

Lubbock County Judicial Branch

DISTRICT COURTS and
COUNTY COURTS AT LAW

“Radical Transparency in Action”

January 1, 2007 - December 31, 2007

Lubbock County Board of Judges &
Administrative Office of the Courts

Acknowledgements

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Introduction to the 2007 Report

**“What gets measured gets done.”
- Peter Drucker**

In 2005 the Lubbock County Board of Judges made a decision to become radically transparent to the public that they serve. While this is a step that has still been taken by very few courts, the Lubbock County Board of Judges believe that it is imperative upon them to allow the public who utilize and fund the courts to use objective data to “judge the judges.” The two previous reports continue to receive national acclaim from the National Center for State Courts and others. In fact, the report is being used in a nationwide course to teach other courts how to establish and measure court performance. In addition, David Slayton was recognized with the National Center for State Courts’ 2008 Distinguished Service Award, the only trial court administrator in the nation to receive this award, in great part to his work on the CourTools reports.

With that great start, the Courts attempt to see the progress that has been made between 2006 and 2007. It is apparent from this report that the pressures upon the Lubbock County judiciary continue to make it difficult to meet the high standards that have been established. Some measures have improved and some have not. That being said, the courts are committed to continuing the progress that has been made and to measuring so that needed improvements can be identified.

With all of this in mind, it is with great pleasure that we publish this report on behalf of the Lubbock County District Courts and County Courts at Law. The report presents detailed operational data on the District Courts and County Courts at Law for calendar year 2007. This year, the report includes all of the ten CourTool measures, up from nine last year. We take great pride in presenting the full balanced scorecard on the courts, still one of the only courts in the world to have accomplished this feat.

The Board of Judges would like to recognize the efforts of all of the judicial officers and court staff who have worked extremely hard to accomplish great things during 2007 in the face of increased workload with level staffing resources. Without the judges and employees of the Court, none of what will be reported here would have been possible. In addition to the Court staff’s efforts, the Board of Judges extends gratitude to the Lubbock County Information Services Department and Ki Corp for their tremendous efforts in assisting the Courts by modifying the case management software to allow institutionalization of these improvements.

We hope that this report is helpful both to our internal stakeholders, as well as any others who read this report.

Respectfully submitted,

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The CourTools Measures

The CourTools performance measures provide the judiciary with the tools to demonstrate effective stewardship of public resources. Being responsive and accountable is critical to maintaining the independence courts need to deliver fair and equal justice to the public.

Access and Fairness 1

definition: Ratings of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect.

purpose: Many assume that "winning" or "losing" is what matters most to citizens when dealing with the courts. However, research consistently shows that positive perceptions of court experience are shaped more by court users' perceptions of how they are treated in court, and whether the court's process of making decisions seems fair. This measure provides a tool for surveying all court users about their experience in the courthouse. Comparison of results by location, division, type of customer, and across courts can inform court management practices.

Clearance Rates 2

definition: The number of outgoing cases as a percentage of the number of incoming cases.

purpose: Clearance rate measures whether the court is keeping up with its incoming caseload. If cases are not disposed of in a timely manner, a backlog of cases awaiting disposition will grow. This performance measure is a single number that can be compared within the court for any and all case types, on a monthly or yearly basis, or between one court and another. Knowledge of clearance rates by case type can help a court pinpoint emerging problems and indicate where improvements can be made.

Time to Disposition 3

definition: The percentage of cases disposed or otherwise resolved within established time frames

purpose: This measure, used in conjunction with Clearance Rates (Measure 2) and Age of Active Pending Caseload (Measure 4), is a fundamental management tool that assesses the length of time it takes a court to process cases. It compares a court's performance with local, state, or national guidelines for timely case processing.

Age of Active Pending Caseload 4

definition: The age of the active cases pending before the court, measured as the number of days from filing until the time of measurement.

purpose: Knowing the age of the active cases pending before the court is most useful for addressing three related questions: Does a backlog exist? Which cases are a problem? Given past and present performance, what is expected in the future?

Trial Date Certainty 5

definition: The number of times cases disposed by trial are scheduled for trial.

purpose: A court's ability to hold trials on the first date they are scheduled to be heard (trial date certainty) is closely associated with timely case disposition. This measure provides a tool to evaluate the effectiveness of calendaring and continuance practices. For this measure, "trials" includes jury trials, bench trials (also known as nonjury trials), and adjudicatory hearings in juvenile cases.

Reliability and Integrity of Case Files **6**

definition: The percentage of files that can be retrieved within established time standards, and that meet established standards for completeness and accuracy of contents.

purpose: A reliable and accurate case file system is fundamental to the effectiveness of day-to-day court operations and fairness of judicial decisions. The maintenance of case records directly affects the timeliness and integrity of case processing. This measure provides information regarding (a) how long it takes to locate a file, (b) whether the file's contents and case summary information match up, and (c) the organization and completeness of the file.

Collection of Monetary Penalties **7**

definition: Payments collected and distributed within established timelines, expressed as a percentage of total monetary penalties ordered in specific cases.

purpose: Integrity and public trust in the dispute resolution process depends in part on how well court orders are observed and enforced in cases of noncompliance. In particular, restitution for crime victims and accountability for enforcement of monetary penalties imposed on criminals are issues of intense public interest and concern. The focus of this measure is on the extent to which a court takes responsibility for the enforcement of orders requiring payment of monetary penalties.

Effective Use of Jurors **8**

definition: Juror yield is the number of citizens selected for jury duty who are qualified and report to serve, expressed as a percentage of the total number of prospective jurors available. Juror utilization is the rate at which prospective jurors are used at least once in trial or voir dire.

purpose: The percentage of citizens available to serve relates to the integrity of source lists, the effectiveness of jury management practices, the willingness of citizens to serve, the efficacy of excuse and postponement policies, and the number of exemptions allowed. The objective of this measure is to minimize the number of unused prospective jurors—the number of citizens who are summoned, qualified, report for jury service, and who are not needed.

Court Employee Satisfaction **9**

definition: Ratings of court employees assessing the quality of the work environment and relations between staff and management.

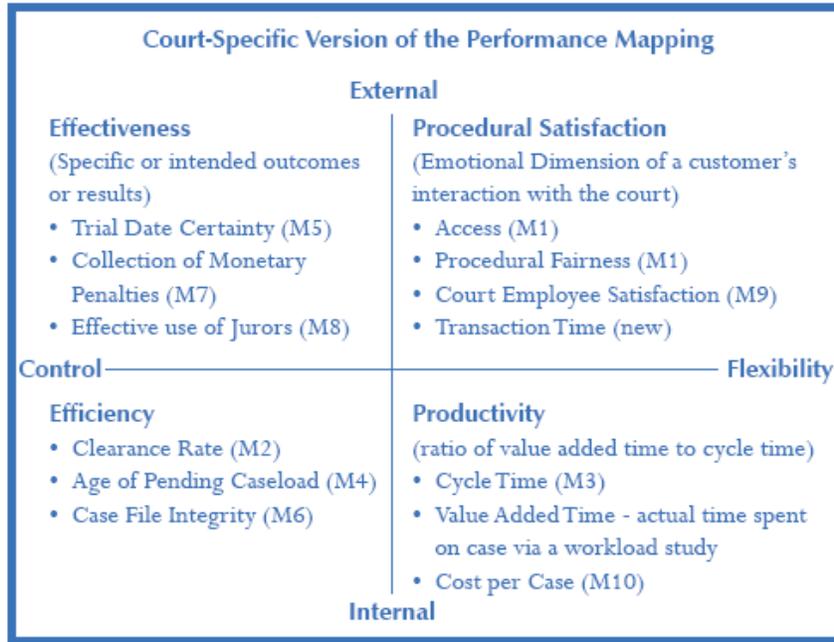
purpose: Committed and loyal employees have a direct impact on a court's performance. This measure is a powerful tool for surveying employee opinion on whether staff have the materials, motivation, direction, sense of mission, and commitment to do quality work. Knowing how employees perceive the workplace is essential to facilitate organizational development and change, assess teamwork and management style, enhance job satisfaction, and thus improve service to the public.

Cost Per Case **10**

definition: The average cost of processing a single case, by case type.

purpose: Monitoring cost per case, from year to year, provides a practical means to evaluate existing case processing practices and to improve court operations. Cost per case forges a direct connection between how much is spent and what is accomplished. This measure can be used to assess return on investment in new technologies, reengineering of business practices, staff training, or the adoption of "best practices."

Courts have long sought a set of balanced and realistic performance measures that are practical to implement and use. The ten CourTools performance measures were designed by the National Center for State Courts to answer that call, as revealed below.



