006833, 91727261037#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099

Webinar ID: 917 2726 1037

# **JUDICIAL DISTRICTS BOARD**

## **MINUTES OF MEETING**

**May 25, 2018 – 9:00 a.m.  
Tom C. Clark Building  
205 W. 14<sup>th</sup> Street, First Floor Conference Room  
Austin, Texas**

Chief Justice Nathan Hecht called the meeting of the Judicial Districts Board to order at 9:00 a.m. on May 25, 2018 in the First Floor Conference Room of the Tom C. Clark Building, Austin, Texas. The meeting was held in accordance with Article V, Section 7a of the Texas Constitution and Section 24.946, Texas Government Code.

The following members of the Board were present, and constituted a quorum:

Chief Justice Nathan L. Hecht  
Presiding Judge Sharon Keller  
Judge Ray Wheless  
Judge Billy Ray Stubblefield  
Judge Missy Medary  
Judge Stephen B. Ables  
Judge Dean Rucker  
Judge David L. Evans  
Judge Kelly G. Moore  
Judge Alfonso Charles  
Judge Susan Brown  
Hon. Craig Enoch

Also present were Nina Hess Hsu, of the Supreme Court of Texas; and David Slayton, Mena Ramón, and Shelly Ortiz of the Office of Court Administration.

The minutes of the December 8, 2017, meeting were approved without objection.

Mr. Slayton provided materials showing statewide case activity and briefed the Board regarding statewide caseload trends. Mr. Slayton also discussed the Board's reapportionment responsibilities and noted that more reliable data would be available for the Board's review when a new weighted caseload study is conducted.

The judges briefly discussed court caseloads in their regions. There being no requests or recommendations regarding judicial redistricting or the need for new courts, the Board took no action.

There was no public comment.

On motion and second, the Board adjourned at 9:25 a.m.

# JUDICIAL DISTRICTS BOARD

(December 11, 2020)

## **Authority:**

Article V, Section 7a of the Texas Constitution  
Chapter 24, Subchapter F, of the Texas Government Code (Sections 24.941, *et seq.*)

## **Members:**

The Board is composed of the chief justice of the Supreme Court (who serves as chair), the presiding judge of the Court of Criminal Appeals, the eleven presiding judges of the administrative judicial regions, and one citizen member appointed by the Governor.

## **Duties:**

- Section 24.944 of the Government Code provides the following:

The board shall reapportion the judicial districts authorized by Article V, Section 7, of the Texas Constitution by statewide reapportionment of the districts and, as the necessity for additional reapportionment appears, by redesignating, in one or more reapportionment orders, the county or counties that comprise the specific judicial districts affected by those reapportionment orders. The board shall investigate from time to time the necessity of and appropriate locations for new judicial districts and shall advise the legislature of its findings. The board shall inform itself on all matters bearing on its duties.

- If the Legislature does not enact a statewide reapportionment of the judicial districts following a federal decennial census, the board must convene not later than the first Monday of June of the third year following the year in which the federal decennial census is taken to make a statewide reapportionment of the districts. The board shall complete its work on the reapportionment and file its order with the secretary of state not later than August 31 of the same year. If the Judicial Districts Board fails to make a statewide reapportionment by that date, the Legislative Redistricting Board established by Article III, Section 28, of the Texas Constitution shall make a statewide reapportionment of the judicial districts not later than the 150th day after the final day for the Judicial Districts Board to make the reapportionment.

## **Required Meetings:**

The Board must meet at least once in each interim between regular sessions of the legislature.

As stated under the Duties section above, if the Legislature does not enact a statewide reapportionment of the judicial districts following a federal decennial census, the board

must convene no later than the first Monday of June of the third year following the year in which the federal decennial census is taken to make a statewide reapportionment of the districts.

### **Board Action:**

#### Following 2010 Census

The Legislature did not institute formal proceedings to reapportion the judicial districts after the 2010 census; however, during the 83<sup>rd</sup> Legislative Session, it enacted HB 3153 which reapportioned the 12<sup>th</sup>, 155<sup>th</sup>, 198<sup>th</sup>, 216<sup>th</sup>, and 369<sup>th</sup> judicial districts and created the 442<sup>nd</sup>, 443<sup>rd</sup>, 450<sup>th</sup>, and 452<sup>nd</sup> judicial districts. In August of 2013, the Board met and considered the impact of HB 3153 and concluded that no additional action was needed regarding the reapportionment of the judicial districts. The Board agreed to recommend to the Legislature that Leon County be removed from the 8<sup>th</sup> Judicial District and added to the 77<sup>th</sup> Judicial District during the subsequent legislative session.

#### Following 2000 Census

In 2001, the Senate Committee on Jurisprudence asked the Board to “make recommendations on which criteria should be used to determine judicial burden” that would assist the Committee in addressing Interim Charge Number 3 which instructed the Committee to make recommendations for of judicial districts pursuant to Article V, Section 7a of the Texas Constitution. The Board met on November 29, 2001 and submitted its recommendations to the Committee on December 4, 2001. In its interim report to the 78<sup>th</sup> Legislature, the Committee concluded that “[t]he only way a reapportionment plan would be feasible at this stage would be to either unravel the existing structure and start over, which the Committee feels would cause undue community disruption, or to develop an approach that factors in numerous differences among each district court and the counties they serve.”

#### Following 1990 Census

The Legislature did not reapportion the judicial districts after the 1990 census, prompting the Board to meet several times between December of 1992 and July of 1993 to hold redistricting hearings throughout the State. The Board identified expenses such as travel, computer programming, computer time, staff assistance, legal research, printing, and transcription services, and requested an emergency appropriation from the legislature. House Bill 34 was filed, which would have provided an emergency appropriation of \$85,000. The bill was not passed, but the governor’s office provided \$50,000 to OCA to cover the expenses.

# **RULES OF THE JUDICIAL DISTRICTS BOARD**

**Adopted July 12, 1986  
Including Amendments Adopted June 25, 1993**

## **RULE 1. AUTHORITY.**

These rules are promulgated pursuant to Section 24.946(b), Government Code.

## **RULE 2. MEETINGS.**

(a) The Judicial Districts Board shall meet at the call of its chairman.

(b) The Board shall meet at least once during the period from June 1 of each odd numbered year through the Monday preceding the second Tuesday in January of each next succeeding odd numbered year.

(c) If the legislature does not enact a statewide reapportionment of the judicial districts following each federal decennial census, the Board shall convene not later than the first Monday of June of the third year following the year in which the federal decennial census is taken to make a statewide reapportionment of the districts. The Board shall complete its work on the reapportionment and file its order with the Secretary of State not later than August 31 of the same year.

(d) The Board shall meet at a place and time designated by its chairman.

## **RULE 3. QUORUM.**

A majority of the total membership of the Board constitutes a quorum for the transaction of business. The adoption of a reapportionment order requires a majority vote of the total membership of the Board.

## **RULE 4. INVESTIGATIONS.**

The Board, or a committee or individual thereof so directed by the Board, may investigate any matter necessary in the Board's judgment to carry out its duties.

## **RULE 5. HEARINGS.**

(a) The Board may appoint a committee of at least three members to hold a public hearing.

- (b) The committee may:
  - (1) order the production of books or other documents;
  - (2) require a report from a district court;
  - (3) administer oaths; and
  - (4) take testimony.

(c) On the request of the chairman, any peace officer shall serve a subpoena issued by the Board. The officer shall serve the subpoena in the same manner as a subpoena issued by a district court is served. If the person to whom a subpoena is directed fails to comply, the Board may bring suit in the district court to enforce the subpoena

(d) Other matters pertaining to hearings, production of evidence, and discovery shall be as provided by the Administrative Procedure Act of Texas, except where inconsistent with Subchapter F, Chapter 24, Government Code.

## **RULE 6. CRITERIA FOR REAPPORTIONMENT.**

(a) Reapportionment of the judicial districts shall be made on a determination of fact by the Board that the reapportionment will best promote the efficiency of the administration of justice in the state by equalizing as nearly as possible the judicial burdens of the district courts of the various judicial districts.

(b) In determining the reapportionment that best promotes the efficiency and promptness of the administration of justice, the Board shall consider:

- (1) the numbers and types of cases filed in the district courts of the counties of the state;
- (2) the number and types of cases disposed of by dismissal or judgment in the district courts of those counties;
- (3) the number and types of cases pending in district courts of those counties;
- (4) the number of district courts serving each county in the state;
- (5) the population of the counties;
- (6) the areas covered by existing judicial districts and the areas to be covered by proposed judicial districts; and
- (7) the actual growth or decline of population and district court case load in the counties of the state.

(c) Presumptive guidelines which the Board shall use in proposing reapportionment of district courts include:

- (1) After a proposed change in district court boundaries, caseload should be more evenly distributed. A proposed district court's number of cases filed should not vary significantly from the statewide average of cases filed per district judge.
- (2) Caseload growth trend should be examined so that an imbalance in growth rates when a judicial district boundary is changed will not necessitate a reallocation of manpower of alteration of judicial district boundaries again in the near future.

(3) An existing or proposed judicial district served by a single district court judge should not contain more than four counties unless there exists good cause to waive this guideline.

(4) The overlapping of judicial districts shall be avoided unless there exists good cause to waive this guideline.

(d) Other factors to be examined by the Board in each proposed redistricting, if available, include:

- (1) growth, age, nature, and projections of population of the affected counties;
- (2) number of attorneys within an existing or proposed judicial district;
- (3) the availability of retired judges to serve in the particular area of the state affected;
- (4) the existence and jurisdiction of county courts at law in the counties affected by proposed redistricting;
- (5) the geographic size of a proposed judicial district, including travel times between courthouses;
- (6) the presence of state facilities and institutions in the counties of the proposed judicial district;
- (7) law enforcement activities in a proposed judicial district, including any substantial commitment of additional resources for prosecutors and local law enforcement;
- (8) the nature and complexity of cases before the courts in the affected counties;
- (9) the conditions of the economy of a proposed judicial district, whether strong or weak.

