



OFFICE OF COURT ADMINISTRATION

MEGAN LAVOIE
Administrative Director

MEMORANDUM

TO: Chief Justice Nathan Hecht
Presiding Judge Sharon Keller
Members, Texas Judicial Council

FROM: Megan LaVoie, Administrative Director

RE: Proposed Amendment and New Rule – Title 1, Texas Administrative Code Chapter 171

DATE: November 1, 2023

Proposed Rules:

Attached for your consideration is a proposed amendment to Chapter 171, Title 1, Texas Administrative Code, Sec. 171.9 and a proposed new rule for Chapter 171, Sec. 171.11. The purpose of the rules is to implement requirements and changes enacted by House Bill 1182 and House Bill 2384 (88th Legislature, Regular Session, 2023). The following is a brief description of the proposed amendment and new rule:

- Amend Sec. 171.9, Other Reports Required from the Courts, to add subsection (i) concerning additional reporting requirements for district and county clerks in counties with a population of one million or more.
- Add new Rule 171.11 concerning new statutorily required annual performance measure reporting to the OCA for district and county clerks of each county who maintain records for the district courts, statutory county courts (including probate courts), and constitutional county courts.

The statutory authority for the proposed rules are: (1) Texas Government Code Sec. 71.019, the Council's general rulemaking authority; (2) Section 71.031 of the Government Code, the Council's authority to study the procedures and practices, work accomplished, and results of state courts and methods for their improvement; (3) the Council's authority under Texas Government Code Sec. 71.033 to design methods for simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in or improving the administration of justice; and (4) Texas Government Code Sec. 71.035, the Council's authority to gather judicial statistics. The proposed rules implement the changes to Texas Government Code Sec. 71.035 by HB 1182 and to Texas Government Code Sec. 72.083 by HB 2384.

Reporting Instructions:

Current Rule 171.2 requires OCA to maintain and update reporting instructions approved by the Council. Attached for your consideration are the proposed reporting instructions for the new reporting requirements that will be required under the new Secs. 171.9(i), and 171.11. The proposed instructions will be circulated to court clerks and judges around the state for comment. At your next meeting, we will present the comments we receive regarding these instructions and any suggested changes.

Effective Date:

Lastly, to give clerks sufficient time to make the necessary changes to their case management systems so that they can report the new data required by HB 1182, HB 2384, and the proposed rules, we recommend that the effective date for the proposed rules be delayed until March 1, 2024.

Attachment: Proposed rule changes to Chapter 171, Title 1, Texas Administrative Code
Preamble for Texas Register submission of proposed rules
House Bill 1182
House Bill 2384 (Secs. 5, 6, and 10)
Proposed Reporting Instructions

1 TAC § 171.9

§ 171.9 Other Reports Required from the Courts

(a) Judicial Appointments and Fees. The clerk of each court shall submit a monthly report to OCA in the format prescribed by OCA. The report must:

(1) pursuant to [Section 36.004 of the Government Code](#), list every appointment made for an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator and the compensation paid, if any. Appointments made by the court for positions exempted from reporting under [Sec. 36.003, Tex. Gov't Code](#), are not required to be reported.

(2) The report shall include the case number and style, and the name of the judge and date of order approving compensation. The report is due no later than 15 days following the end of the month reported. If no appointments were made or fees were approved by the courts in the preceding month, the clerk shall file a report indicating that no appointments or payments were made in that month.

(b) Jury Charges and Sentences in Capital Cases. Pursuant to [Section 72.087 of the Government Code](#), the judge or clerk of a court in which a capital case is heard must submit to OCA a written record of the case that includes the content of the trial court's charge to the jury and the sentence issued in the case. The information must be submitted no later than 30 days after the date of judgment of conviction or acquittal.

(c) Vexatious Litigants. Pursuant to [Section 11.104 of the Civil Practice and Remedies Code](#), the clerk of each court shall submit to OCA within 30 days a copy of any order declaring a person a vexatious litigant and prohibiting the person from filing new litigation without the consent of the local administrative judge.

(d) Judicial Bypass. Pursuant to [Section 33.003\(1-1\) of the Family Code](#), the district clerk or county clerk shall submit a report to OCA on a form prescribed by OCA the information required under [Sec. 33.003\(1-1\)](#) regarding a case in which a minor files an application for a court order authorizing the minor to consent to the performance of an abortion without notification and consent of a parent, managing conservator, or guardian.

