

Lubbock County Judicial Branch

DISTRICT COURTS and  
COUNTY COURTS AT LAW

**“Accountability through  
Measurement”**

***January 1, 2005 - December 31, 2005***

Lubbock County Board of Judges &  
Administrative Office of the Courts

## **Acknowledgements**

Many people contributed to this report. The Board of Judges wishes to thank each one of them, but especially Jef Conn, Assistant to the Director of Court Administration, who worked tirelessly on weekdays and weekends compiling data for the report. Special thanks also to Sue Faison, 99<sup>th</sup> District Court Coordinator, for compiling and reviewing some of the data, and to Mary Sammon, Senior Court Management Consultant for the National Center for State Courts, and Susan Sisk, Director of Finance for the North Dakota Supreme Court, for providing feedback on the report. The Board of Judges also wishes to recognize the efforts of Ki Corp and the Lubbock County Information Services department for their assistance in creating reports, efforts which made this report easier to compile. Lastly, the Board of Judges thanks each member of the court staff who contributed to this report by providing data when requested. Without the assistance of all of these individuals, this report would not have been possible.

# Table of Contents

<b>INTRODUCTION TO THE 2005 REPORT .....</b>	<b>1</b>
<b>HISTORY &amp; OVERVIEW OF THE LUBBOCK COUNTY JUDICIARY .....</b>	<b>2</b>
<b>WHERE THE REFORM OF THE COURTS STARTED.....</b>	<b>3</b>
<b>THE COURTOOLS MEASURES .....</b>	<b>4</b>
<b>COURTOOLS MEASURE 2: CLEARANCE RATES .....</b>	<b>7</b>
<b>COURTOOLS MEASURE 3: TIME TO DISPOSITION .....</b>	<b>9</b>
<b>COURTOOLS MEASURE 4: AGE OF PENDING CASELOAD .....</b>	<b>11</b>
<b>COURTOOLS MEASURE 5: TRIAL DATE CERTAINTY .....</b>	<b>12</b>
<b>COURTOOLS MEASURE 7: COLLECTION OF MONETARY PENALTIES .....</b>	<b>14</b>
<b>COURTOOLS MEASURE 9: COURT EMPLOYEE SATISFACTION .....</b>	<b>15</b>
<b>COURTOOLS MEASURE 10: COST PER CASE .....</b>	<b>18</b>
<b>WHERE DO WE GO FROM HERE.....</b>	<b>19</b>
MEASURE 2: CLEARANCE RATES.....	19
MEASURE 3: TIME TO DISPOSITION AND MEASURE 4: AGE OF PENDING CASES .....	19
MEASURE 5: TRIAL DATE CERTAINTY .....	20
MEASURE 7: COLLECTION OF MONETARY PENALTIES.....	21
MEASURE 9: COURT EMPLOYEE SATISFACTION .....	21
MEASURE 10: COST PER CASE.....	22
GENERAL STRATEGIES.....	22
<b>ATTACHMENT A: LISTING OF JUDGES &amp; COURTS IN LUBBOCK COUNTY .....</b>	<b>23</b>
<b>ATTACHMENT B: COURT STRUCTURE IN TEXAS.....</b>	<b>25</b>
<b>ATTACHMENT C: COLLECTIONS DEPARTMENT 5-YEAR REPORT .....</b>	<b>27</b>

# **Introduction to the 2005 Report**

**“What gets measured gets done.”**

**- Peter Drucker**

In 1999, the Lubbock County Board of Judges began a vision to reinvigorate the Lubbock County court system. Numerous meetings with practicing attorneys, the public and other stakeholders were held to revamp the judicial system. The result was a new set of local rules, which many thought might be overly ambitious. Seven years later, the Lubbock County judiciary sets out on a new path, beginning with this report. The Courts believe that it is crucial for the judiciary to be independent as intended by the framers of our country; however, maintaining that independence requires accountability. Prior to this year, the Courts have not had an effective method for measuring performance in relation to the processes that were put in place to improve the court system. We believe that this report propels us to that end.

Therefore, it is with great pleasure that we publish this report on behalf of the Lubbock County District Courts and County Courts at Law. The first edition of this report presents detailed operational data on the District Courts and County Courts at Law for calendar year 2005.

This report is the beginning of what we intend to make an annual process. The purpose of this report is to allow the Court to evaluate how we are accomplishing our mission and to provide the public a glimpse of the work of the Courts. In order to do this, the Court has adopted the newly-released CourTools measures that were developed by the National Center for State Courts. We are proud to be among a handful of court systems nationwide to be implementing the CourTools performance measures and hope to be a national leader in the area of performance measurement. Each of the 10 measures will be discussed later in this report.