## **RULE 7. CONSULTATIONS.**

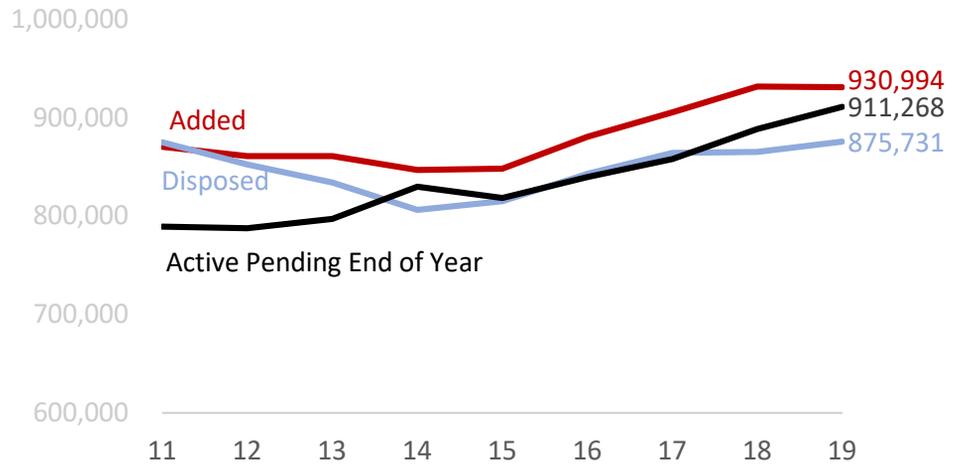
(a) Consultation by the Board with judges, other public officials and the general public to be affected by a proposed judicial redistricting is to be encouraged.

(b) The presiding judge of the administrative judicial region in which a proposed judicial redistricting is located shall be the primary designee of the Board to hold informal consultations with persons to be affected by the proposed redistricting, including but not limited to, the following:

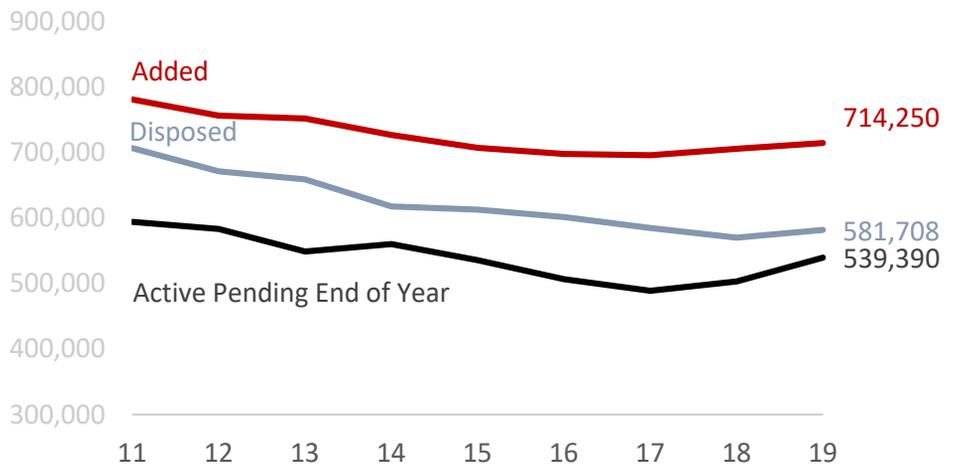
- (1) The judges of the district courts which would be affected by the reapportionment;
  - (2) State Senators and members of the House of Representatives in whose district the proposed reapportionment would be contained;
  - (3) The county judges and commissioners of the affected counties;
  - (4) The district clerks, sheriffs, and other county officials in the counties affected by the redistricting;
  - (5) Officers or representatives of the local bar in the counties to be affected;
- and
- (6) Any member of the general public.