(e) Court Security Incident. Pursuant to [Article 102.017 of the Code of Criminal Procedure](#), the sheriff, constable or other law enforcement agency that provides security for a court is required to submit a report to OCA regarding any incident involving court security that occurs in or around a building housing a court for which the sheriff, constable, agency or entity provides security. The report is due no later than three business days after the date the incident occurred.

(f) Private Professional Guardians. Pursuant to [Section 1104.306 of the Estates Code](#), the clerk of each county shall annually submit to the Judicial Branch Certification Commission the name and business address of each private professional guardian who has satisfied the registration requirements of [Sec. 1104.303, Tex. Estates Code](#). The report is due no later than January 31 of each year.

(g) Writ of Attachment. Pursuant to [Art. 2.212 of the Code of Criminal Procedure](#), not later than the 30th day after the court issues a writ of attachment, the clerk of a district, statutory county or

county court shall report to OCA on a form prescribed by OCA the following regarding the issued writ of attachment:

- (1) the date the attachment was issued;
- (2) whether the attachment was issued in connection with a grand jury investigation, criminal trial, or other criminal proceeding;
- (3) the names of the persons requesting and the judge issuing the attachment; and
- (4) the statutory authority under which the attachment was issued.

(h) Regional Presiding Judges Report. Pursuant to [Government Code Sec. 71.038](#), the presiding judges of the administrative judicial regions shall submit on a form approved by the Council information requested by the Council regarding the business transacted by the judges.

(i) Additional Reporting for Counties with a Population of 1 Million or More. Pursuant to Sec. 71.035 of the Government Code, in addition to the other monthly reporting required under this chapter, the district and county clerks in counties with a population of 1 million or more as determined by the decennial census shall report to the OCA, in the form and manner prescribed by OCA, for each of the district and county courts the clerks support, the following:

- (A) the number of cases assigned;
- (B) the case clearance rate;
- (C) the number of cases disposed;
- (D) the number of jury panels empaneled;
- (E) the number of orders of continuance for an attorney before the court or by the court;
- (F) the number of pleas accepted;
- (G) the number of cases tried by the judge of the court or before a jury; and
- (H) the number of cases tried before a visiting or associate judge of the court.

1 TAC § 171.11

§ 171.11 Annual Performance Measure Reporting

Pursuant to Sec. 72.083(b) of the Government Code, the district clerk and county clerk of each county who maintains the records for the district courts and county courts shall annually submit to OCA in the manner required by OCA the following activity for each district court, statutory county court, statutory probate court, and constitutional county court in the county:

(1) the court's clearance rate defined as the number of cases disposed of by a court divided by the number of cases added to the docket of the court;

(2) the average time a case is before the court from filing to disposition; and

(3) the age of the court's active pending caseload.

Preamble for Texas Register Submission

The Texas Judicial Council (Council) proposes amendments to 1 Texas Administrative Code § 171.9, to comply with HB 1182's amendments to Texas Government Code § 71.035, concerning judicial statistics, enacted during the 88th Regular Session of the Texas Legislature (2023). The Council also proposes new rule § 171.11 regarding the new performance measures reporting requirements for the Office of Court Administration (OCA), which is responsive to the amendments made to Texas Government Code § 72.083 by HB 2384.

Background and Justification. HB 1182 requires that the Council gather monthly court activity statistics and case-level information on the amount and character of business transacted by each trial court in the state. For trial courts with counties with a population of at least one million, the Council must gather information including, but not limited to: (1) the number of cases assigned to the court; (2) the case clearance rate for the court; (3) the number of cases disposed of by the court; (4) the number of jury panels empaneled by the court; (5) the number of orders of continuance for an attorney before the court or by the court; (6) the number of pleas accepted by the court; (7) the number of cases tried by the judge of the court or before a jury; and (8) the number of cases tried before a visiting or associate judge of the court. The trial courts must provide the information in the form and manner prescribed by OCA, and OCA must publish the information for each court on OCA's website in a searchable format. For counties in excess of a population of one million, the court official for each court in the county must submit, to the appropriate county official, a copy of each required monthly report for publication on the county's public Internet website within a certain prescribed timeframe and in searchable format. HB 2384 requires that OCA annually report, as performance measures, the following information with respect to each district court, statutory county court, statutory probate court, and county court in Texas: (1) the court's clearance rate; (2) the average time a case is before the court from filing to disposition; and (3) the age of the court's active pending caseload.

