



# The Basics of a Court Docket

## 2019 Judicial Orientation for New County Judges

January 28, 2019  
Lubbock, Texas

# Constitutional County Courts

- ✓ One in each county (254)
- ✓ An estimated 163 have judicial duties
  - Original jurisdiction in civil actions (\$200 to \$10,000)
  - Probate and Guardianship
  - Exclusive original jurisdiction over misdemeanors with fines greater than \$500 or jail sentence
  - Juvenile matters
  - Appeals de novo from lower courts or on the record from municipal courts of record



# What's New?

For Period of 9/1/2017 to 8/31/2018

<b>Misdemeanors Added in 2018</b>		<b>Civil Cases Added in 2018</b>	
• New Cases	39,166	• New Cases	5,155
• Appealed from Lower Courts	3,352	• Appealed from Lower Courts	188
• Motions/Revoke	3,841	• Reactivated	68
• Reactivated	6,957	• All other cases	130
• All other cases	500		
<b>Total</b>	<b>53,816</b>	<b>Total</b>	<b>5,471</b>

*Note: The above totals reflect an 83.4 Percent Reporting Rate*



# Misdemeanor Time Standards

COSCA	ABA	MODEL STANDARDS
100% within 90 days	90% within 30 days 100% within 90 days	75% within 60 days 90% within 90 days 98% within 180 days

COSCA = Council of State Court Administrators

ABA = American Bar Association

Model Standards = National Center for State Courts [www.ncsc.org](http://www.ncsc.org)



# 2018 Texas Disposition Rate

## Total Disposed 48,512

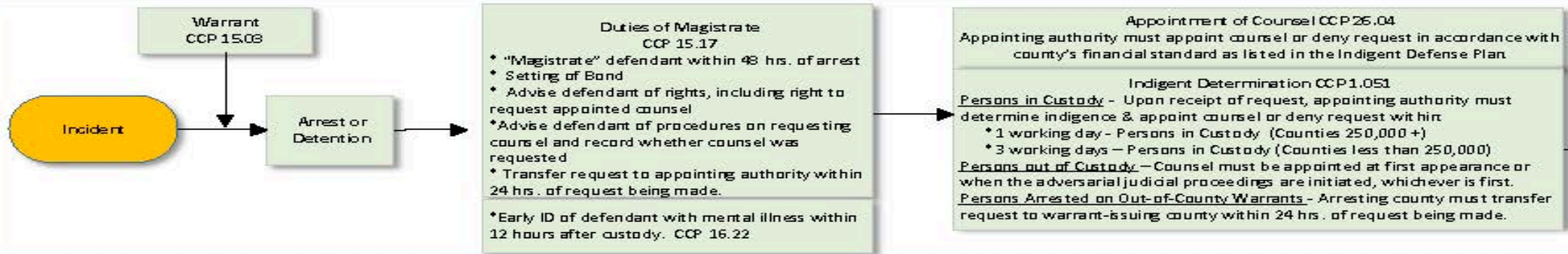
### Misdemeanors

Age of Cases Disposed	30 Days or less	31 – 60 Days	61 – 90 Days	Over 90 Days	Total Cases
Number of Cases Disposed	13,537	6,668	6,406	21,901	48,512
% of Total	28%	14%	13%	45%	

