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# Examining Texas County Courts at Law Civil Court Reorganization

*Final Report*

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## **Background**

Texas House Bill 79 is a court reorganization bill that was passed by the 82<sup>nd</sup> Legislature, First Called Session (2011) and contained a requirement that a study be undertaken by the Texas Office of Court Administration (OCA) to determine whether the Texas court system would be better served by converting some or all county courts at law with civil jurisdiction in excess of \$200,000 to district courts.<sup>1</sup> This study was designed to help OCA determine the feasibility, efficiency, and potential cost of converting to district courts those statutory county courts at law (CCLs) with jurisdiction in civil cases in which the amount in controversy exceeds \$200,000.

OCA staff regularly consulted with the staff of Representative Jim Jackson, Representative Tryon Lewis, and Senator Robert Duncan regarding study issues, such as the scope of the study and challenges with data collection.

The bill provides that OCA may not use state funds to conduct the study. Due to the significant amount of staff time and other resources required to conduct the study, it was not possible for a full study to be undertaken. However, OCA was able to obtain the services of the National Center for State Courts (NCSC) to assist with a pilot study of two counties, at no charge to OCA. NCSC received a State Justice Institute Reengineering grant to cover a number of projects. NCSC used \$55,000 of those grant funds to conduct the pilot study.

In the Texas State Court system there are currently 20 counties with a total of 57 CCLs that have overlapping or concurrent civil jurisdiction with district courts in which the amount in controversy exceeds \$200,000. Dollar limits in the remaining CCLs are capped at \$200,000. See Appendix A for a list of the 20 counties and the number of CCLs in each that have concurrent jurisdiction with the district courts in civil cases in which the amount in controversy is in excess of \$200,000.

While the counties that have statutory authority for overlap are known, differing local practice determines the extent to which this actually occurs, and reliable information is lacking. Data is not currently collected on the number of civil cases in which the amount in controversy claimed is in excess of \$200,000 in the district courts or the CCLs, either in the Judicial Council Monthly Court Activity reports or elsewhere. Determining the number of civil cases in excess of \$200,000 is a critical piece of information for estimating the viability and cost of converting the CCLs to district courts.

## **Project Steps**

The central goal of this project was to assess the feasibility of obtaining an accurate estimate of the number of civil cases in excess of \$200,000 being handled by CCLs and district courts in these 20 counties. While the legislation speaks to the potential conversion of CCLs, a comprehensive understanding of the issue requires knowing the extent of civil cases in excess of \$200,000 that are filed and disposed in both district courts and CCLs. Uncovering this information required the project team to solve two problems. The first problem was that no systematic information exists on which CCL judges in the 20 counties actually hear civil cases in excess of \$200,000. While a court may have jurisdiction to handle certain cases, they may not exercise that jurisdiction.

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<sup>1</sup> Act of June 29, 2011, 82nd Legislature, 1<sup>st</sup> C.S., ch. 3, art. 10 (H.B. 79).

The second problem was that no information on the dollar amount in controversy sought or awarded is available in the case files maintained by either the district or county clerk's offices. Under current pleading requirements, a plaintiff need only assert that "the damages sought are within the jurisdictional limits of the court," which is what most lawyers typically plead.<sup>2</sup> For the purposes of discovery, it has been many years since litigants filed discovery with the clerk of the court. Additionally, when a case is settled, settlement amounts are not reflected in the non-suit dismissing a case and are often confidential. Absent an order granting a claim of special exception as to the dollar amount sought, it is unlikely that the amount sought is specified within the file. Confidentiality or non-disclosure agreements further complicated the collection of accurate information from case files.

To resolve these issues, the NCSC and OCA developed and administered multiple data collection efforts.

### **1. Judicial Assignment Survey**

The first step was conducting a survey to gather background information on how many CCL judges in the 20 counties hear civil cases and whether these judges hear exclusively civil cases or a mix of civil and criminal. In addition, NCSC and OCA staff determined whether civil case data are filed in the district or county clerk's office and the type of case management system used. The judicial assignment survey is shown in Appendix B.

### **2. Case Management System Survey**

A second survey was developed and used to determine the extent to which relevant information could be obtained from the clerks' case management systems and which data would require manual data collection.

The district and county clerks in each of the 20 counties were asked whether their automated case management system was able to identify and provide detailed information on disposed cases in the following 6 case type categories:

- injury/damage
- product liability
- eminent domain/real property
- contract
- other civil
- tax

In addition, the survey also inquired about the availability of data related to each of the individual cases, including cause number, key dates, and plaintiff attorney contact information.

Results of the survey are displayed in Appendix C.

### **3. Filings and Disposition Data**

Having determined that the clerks were largely able to provide the relevant data by case type from automated systems, NCSC staff requested aggregate caseload data from OCA for the CCLs and district

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<sup>2</sup> Tex. R. Civ. P. 47(b).

courts for all 20 counties. The purpose was to determine the total number of civil cases handled by both CCLs and district courts as the basis for developing a sampling strategy to estimate the number and proportion of all civil cases where the dollar amount in controversy exceeded \$200,000. The data request was for all civil case filings and dispositions by case type for FY 2011. As an example, the dispositions for the CCLs are shown in Appendix D.