Fiscal Impact on State and Local Government: Jennifer Henry, chief financial officer of OCA, has determined that for each year of the first five-year period the new rules are in effect, there will be no fiscal implications for the state as a result of enforcing or administering the rules as proposed. There may be a cost to local governments to provide the data required by HB 1182 and HB 2384 due to modification of court case management systems or office processing changes needed to provide data by court; however, the fiscal impact cannot be determined because it will vary depending on a county's staff level and the capability of existing technology to process and report the additional data.

Local Employment Impact Statement. Jennifer Henry has determined that the proposed rules will not affect the local economy, so the Council is not required to prepare a local employment impact statement under Texas Government Code § 2001.022.

Public Benefit/Cost Note. Alejandra Pena, director of data and research with OCA, has determined that for each year of the first five years the new sections are in effect, the public benefit anticipated as a result of the new sections will be: (1) clarity in what is required by law for reporting case activity; and (2) information that more accurately reflects the workloads of each district court, statutory county court, statutory probate court, and county court in Texas that is more useful to

state and local officials and other interested parties for judicial administration, policy making, and fiscal planning.

Probable Economic Costs to Persons Required to Comply with Proposal. Jennifer Henry has determined that for each year of the first five-year period the proposed rules are in effect, there may be an indeterminate fiscal impact to counties to comply with the new statutory requirements.

Fiscal Impact on Small Businesses, Micro Businesses, and Rural Communities. There will be no adverse effect on small businesses, micro businesses, or rural communities as a result of the proposed rules. Since the Council has determined that there is no adverse effect, the preparation of an economic impact statement and a regulatory flexibility analysis, as detailed under Texas Government Code § 2006.002, is not required.

One-for-one Requirement for Rules with Fiscal Impact. While the proposed rules may fiscally impact local governments, the impact is indeterminate and may vary from county to county. The proposed rules do not impose a cost on another state agency or special district.

Government Growth Impact Statement. Per Texas Government Code § 2001.0221, the Council provides the following government growth impact statement. For each year of the first five years the proposed rules are in effect, the Council has determined that:

1. The proposed rules do not create or eliminate a government program.
2. Implementation of the proposed rules do require the creation of new employee positions for OCA.
3. Implementation of the proposed rules do not require an increase or decrease in future legislative appropriations to OCA.
4. The proposed rules do not require an increase or decrease in fees paid to the OCA.
5. The proposed rules do create a new regulation by requiring Texas courts to submit additional reporting data to OCA.
6. The proposed rules do expand an existing regulation by requiring Texas courts to submit additional reporting data to OCA.
7. The proposed rules do not increase the number of individuals subject to the rules' applicability because the Council do not regulate individuals.
8. The proposed rules do not positively or adversely affect the state's economy.

Takings Impact Assessment. The Council has determined that no private real property interests are affected by the proposed rules, and the proposed rules do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rules do not constitute a takings impact assessment under Texas Government Code § 2001.043.

Environmental Rule Analysis. The Council has determined that the proposed rules are not brought with the specific intent to protect the environment or reduce risks to human health from environmental exposure; thus, the Council asserts the proposed rules are not a "major environmental rule," as defined by Texas Government Code § 2001.0225 and do not require the preparation of an environmental impact analysis.

Public Comment. Comments on the proposal may be submitted to Alejandra Pena, Director of Data and Research, with OCA, at P.O. Box 12066, Austin, Texas 78711-2066 or electronically to xxxx@txcourts.gov.

Statutory Authority and Sections Affected. The proposed rules are proposed pursuant to: (1) Texas Government Code § 71.019, the Council's general rulemaking authority; (2) section 71.031 of the Government Code, the Council's authority to study the procedures and practices, work accomplished, and results of state courts and methods for their improvement; (3) the Council's authority under Texas Government Code § 71.033 to design methods for simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in or improving the administration of justice; and (4) Texas Government Code § 71.035, the Council's authority to gather judicial statistics. The proposed rules implement the changes to Texas Government Code § 71.035 by HB 1182 and to Texas Government Code § 72.083 by HB 2384.