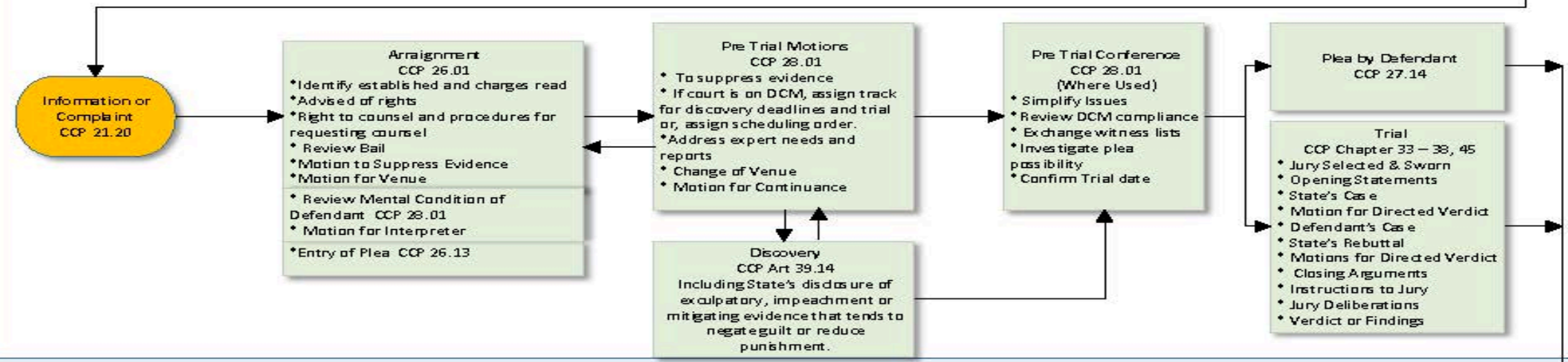


# Typical Misdemeanor Caseflow

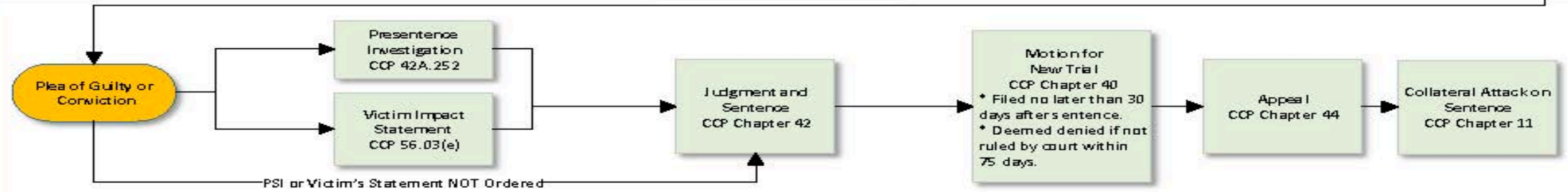
Arrest/Detention



Court Pretrial and Trial



Post Trial



# Statute Requirements

## TITLE 1. CODE OF CRIMINAL PROCEDURE CHAPTER 32A. SPEEDY TRIAL

Art. 32A.01. TRIAL PRIORITIES. (a) Insofar as is practicable, the trial of a criminal action shall be given preference over trials of civil cases, and the trial of a criminal action against a defendant who is detained in jail pending trial of the action shall be given preference over trials of other criminal actions not described by Subsection (b).

(b) Unless extraordinary circumstances require otherwise, the trial of a criminal action in which the alleged victim is younger than 14 years of age shall be given preference over other matters before the court, whether civil or criminal.

(c) The trial of a criminal action against a defendant who has been determined to be restored to competency under CCP 46B.084 shall be given preference over other matters before the court, whether civil or criminal.

Acts 1977, 65th Leg., p. 1970, Ch. 787, Sec. 1, eff. July 1, 1978.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1251 (H.B. [1396](#)), Sec. 3, eff. September 1, 2015.

Acts 2017, 85<sup>th</sup> Leg., R.S., Ch. 748 (SB 1326, Sec. 4, eff. September 1, 2017).





# Civil Case Time Standards

TEXAS	MODEL STANDARD
Jury – 18 months from appearance	75% within 180 Days 90% within 365 Days 98% within 540 Days
Non-Jury – 12 months from appearance	

**Time to Disposition = The percentage of cases disposed within the established time guidelines.**

Texas = Rules of Judicial Administration, Rule 6 <http://www.txcourts.gov/media/1437060/rules-of-judicial-administration-updated-with-amendments-effective-march-22-2016.pdf>

Model Standards = National Center for State Courts [www.ncsc.org](http://www.ncsc.org)





# 2018 Texas Disposition Rate

## Total Disposed 4,502

### Civil Cases

Age of Cases Disposed	3 Months Or Less	Over 3 to 6 Months	Over 6 to 12 Months	Over 12 to 18 Months	Over 18 Months	Total Cases
Number of Cases Disposed	1,987	435	729	370	981	4,502
% of Total	44%	10%	16%	8%	22%	



# Differentiated Case Management (DCM)

DCM is a technique courts can use to tailor the case management process to the requirements of individual cases.

## Differentiated Case Management

### Why use it?

- Make more efficient use of justice system resources by tailoring their use to the needs of the individual cases.
- Serve the public more efficiently by providing **different processing paths with timeframes and procedural requirements geared to the characteristics of each case.**
- Achieve a just disposition according to the specific tasks and timeframe.



# Differentiated Case Management (DCM)

## What is needed?

- The court must acknowledge its responsibility for managing case progress.
- The judge must agree that all cases filed are not alike and that they need **different** management and processing.
- Participants must commit themselves to differentiate among cases for management and processing purposes.
- A judge must assume leadership throughout the development and implementation process.
- A coordinator must be assigned to coordinate the details of the DCM development and implementation process.



# Differentiated Case Management (DCM)

## Getting Started

- Assign cases early to **different** paths
- Issue-based assignment of processing paths
- Litigant choice
- Best use of resources

A Day in the Life of a Judge: Descriptions of Judicial Tasks  
Under Each Pathway, National Center for State Courts

<http://www.ncsc.org/civil-day-in-the-life>



# When and Where do You Start?

As soon as you know the case belongs in your court:

## New Criminal Cases

- At arrest;
- At first appearance; or
- When the case is filed by information or complaint.

## Existing Criminal Cases

- The first time you call the case;
- Reviewing your pending cases;
- Discuss with the prosecutor; and,
- Assigning cases in open court.

## Civil Cases

- When new case is filed;
- The first time a case is set in your court; and,
- Review existing cases already filed.



# DCM Pathways

- **Expedited** = Cases requiring no discovery. Jury trial has been waived and defendant is willing to enter a plea.
- **Basic** = Cases requiring little discovery, that require little time to produce. Jury trial may be waived and defendant may enter a plea depending on evidence presented.
- **Complex** = Cases requiring extensive discovery or evidence that is difficult to obtain. Jury trial is pending and defendant is not willing to enter a plea.



# Questions





Thank you!

**Office of Court Administration**

Research and Court Services Division

Aurora Zamora, Court Services Consultant

[aurora.Zamora@txcourts.gov](mailto:aurora.Zamora@txcourts.gov)

205 W. 14<sup>th</sup> Street, Suite 600

Austin, Texas 78701

512-463-0976