#### **4. Pilot Test of Attorney Survey**

Due to the lack of information on the dollar amount in controversy sought or awarded in the case files, it was determined that the most feasible way to obtain dollar amount data was directly from the plaintiff attorneys involved in the cases. The NCSC/OCA project team proposed the use of a survey strategy to ask a select set of attorneys about a representative sample of civil cases they resolved in 2011. Since the cost and effectiveness of this approach, including the level of cooperation and response rate from the attorneys, was unknown, the NCSC/OCA project team decided to conduct a pilot test of the strategy to sample and survey attorneys in two of the 20 counties.

Knowledge of the data available (and not available) in an automated format gathered during the earlier stages of the project (e.g., case type, key dates, attorney name and contact information) facilitated the selection of the counties for the pilot study. Parker and Nueces counties were selected to be pilot sites.

#### ***Case and Attorney Information Data Request***

To select the sample of cases and attorneys to be surveyed, it was necessary to assemble a case-level dataset of all civil cases disposed in Parker and Nueces counties during 2011. Case and attorney information had to be obtained from both the district and the CCL courts within the two counties. (Nueces County has 8 district courts and 5 CCLs, and Parker County has 2 district courts and 2 CCLs). On July 9, 2012, OCA sent a request for a dataset of CCL civil case information and/or a dataset of district court civil case information to the district clerk in Nueces County, the district clerk in Parker County, and the county clerk in Parker County. The county clerk in Parker County serves as the clerk of court of the county courts at law in civil cases in the concurrent jurisdiction of the county courts at law and district courts, while the district clerk in Nueces County serves as the clerk of court for those cases.<sup>3</sup> The letter sent to the county clerk in Parker County requesting a dataset of civil case information for the county courts at law is shown as an example in Appendix E.

The request was for a dataset of all civil cases disposed of by the district and CCL courts between January 1, 2011 and December 31, 2011, grouped into the following six case type categories: injury/damage, product liability, eminent domain/real property, contract, other civil, and tax.

For each civil case disposed during the time period, the clerk was asked to provide the following individual case and plaintiff attorney information:

- case type (one of six case type categories)
- cause number

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<sup>3</sup> It varies from county to county as to whether the district or county clerk serves as the clerk of court of the county courts at law in civil cases in which the county courts at law have concurrent jurisdiction with the district courts. For some counties, it is specified in statute, while in others it is not.

- filing date
- disposition date
- parties names
- manner of disposition
- plaintiff attorney information (if available):
  - name
  - address
  - email
  - phone number

It was necessary for all three clerks to work with either their case management software vendor or county information technology department to generate the requested information. Significant difficulties and delays were experienced in obtaining the requested information from two of the three clerks. It is anticipated that similar delays and difficulties would be encountered in most, if not all, of the remaining 18 counties.

### ***Selecting a Sample***

Once the caseload data was received from OCA, NCSC staff developed a sampling strategy for the two counties. The first step was to determine how many individual civil cases needed to be examined to estimate from the population the number where the dollar amount in controversy exceeds \$200,000 as precisely as needed. The two required elements for picking a sample size are specifying a confidence interval and a confidence level.

The *confidence interval* (also called margin of error) is the plus-or-minus figure usually reported in opinion poll results. For example, if we picked a confidence interval of 5 and found 40% of the sample of injury/damage cases had a dollar amount in controversy above \$200,000, then we could say between 35% and 45% of the population of these cases fit this criteria.

The *confidence level* reflects the accuracy of the results. It is expressed as a percentage and states how often the true percentage of the population lies within the confidence interval. A 95% confidence level means you can be 95% certain; and this is the confidence level used most often by researchers.

The smaller the confidence interval, the larger is the sample required to be certain at any given confidence level. A larger sample provides greater accuracy, but also increases all associated data collection costs.

For purposes of the pilot test, project staff selected a confidence interval of +/- 9, with a confidence level of 95%. In addition, the decision was made to drop tax cases from the sampling plan.

Table 1 shows a total population of 3,505 civil cases in the two counties across five case type categories.

Table 1: Number of Cases by Court

	Nueces CCL	Nueces District	Parker CCL	Parker District	Total
Other Civil	132	167	20	86	405
Contract	698	648	144	393	1,883
Injury or Damage	876	212	13	93	1,194
Product Liability	8	3	7	2	20
Eminent Domain/Real Property	3				3
<b>Total</b>	<b>1,717</b>	<b>1,030</b>	<b>184</b>	<b>574</b>	<b>3,505</b>

When the total cases disposed by type and county was less than 20, all cases were selected for the sample. For example, all 8 product liability cases in Nueces County were included in the sample. When case counts were greater than 20, a random sample of cases was selected for analysis. For example, in line with a 9% confidence interval and 95% confidence level, a sample of 52 injury or damage cases was selected from the total of 93 such cases in the Parker County district courts. Based on the sampling frame and selection criteria (9% confidence interval and 95% confidence level), a total sample of 829 civil cases was selected for in-depth analysis from the courts in Parker and Nueces counties (Table 2).