For the first time in Lubbock County, all ten measures have been completed and are reported herein, providing the balanced scorecard view of the local courts.

Trends in Lubbock County District and County-Level Courts

CourTool Measure	Change (2006 - 2007)	Difference (2006 – 2007)	Meets Performance Goal
CourTool 1: Access and Fairness Access Index Score	-1.5	86.2 to 84.7	No
Fairness Index Score	-4.2	84.4 to 80.2	No
CourTool 2: Clearance Rate District Civil	-4%	113% to 109%	Yes
County Court at Law Civil	+4%	96% to 100%	Yes
Felony Criminal	+1%	99% to 100%	Yes
Misdemeanor Criminal	-6%	108% to 102%	Yes
Family Law	+19%	92% to 111%	Yes
Juvenile	+54%	144% to 198%	Yes
CourTool 3: Time to Disposition District Civil			
Level 1	+17.4%	82.6% to 100%	Yes
Level 2	-13.1%	96.2% to 83.1%	No
Level 3	+8.0%	87.5% to 95.5%	No
County Court at Law Civil			
Level 1	-3.7%	88.8% to 85.1%	No
Level 2	+2.7%	97.3% to 100%	Yes
Level 3	unchanged	100% to 100%	Yes
Felony Criminal ¹	-12.7%	89.5% to 76.8%	No
Misdemeanor Criminal	+4.2%	66.4% to 70.6%	No
Family Law			
Level 1 ²	+14.0%	76.9% to 90.9%	No
Level 2	-6.8%	86.8% to 80.0%	No
Level 3	n/a	n/a	n/a
Juvenile ³			

¹ Assuming that all felony criminal cases are level two.

² It should be noted that the Courts revised the disposition standards for family law level one cases in 2007. After consultation with the family law bar, all stakeholders agreed that the appropriate standard for level one cases was 180 days after answer.

³ The Courts have not adopted a local guideline for the disposition of juvenile cases. In addition, the Court does not track juvenile cases based upon their detention status. For the purposes of this measure, the

In detention	-8.3%	19.2% to 10.9%	No
Out of detention	-16.9%	42.5% to 25.6%	No
CourTool 4: Age of Active Pending Caseload⁴			
District Civil			
Level 1 (9.4% of caseload)	-7.8%	86.7% to 78.9%	No
Level 2 (64.2% of caseload)	+2.5%	86.8% to 89.3%	No
Level 3 (26.4% of caseload)	-2.5%	98.5% to 96.0%	No
County Court at Law Civil			
Level 1 (67.5% of caseload)	-21.4%	92.8% to 71.4%	No
Level 2 (31.6% of caseload)	-2.8%	93.4% to 90.6%	No
Level 3 (0.9% of caseload)	unchanged	100% to 100%	Yes
Felony Criminal⁵			
Level 1 (69% of caseload)	n/a	unk to 75.0%	No
Level 2 (30% of caseload)	n/a	unk to 74.8%	No
Level 3 (1% of caseload)	n/a	unk to 50.0%	No
Misdemeanor Criminal	-1.0%	76.9% to 75.9%	No
Family Law			
Level 1 (20.6% of caseload)	+11.7%	70.6% to 82.3%	No
Level 2 (78.5% of caseload)	-8.6%	82.0% to 73.4%	No
Level 3 (0.9% of caseload)	-25.0%	100% to 75.0%	No
Juvenile			
In detention	+7.2%	4.6% to 12.8%	No
Out of detention	+11.5%	10.8% to 22.3%	No

COSCA and ABA Case Processing Standards are used (15 days in detention and 30 days out of detention), and the measures are shown assuming all were in detention and all were out of detention.

⁴ This year, CourTool 4 (Age of Pending) was calculated using the entire caseload, not a sample as has been done in previous years for all civil and family law case types. Criminal was calculated using a statistical sample.

⁵ This is the first year that there has been a standard for dividing felony cases into levels. Therefore, there is no previous measurement to report. That being said, in previous years, all felony cases have been assumed to be level two for measurement purposes. Assuming that to be true again this year (which we now show to be incorrect), the measurement would have dropped from 87.2% to 82.2%.

CourTool 5: Trial Date Certainty			
<i>Jury Trials:</i>			
District Civil	+0.6%	80.0% to 80.6%	No
County Court at Law Civil	-33.3%	100% to 66.7%	No
Felony Criminal	+17.5%	53.3% to 70.8%	No
Misdemeanor Criminal	-20.2%	45.2% to 25.0%	No
<i>Bench Trials:</i>			
Civil	+3.5%	87.0% to 90.5%	Yes
Felony Criminal	-21.3%	100.0% to 76.7%	No
Misdemeanor Criminal	Unchanged	33.3% to 33.3%	No
Family	-1.2%	77.0% to 75.8%	No
CourTool 7: Collection of Monetary Penalties (Misdemeanors)			
	-3.7%	93% to 89.3%	No
CourTool 8: Effective Use of Jurors			
Juror Yield	-3.7%	25.8% to 22.1%	No
Percent Selected as Jurors	-2.6%	12.3% to 9.7%	No
Percent Sent for Jury Selection	-15.0%	49.7% to 34.7%	No
Percent Sent to Courtroom & Utilized	+0.6%	65.5% to 66.1%	No
CourTool 9: Court Employee Satisfaction (overall index score)			
	+4.6%	79.9 to 84.5	No
CourTool 10: Cost per Case⁶			
District Civil	+48.93	\$322.55 - \$371.48	n/a
County Court at Law Civil	+0.63	\$102.12 - \$102.75	n/a
Felony Criminal	+10.59	\$118.96 - \$129.55	n/a
Misdemeanor Criminal	-0.45	\$59.33 - \$58.88	n/a
Family	-5.18	\$69.91 - \$64.73	n/a
Juvenile	-37.93	\$123.05 - \$85.12	n/a

⁶ The figures reported in cost per case are balanced for inflation from 2006 to 2007 (2.85%).

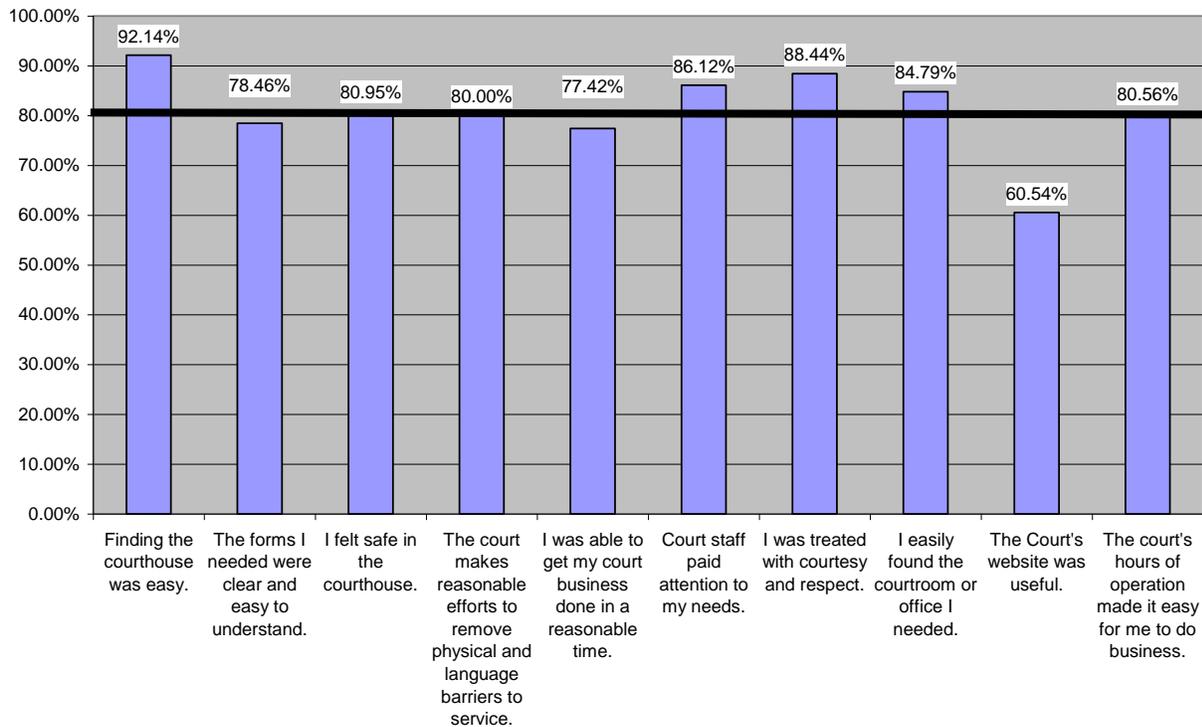
CourTools Measure 1: Access and Fairness

The access and fairness measure is a survey of all court users on a typical day on the court's accessibility and its treatment of the customers in terms of fairness, equality and respect. Access and Fairness are two of the most crucial components to the delivery of services by the judiciary.