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 2005, even in the face of increasing workload at unchanged staffing levels. 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,

Jim B. Darnell  
Administrative Judge  
District Courts

Larry B. “Rusty” Ladd  
Administrative Judge  
County Courts at Law

David Slayton  
Director of Court  
Administration

# **History & Overview of the Lubbock County Judiciary**

*(History compiled by Judge Cecil G. Puryear)*

In 1886, Estacado was the County Seat of Crosby County, to which Lubbock County was attached as an unorganized county for government and judicial purposes.

Lubbock County itself was established on March 10, 1891. According to local tradition, there were not sufficient qualified voters in the County for organization. Therefore, not only were transient cowboys and others requested to sign the petition, but the names of several of the IOA Ranch's horses were inscribed as well.

The 50<sup>th</sup> Judicial District Court located in Baylor County (Seymour) was the first court to serve Lubbock County and continued to serve the County until 1906. The 50<sup>th</sup> Judicial District encompassed Baylor, Knox, King, Dickens, Crosby, Lubbock, Hale, Floyd, Motley and Cottle Counties, and the unorganized counties of Cochran, Lynn and Hockley.

The 64<sup>th</sup> Judicial District Court was created in 1906 to serve Lubbock County, as well as Lynn, Dawson, Gaines, Yoakum, Terry, Crosby, and Garza Counties and the unorganized counties of Cochran and Hockley.

The 72<sup>nd</sup> Judicial District Court, the oldest court to currently serve Lubbock County, was created by the Legislature in 1911 to encompass Lubbock and Crosby Counties. The Court officially began accepting cases in September 1911.

The first Lubbock County Court at Law was first created in 1949. Below is a summary of the dates of creation of the other courts currently in Lubbock County. A listing of the judges holding office in the Courts follows as Attachment A.

99<sup>th</sup> District Court – 1927

140<sup>th</sup> District Court – 1955

County Court at Law #2 – 1958

137<sup>th</sup> District Court – 1966

237<sup>th</sup> District Court – 1977

County Court at Law #3 – 1988

364<sup>th</sup> District Court – 1989

A chart detailing the court structure in Texas follows as Attachment B. The court structure in Lubbock County is similar to that chart, with the exception that the County Courts at Law have concurrent jurisdiction over divorce and family law matters with the District Courts.

## Where the reform of the Courts started...

Lubbock County judicial leaders began in mid-1998 to realize that the Court's case management system was in need of reform and began to discuss ways to improve that system. In early 1999, judicial leaders began working with Senator Robert Duncan and other community leaders on a project entitled "Achieving the Goal." As part of the improvement process, the Lubbock County Board of Judges and Commissioners Court requested technical assistance from the Office of Court Administration to conduct a detailed analysis of Lubbock County's case management process. The report resulted in a number of recommendations, many of which were fully implemented. The implementation was furthered by tremendous cooperation by the Lubbock County Bar, who fully invested themselves in the success of the reforms. To gain a perspective of where the Courts were in 1999, a brief review of the data as it existed in 1999 compared to current data is described below:

- Number of Pending Cases has **decreased by almost 50%** during last 7 years.

Case Type	Pending 7/99	Pending 7/06	% Change
Misdemeanor Criminal	8,945	4,510	-49.6%
Felony Criminal	4,311	2,390	-44.6%
District Civil (including family law)	8,521	4,449	-47.8%
County Court at Law Civil (including family law)	1,573	1,074	-31.7%
Juvenile	613	380	-38.0%
<b>TOTAL</b>	<b>23,963</b>	<b>12,803</b>	<b>-46.6%</b>

- Average clearance rate (number of incoming cases versus outgoing cases) for all case types and courts has risen from **93% (1999) to over 105% (2005)**.
- In 1999, only 17,500 cases were filed in District Courts & County Courts at Law. In 2005, over 19,000 cases were filed in those courts. Staffing levels have not increased since 1999, but **filings have increased by 9%**.
- In FY 1998, 81% of disposed Felony cases were over 120 days old and 34% of disposed District Civil cases were over 18 months old. In 2005, **less than 19% of disposed Felony cases were over 120 days old and less than 15% of disposed District Civil cases were over 18 months old**.
- In 1999, approximately 40% of the pending criminal cases in the Courts were older than 18 months. Currently, **less than 9% of felony cases and less than 4% of misdemeanors are older than 18 months**.
- In 1999, approximately 65% of the pending civil cases in the courts were older than 18 months. Currently, **less than 15% of pending civil cases are older than 18 months**.

# The CourTools Measures

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.

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."