# Statewide Trends by Court Level

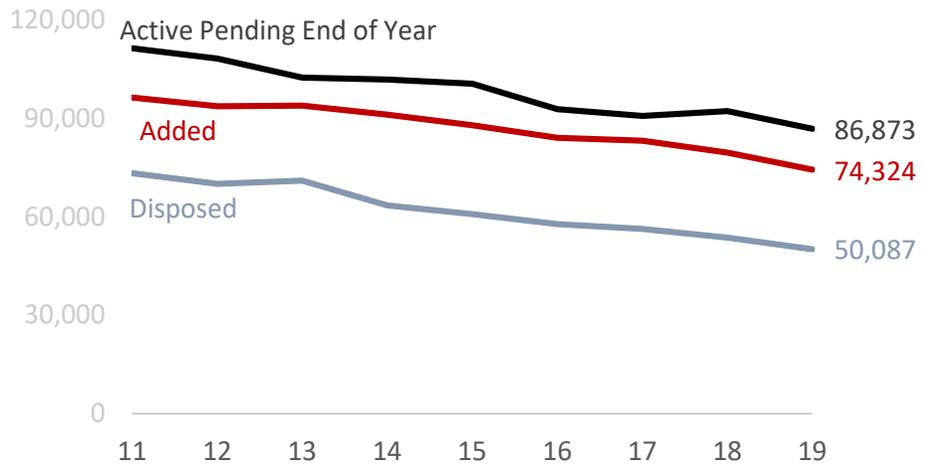
## District Courts



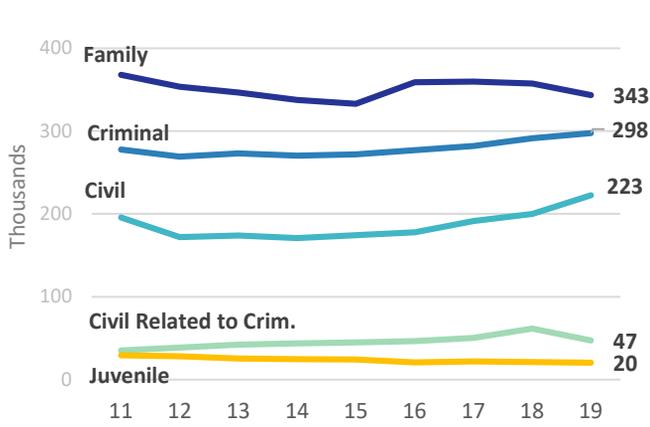
## Statutory County Courts



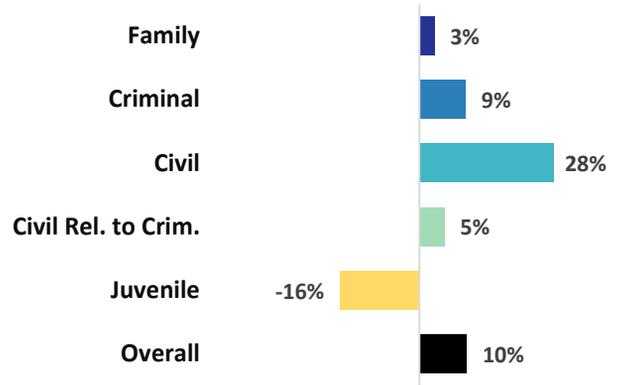
## Constitutional County Courts



# Overall Caseload Trends – District Courts

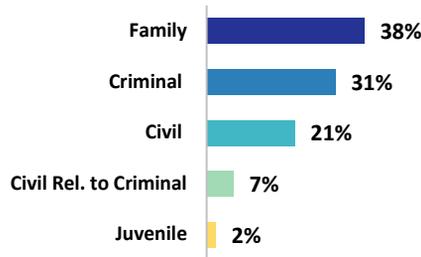


## 5-Year Change in Filings

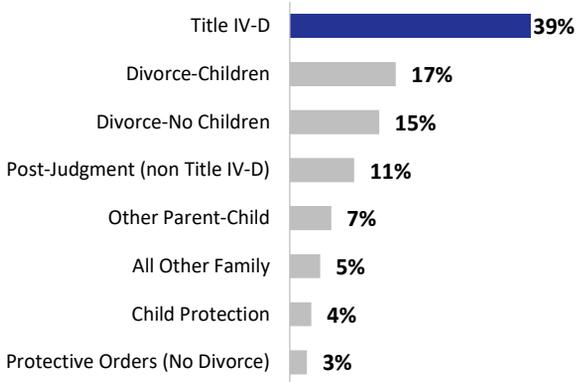


## Percentage of Filings FY 2019

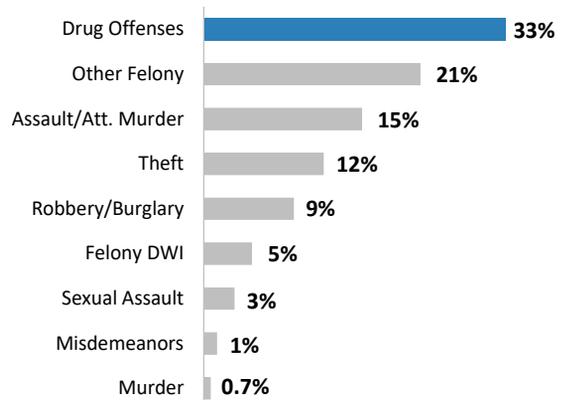
### Overall



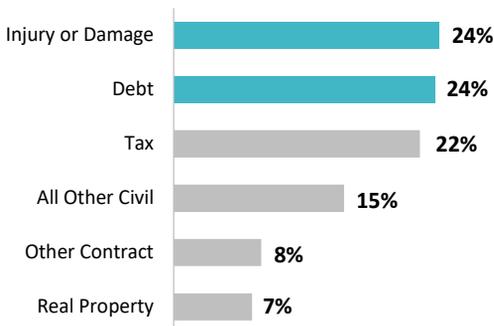
### Family



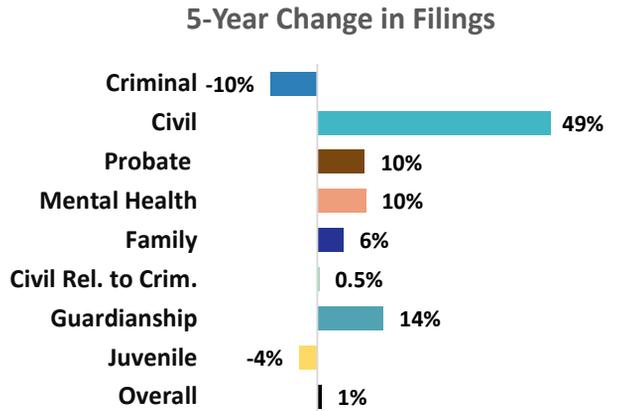
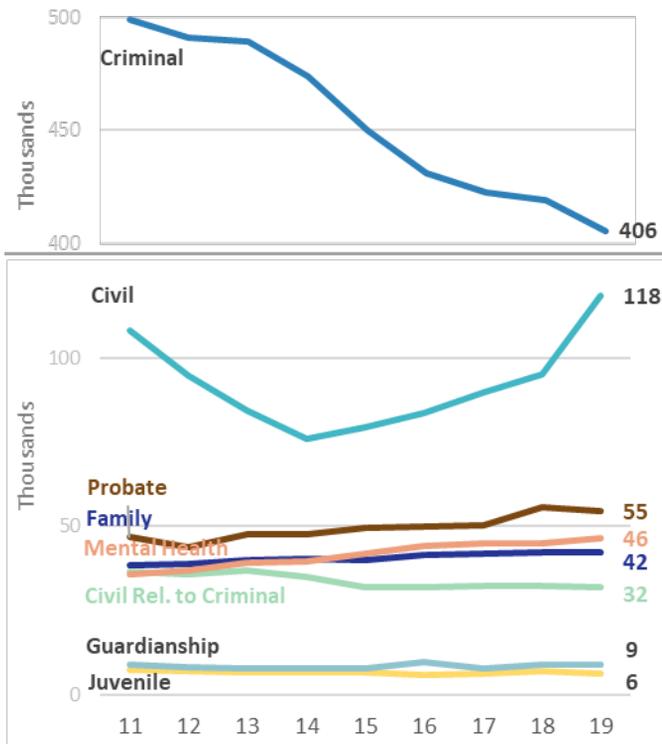
### Criminal