AN ACT

relating to judicial statistics and other pertinent information gathered by the Texas Judicial Council and certain populous counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 71.035, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a) The council shall gather judicial statistics and other pertinent information, including for each trial court in this state monthly court activity statistics and case-level information on the amount and character of the business transacted by the court, from the several state judges and other court officials of this state. The monthly information gathered by the council for each trial court in a county with a population of at least one million must include, but is not limited to:

(1) the number of cases assigned to the court;

(2) the case clearance rate for the court;

(3) the number of cases disposed by the court;

(4) the number of jury panels empaneled for the court;

(5) the number of orders of continuance for an attorney before the court or by the court;

(6) the number of pleas accepted by the court;

(7) the number of cases tried by the judge of the court or before a jury; and

(8) the number of cases tried before a visiting or associate judge of the court.

(a-1) The [~~In addition, the~~] council shall implement a monthly tracking system to ensure accountability for counties and courts which participate in the statewide integrated system for child support, medical support, and dental support enforcement established under Section 231.0011, Family Code. As a duty of office, the district clerks and county clerks serving the affected courts shall report monthly such information as may be required by the council, including, at a minimum, the time required to enforce cases from date of delinquency, from date of filing, and from date of

service until date of disposition. Such information as is necessary to complete the report and not directly within the control of the district or county clerk, such as date of delinquency, shall be provided to the clerk by the child support registry or by the enforcement agency providing Title IV-D enforcement services in the court.

(a-2) A [The] monthly report required by Subsection (a) or (a-1) must [shall] be transmitted to the Office of Court Administration of the Texas Judicial System no later than the 20th day of the month following the month reported, in the [such] form and manner [as may be] prescribed by the office [Office of Court Administration], which may include electronic data transfer. The office shall publish the information for each court on the office's public Internet website in a searchable format.

(a-3) In a county with a population greater than one million, a court official for each court in the county shall submit to the appropriate county official for publication on the county's public Internet website a copy of each monthly report required under Subsections (a) and (a-1) within the time required by Subsection (a-2). The county shall publish the information for each court on the county's Internet website in a searchable format [Copies of such reports shall be maintained in the office of the appropriate district or county clerk for a period of at least two years and shall be available to the public for inspection and reproduction].

SECTION 2. As soon as practicable after the effective date of this Act, the Texas Judicial Council shall adopt any rules necessary to implement the changes in law made by this Act.

SECTION 3. This Act takes effect September 1, 2023.

Excerpts from HB 2384:

SECTION 5. Section 72.082, Government Code, is amended to read as follows:

Sec. 72.082. PERFORMANCE REPORT. The office shall annually collect and publish a performance report of information regarding the efficiency of the courts of this state. The report must include disaggregated performance measures for each appellate court, district court, statutory county court, statutory probate court, and county court.

SECTION 6. Section 72.083, Government Code, is amended to read as follows:

Sec. 72.083. TRIAL COURTS. (a) ~~[The office shall report the aggregate clearance rate of cases for the district courts.]~~ In this section, "clearance rate" means the number of cases disposed of by a court ~~[the district courts]~~ divided by the number of cases added to the docket ~~[dockets]~~ of the court ~~[district courts]~~.

(b) The office shall annually report the following performance measures for each district court, statutory county court, statutory probate court, and county court:

- (1) the court's clearance rate;
- (2) the average time a case is before the court from filing to disposition; and
- (3) the age of the court's active pending caseload.

SECTION 10. (a) As soon as practicable after the effective date of this Act, the Texas Supreme Court shall adopt the rules necessary to implement Chapter 39, Government Code, as added by this Act, and Subchapter D, Chapter 82, Government Code, as added by this Act.

(b) As soon as practicable after the effective date of this act, the Texas Judicial Council shall adopt the rules necessary for the Office of Court Administration of the Texas Judicial System to collect the information required under Sections 72.082 and 72.083, Government Code, as amended by this Act.

(c) Section 141.0311, Election Code, as added by this Act, applies only to an application for a place on the ballot filed for an election ordered on or after the effective date of this Act. An

application for a place on the ballot filed for an election ordered before the effective date of this Act is covered by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(d) The changes in law made by Chapter 39, Government Code, as added by this Act, apply to all judges elected, appointed, or holding office on or after the effective date of this Act.