Table 2: Total Cases in Sample

	Nueces CCL	Nueces District	Parker CCL	Parker District	Total
Other Civil	63	70	20	50	203
Contract	101	100	65	91	357
Injury or Damage	105	76	13	52	246
Product Liability	8	3	7	2	20
Eminent Domain/Real Property	3				3
<b>Total</b>	<b>280</b>	<b>249</b>	<b>105</b>	<b>195</b>	<b>829</b>

***Developing the Attorney Survey***

After identifying the sample, OCA and NCSC staff worked together to develop a survey to be sent to the plaintiff attorney of record for each of the cases. Some attorneys had multiple cases in the sample. Included in the survey was information about the sampled case(s) (i.e., cause number, party names, type of case, and filing date) for the attorney to reference. The two questions in the survey were designed to gather information about the damages initially claimed as well as the final judgment or settlement amount. Answers to both questions were deemed the best way to provide an accurate estimate of the proportion and number of civil cases in excess of \$200,000 being handled by the CCLs and district courts in these two counties.

Table 3: Survey Questions

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- 1 Was the amount in controversy (excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs) originally claimed in excess of \$200,000?
  - 2 Was the final judgment or settlement amount (excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs) in excess of \$200,000?

An example of an actual survey sent to an attorney with multiple cases is shown in Appendix F.

### ***Identifying the Survey Respondents***

The name and contact information for the plaintiff attorney of record for each case in the sample was included in the data request to the court clerks in Parker and Nueces counties. Because the survey was designed to be delivered online, with a web link sent to all respondents, an email address for each attorney was essential. However, three of the four datasets received from the clerks included only the attorneys' names and no contact information. The fourth dataset had mailing addresses for the attorneys, but not email addresses.

The 829 cases in the sample were handled by a total of 364 different attorneys. It was believed that these 364 email addresses could be obtained from the State Bar of Texas (State Bar). However, before the email addresses could be sent to the NCSC, NCSC had to agree to keep the email addresses confidential. In a letter sent to David Slayton, the administrative director of OCA, NCSC agreed to use the email addresses for the limited purpose of conducting the survey and to destroy them after they had been used for this purpose. After approval was received for the release of the email address, OCA staff obtained a list of email addresses for all the attorneys residing in Nueces and Parker counties from the State Bar. Once the list was sent to the NCSC, project staff went through all the attorney names in the dataset and matched them to the correct email addresses from the State Bar. Unfortunately, at the completion of this task, it was discovered that there were 261 attorneys not included on the list, as they did not reside in Nueces or Parker County.

A list of the missing attorney names was sent to the OCA. OCA staff looked each name up on the State Bar website, found the bar number for each, and then sent this information to the State Bar to request the missing email addresses. After all the email addresses were compiled and added to the dataset, the data was uploaded to the survey.

### ***Survey Deployment***

The online survey was designed and laid out using a survey tool called Conformat. This tool allowed NCSC staff to collect data from each individual attorney for each case. Project staff wanted to make certain that the survey link each attorney received included **only** the case or cases specific to them. Since some attorneys had only one case in the dataset while others had as many as 50, the survey had to be customized. To accomplish this goal, custom script was written for every case and each attorney linking the correct case or cases to the attorney of record.



After the final version of the survey was tested and approved by OCA and NCSC staff, a letter from Chief Justice Wallace Jefferson was emailed to all the attorneys in the sample, informing them of the survey and its purpose. The letter was used to stress the importance of the survey and to encourage their participation. A copy of the letter is shown in Appendix G. The survey was deployed on October 17, 2012, and sent by email to all individual attorneys handling these 829 cases. Each attorney was asked to complete the survey within 10 days and a reminder email was sent on October 23, 2012, to encourage participation.

### **Survey Results**

Out of the total sample of 829 cases, attorney responses were received for 221 cases. This gives a response rate of about 27%. Table 4 shows the total sample, total responses and the response rate for each case type category. An overview of the survey results by question and county is in Appendix H.

Table 4: Total Responses of Sample

#### **Total Cases in Sample**

	Nueces CCL	Nueces District	Parker CCL	Parker District	Total
Other Civil	63	70	20	50	203
Contract	101	100	65	91	357
Injury or Damage	105	76	13	52	246
Product Liability	8	3	7	2	20
Eminent Domain/Real Property	3				3
<b>Total</b>	<b>280</b>	<b>249</b>	<b>105</b>	<b>195</b>	<b>829</b>

#### **Total Responses**

	Nueces CCL	Nueces District	Parker CCL	Parker District	Total
Other Civil	12	21	6	15	54
Contract	17	32	18	30	97
Injury or Damage	18	29	1	14	62
Product Liability	2		4	2	8
Eminent Domain/Real Property					
<b>Total</b>	<b>49</b>	<b>82</b>	<b>29</b>	<b>61</b>	<b>221</b>

#### **Response Rate**

	Nueces CCL	Nueces District	Parker CCL	Parker District	Total
Other Civil	19%	30%	30%	30%	27%
Contract	17%	32%	28%	33%	27%
Injury or Damage	17%	38%	8%	27%	25%
Product Liability	25%		57%	100%	40%
Eminent Domain/Real Property					
<b>Total</b>	<b>18%</b>	<b>33%</b>	<b>28%</b>	<b>31%</b>	<b>27%</b>

Table 5 shows the total number of cases reported to have (1) an original amount in excess of \$200,000 and (2) a final judgment/settlement amount in excess of \$200,000 by county and case type. In total, attorneys reported that 27 cases had an original claim above \$200,000 and 7 ended with a judgment/settlement above \$200,000. The majority of these high dollar civil cases are found in Nueces County in both the CCLs and district courts.