### Civil

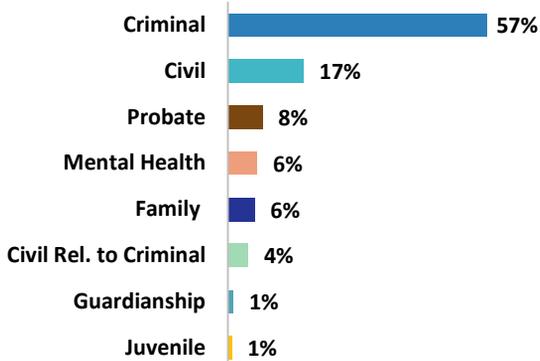


# Overall Caseload Trends – Statutory County Courts

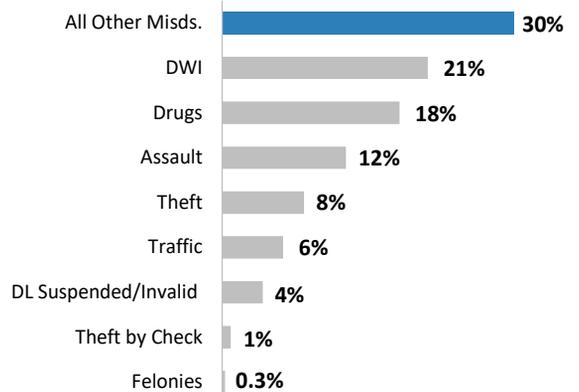


## Percentage of Filings FY 2019

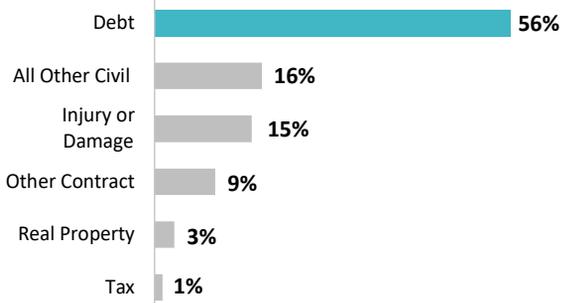
### Overall



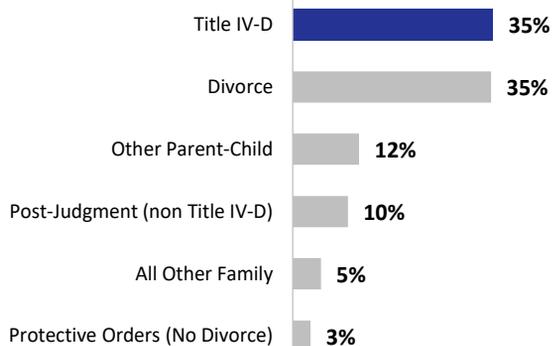
### Criminal



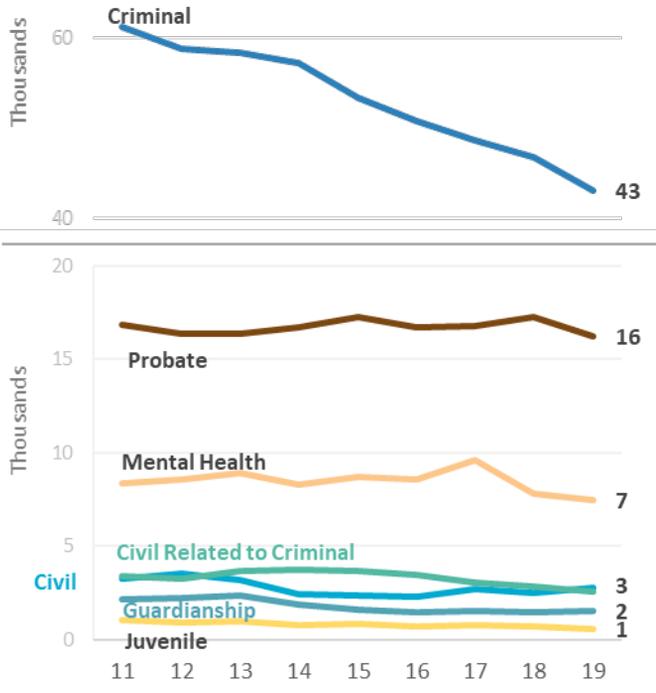
### Civil



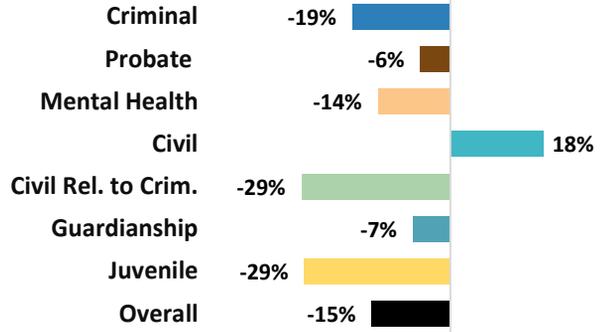
### Family



# Overall Caseload Trends – Constitutional County Courts

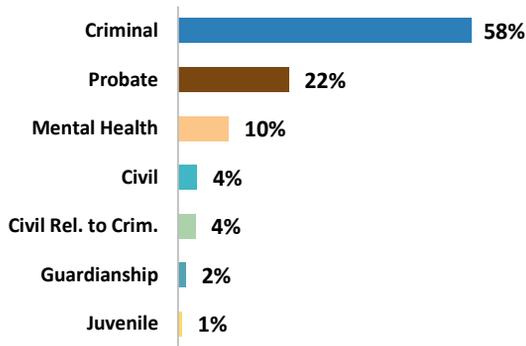


## 5-Year Change in Filings

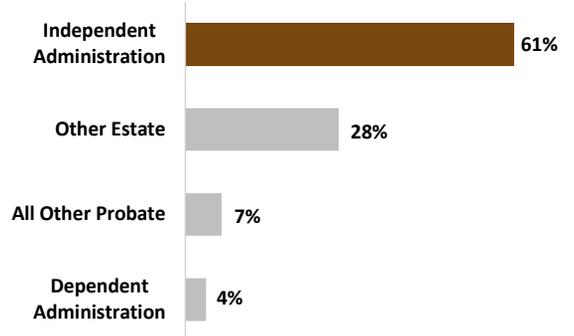


## Percentage of Filings FY 2019

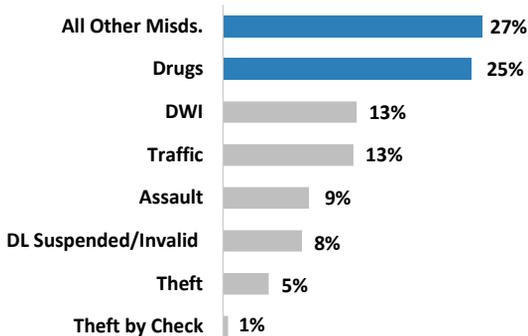
### Overall



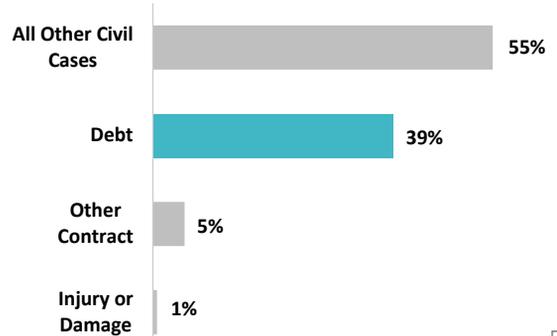
### Probate



### Criminal



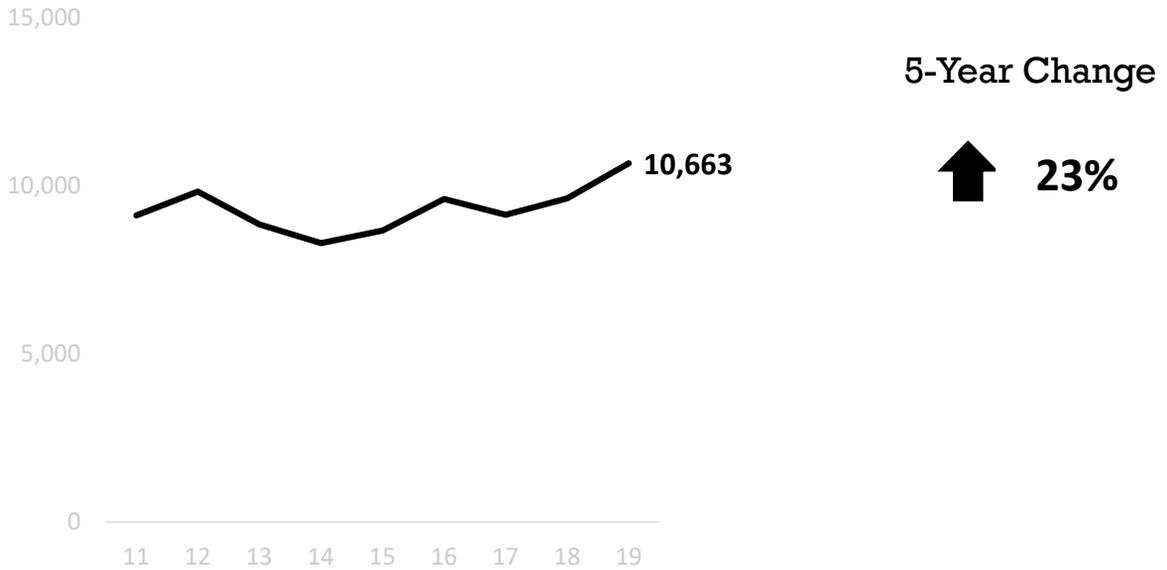
### Civil



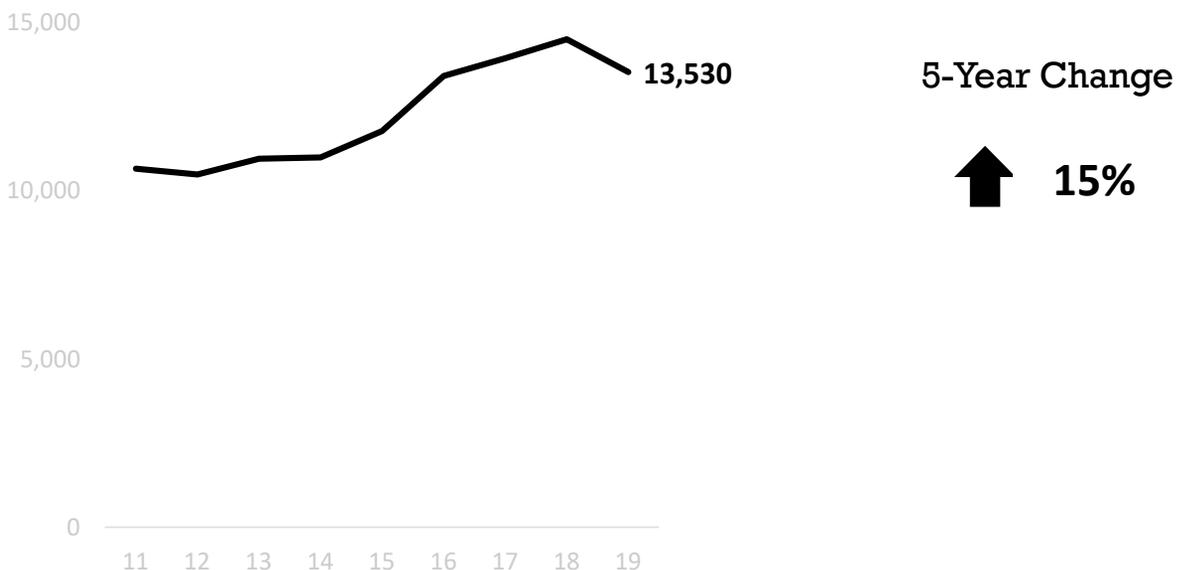
# Significant Increase in the Number of New Cases Filed

## Family

Applications for a **protective order** not associated with a divorce case increased 11 percent in 2019.



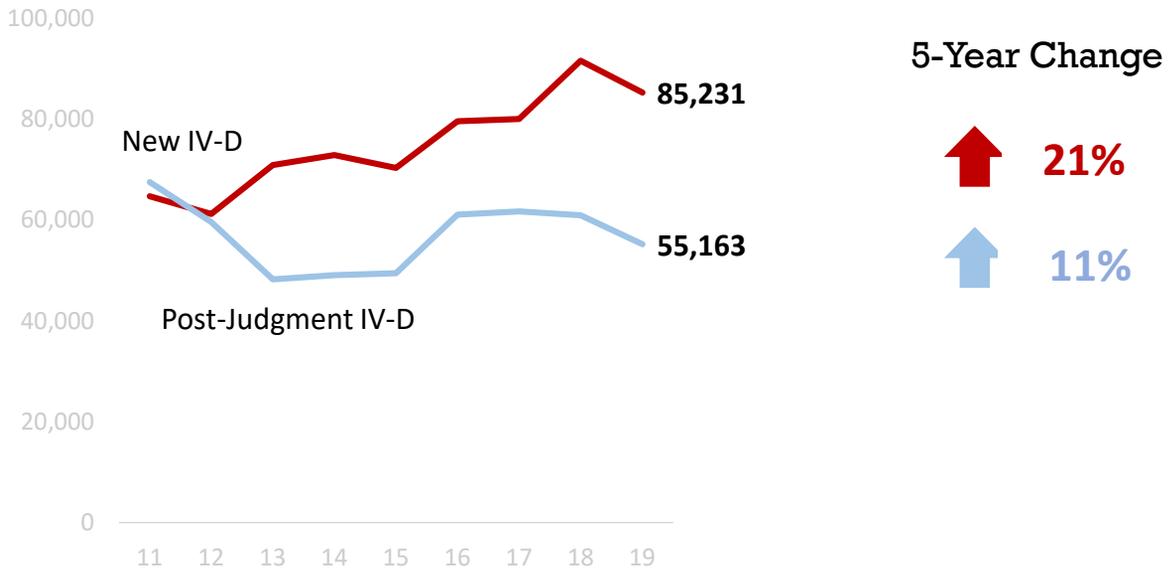
After 6 years of growth in new **child protection** cases, filings were down by 7 percent in 2019.



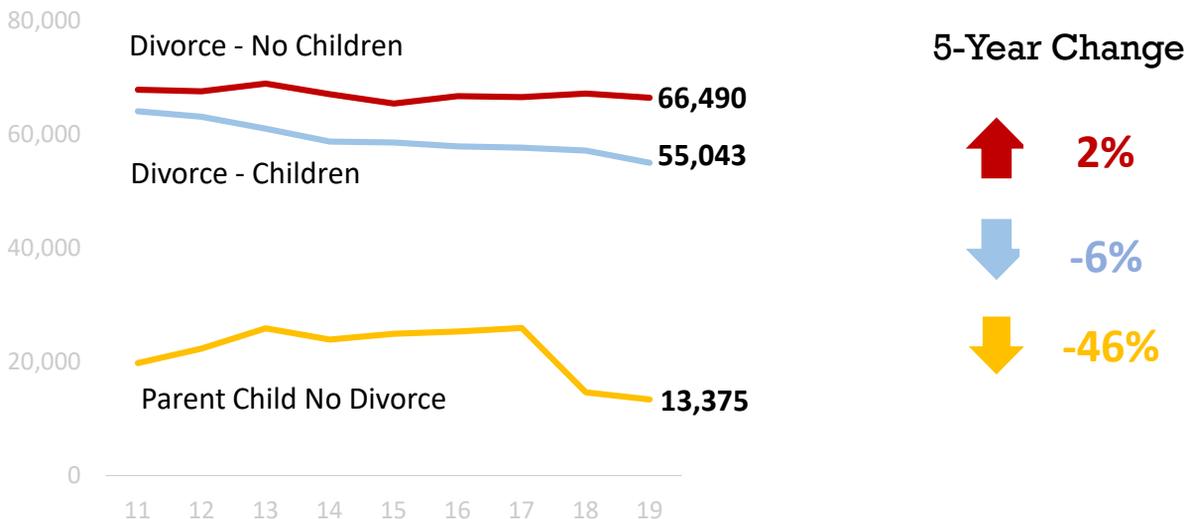
# Significant Increase in the Number of New Cases Filed

## Family

**New IV-D** cases decreased 7 percent from 2018 to 2019, while **post-judgment IV-D** cases declined 9 percent in the same period.

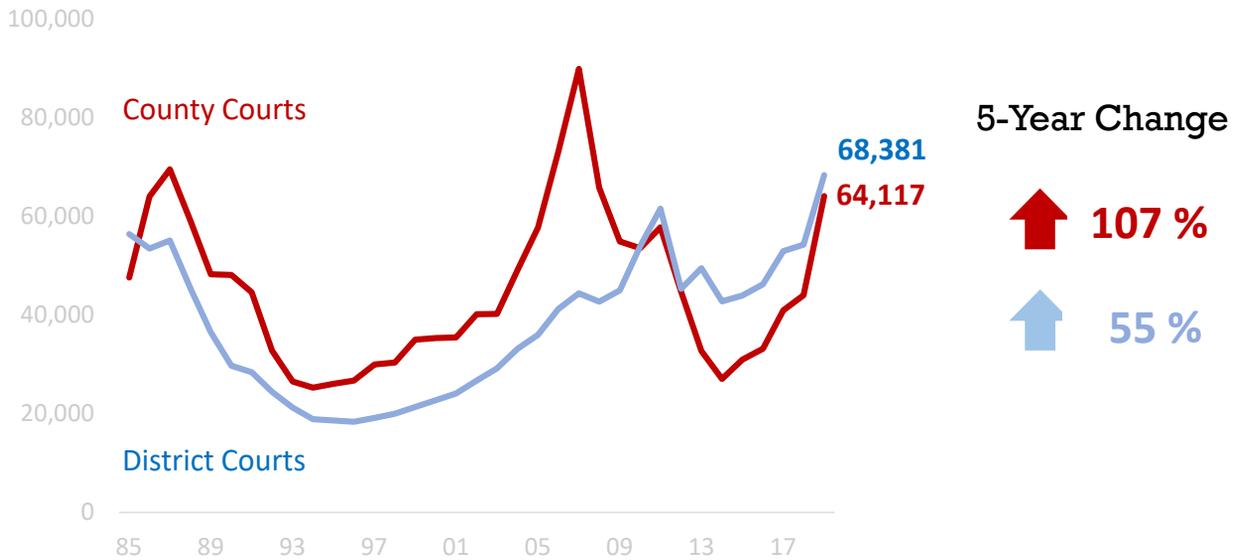


New **divorce** cases **not involving children** decreased 1 percent from 2018 to 2019, while **divorce** cases **involving children** declined 4 percent in the same period. Parent-child cases **not involving divorce** dropped 43 percent in 2018 and 8 percent in 2019.