PERFORMANCE GOAL: It is a goal of the Courts that 80% of those surveyed should rate all measures at a 4 or 5 (agree/strongly agree).

The survey was given on May 6, 2008, a typical day at the courthouse. Surveys were collected at the east and west public entrances of the building. Two hundred thirty-three surveys were received from those individuals exiting the courthouse, up 24% from the previous survey.

Percent Giving a 4 or 5 (Agree/Strongly Agree) to Access Questions

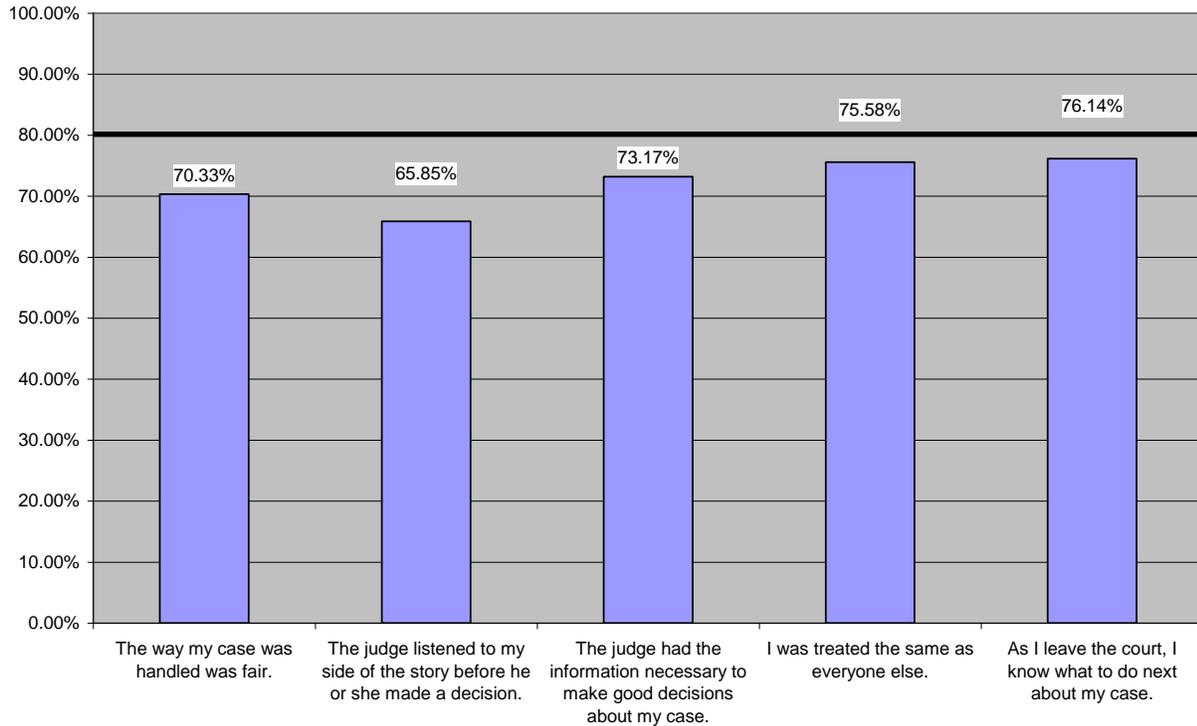


The overall index score for the Access portion of the survey was 84.7 (out of a possible 100). It is apparent that the courts have met the goal in most areas of the survey. The usefulness of the Court's website continues to stick out as an area where improvement is needed.⁷ It should be noted that almost all access questions dropped from the previous survey. The exceptions were question #7 (treated with courtesy and respect) and question #9 (court's website). Lastly, the largest drop from the previous survey was in question #3 (safe in the courthouse), which dropped by almost ten percent.

⁷ It should be noted that only 147 of the 233 (63%) surveys collected answered the question regarding the website usefulness. This might suggest that, in addition to the fact that users do not find the website useful, many court users have not visited the website at all. The Courts' website is www.co.lubbock.tx.us.

CourTools Measure 1: Access and Fairness (cont.)

Percent Giving 4 or 5 (Agree/Strongly Agree) to Fairness Questions

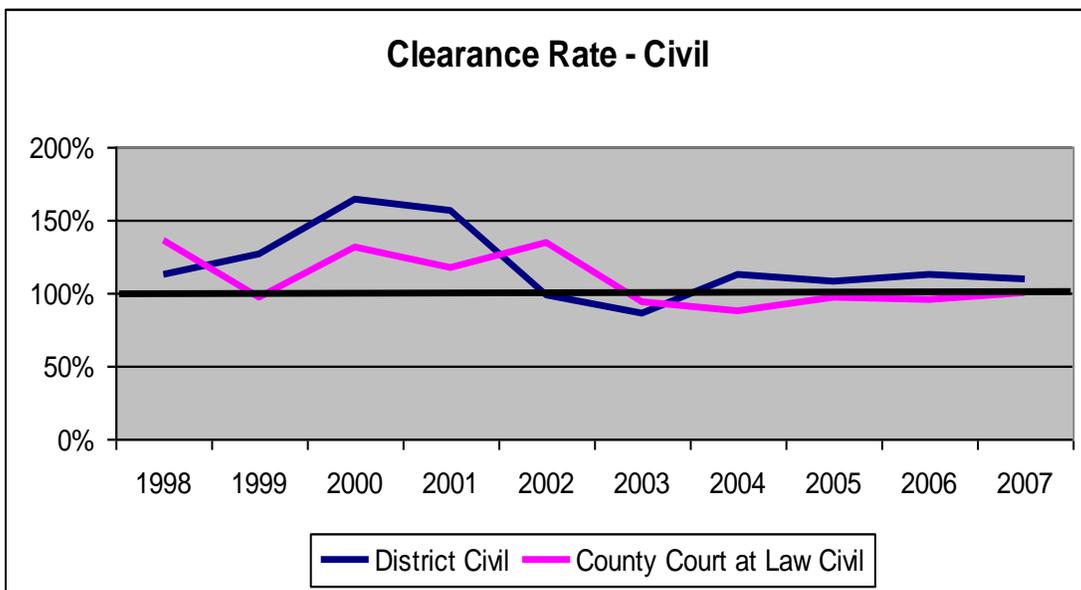
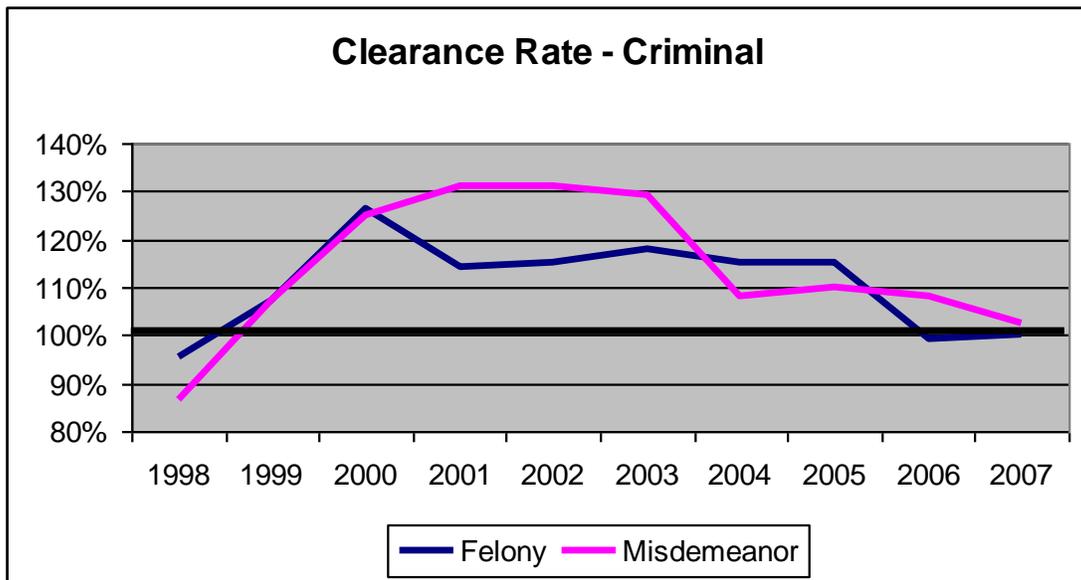


The overall index score for the Fairness portion of the survey was 80.16 (out of a possible 100), which is 4.2 points lower than the previous survey. The court was unable to meet the standard in all of the five questions of the fairness portion of the survey, down from meeting three in the previous survey. The largest decrease was in Question #2 of the fairness portion (judge listened to my side of the story).