Table 5: Total Number of Cases Reported in Excess of \$200,000

	Original Amount in Excess of \$200,000				Total
	Nueces CCL	Nueces District	Parker CCL	Parker District	
Other Civil	3	3	1		7
Contract	2	3			5
Injury or Damage	4	3		4	11
Product Liability	2			2	4
Eminent Domain/Real Property					
<b>Total</b>	<b>11</b>	<b>9</b>	<b>1</b>	<b>6</b>	<b>27</b>

	Final Judgment/Settlement in Excess of \$200,000				Total
	Nueces CCL	Nueces District	Parker CCL	Parker District	
Other Civil		2			2
Contract	1	1			2
Injury or Damage	1			1	2
Product Liability	1				1
Eminent Domain/Real Property					
<b>Total</b>	<b>3</b>	<b>3</b>		<b>1</b>	<b>7</b>

A key question is whether the survey results are sufficiently robust for use in estimating the total number of civil cases exceeding \$200,000 in Nueces and Parker counties. Although the response rate of 27% provides information on fewer cases than in the original sampling plan (221 out of 829), we still want to know how representative the responses were and what conclusions can be drawn. To get at this issue, it is necessary to statistically assess the extent to which there is evidence of response bias in the survey results received.

Toward that end, statistical analysis was conducted to determine if there appeared to be any systematic patterns differentiating attorneys that responded to the survey from those who did not. The factors investigated were:

- case-level factors - case type (injury or damage, product liability, eminent domain/real property contract, other civil), court (Nueces CCL/district, Parker CCL/district), court type (CCL or district), and an estimate of case duration in days (June 30, 2011 – Filing Date); and

- attorney-level factors - proportion of cases of each type, proportion of cases in CCL, average estimated age of cases, and number of cases.

The analysis shows there are minimal systematic effects in the response patterns of attorneys from the two counties. Random effects predict essentially all variation in responses. This implies that the responses received are largely representative of the total requested sample.

Therefore, the survey findings were weighted to obtain an estimate of the total number of civil cases where the original claim and/or the final judgment/settlement amount exceeded \$200,000. Table 6 shows the results of that calculation.

Table 6: Weighted Estimate of the Total Number of Cases Reported in Excess of \$200,000

	Total Number of Cases				
	Nueces CCL	Nueces District	Parker CCL	Parker District	Total
Other Civil	132	167	20	86	405
Contract	698	648	144	393	1,883
Injury or Damage	876	212	13	93	1,194
Product Liability	8		7	2	17
Eminent Domain/Real Property					
<b>Total</b>	<b>1,714</b>	<b>1,027</b>	<b>184</b>	<b>574</b>	<b>3,499</b>

	Number of Cases - Original Amount Claimed was in Excess of \$200,000					Number of Cases - Final Judgment/Settlement in Excess of \$200,000				
	Nueces CCL	Nueces District	Parker CCL	Parker District	Total	Nueces CCL	Nueces District	Parker CCL	Parker District	Total
Other Civil	33	24	3		60		16			16
Contract	82	61			143	41	20			61
Injury or Damage	195	22		27	243	49			7	55
Product Liability	8			2	10	4				4
Eminent Domain/Real Property										
<b>Total</b>	<b>318</b>	<b>107</b>	<b>3</b>	<b>29</b>	<b>456</b>	<b>94</b>	<b>36</b>		<b>7</b>	<b>137</b>

	Percent of Cases - Original Amount Claimed was in Excess of \$200,000					Percent of Cases - Final Judgment/Settlement in Excess of \$200,000				
	Nueces CCL	Nueces District	Parker CCL	Parker District	Total	Nueces CCL	Nueces District	Parker CCL	Parker District	Total
Other Civil	25%	14%	17%		15%		10%			4%
Contract	12%	9%			8%	6%	3%			3%
Injury or Damage	22%	10%		29%	20%	6%			7%	5%
Product Liability	100%			100%	59%	50%				24%
Eminent Domain/Real Property										
<b>Total</b>	<b>19%</b>	<b>10%</b>	<b>2%</b>	<b>5%</b>	<b>13%</b>	<b>5%</b>	<b>4%</b>		<b>1%</b>	<b>4%</b>

The top panel of Table 6 shows the total number (population) of civil cases in both Nueces and Parker counties. The bottom two panels show the estimated total number and percentage of cases where the original claim and/or the final judgment/settlement exceeds \$200,000. For example, in the Nueces CCLs, attorneys reported that 318 civil cases (19%) had an original claim above \$200,000, while 94 (5%) resulted in a final judgment/settlement above that amount. In contrast, such cases were found to be almost nonexistent in the Parker CCLs.