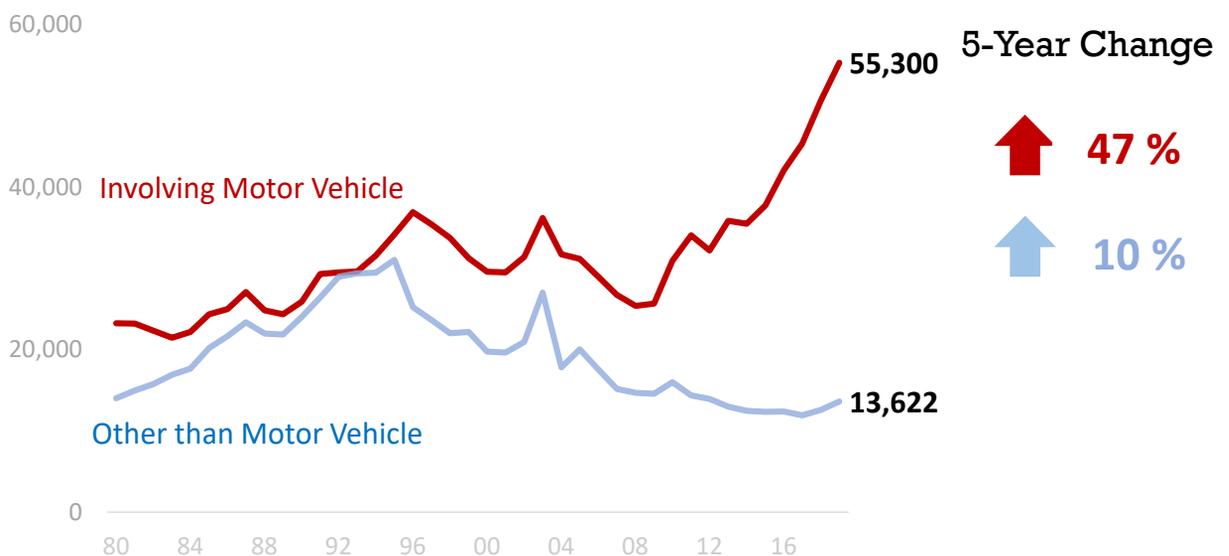


# Civil

New **debt** cases filed in the **district courts** and **county courts** have increased substantially over the past 5 years.

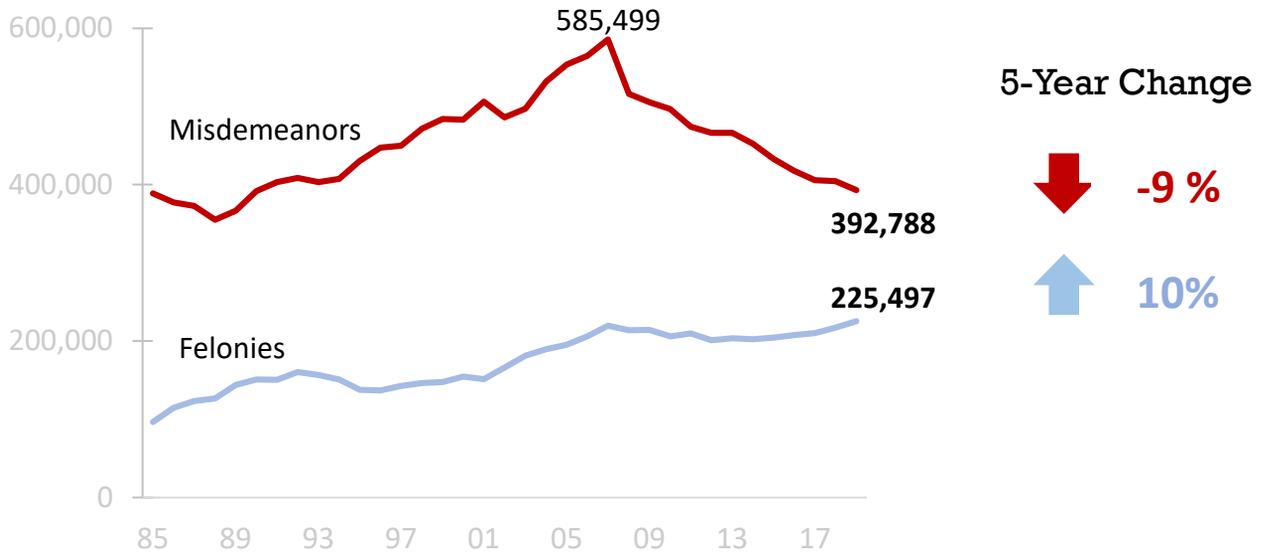


New cases injury or damage cases **Involving a Motor Vehicle** have generally increased since 2008 and reached another all-time high in 2019. Injury or damage case filings **Not Involving a Motor Vehicle** increased over the last 2 years.

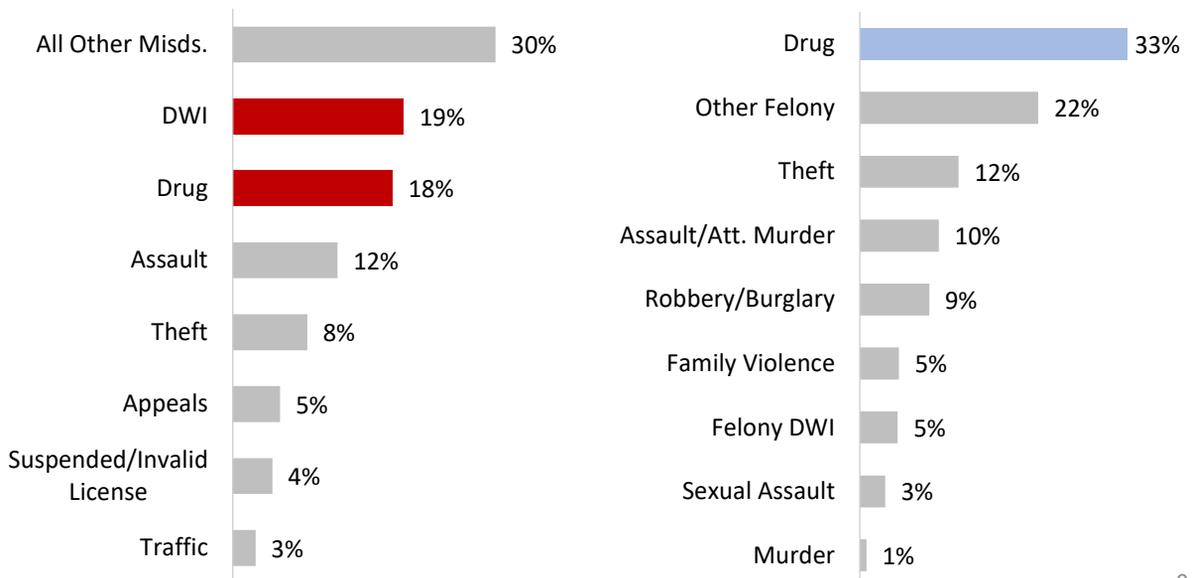


# Criminal

The number of new **misdemeanor** cases filed has fallen 33 percent from a high in 2007 to the lowest filing rate since 1991. The number of new **felony** cases filed increased each year since 2014 and reached an all-time high in 2019.

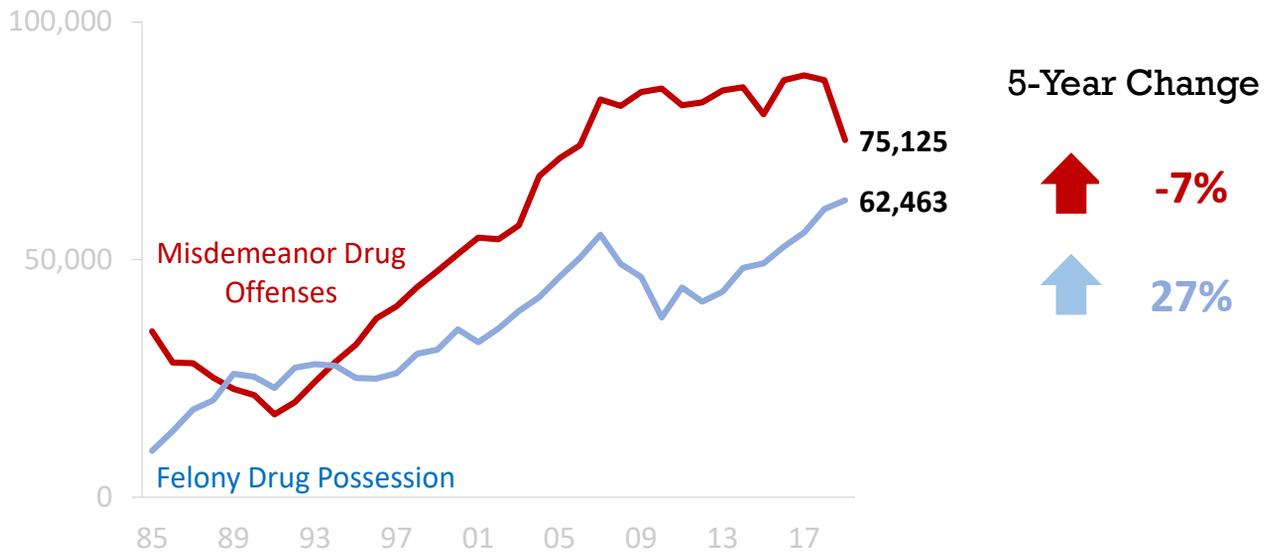


Almost 40 percent of new **misdemeanor** cases filed in 2019 were **drug** or **DWI** cases. One-third of new **felony** cases involved **drugs**.