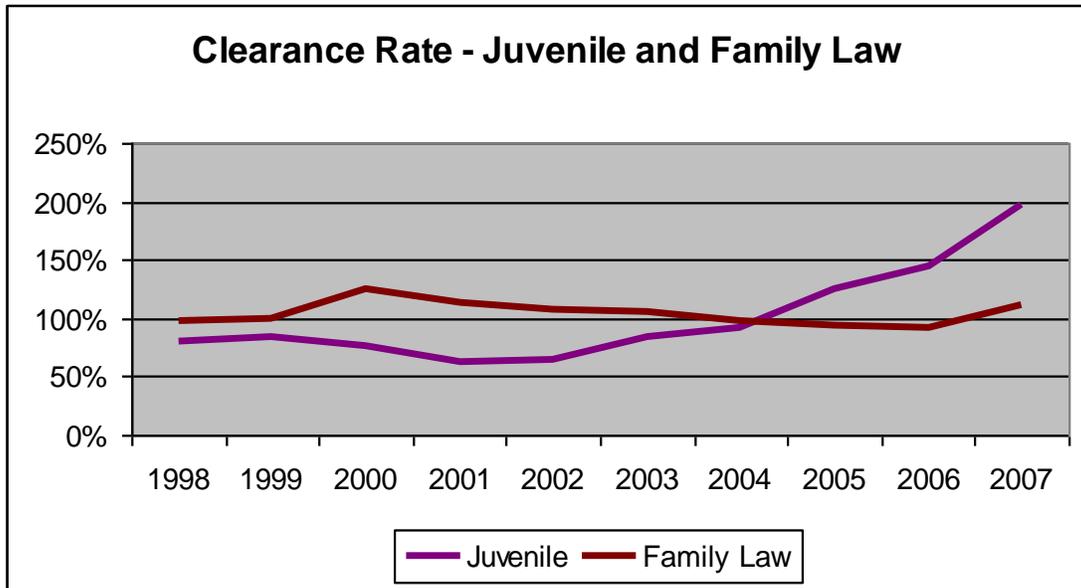
CourTools Measure 2: Clearance Rates

The clearance rate is one of four measures that provides a snapshot of the effectiveness of the case management practices of the Court⁸. In layman's terms, the measure shows whether the Court is keeping up with its incoming caseload.

PERFORMANCE GOAL: *It is the goal of all Courts in Lubbock County to have a clearance rate of 100 percent.*



⁸ The other three measures are Measure 3 (Time to Disposition), Measure 4 (Age of Pending Caseload) & Measure 5 (Trial Date Certainty).



As can be seen from the graphical presentations, the 2007 clearance rates for all case types were above 100 percent [Felony (100%), Misdemeanor (102%), District Court Civil (109%), County Court at Law Civil (100%), Family Law (111%) and Juvenile (198%)]. This is the first year since measurement began that all case types have surpassed the benchmark.

Overall, the Lubbock County Court system had 19,954 cases filed and disposed of 21,406 cases during calendar year 2007, which translates into a 107% clearance rate. These numbers translate into a 2.8% increase in case filings and a 1.0% increase in dispositions over calendar year 2006.

The Lubbock County clearance rates were all higher than the 2007 statewide clearance rates of 98% for Felony, 101% for Misdemeanor, 95% for District Court Civil, 94% for County Court at Law Civil, 79% for Family Law and 97% for Juvenile.

CourTools Measure 3: Time to Disposition

The time to disposition measures the number of days from filing until the time a case is closed. The data provides a picture of how long it takes the Courts to process cases and compares that time with established standards. This information allows the Court to focus attention on what is required to ensure cases are brought to completion within reasonable timeframes.

PERFORMANCE GOAL: It is a goal of the Courts that 100% of cases should be disposed within the locally established guidelines.

The Lubbock County Court system has adopted the following case processing standards:

Civil	Case Processing Standard
Level One (monetary value less than \$50,000 – Tex. R. Civ. P. 190.1)	90% within 8 months 98% within 10 months 100% within 12 months
Level Two (cases outlined by Tex. R. Civ. P. 190.3)	90% within 14 months 98% within 16 months 100% within 18 months
Level Three (cases outlined by Tex. R. Civ. P. 190.4)	90% within 20 months 98% within 22 months 100% within 24 months

Criminal	Case Processing Standard
Level One (State Jail Felony, 3 rd degree felony)	100% within 9 months of arraignment
Level Two (1 st or 2 nd degree felony)	100% within 12 months of arraignment
Level Three (Capital Murder Cases)	100% within 18 months of arraignment
Misdemeanors	100% within 6 months of arraignment

Family Law	Case Processing Standard
Level One (Divorce not involving children, <\$50,000 marital estate)	100% within 6 months of answer date
Level Two (Suit under Tex. Family Code Title 1, 2 or 5 and/or substantial property issues)	100% within 9 months of answer date
Level Three (Suit under Tex. Family Code Title 1, 2 or 5 and/or substantial property issues and/or complex legal issues)	100% within 12 months of answer date

CourTools Measure 3 (cont.)

Below is the listing of what percentage of cases closed in 2007 meet the standards established by the Courts:

District Court Civil –

Level One: 100% were disposed within the 12-month standard
Level Two: 83.1% were disposed within the 18-month standard
Level Three: 95.5% were disposed within the 24-month standard

County Court at Law Civil –

Level One: 85.1% were disposed within the 12-month standard
Level Two: 100% were disposed within the 18-month standard
Level Three: 100% were disposed within the 24-month standard

Criminal –

Felony:

Level One – 79.8% were disposed within the 9-month standard
Level Two – 76.8% were disposed within the 12-month standard
Level Three – 100% were disposed within the 18-month standard

Misdemeanor: 70.6% were disposed within the standard

Family Law –

Level One: 72.7% were disposed within the standard
Level Two: 80% were disposed within the standard
Level Three: No level three cases in the sample

Juvenile⁹ -

Assuming all in detention – 10.9% were disposed within the standard
Assuming all out of detention – 25.6% were disposed within the standard

⁹ The Courts have not adopted a local guideline for the disposition of juvenile cases. In addition, the Court does not track juvenile cases based upon their detention status. For the purposes of this measure, the COSCA and ABA Case Processing Standards are used (15 days in detention and 30 days out of detention), and the measures are shown assuming all were in detention and all were out of detention.

CourTools Measure 4: Age of Pending Caseload

The age of pending caseload measures the number of days from filing until the time of measurement. Having the data from this measurement provides a picture of the number and type of cases drawing near or about to surpass the court's case processing time standards. Coupled with the data from CourTools Measure 3, this information allows the Court to focus attention on what is required to ensure cases are brought to completion within established timeframes.

The Lubbock County Court system has adopted the case processing standards as noted in CourTools Measure 3 above.

PERFORMANCE GOAL: It is a goal of the Courts that 100% of cases should be disposed within the locally established guidelines.

District Court Civil –

Level One (9.4% of the caseload): 78.9% are within the 12-month standard
Level Two (64.2% of the caseload): 89.3% are within the 18-month standard
Level Three (24.6% of the caseload): 96% are within the 24-month standard

County Court at Law Civil –

Level One (67.5% of the caseload): 71.4% are within the 12-month standard
Level Two (31.6% of the caseload): 90.6% are within the 18-month standard
Level Three (0.9% of the caseload): 100% are within the 24-month standard

Criminal –

Felony:

Level One (69% of the caseload) – 75% are within the 9-month standard
Level Two (30% of the caseload) – 74.8% are within the 12-month standard
Level Three (1% of the caseload) – 50% are within the 18-month standard

Misdemeanor: 75.9% are within the 6-month standard

Family Law –

Level One (20.6% of the caseload): 82.3% are within the standard
Level Two (78.5% of the caseload): 73.4% are within the standard
Level Three (0.9% of the caseload): 75% are within the standard