The results show considerable differences in the share of high dollar civil cases between Nueces and Parker counties at both the CCL and district court level. This finding in the two-county pilot study has several implications for the larger 20 county study.

1. CCLs appear to handle some civil cases where the dollar amount at issue exceeds \$200,000.
2. There is variation among CCLs as to the volume of such cases.
3. Examining practice in the other 18 counties will be necessary to definitively address the issue of whether it makes sense to convert to district courts those CCLs with jurisdiction in civil cases in which the amount in controversy exceeds \$200,000.

In the case of the Nueces County CCLs, the evidence suggests there may be sufficient workload to justify converting at least one CCL to a district court. Table 7 shows a calculation that assumes civil cases where the original claim is in excess of \$200,000 are reasonably complex and take, on average, about four hours of judge time (240 minutes). Multiplying 318 cases by 240 minutes and dividing by the Texas judge year value of 70,950, implies that 1.1 judges are needed to handle this segment of the caseload.<sup>4</sup> While this result is speculative (the actual judicial time for this type of case has not been established), it suggests there may be value to additional investigation in the remaining 18 counties.

Table 7: Calculating Implied Judicial Need (FTE), Nueces CCL

Civil Filings	Case Weight (minutes)	Total Workload
318	* 240	= 76,320
↓		
Judicial Year Value		÷ 70,950
FTE Judicial Officers		= 1.1

<sup>4</sup> In 2007, the National Center for State Court conducted a judicial weighted caseload study in the Texas district courts. The basic methodology used by the NCSC in this study was the calculation of the average amount of work time judicial officers devote to different types of cases. Because cases vary according to complexity, the averages, called “case weights,” also vary. The case weights represent the average amount of time judicial officers spend on the handling of cases in the district courts.

## **Conclusion and Recommendations**

### ***Summary of the Pilot Study***

The purpose of this project was to examine the feasibility of estimating the number of civil cases in excess of \$200,000 being handled by CCLs and district courts in the 20 counties with overlapping civil jurisdiction. The exploratory analysis conducted in Parker and Nueces counties, described above, makes clear the data collection challenges involved. Given the absence of key information in case files (e.g., dollar amount in controversy), project staff had to be creative in designing a strategy to gather the required data through a combination of automated court records and attorney surveys. Considerable time and effort was required by OCA, NCSC, the clerks' office staff members, and county information technology or private case management software vendor staff to assemble the data available from automated court records as well as integrating attorney contact information. The good news is that all this hard work paid off in the creation of datasets containing all the requisite information needed for thoroughly investigating the question at hand--except the dollar amount in controversy.

Using the survey strategy, a random sample of civil cases was selected and an online survey developed and used to contact the plaintiff's attorney in each case to ask whether any sampled case had a dollar amount in controversy exceeding \$200,000. The ultimate success of this data collection strategy depends on the willingness of attorneys to provide the final data elements, identifying the civil cases where the amount in controversy exceeds \$200,000. The two county pilot study resulted in an overall response rate of 27%.

Even with the low response rate, an apparent lack of response bias makes it possible to generalize from the sample results to the population with some confidence. Doing this calculation shows the CCLs in Nueces County handle a fair share of high dollar civil cases, while such cases are essentially nonexistent in the CCLs in Parker County.

The results from the pilot study suggest some CCLs among the 20 counties will handle a non-negligible number of civil cases in which the amount in controversy exceeds \$200,000. However, the data collection challenges outlined above underscore that getting greater clarity on this issue will not be easy.

### ***Considering Conversion***

Should Texas decide to move forward with this study and collect information from all of the 20 counties, there remain a number of other factors to consider when determining the practicality and cost-effectiveness of converting select CCLs to district courts. Key issues include (1) alternative funding streams for district and CCL judges; (2) different court staff costs and configurations; (3) re-design of CCL courtrooms and courthouses; and (4) strategies for reallocating remaining workload if some CCLs are converted to district courts.

1. *Alternative funding streams for district and CCL judges.* The annual estimated fiscal impact to the State for the creation of a new district court is currently \$161,075, which covers the salary and benefits of the district judge. The annual salary provided by the State for a district judge is \$125,000. In addition, the State pays a one percent (1%) health benefits contribution of \$1,250 per year and other benefits, including state contributions for group insurance and the Judicial Retirement System, estimated to be \$34,825 annually. Fifty-one percent (51%) of the salary and

benefits of a district judge are paid from the General Revenue Fund and forty-nine percent (49%) are paid from Judicial Fund 573.

The current annual cost to the State for each CCL is \$75,000 from Judicial Fund 573. Under current law, the State provides a CCL judge a salary supplement in an amount equal to 60 percent of the state salary of a district judge. The salary supplement program for CCL judges is funded from fees and court costs collected by CCLs statewide and deposited into Judicial Fund 573.

If existing CCLs are converted to district courts, the method for funding the salaries and benefits of the judges of those courts will likely change, from Judicial Fund 573 only to a combination of Judicial Fund 573 and General Revenue. It should be noted that local governments pay all other operating costs associated with district courts and CCLs, such as space, equipment, and court staff.