SECTION 11. This Act takes effect September 1, 2023.

Performance Measures for District and County Courts

HB 2384 (88th Legislature)

Section 72.083(b) of the Texas Government Code requires the Office of Court Administration to annually collect and publish a report including performance measures for each district court, statutory county court, statutory probate court, and county court.

The report must include:

- (1) the court's clearance rate;
- (2) the average time a case is before the court from filing to disposition; and
- (3) the age of the court's active pending caseload.

For this report, the year is defined as **September 1 through August 31**.

Reports must be submitted on an annual basis by **November 1**. The first report, covering March 1, 2023 through August 31, 2024, is due by November 1, 2024.

Reporting Instructions

District Courts

For each district court in the county, the clerk shall report **by case type** relevant to the court:

1. **The number of active pending cases as of September 1** as reported on the Judicial Council Monthly Court Activity Reports.
2. **The number of cases filed during the year** as reported on the Judicial Council Monthly Court Activity Reports.

Criminal: Sum of new cases filed, motions to revoke, and all other cases added.

Civil: Sum of new cases filed and all other cases added.

Family: Sum of new cases filed and all other cases added.

Juvenile: Sum of new cases filed, petitions to transfer to adult criminal court, motions to modify/enforce, and all other cases added.

3. **The number of cases disposed or adjudicated (juvenile) during the year** as reported on the Judicial Council Monthly Court Activity Reports.
4. **The number of active pending cases as of August 31** as reported on the Judicial Council Monthly Court Activity Reports.

5. The age of cases disposed during the year as reported on the Judicial Council Monthly Court Activity Reports.

Number of cases disposed within each timeframe by case type:

Criminal: 90 Days or Less, 91 to 180 Days, 181 to 365 Days, Over 365 Days, Total Cases.

Civil: 3 Months or Less, Over 3 to 6 Months, Over 6 to 12 Months, Over 12 to 18 Months, Over 18 Months, Total Cases.

Family: 3 Months or Less, Over 3 to 6 Months, Over 6 to 12 Months, Over 12 to 18 Months, Over 18 Months, Total Cases.

Juvenile: 30 Days or Less, 31 to 90 Days, 91 to 180 Days, Over 180 Days, Total Cases.

6. The average age of the court's active pending caseload of August 31. The average amount of time a case has been in active pending status since the date of filing or reopening.

Statutory County Courts

For each statutory county court in the county, the clerk shall report **by case type** relevant to the court:

1. The number of active pending cases as of September 1

Felony, misdemeanor, civil, family and juvenile cases: as reported on the Judicial Council Monthly Court Activity Reports.

Probate and guardianship: The number of cases that were active and awaiting disposition or a judgment or order at the beginning of the month.

Mental health commitments: The number of applications that were active and awaiting disposition at the beginning of the month.

2. The number of cases filed during the year as reported on the Judicial Council Monthly Court Activity Reports.

Felony: Sum of new cases filed, motions to revoke, and all other cases added.

Misdemeanor: Sum of new cases filed, cases appealed from lower courts, motions to revoke, and all other cases added.

Civil: Sum of new cases filed and all other cases added.

Family: Sum of new cases filed and all other cases added.

Juvenile: Sum of new cases filed, petitions to transfer to adult criminal court, motions to modify/enforce, and all other cases added.

Probate and guardianship: New cases filed, ancillary cases, and all other matters.

Mental health commitments: Applications filed for involuntary commitment and applications filed for order to authorize psychoactive medications.

- 3. The number of cases disposed or adjudicated (juvenile) during the year** as reported on the Judicial Council Monthly Court Activity Reports.

Probate and guardianship: The number of cases that were disposed or in which a judgment or order was entered during the year.

Mental health commitments: The number of applications that were disposed during the year.

- 4. The number of active pending cases as of August 31**

Felony, misdemeanor, civil, family and juvenile cases: as reported on the Judicial Council Monthly Court Activity Reports.

Probate and guardianship: The number of cases that were active and awaiting disposition or a judgment or order at the end of the month.

Mental health commitments: The number of applications that were active and awaiting disposition at the end of the month.

- 5. The age of cases disposed during the year** as reported on the Judicial Council Monthly Court Activity Reports.