Juvenile -

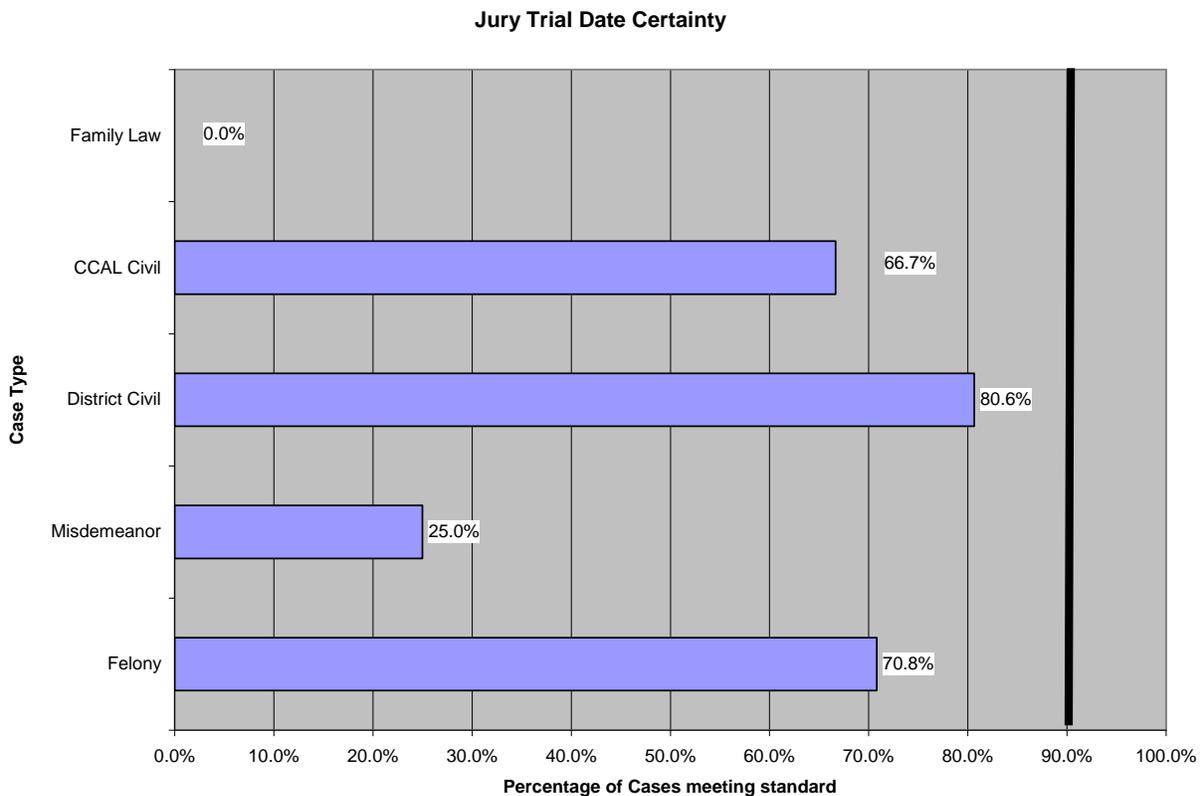
Assuming all in detention – 12.8% are within the standard
Assuming all out of detention – 22.3% are within the standard

CourTools Measure 5: Trial Date Certainty

The Lubbock County Court system had 123 jury trials in 2007, which reflects a 3.9% decrease in jury trials from 2006 to 2007. The criminal division of courts experienced a 15.7% decrease in jury trials (86 jury trials), while the civil division of courts experienced a 42.3% increase in jury trials (37 jury trials). This is the second year of declining jury trials for the criminal courts.

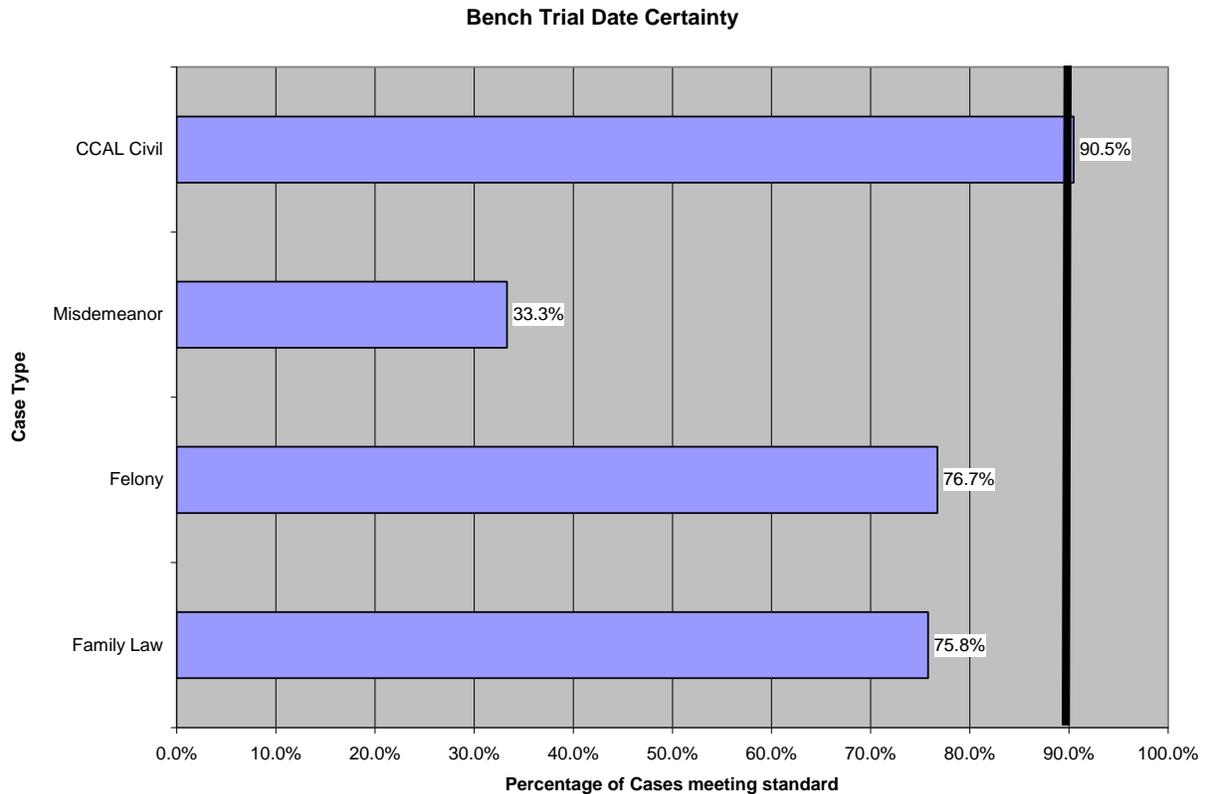
A testament to the case management and alternative dispute resolution practices of the court, less than 1.5% of the total cases filed were tried (Felony – 1.99%; Misdemeanor – 0.77%; District Civil – 1.94%; County Court at Law Civil – 1.34%; Family Law – 1.67%). That being said, one of the basic tenets of case management practice is that a court should hold trial on the first date that the case is scheduled to be heard. The trial date certainty measures the number of times cases disposed of by trial are placed on the court's calendar.

PERFORMANCE GOAL: It is a goal of the Courts that 90% of cases disposed by trial should actually go to trial on the first or second trial date.



CourTools Measure 5 (continued)

The Lubbock County Court system heard over 171 contested bench trials in 2007. Of those, 95 were family law trials, 55 criminal trials and 21 civil trials. The total bench trials were down 25% from 2006, with the largest decreases in family law bench trials (41%) and civil bench trials (61%). There were over three times more criminal bench trials in 2007 than in 2006.



The following chart reveals the average number of trial settings for each case type in 2007:

Case Type	Trial Type	Average Number of Settings
District Civil	Jury	2.0
Co Court at Law Civil	Jury	2.3
	Bench	1.7
Felony	Jury	2.4
	Bench	1.9
Misdemeanor	Jury	3.8
	Bench	3.4
Family	Jury	4.0
	Bench	2.2

CourTools Measure 6: Reliability and Integrity of Case Files

The Reliability and Integrity of Case Files measure looks at the ability of the court and court users to find case files and to rely upon their completeness and accuracy. Having a reliable and accurate case file is essential to the effectiveness of day-to-day court operations and fairness of judicial decisions. It also affects the timeliness and integrity of case processing.

PERFORMANCE GOAL: It is a goal of the Courts that 95% of case files should be able to be located in 15 minutes or less, that the case files correspond with the electronic docket 95% of the time, and that 95% of the case files should conform to established content criteria.

In order to determine the percentage of files available in fifteen minutes or less, a list of cases was submitted to the clerks' offices. The time to locate the file was notated and is reported below. In order to determine the correspondence rate, the paper files were compared with the electronic files to see if both matched. In order to determine the conformance rate, criteria were established for each case type (i.e. petition, service, judgment in file, etc). The files were examined to determine if those criteria were met in each file.

Case Type	% found in 15 minutes	% Corresponding with electronic file	% Compliance with all criteria
Pending Civil	100%	100%	75%
Closed Civil	100%	90%	90%
Pending Felony	100%	100%	95%
Closed Felony	100%	95%	95%
Pending Misdemeanor	75%	80%	100%
Closed Misdemeanor	100%	80%	90%
Pending Family Law	95%	90%	85%
Closed Family Law	100%	100%	90%

As can be seen from the table above, the case files provide a high level of reliability and integrity. While this study looked at only a small sample of twenty cases, the measure shows that the clerks' offices are doing a good job maintaining the court files.