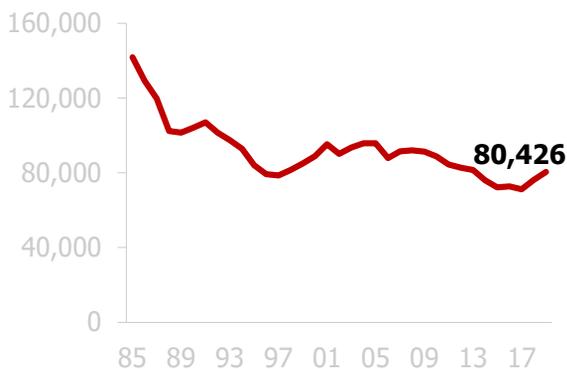


# Criminal

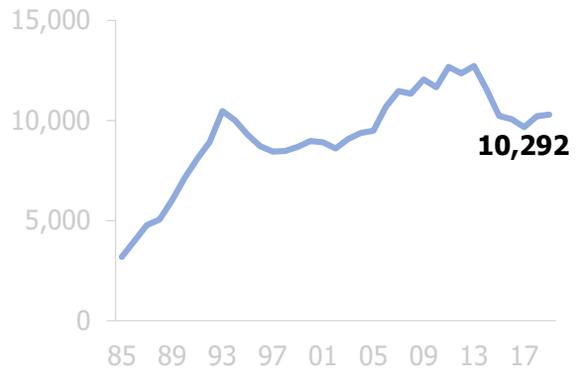
The number of new **felony drug possession** cases filed increased 3 percent from the previous year to a new peak. After hitting a peak in 2017, the number of new **misdemeanor drug cases** filed decreased slightly in 2018 then declined 14 percent in 2019.



After 9 years of decline, the number of new **misdemeanor DWI** cases filed increased in 2018 and 2019, by 8 percent and 6 percent respectively.

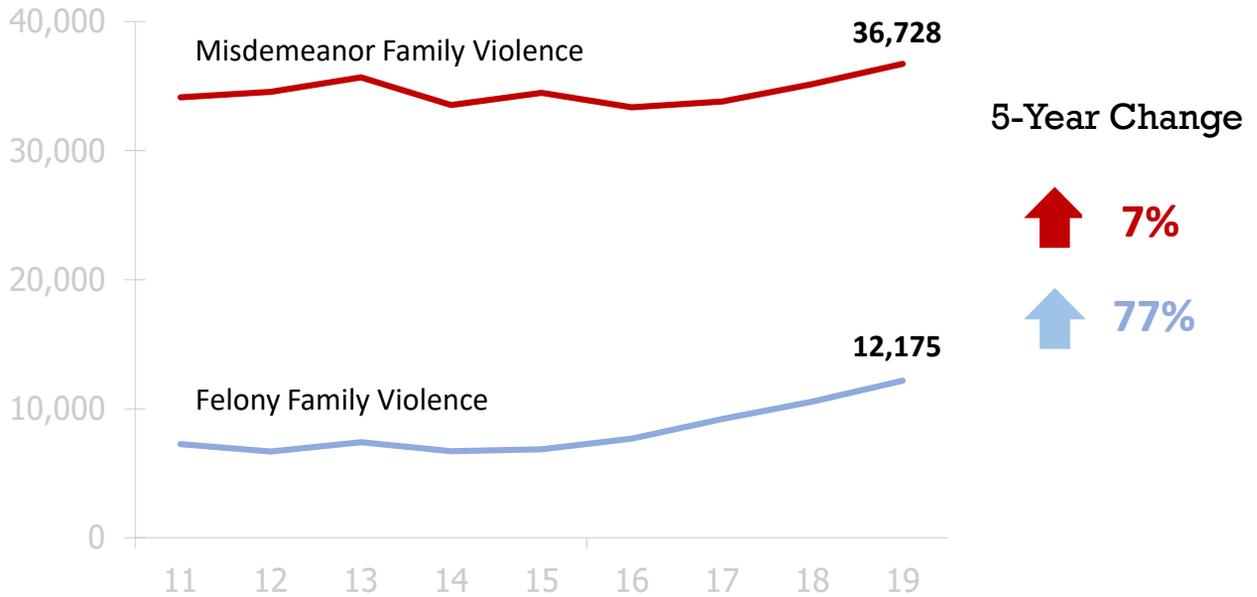


After 4 years of decline, the number of new **felony DWI** cases also increased over the last 2 years.

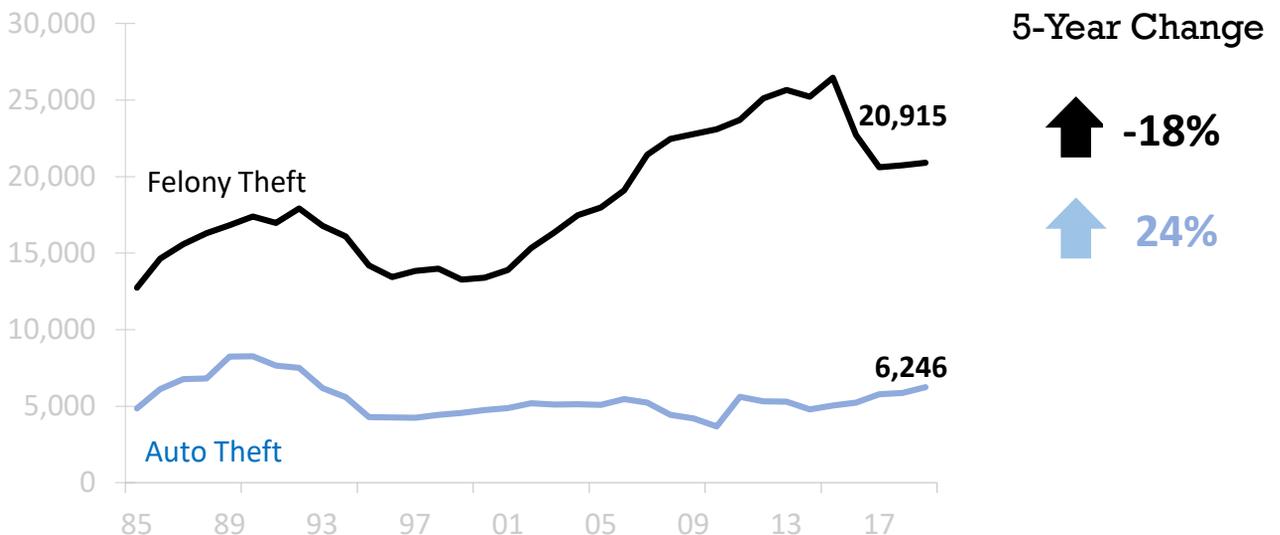


# Criminal

The number of new **felony family violence** cases increased 77 percent, and the number of **misdemeanor family violence** cases filed increased 7 percent, from the previous year.

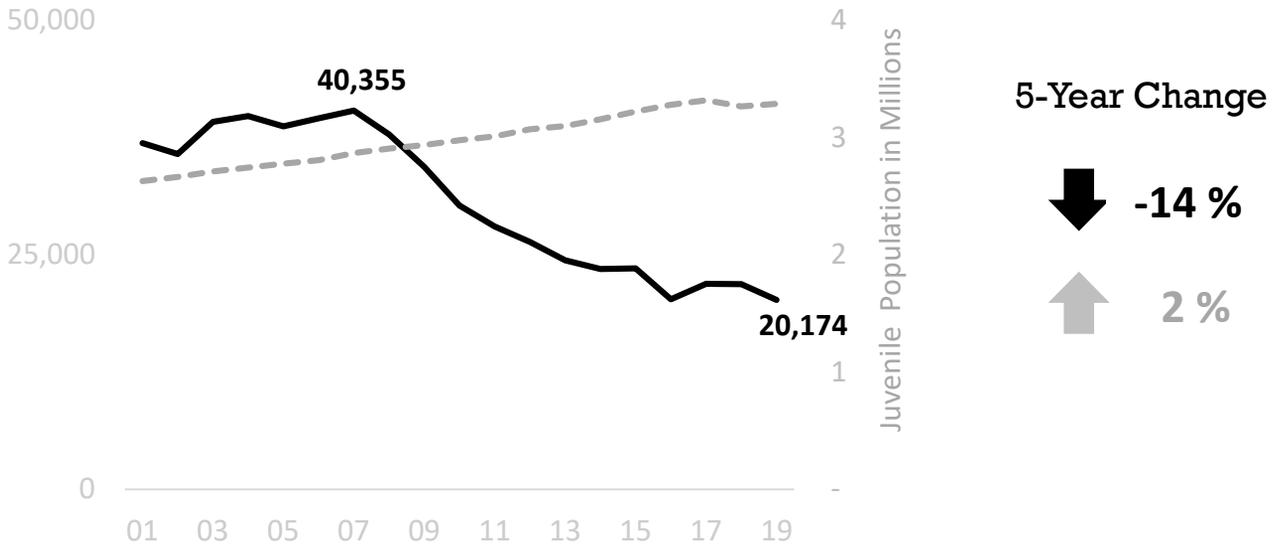


After a decline in cases due to the threshold being raised from \$1,500 to \$2,500 in 2016, the number of new **felony theft** cases increased for a second year in 2019. New **auto theft** cases increased for the fifth consecutive year and was the highest number filed since 1992.