2. *Different court staff costs and configurations.* The number and types of staff in the district courts, as well their salaries, may differ from the CCLs in some of the affected counties. If the district courts have more staff than the CCLs and/or the district court staff receive higher salaries than their counterparts in the CCLs, this is a factor that will need to be considered.
3. *Re-design of CCL courtrooms and courthouses.* In the CCLs, the majority of jury cases are decided by a panel of six. In district court, a jury of twelve is required. To convert a CCL to a district court, jury boxes, jury rooms, and courtrooms may have to be significantly remodeled or upgraded.
4. *Strategies for reallocating remaining workload if some CCLs are converted to district court.* A significant amount of the workload of CCLs with general statutory county court jurisdiction may be handling matters that district courts generally do not have jurisdiction over, such as misdemeanors and justice court appeals. If these courts are converted to district courts, what is the best way to allocate the remaining workload? For example, should the CCLs that are converted to district courts be given jurisdiction to handle those matters? Will it be necessary for the “new” district court to employ an associate judge to handle the “non-district court” matters previously filed in the CCL that was converted to a district court?

Appendix A: CCL Civil Jurisdictional Limits, by County

Counties	Jurisdictional Limit				
	\$250,000	\$500,000	\$750,000	\$1,000,000	Unlimited
Calhoun					1
Cameron				3	
Cass					1
Dallas					5
Ellis					2
El Paso					7
Galveston					3
Gregg					2
Hidalgo			7*		
Hood	1				
Kaufman					1
Kendall					1
Midland		2			
Nueces					5
Panola					1
Parker					2
Rockwall					1
Rusk					1
Smith					3
Travis	8				
Totals	9	2	7*	3	36

\*Hidalgo CCL #8 effective 09/01/2012. However, not implemented as of 10/1/2012. This court is not included in the totals.



Appendix B: Judicial Assignment Survey

Preliminary Survey

July 18, 2011

\_\_\_\_\_  
Name of person completing survey

\_\_\_\_\_  
County

1. Number of County Courts at Law in your county that hear civil cases seeking damages with an amount-in-controversy in excess of \$200,000 \_\_\_\_\_

2. If more than one CCL in the county, do all of the CCLs have identical "amount-in-controversy" civil jurisdiction? Yes / No

3. If you answered "no" above, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Please identify those courts by number, if any, that DO NOT HEAR civil cases with an amount in controversy in excess \$200,000.

\_\_\_\_ CCL#1

\_\_\_\_ CCL#2

\_\_\_\_ CCL#3

\_\_\_\_ CCL#4

\_\_\_\_ CCL#5

\_\_\_\_ CCL#6

\_\_\_\_ CCL#7

\_\_\_\_ CCL#8

5. If more than one CCL in the county, in what manner are the cases assigned?

\_\_\_\_ a) By local rule or statutory preference, some courts handle only civil or only criminal cases

i. \_\_\_\_ # that handle civil only

ii. \_\_\_\_ # that handle criminal only

iii. \_\_\_\_ # that handle both civil & criminal cases

\_\_\_\_ b) On a rotation or alternating basis distributed evenly between the CCLs

\_\_\_\_ c) Other, please explain: (attach an extra sheet if necessary) \_\_\_\_\_  
\_\_\_\_\_

Appendix B (continued): Judicial Assignment Survey

6. Other than family law matters, all other civil cases seeking damages with an amount in controversy in excess of \$200,000 are filed in which clerk's office:

- a) \_\_\_\_\_ District Clerk
- b) \_\_\_\_\_ County Clerk
- c) \_\_\_\_\_ Both District & County Clerks' offices

7. What data management systems do your clerks' offices utilize?

- a) District Clerk: (please identify) \_\_\_\_\_
- b) County Clerk: (please identify) \_\_\_\_\_
- c) None: \_\_\_\_\_

8. Are the files for your civil cases (other than family law) available to you in the courtroom or in your office electronically?

- a) District Clerk : Yes: \_\_\_\_\_ No: \_\_\_\_\_
- b) County Clerk Yes: \_\_\_\_\_ No: \_\_\_\_\_

9. Are the files for your civil cases (other than family law) available remotely, from outside the courthouse?

- a) District Clerk: Yes: \_\_\_\_\_ No: \_\_\_\_\_
- b) County Clerk: Yes: \_\_\_\_\_ No: \_\_\_\_\_

10. If the National Center for State Courts needs to conduct a random search of the civil filings for purposes of this study, is there anyone who can assist in the search?