CourTools Measure 7: Collection of Monetary Penalties

The collection of monetary penalties measure looks at how well the court is doing in collecting monetary penalties that are ordered. Accountability to and the enforcement of court orders is essential to the successful functioning of the courts. The data provides a picture of what percentage of the monetary penalties that are ordered by the court are collected. It also allows the court to calculate the average amount of time that individuals are taking to pay the penalties. Armed with this information, the courts can determine if current collection methods are sufficient.

PERFORMANCE GOAL: It is a goal of the Courts that the overall compliance rate should be 100%.

In order to determine the overall compliance rate for 2007, monetary penalty and collection data from a statistically significant and random selection of misdemeanor and felony cases was collected. The collection data included actual dollars paid, as well as jail conversion and work conversion.

Case Type	Preliminary Compliance Rate (monetary collections only)	Overall Compliance Rate (monetary + jail/work conversion)
Misdemeanor	79.3%	89.3%
Felony	52.9%	69.3%
Total	70.0%	82.3%

As can be seen from the table above, just under three-quarters of the assessed monetary penalty is paid through monetary means, while an additional 12.3% is satisfied through other means, including jail and work programs. While the overall compliance rate of 82.3% is lower than the established goal, it shows that the courts' orders are being enforced in most cases.

CourTools Measure 8: Effective Use of Jurors¹⁰

The right to a trial by a jury of one's peers is a fundamental right of Texas citizens. However, managing the jury system effectively is essential to the preservation of that right. Measure 8 takes into account the percentage of citizens available to serve, as well as the usage of those citizens who appear for jury duty.

The following specific measures are determined by CourTool 8. The juror yield rate is the number of citizens selected for jury duty who are qualified and report to serve, expressed as a percentage of the total number of prospective jurors available. The percent selected as jurors is the number of citizens placed on juries, expressed as a percentage of the total qualified and reporting to serve. The percent sent for jury selection is the number of citizens sent to a courtroom for jury selection, expressed as a percentage of the total qualified and reporting to serve. The percent sent to the courtroom and utilized is the number of jurors necessary to seat a jury, expressed as a percentage of the total number of jurors sent to the courtroom.

PERFORMANCE GOAL: *It is a goal of the Courts that the juror yield rate be at least 40%, the percent selected as jurors be at least 30%, the percent sent for jury selection be at least 90%, and the percent sent to the courtroom and utilized be at least 90%.*

JUROR YIELD COMPUTATION WORKSHEET		
Data Element	Total	Percentages
Summonses Sent	54,929	
Postponed to Serve this Period	802	
Told Not to Report	0	
No Show	11,337	20.3%
Undeliverable	14,514	26%
Disqualified	3,704	6.6%
Exempt	8,328	14.9%
Excused	172	0.3%
Postponed to Future	985	1.8%
Total Potentially Available to Serve	55,731	
Total Not Available to Serve	39,040	
Total Serving	16,691	
Juror Yield	29.9%	

¹⁰ A lengthy report analyzing the effective use of jurors utilizing CourTool Measure 8 was released in May 2007. The full report can be accessed online at http://www.ncsconline.org/D_ICM/programs/cedp/papers/Research_Papers_2007/Slayton_JurorUtilization,TX.pdf.

CourTools Measure 8 (continued)

Juror Utilization for 2007

Juror Utilization Measurement	Percentage
Percent Selected as Jurors	9.69%
Percent Sent for Jury Selection	34.68%
Percent Sent to Courtroom and Utilized	66.11%

As can be seen from the two tables above, the Courts are not meeting the standard in any of the measurements of CourTool 8. The jury yield of 29.9 percent is well below the performance goal of 40 percent. Comparing the percent selected as jurors (9.69% versus the performance goal of 30%), the percent sent for jury selection (34.68% versus the performance goal of 90%), and the percent sent to the courtroom and utilized (66.11% versus the performance goal of 90%) reveals that there is a need for significant improvement. As will be seen from the strategies section of the report, the Board of Judges, in conjunction with the Lubbock County Commissioners Court and District Clerk, will be striving to implement revolutionary changes to improve the data in these measurements, and most importantly, the use of our citizens' time.

CourTools Measure 9: Court Employee Satisfaction

The Lubbock County Court system is intimately aware that committed and loyal employees have a direct impact on the Court's performance. Because the Court is striving for superb court performance, evaluating and making adjustments to employee satisfaction is a crucial part of the Court's direction.

PERFORMANCE GOAL: It is a goal of the Courts that 80% of employees should rate all measures at a 4 or 5 (agree/strongly agree).

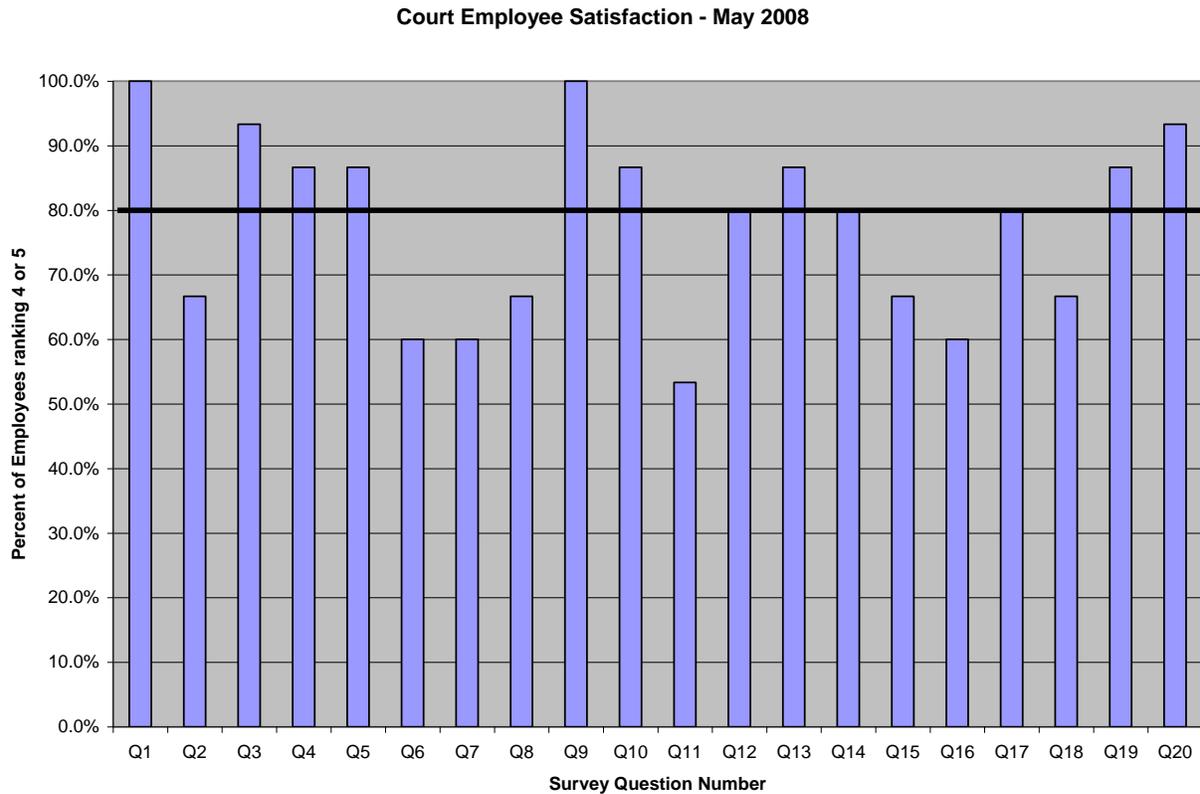
Below is an overview of the Court Employee Satisfaction survey that was taken in May 2008. The survey response rate was 95% for the court administrative staff (survey administered online) and a 40% survey response for the court reporters (survey administered in paper format) for an overall response rate of 77%. A memo summarizing the findings was presented to the Court and efforts have been made to address the issues involved. The survey will be repeated bi-annually to track historical employee satisfaction.