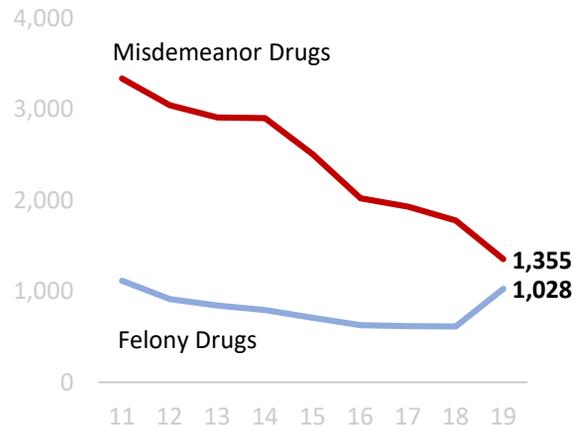
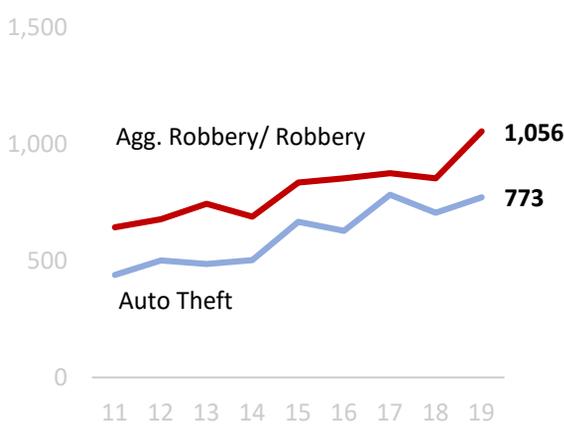


# Juvenile

Since the peak in 2007, the number of new **juvenile** cases filed has fallen 50 percent while the juvenile population increased by 15 percent.



While filings declined in most case categories, significant increases are occurring in robbery, auto theft, and felony drug cases.



**5-Year Change**

↑ 26%

↑ 16%

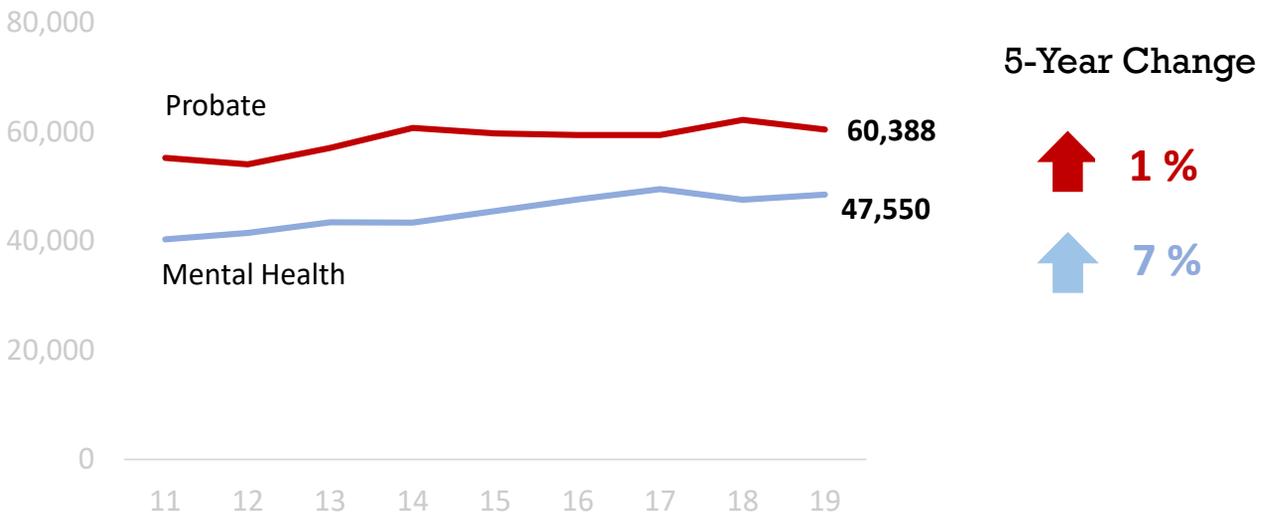
**5-Year Change**

↓ -46%

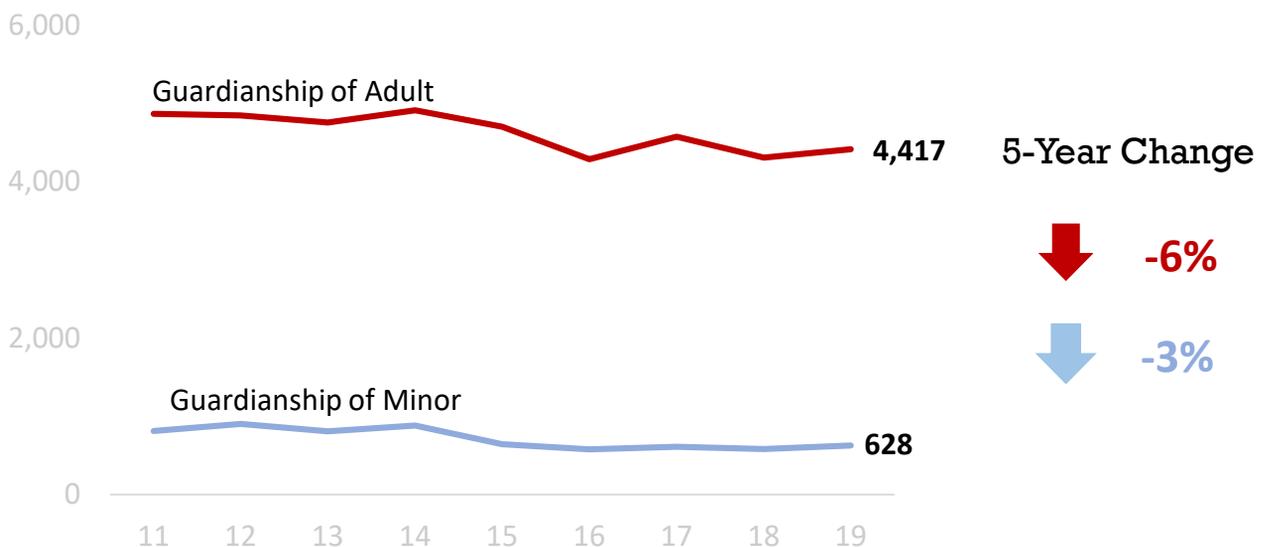
↑ 45%

# Probate, Guardianship, and Mental Health

After rising to an all-time high in 2017, the number of applications filed for involuntary **mental health** commitment declined in 2018 but then rose slightly in 2019. The number of new **probate** cases declined 3 percent in 2019.

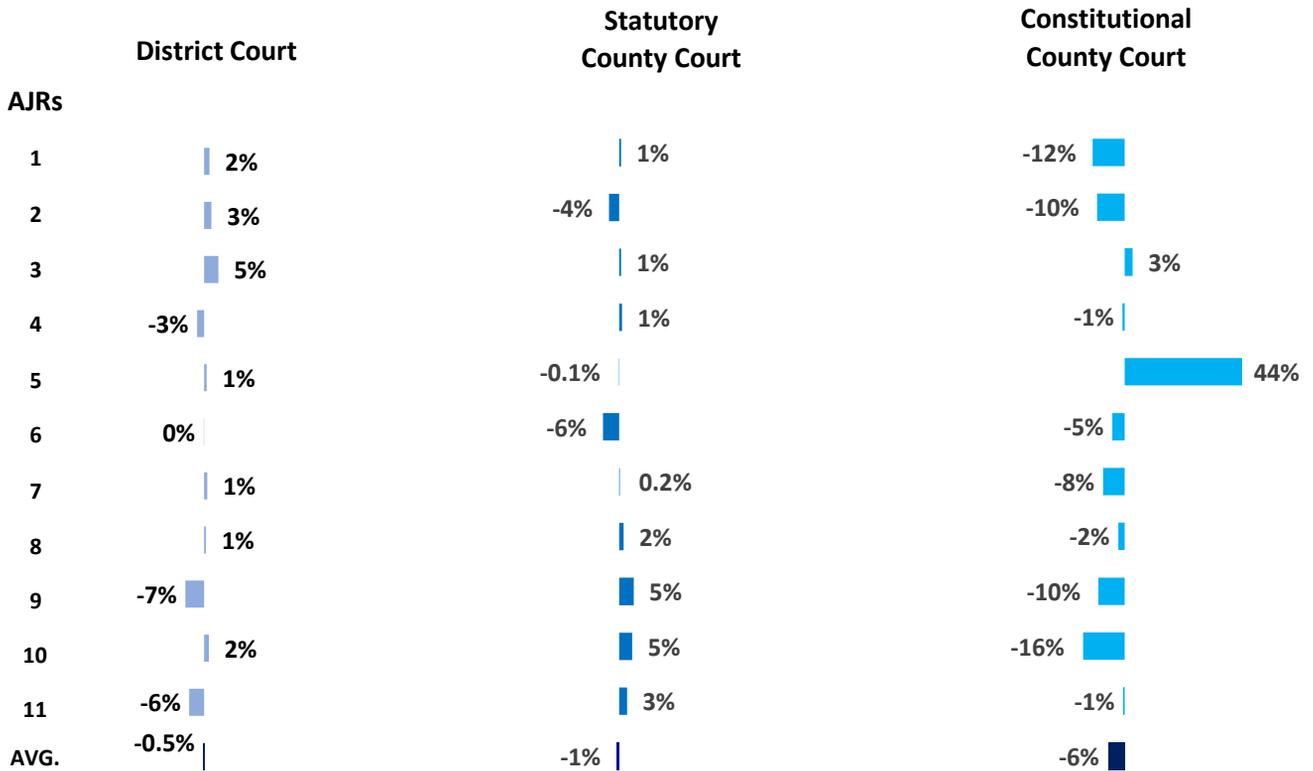


The number of new **minor guardianship** cases filed increased 6 percent in 2019, and the number of new **adult guardianship** cases increased 3 percent.