Number of cases disposed within each timeframe by case type:

Felony: 90 Days or Less, 91 to 180 Days, 181 to 365 Days, Over 365 Days, Total Cases.

Misdemeanor: 30 Days or Less, 31 to 60 Days, 61 to 90 Days, Over 90 Days, Total Cases.

Civil: 3 Months or Less, Over 3 to 6 Months, Over 6 to 12 Months, Over 12 to 18 Months, Over 18 Months, Total Cases.

Family: 3 Months or Less, Over 3 to 6 Months, Over 6 to 12 Months, Over 12 to 18 Months, Over 18 Months, Total Cases.

Juvenile: 30 Days or Less, 31 to 90 Days, 91 to 180 Days, Over 180 Days, Total Cases.

Probate and guardianship: To be determined

Mental health commitments: To be determined

- 6. The average age of the court's active pending caseload of August 31.** The average amount of time a case has been in active pending status since the date of filing or reopening.

Statutory Probate Courts

For each statutory probate court in the county, the clerk shall report by case type relevant to the court:

1. The number of active pending cases as of September 1

Probate and guardianship: The number of cases that were active and awaiting disposition or a judgment or order at the beginning of the month.

Mental health commitments: The number of applications that were active and awaiting disposition at the beginning of the month.

2. The number of cases filed during the year as reported on the Judicial Council Monthly Court Activity Reports.

Probate and guardianship: New cases filed, ancillary cases, and all other matters.

Mental health commitments: Applications filed for involuntary commitment and applications filed for order to authorize psychoactive medications.

3. The number of cases disposed or adjudicated (juvenile) during the year as reported on the Judicial Council Monthly Court Activity Reports.

Probate and guardianship: The number of cases that were disposed or in which a judgment or order was entered during the year.

Mental health commitments: The number of applications that were disposed during the year.

4. The number of active pending cases as of August 31

Probate and guardianship: The number of cases that were active and awaiting disposition or a judgment or order at the end of the month.

5. Mental health commitments: The number of applications that were active and awaiting disposition at the end of the month.

6. The age of cases disposed during the year as reported on the Judicial Council Monthly Court Activity Reports.

Probate and guardianship: To be determined

Mental health commitments: To be determined

7. The average age of the court's active pending caseload of August 31. The average amount of time a case has been in active pending status since the date of filing or reopening.

Constitutional County Courts

For each constitutional county court in the county, the clerk shall report by case type relevant to the court:

1. The number of active pending cases as of September 1

Criminal, civil, and juvenile cases: as reported on the Judicial Council Monthly Court Activity Reports.

Probate and guardianship: The number of cases that were active and awaiting disposition or a judgment or order at the beginning of the month.

Mental health commitments: The number of applications that were active and awaiting disposition at the beginning of the month.

2. The number of cases filed during the year as reported on the Judicial Council Monthly Court Activity Reports.

Criminal: Sum of new cases filed, cases appealed from lower courts, motions to revoke, and all other cases added.

Civil: Sum of new cases filed and all other cases added.

Juvenile: Sum of new cases filed, petitions to transfer to adult criminal court, motions to modify/enforce, and all other cases added.

Probate and guardianship: New cases filed, ancillary cases, and all other matters.

Mental health commitments: Applications filed for involuntary commitment and applications filed for order to authorize psychoactive medications.

3. The number of cases disposed or adjudicated (juvenile) during the year as reported on the Judicial Council Monthly Court Activity Reports.

Probate and guardianship: The number of cases that were disposed or in which a judgment or order was entered during the year.

Mental health commitments: The number of applications that were disposed during the year.

4. The number of active pending cases as of August 31

Criminal, civil, and juvenile cases: as reported on the Judicial Council Monthly Court Activity Reports.

Probate and guardianship: The number of cases that were active and awaiting disposition or a judgment or order at the end of the month.

Mental health commitments: The number of applications that were active and awaiting disposition at the end of the month.

5. Age of cases disposed during the year as reported on the Judicial Council Monthly Court Activity Reports.

Number of cases disposed within each timeframe by case type:

Criminal: 30 Days or Less, 31 to 60 Days, 61 to 90 Days, Over 90 Days, Total Cases.

Civil: 3 Months or Less, Over 3 to 6 Months, Over 6 to 12 Months, Over 12 to 18 Months, Over 18 Months, Total Cases.