Overall Rating of Employee Satisfaction

Court Employee Satisfaction Survey (1=Strongly Disagree, 5=Strongly Agree)	Average Scores
1. I understand what is expected of me.	4.8
2. I am kept informed about matters that affect me.	3.9
3. I have the resources (<i>materials, equipment, supplies, etc</i>) necessary to do my job well.	4.7
4. I am able to do my best every day.	4.5
5. Communication within my department is good.	4.3
6. In the last month, I was recognized and praised for doing a good job.	3.8
7. Someone in the court cares about me as a person.	4.1
8. I have opportunities to express my opinion about how things are done in my division.	3.9
9. The court is respected in the community.	4.6
10. My coworkers work well together.	4.5
11. I am encouraged to try new ways of doing things.	3.6
12. I understand the connection between the work I do and the mission and goals of the court.	4.2
13. My working conditions and environment enable me to do my job well.	4.5
14. I feel valued by my supervisor based on my knowledge and contribution to my department.	4.1
15. I feel free to speak my mind.	4.1
16. In the last month, someone in the court has talked to me about my performance.	3.7
17. I enjoy coming to work.	4.5
18. My coworkers care about the quality of services and programs we provide.	3.7
19. I am treated with respect.	4.3
20. I am proud that I work in the court.	<u>4.8</u>
Overall Index Score = 84.5	

CourTools Measure 9 (continued)

The chart below details the percentage of court employees ranking each question a 4 (Agree) or 5 (Strongly Agree).



As can be seen from the chart above, the Courts have made great improvements from 2006 to 2007 in employee satisfaction. There were improvements in almost every survey question. The Courts have now met the performance goal in 12 of the 20 questions, up from 10 of 20 last year. However, there are still 8 questions that fall significantly below the performance goal.

CourTools Measure 10: Cost per Case

The cost per case measure provides a management tool to see where resources of the Court are being directed. In order to reach the cost per case, total costs are allocated among the case types according to the allocation of staff; then, the total cost is divided by the number of dispositions by case type. Since this measure is analyzed from year to year, the Court will be able to evaluate the return on investment in new technologies, reengineering of business practices, staff training, or the adoption of “best practices.”

The focus of this measure for the Lubbock County Court system is only on the actual Court expenditures (judges/staff costs and operational expenses) and does not include other expenses related to specific case processing (i.e. court appointed attorneys, etc).

Case Types	2007 Cost per Case
District Civil	\$371.48
County Court at Law Civil	\$102.75
Felony Criminal	\$129.55
Misdemeanor Criminal	\$58.88
Juvenile	\$85.12
Family Law	\$64.73

Utilizing the data from the Texas Weighted Caseload Study provides a better comparison of the cost per case as detailed below (for District Court level cases)¹¹:

Case Types	Average Minutes per case ¹²	Weighted Cost per case per minute
District Civil	60.7	\$6.11
Felony Criminal	64.3	\$1.60
Juvenile	54	\$1.58
Family Law	42.5	\$1.52

¹¹ Only District Court cases were examined by the Texas Weighted Caseload Study.

¹² The average minutes per case was determined by applying the case weights from the Texas Weighted Caseload Study to the number of filings of each case type in Lubbock County in 2007.

Where do we go from here...

Armed with the data gained in the CourTools measures, it becomes crucial for the Courts to evaluate what the data says about the status of the Courts and where the Courts can improve. This section of the report will evaluate the data and provide details about future improvements that the Courts are committed to making.

Measure 1: Access and Fairness

While the overall outcome of the Access and Fairness Survey was positive and many questions met the established goal, there are multiple concerns for the courts.

Access:

Strategy 1: The Courts should develop forms that are more user-friendly and meet the needs of the litigants and/or attorneys using the courts.

Strategy 2: The Courts should work with the Lubbock County Sheriff and the Commissioners Court to develop better security measures to ensure individuals feel safer in the Courthouse.

Strategy 3: The Courts should review the scheduling mechanisms used by each Court to ensure that the time required for attorneys and/or litigants to complete their business is as minimal as necessary.

Strategy 4: The Courts should review its website to determine what information or services can be added to provide more usefulness to the public. (*continued from 2006 report*)

Fairness:

Strategy 5: Judges should review current courtroom practices to determine if there are ways to improve the impression of litigants that they are treated more fairly.

Strategy 6: The Courts should review practices regarding notifying litigants of the next steps in case processing as litigants leave the courtroom.

Measure 2: Clearance Rates

For the first time since measurement of clearance rates has begun, all of the case types cleared 100% or more of the caseload. Most case types continue settling towards the 100% clearance rate, which suggests that the Courts are being fairly successful in eliminating backlog. However, as Measures 3 and 4 show, the Courts should be careful to make sure that the age of the cases do not have a negative impact upon the clearance rates in the future.

As can be seen, there was tremendous efforts to eliminate backlogged cases in the juvenile case type in 2007. This effort has been fruitful and should result in a better overall clearance rate in the future.

It should be noted that these clearance rates were experienced in conjunction with increased filings in the felony (8%), misdemeanor (8%) and juvenile (12%) case types.¹³ Case filings in the district civil (3%), county court at law civil (1%) and family law (5%) case types decreased as noted.

Strategy 7: The Courts commit to work with the District Attorney's Office to establish greater court control over juvenile cases that will allow the court greater flexibility to monitor and dispose of cases in a timely manner.
(continued goal from 2005 report).

Strategy 8: The Courts should continue to monitor the clearance rates of all case types, but especially on the rates in the criminal and juvenile case types, to ensure that the Courts are able to maintain an adequate rate in the face of increasing filings.

Measure 3: Time to Disposition and Measure 4: Age of Pending Cases

These measures produced completely mixed results, with some case types experiencing positive movement and others experiencing negative movement. It appears that there was significant effort to move cases that were within the guidelines, but the age of pending cases slipped in many areas, indicating that there needs to be focus on the older cases on the docket. Regardless of those results, the Courts realize that there is still work left to be done to meet the established standards. If the Courts can ensure that 100% of cases meet the established standards, litigants and other affected parties will see a more efficient and just resolution to their cases, leaving them with even more trust and confidence in the Court system. The Courts will take the following action to assist in meeting the established standards:

Strategy 9: In conjunction with the Lubbock County Information Systems department, the Courts will establish an automated monitoring method for

¹³ This is the fourth straight year of increased filings in the criminal and juvenile case types.

court staff and judges to see the age of a pending case and the time to disposition of cases at any time. *(continued goal from 2005 report).*

Strategy 10: All Courts will review their individual scheduling mechanisms to ensure that all cases are disposed within the established case processing standards. Specifically, the Courts will ensure that cases are reviewed immediately after filing for assignment to a specific track and scheduling based upon the guidelines for that track. *(continued goal from 2005 report).*

Strategy 11: All Courts should review their pending caseload and focus specific effort on the cases that are currently outside the guidelines.

Strategy 12: The Courts should consider establishing local guidelines for the disposition of juvenile cases.

Strategy 13: The Courts handling juvenile cases should develop different tracks based upon whether the juvenile is in detention or out of detention and ensure that those cases meet the established guidelines.

Measure 5: Trial Date Certainty

The data of trial date certainty reveals that scheduling practices of the Courts affect the trial date certainty. It is crucial to case management that attorneys and litigants know that they will go to trial on the date they are scheduled. This encourages preparation and therefore settlement and less delay. The Courts dropped in the jury trial date certainty measure in the County Court at Law Civil and Misdemeanor case types, but increased in the District Civil and Felony case types. The family law case type had a zero percent jury trial date certainty measure, but it should be noted that there were only three jury trials.

The bench trial date certainty measure revealed that the county court at law civil case type is meeting the standard. The felony case type fell out of compliance, while the misdemeanor and family law case types remained the same.

The Courts will implement the following strategies to improve trial date certainty:

Strategy 14: The Courts will draft a consistent, written trial continuance policy that will assist the Courts in controlling continuances. *(continued goal from 2005 report).*

Strategy 15: The Courts hearing will review their trial date scheduling practices to ensure that cases are able to be reached on the first or second trial setting. *(continued goal from 2005 report).*

Measure 6: Reliability and Integrity of Case Files

Measure 6 revealed that the clerks' offices are doing a very good job ensuring reliability and integrity of the case files. However, the study only reviewed a total of twenty files of each case type.

Strategy 16: The Clerks' Offices should consider instituting a regular quality control program whereby individual clerks review files on a regular basis. For instance, some clerks' offices have instituted programs where each deputy clerk reviews one file per day based upon pre-established

criteria. Using this type of program, the Lubbock County District Clerk's Office and County Clerk's Office would review over 7,500 files per year.