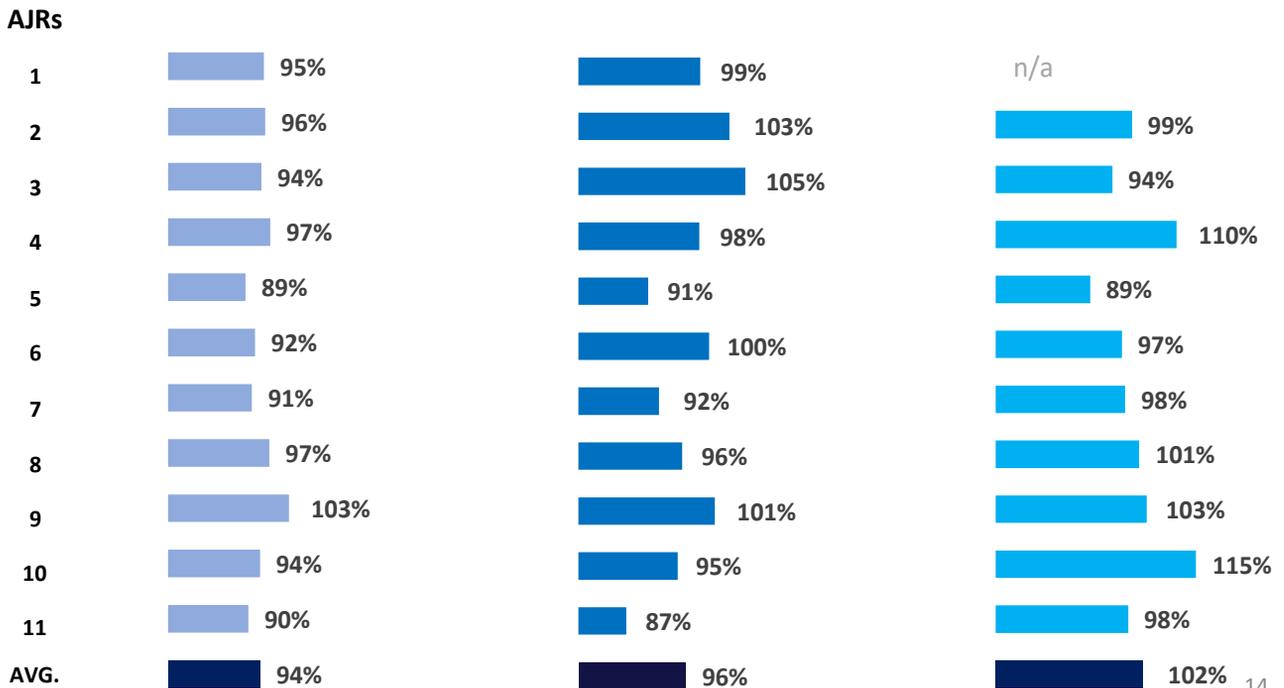


# Overall Caseloads by AJR

## Change in Cases Added FY 18-19

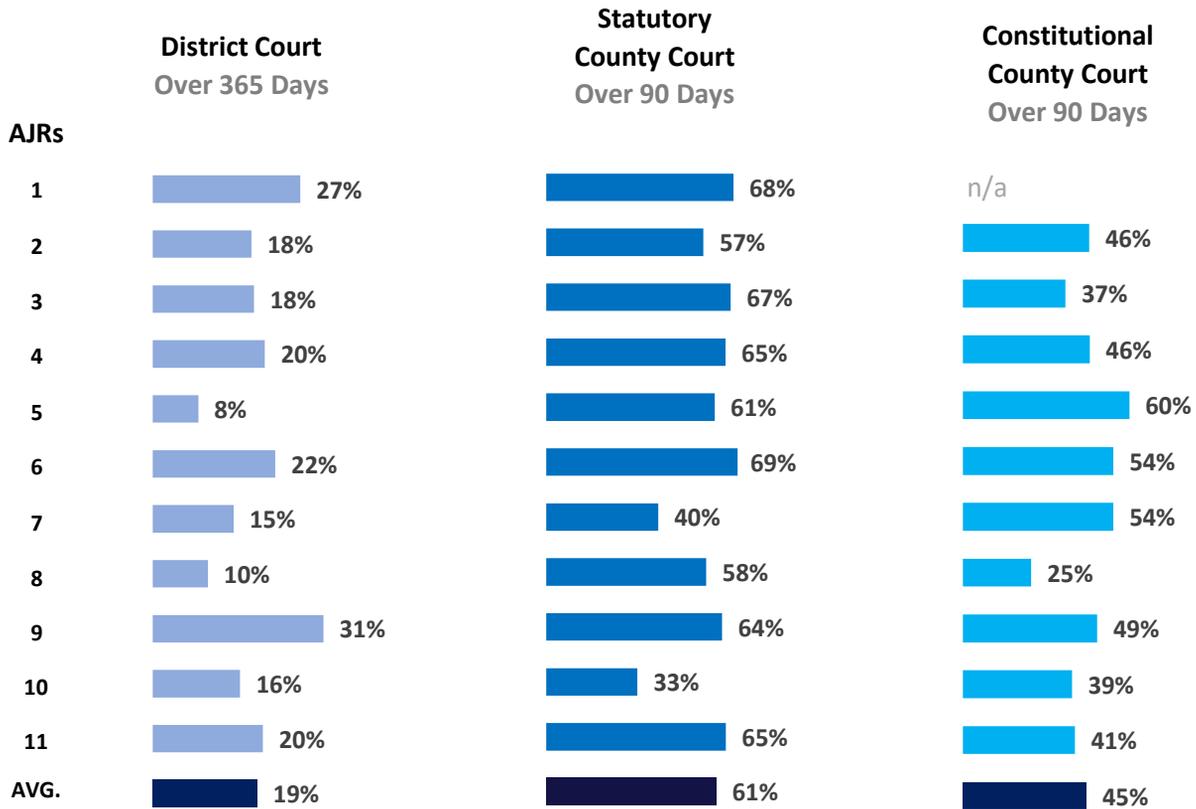


## Clearance Rate

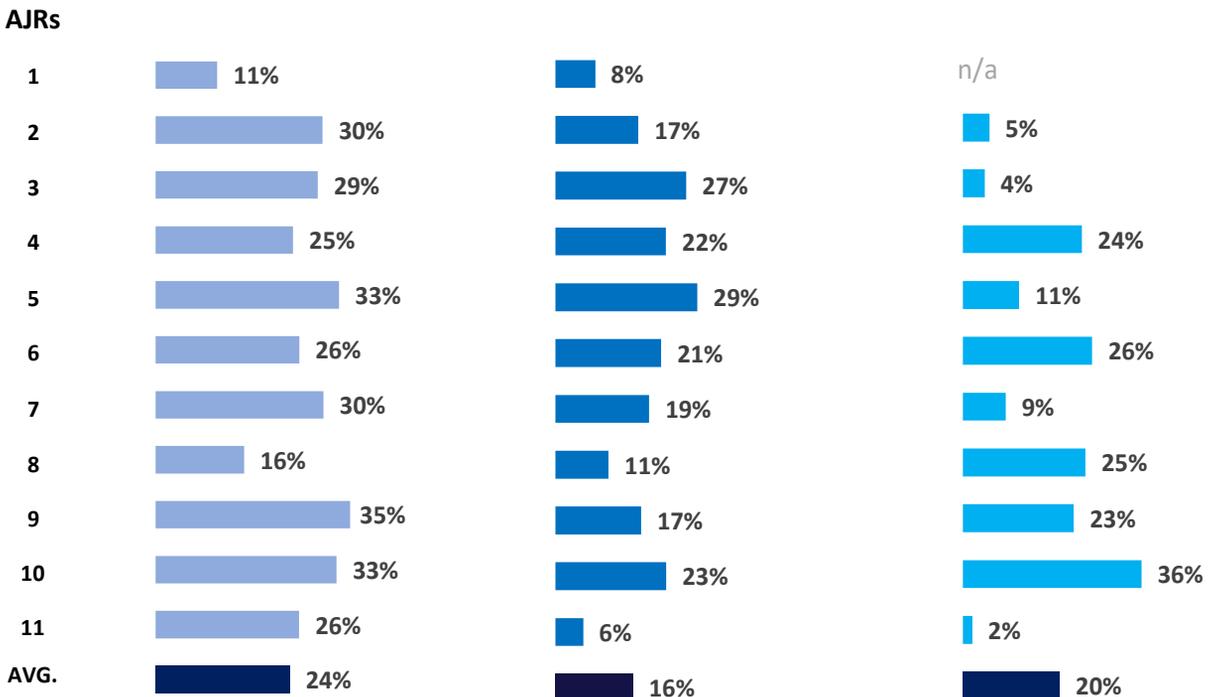


# Cases Pending for a Lengthy Period of Time

## Criminal Cases Disposed



## Civil Cases Disposed Over 18 Months



DROP IN COURT  
FILINGS & DISPOSITIONS  
DUE TO THE

# COVID-19 PANDEMIC 2019-2020

NEW CASES FILED MARCH-OCTOBER 2020



## Appellate Courts



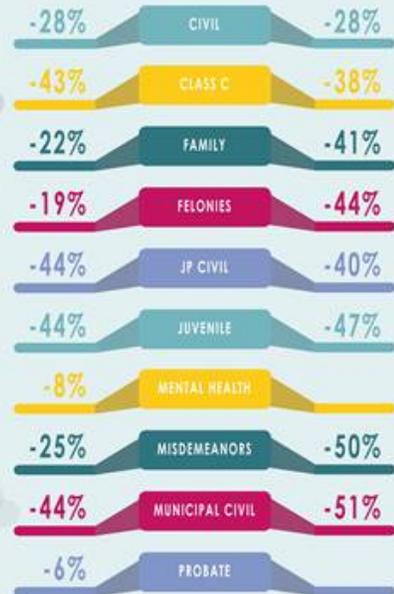
## Trial Courts

GREATEST DROPS BETWEEN MARCH — OCTOBER, 2019 AND 2020

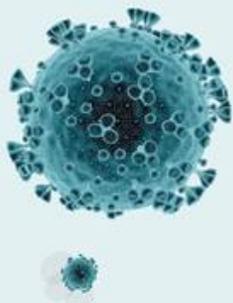


CASES FILED

DISPOSITIONS



NEW CASES FILED MARCH-OCTOBER 2020



Municipal reports completion for 2020: March-93%, April-93%, May-93%, June-93%, July-92%, August-92%, September-84%, October-72%.

JP reports completion for 2020: March-94%, April-93%, May-93%, June-92%, July-92%, August-92%, September-88%, October-76%.