Juvenile: 30 Days or Less, 31 to 90 Days, 91 to 180 Days, Over 180 Days, Total Cases.

Probate and guardianship: To be determined

Mental health commitments: To be determined

- 6. The average age of the court's active pending caseload of August 31.** The average amount of time a case has been in active pending status since the date of filing or reopening.

DRAFT

Additional Monthly Reporting Requirements for Counties Over 1 Million in Population

HB 1182 (88th Legislature)

Section 71.035(a) of the Texas Government Code requires counties with a population of at least one million to include additional information in their monthly reports for **each trial court**. Proposed Section 171.9(i) of the Texas Administrative Code clarifies that population is determined by the decennial census and that the reporting requirement applies to district and county courts.

Reports must be submitted monthly by email using OCA's Excel template.

Additional Data Elements

The monthly reports for **district and county courts** must include the following data elements for **each of the following case types: criminal, civil, family, juvenile, probate/guardianship, and mental health commitments**.

Information is to be reported for the **court the case is filed in**, regardless of which elected judge worked on cases for that court during an exchange of benches.

A new criminal or juvenile case is counted when filed by indictment or information or after waiver of indictment.

1. The number of cases assigned to the court

The number of cases filed in the court during the month, including the number of new cases filed, reopened or reactivated cases, and cases transferred in from another court or county.

Reopened: *Number of cases in which a judgment has previously been entered, but which have been restored to the court's pending caseload during the reporting period. These cases come back to the court due to the filing of a request to modify or enforce that existing judgment and a hearing before a judicial officer is requested to review the status of the case or initiate further proceedings in the case.*

Categories on Judicial Council Monthly Reports: motions to revoke, modify, extend, or continue probation/community supervision/deferred adjudication (criminal); motions to modify, enforce or proceed (juvenile); all other cases added (all case types).

Reactivated: *Number of cases that had previously been placed in an inactive pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.*

2. The number of cases disposed by the court

The number of cases disposed and inactivated by the court during the month. Include transfers to another court or county as a disposition.

Inactivated: *Number of cases placed in an inactive pending status because further court proceedings and activities cannot be resumed until an event restores the case to the court's active pending caseload. Examples: arrest warrant or directive to apprehend issued; stay for mental health treatment; stay for bankruptcy; stay for Soldiers' and Sailors' Civil Relief Act; stay for arbitration.*

3. The case clearance rate for the court

The number of cases disposed and inactivated by the court during the month divided by the number of cases assigned to the court during the month. Expressed as a percentage (e.g., 95%).

4. The number of jury panels empaneled for the court

The number of juries sworn during the month.

5. The number of motions for continuance granted for an attorney before the court or by the court

The number of orders **granting** continuance in cases set for trial during the month. Does not include routine resets or amended scheduling orders.

6. The number of motions for continuance denied for an attorney before the court or by the court

The number of rulings or orders **denying** continuance in cases set for trial during the month. Does not include routine resets or amended scheduling orders.

7. The number of pleas accepted by the court

The number of guilty or nolo contendere pleas (criminal) and pleas of true (juvenile) accepted by the court during the month.

8. The number of cases tried by the judge of the court or before a jury

The number of bench trials and jury trials held in the court by an elected judge.

A bench trial should be counted when the first evidence is introduced, regardless of whether a judgment is reached.

A jury trial should be counted when the jury has been sworn, regardless of whether a verdict is reached.

9. The number of cases tried before a visiting or associate judge of the court

The number of bench trials and jury trials held in the court by an associate judge, magistrate, or other county-employed judicial officer.

A bench trial should be counted when the first evidence is introduced, regardless of whether a judgment is reached.

A jury trial should be counted when the jury has been sworn, regardless of whether a verdict is reached.

10. The number of cases tried before a visiting judge of the court

a. Short term assignment

The number of bench and jury trials held during the month by a visiting judge on short-term assignment (an assignment for reasons other than the long-term situations defined below).

b. Long term assignment

The number of bench and jury trials held during the month by a visiting judge on long-term assignment to impact courts/dockets, COVID backlog-related dockets or resulting from the retirement, resignation, or prolonged illness (exceeding 2 weeks) of the judge; suspension of the judge by the State Commission on Judicial Conduct; or the creation of a new bench in which an appointment has not been made.