Measure 7: Collection of Monetary Penalties

The overall compliance rate this year shows that the Collections Department continues to have success in collecting the amounts ordered by the Court. This year, both misdemeanor and felony case types were reviewed. Comparing the compliance rate for misdemeanors from last year to this year shows fairly steady numbers (93% in 2006 and 89.3% in 2007). The overall compliance rate for both felonies and misdemeanors of 82.3% does not meet the established goal of 100%; however, this compliance rate is relatively higher than other courts who have conducted this measure. It should be noted that the actual dollars collected in the sample of cases was just 70%. While some of the additional amount was undoubtedly paid through work service to Lubbock County, some of the time was paid through sitting out the costs in jail. Sitting those costs in jail result in a loss to Lubbock County due to the decreased revenue and the increased expense of housing the offender. The Courts will implement the following strategies:

Strategy 17: The Courts will monitor the overall compliance rate to ensure it remains at a high level and will attempt to limit the amount of time offenders are spending in jail to sit out costs. (continued from 2006 report)

Measure 8: Effective Use of Jurors

CourTools Measure 8 has revealed a significant area for improvement in the jury system in Lubbock County. As stated earlier, a more detailed analysis is available online and the recommendations from that report will be incorporated here.

Strategy 18: The Courts should consider methods for following up on juror no shows on a regular basis to lower the number to a more acceptable amount.

Strategy 19: The courts, in conjunction with the Central Jury Pool, should develop a mechanism to allow for the accurate prediction of the number of jurors necessary to fulfill all needs on the summons date in question.

Such a system should provide the Jury Manager at least four weeks notice of the potential jurors needed. *(continued from 2006 report)*

Strategy 20: The Jury Manager should request jurors to be summoned based upon the historical yield rate and the number of jurors requested by the courts. *(continued from 2006 report)*

Strategy 21: The Lubbock County Commissioner’s Court, Courts, District Clerk’s Office, Central Jury Pool and Information Services Department should collaborate upon a method to allow jurors to report electronically. Such a system should allow jurors to report electronically for duty and to be notified electronically if they will be needed for service on a certain date. The system should be updated by the Jury Manager on the business day previous to the summons date. Only potential jurors who are needed should be required to report for jury duty. **Note:** The current reporting method must be maintained for potential jurors without access to the electronic reporting mechanism. *(continued from 2006 report)*

Strategy 22: The Lubbock County Board of Judges, in cooperation with the Justice Courts, should enter an order establishing the following standard panel sizes and strongly urging the courts to use the panel sizes for jury selections in which there is not a compelling reason to deviate. *(continued from 2006 report)*

Standard Panel Sizes.

Court Level	Suggested Panel Size
Justice Courts	12
County Court at Law – Criminal Misdemeanor	18
County Court at Law – Civil	13
District Court – Criminal Felony	48
District Court – Civil	35
Domestic Relations	28
Grand Jury	19

Using the standard panel sizes will result in a much higher percentage of jurors sent to the courtroom and utilized.

Strategy 23: The courts and the Central Jury Pool should institute a stand-by juror system. The stand-by jurors could be utilized in the rare case where there were insufficient potential jurors on a panel to complete jury selection. The stand-by jurors should be allowed to report electronically and not appear unless called or to leave the Central Jury Pool until called. Stand-by jurors should be “on call” until the next jury summons date.

Measure 9: Court Employee Satisfaction

For the second year in a row, the Court Employee Satisfaction Survey showed a large gain (index score from 79.9 to 84.5). Combining the two years shows an increase of over ten points. In addition, whereas only four of the twenty questions met the performance goal in 2005 and ten of the twenty questions in 2006, twelve met the goal in 2007. Six questions showed a decline in 2007 compared with 2006. Communication continues to be a concern for employees; however, the largest decline was related to question #7 (someone in the court cares about me as a person).

Strategy 24: The Courts will develop a better method for intradepartmental communication. More frequent staff meetings and communication mechanisms may be beneficial. (continued goal from 2005 report).

Strategy 25: The Courts will establish an appropriate performance management process for Court employees that provides feedback to employees and allows employees to provide feedback on the Court system. This process will allow more frequent feedback between staff and judges/supervisory staff. (continued goal from 2005 report).

Measure 10: Cost per Case

The cost per case measure provides a glimpse of where the Court's resources are being allocated. There was no significant change in the ranking of the cost per case from 2006 to 2007. However, for the second straight year, the District Civil case type has experienced a significant increase in the cost per case (\$48.93 per case). Using the weighted caseload study data reveals the court is spending significantly more on the District Civil case type than any other case type.

Strategy 26: The Courts should review the case and staff allocation to ensure that all case types receive adequate resources.

General Strategies

Strategy 27: The Courts will work with the Lubbock County Information Systems department to institutionalize the CourTools Measures so that the reports can easily be run by every judge and court staff member, producing a snapshot of the performance of the court at a given time. (continued goal from 2005 report).

Strategy 28: To the point necessary, the Courts will work with the Criminal District Attorney's Office, the Lubbock County Criminal Defense Lawyers' Association, the Lubbock County Bar Association and other specialty bar associations serving the Lubbock County Judiciary to ensure that the integrity and effectiveness of the case management system is maintained and improved. (continued goal from 2005 report).

Strategy 29: The Courts will produce a report such as this report and release it annually to allow for internal improvement and to allow all interested parties to review the work of the Courts in relation to the established performance goals. *(continued goal from 2005 report).*

Strategy 30: The Courts should consider beginning to conduct case management activities on all case types, including bond forfeitures, seizure/forfeitures, IV-D family law cases, child protection cases and any other case types not currently being “tracked.” *(continued goal from 2006 report).*

Listing of Judges & Courts in Lubbock County

50th District Court (1886-1905)

Judge(s) from 1886-1900 unknown
S.D. Newton (1900-1901)
D.F. Goss (1902-1903)
J.M. Morgan (1904-1905)

64th District Court (1906-1913)

L.S. Kindler (1906-1913)

72nd District Court (1914-present)

W.R. Spencer (1914-1923)
George R. Bean (July 21, 1923 - interim)
Clark Mullican (1923-1927)
Homer L. Pharr (1927-1936)
Dan Blair (1936-1950)
Victor H. Lindsey (1950-1967)
William R. Shaver (1967-1968)
Pat S. Moore (1968-1975)
Denzil Bevers (1975-1987)
J. Blair Cherry, Jr (1988-2006)
Ruben G. Reyes (2006-present)

99th District Court (1927-present)

Clark Mullican (1927-1936)
E.L. Pitts (1936-1942)
J.E. Vickers (1942-1944)
G.V. Pardue (1944-1952)
James Denton (1952-1960)
Howard C. Davidson (1960-1974)
Thomas Clinton (1974-1994)
Mackey K. Hancock (1994-2005)
William C. Sowder (2005-present)

137th District Court (1965-present)

James A. Ellis (1965-1971)
Robert C. Wright (1971-1986)
Madison Sowder (1986-1987)
Cecil G. Puryear (1987-present)

140th District Court (1955-present)

Robert Bean (1955-1969)
William R. Shaver (1969-1996)
Jim B. Darnell (1996-present)

237th District Court (1977-present)

John R. McFall (1977-1998)
Sam Medina (1998-present)

364th District Court (1989-present)

Bradley S. Underwood (1989-present)

Listing of Judges & Courts in Lubbock County

County Judges (1891-present)

G.W. Shannon (1891-1894)
P.F. Brown (1894-1898)
W.D. Crump (1898-1902)
George R. Bean (1902-1906)
John R. McGee (1906-1912)
E.R. Haynes (1912-1916)
J.H. Moore (1916-1920)
P.F. Brown (1920-1924)
Charles Nordyke (1924-1928)
Robert H. Bean (1929-1930)
E.L. Pitts (1930-1936)
J.J. Dillard (1936-1941)
G.V. Pardue (1941-1945)
Walter Davies (1945-1955)
Dudley Brummett (1955-1958)
Bill Davis (1959-1964)
William Shaver (1964)
Rod Shaw (1964-1990)
Don McBeath (1990-1998)
Thomas V. Head (1998-present)

County Court at Law No. 1 (1949-present)

James Denton (1949-1952)
Robert J. Allen (1952-1964)
James A. Ellis (1964-1965)
Edwin Boedeker (1965-1982)
Cecil G. Puryear (1982-1986)
Will C. Dodson (1986-1995)
Sam Medina (1995-1998)
Larry B. "Rusty" Ladd (1998-present)

County Court at Law No. 2 (1957-present)

Pat S. Moore (1957-1968)
Denzil Bevers (1968-1974)
Dudley Brummett (1975)
Gordon Treadway (1975-1976)
J.Q. Warnick, Jr. (1976-1984)
Mackey K. Hancock (1984-1986)
Bradley S. Underwood (1986-1989)
Tom Cannon (1990-1998)
Drue Farmer (1998-present)

County Court at Law No. 3 (1987-present)

Tom Cannon (1987-1989)
Mackey Hancock (1989-1994)
Paula Lanehart (1995-2008)
Judy C. Parker (2008-present)

COURT STRUCTURE OF TEXAS

SEPTEMBER 15, 2008