- a) Court: Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, who? \_\_\_\_\_
- b) District Clerk's Office: Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, who? \_\_\_\_\_
- c) County Clerk's Office: Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, who? \_\_\_\_\_

**Thank you for your help. Please return your responses to the following by email by August 1, 2011 to: \_\_\_\_\_**

## Appendix C: Case Management System Survey Results

### District and County Courts at Law (CCL)

County	District Civil Court Filings	CCL Civil Court Filings	County Civil Court Filings	Which Clerk for Civil Cases In Excess of \$200K	Case Types Available in Case Management System							Case Information Available in Case Management System					Plaintiff Attorney information in CM System				
					Type of CM System	Injury/Damage	Product Liability	Eminent Domain/Real Property	Contract	Other Civil	Tax	Cause Number	Filing Date	Dispo. Date	Parties Names	Manner of Dispo.	Name	Address	Email	Phone No.	
Calhoun	189	73		County	Edoc	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Cameron*	2,470	1,288		County	Odyssey	○	○	○	○	○	○	○	○	○	○	○	○	○	■	■	■
Cass	171	31		District	Net Data	○	○	○	○	○	○	○	○	○	○	○	○	○	■	■	■
Dallas	22,927	9,256		County																	
El Paso	5,554	2,590		District	Odyssey	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Ellis	887	735		County	LGS	○	○	○	○	○	○	○	■	○	■	■	■	■	■	■	■
Galveston	5,518	2,205		County	Odyssey	○	○	○	○	○	○	○	○	○	○	○	○	○	■	■	■
Gregg	631	1,283		District	Odyssey	○	○	○	○	○	○	○	○	○	■	○	■	○	■	■	■
Hidalgo	3,801	3,165		District	Odyssey	○	○	○	○	○	○	○	○	○	○	○	○	○	○	■	○
Hood	737	192		County	Net Data	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Kaufman	381	825		District	Odyssey	○	○	○	○	○	○	○	○	○	○	○	○	○	■	■	■
Kendall				District	Odyssey	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Midland	776	736	15	District	Net Data	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Nueces	2,134	1,883		District	Odyssey	○	○	○	○	○	○	○	○	○	○	○	○	○	○	■	○
Panola	173	104		District	Odyssey	■	■	■	■	■	■	○	○	○	■	○	○	○	■	■	■
Parker	1,456	364		County	Able Term	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Rockwell	371	536		District	Able Term	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	■
Rusk	408	10	57	District	Net Data	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	■
Smith	1,158	948		County	Able Term	○	○	○	○	○	○	■	○	○	○	○	○	○	○	○	○
Travis	5,973	10,183		County	Tiburon	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	■
Total Available						18	18	18	18	18	17	19	18	18	17	17	18	12	6	12	

\*Attorney information is not available on the same report

○ Information is available  
 ■ Information is NOT available

Appendix D: CCL Dispositions, FY 2011 - Consolidated Case Types (excludes civil cases related to criminal matters)

County	Injury or Damage - MV/ Malpractice/ Other	Product Liability - Asbestos/ Silica/ Other	Eminent Domain/ Other Real Property	Consumer/ Commercial/ Other Contract	Other Civil	Tax	Total
Calhoun	16			41	16		73
Cameron	504		5	628	151		1,288
Cass	3	1		14	12	1	31
Dallas	3,075		104	5,493	584		9,256
El Paso	408	2	15	564	1,037	564	2,590
Ellis	69		12	466	188		735
Galveston	336	4	103	1,508	254		2,205
Gregg	142		9	192	380	560	1,283
Hidalgo	1,041		5	1,348	771		3,165
Hood	28			64	100		192
Kaufman	78			535	212		825
Kendall							
Midland	118		6	487	125		736
Nueces	680	4	5	649	545		1,883
Panola	15			30	46	13	104
Parker	21		14	178	151		364
Rockwall	13			318	74	131	536
Rusk					10		10
Smith	214	3	73	571	87		948
Travis	1,194		48	5,276	3,665		10,183
	7,955	14	399	18,362	8,408	1,269	36,407



## OFFICE OF COURT ADMINISTRATION

DAVID SLAYTON  
Administrative Director

July 9, 2012

Honorable Jeane Brunson  
County Clerk, Parker County  
1 Courthouse Square  
Weatherford, TX 76086

Re: House Bill 79 – County Court at Law Study

Dear Ms. Brunson:

Thank you again for providing us with information about data available through your automated court management system. Rachel Bridges, your chief deputy, provided us with the information, in May.

The purpose of this letter is to ask for your help in compiling a dataset of civil cases recently disposed of by your county courts at law. The data from your county is essential as we respond to an important legislative request. As you'll recall, H.B. 79, a court reorganization bill that was passed during the last legislative session, contained a requirement that a study be undertaken to determine whether the Texas court system would be better served by converting some or all the county courts at law (CCLs) with civil jurisdiction in excess of \$200,000 to district courts. Our office is working in conjunction with the National Center for State Courts (NCSC) on this study.

The study design calls for a survey of attorneys to determine the dollar amount of damages in civil cases filed in district courts and county courts at law. With respect to your county, we plan to select and contact a random sample of attorneys involved in civil cases that were disposed during the time period January 1, 2011 through December 31, 2011.

We ask for your help in providing us a dataset containing the following information. Preferred formats are Excel or SPSS.

All civil cases disposed of by the county courts at law during the time period January 1, 2011 through December 31, 2011, grouped into the following six case type categories:

- injury/damage
- product liability
- eminent domain/real property
- contract
- other civil
- tax

For each civil case disposed of by the county courts at law during the time period January 1, 2011 through December 31, 2011, the following individual case and plaintiff attorney information:

- case type (one of six case type categories)
- cause number
- filing date
- disposition date
- parties names
- manner of disposition
- plaintiff attorney information (if available):
  - name
  - address
  - email
  - phone number

Once we receive this dataset, the NCSC will use it to draw the sample of attorneys to be surveyed.

Please send the dataset by **5:00 p.m., Friday, July 27, 2012**, by email to Mary Cowherd, at [mcowherd@txcourts.gov](mailto:mcowherd@txcourts.gov).

If you have any questions, please contact me at [mcowherd@txcourts.gov](mailto:mcowherd@txcourts.gov) or 512/463-1629.

Thank you for your help.

Very truly yours,

Mary J. Cowherd  
Deputy Director

## Texas County Courts at Law Attorney Survey

Dear Sir or Madam,

We ask for your help in completing this short survey related to a case (or cases) you recently resolved in Nueces or Parker County. You received a letter from Chief Justice Wallace Jefferson that explained the purpose of the survey and asked that you take just a few minutes to respond to the two questions below. The goal is to determine the share of civil cases where the amount in controversy originally claimed or ultimately awarded was in excess of \$200,000.

The questions refer to the following case(s) selected at random from all civil cases resolved in 2011 in Nueces or Parker County. We have included the following information about each case:

- Cause number
- Parties names
- Type of case
- File date

1. Was the amount in controversy (excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs) originally claimed in excess of \$200,000?

	Yes	No	Not Applicable
2011DCV-3328-D, Rioprop Ventures vs. Charles H Thornton, Marguerite Thornton, Civil Case - Other, 7/5/2011	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2011DCV-3322-H, Rioprop Ventures vs. Cynthia L Gonzalez, Civil Case - Other, 7/5/2011	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2011DCV-3327-B, Rioprop Ventures vs. Brandon Gonzalez, Marcella Gonzalez, Civil Case - Other, 7/5/2011	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. Was the final judgment or settlement amount (excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs) in excess of \$200,000?

	Yes	No	Not Applicable
2011DCV-3328-D, Rioprop Ventures vs. Charles H Thornton, Marguerite Thornton, Civil Case - Other, 7/5/2011	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2011DCV-3322-H, Rioprop Ventures vs. Cynthia L Gonzalez, Civil Case - Other, 7/5/2011	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2011DCV-3327-B, Rioprop Ventures vs. Brandon Gonzalez, Marcella Gonzalez, Civil Case - Other, 7/5/2011	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Appendix G: Chief Justice Wallace B. Jefferson's Letter to the Attorneys



**The Supreme Court of Texas**

CHIEF JUSTICE  
WALLACE B. JEFFERSON

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK  
BLAKE A. HAWTHORNE

JUSTICES  
NATHAN L. HECHT  
DAVID M. MEDINA  
PAUL W. GREEN  
PHIL JOHNSON  
DON R. WILLETT  
EVA M. GUZMAN  
DEBRA H. LEHRMANN

GENERAL COUNSEL  
JENNIFER L. CAFFERTY

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

PUBLIC INFORMATION OFFICER  
OSLER MCCARTHY

October 16, 2012

Dear Texas Attorney:

You have been selected to participate in an important pilot study being conducted in Nueces and Parker counties. House Bill 79, a court reorganization bill that was passed during the last legislative session, requires the Texas Office of Court Administration (OCA) to conduct a study for purposes of determining whether the Texas court system would be better served by converting some or all county courts at law with civil jurisdiction in excess of \$200,000 to district courts.

I strongly encourage you to answer this brief survey regarding the dollar amount of the final judgment or settlement in any civil district court or county court at law cases that you filed in either Parker or Nueces County. Because a high response rate is key to the quality of the survey data, the success of the pilot test study and its usefulness depends on your participation.

The link to the survey questionnaire will be sent to you tomorrow by the National Center for State Courts (NCSC) on behalf of the OCA. The information that you provide will enable them to clarify the scope of civil cases with an amount in controversy in excess of \$200,000 that are being handled in both district courts and county courts at law in Parker and Nueces counties. This information will form the basis for estimating the feasibility and cost of conducting the same study in other counties. The survey results will be presented anonymously and in aggregate.

Again, I strongly urge you to participate in the survey. Your cooperation is greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "Wallace B. Jefferson".

Wallace B. Jefferson  
Chief Justice



## Appendix H: Total Survey Responses by Court

		Yes	No	NA	Total
<i>Nueces CCL</i>					
1	Was the amount in controversy (excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs) originally claimed in excess of \$200,000?	11	35	3	49
2	Was the final judgment or settlement amount (excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs) in excess of \$200,000?	3	39	7	49
<i>Nueces District</i>					
1	Was the amount in controversy (excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs) originally claimed in excess of \$200,000?	9	60	13	82
2	Was the final judgment or settlement amount (excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs) in excess of \$200,000?	3	62	17	82
<i>Parker CCL</i>					
1	Was the amount in controversy (excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs) originally claimed in excess of \$200,000?	1	26	2	29
2	Was the final judgment or settlement amount (excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs) in excess of \$200,000?		26	3	29
<i>Parker District</i>					
1	Was the amount in controversy (excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs) originally claimed in excess of \$200,000?	6	48	7	61
2	Was the final judgment or settlement amount (excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs) in excess of \$200,000?	1	52	8	61