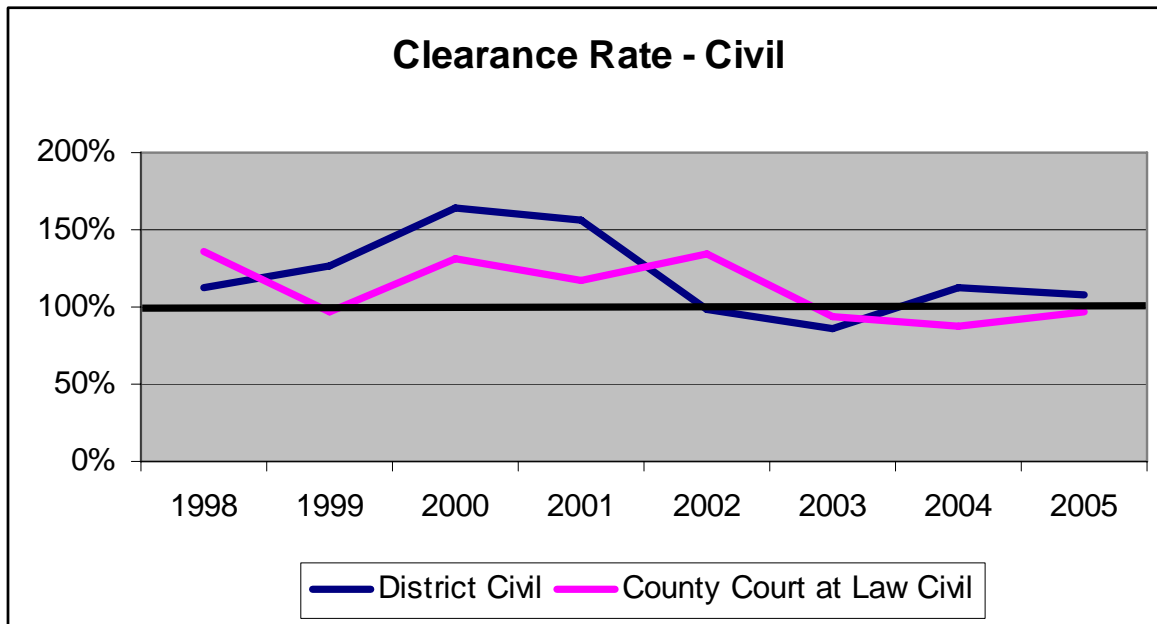
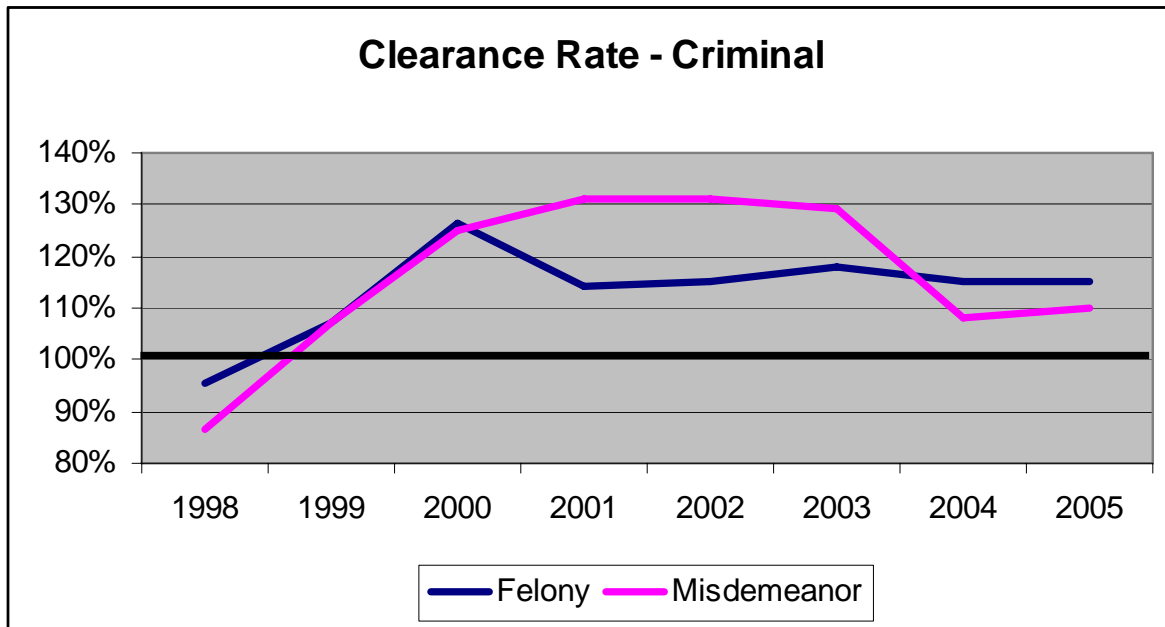
While the Court intends to use all ten measures to report on the performance of the local jurisdiction, this report will focus on seven of the measures (2, 3, 4, 5, 7, 9 and 10), with the other measures to be released according to the following schedule:

- **Measure 1 (Access and Fairness):** The survey involved will be administered in the summer of 2006, with the final report available in the **Fall of 2006**.
- **Measure 6 (Reliability and Integrity of Case Files):** This report is being delayed due to the extensiveness of this measure and the time involved in collecting the data. It is expected that this report will be completed by the **Fall of 2006**.
- **Measure 8 (Effective Use of Jurors):** This report is being delayed due to the extensiveness of this measure and the time involved in collecting the data. This measurement is underway and is expected to be completed no later than **April 2007**.

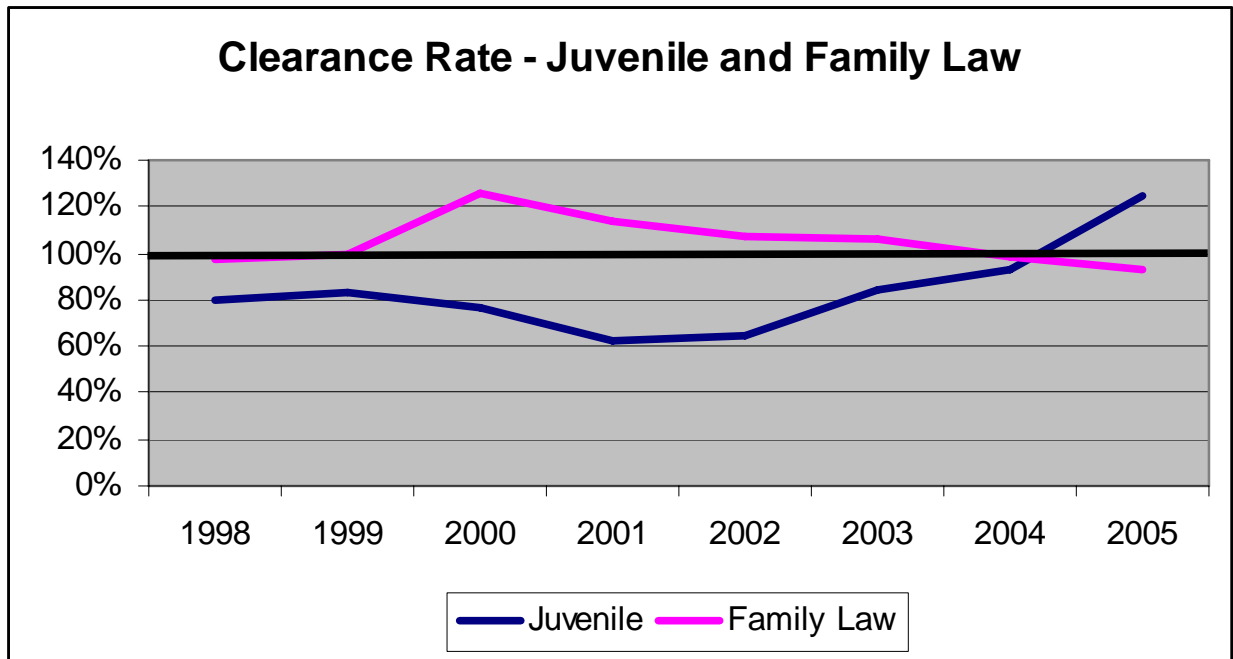
## CourTools Measure 2: Clearance Rates

The clearance rate is one of four measures that provides a snapshot of the effectiveness of the case management practices of the Court<sup>1</sup>. 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.***



<sup>1</sup> 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 2005 clearance rates for Felony (115%), Misdemeanor (110%), District Court Civil (108%) and Juvenile (125%) were all above 100 percent. The Family Law (93%) and County Court at Law Civil (97%) clearance rates were slightly below the benchmark in 2005.

Overall, the Lubbock County Court system had 19,064 cases filed and disposed of 20,101 cases during calendar year 2005, which translates into a 105% clearance rate.

The Lubbock County clearance rates were significantly higher than the FY 2005 statewide clearance rates of 98.3% for Felony, 96.3% for Misdemeanor, 89% for District Court Civil (including Family Law), 87.7% for County Court at Law Civil and 96.4% 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:

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

<b>Criminal</b>	<b>Case Processing Standard</b>
Level One (Felony cases with trial of less than two days and no complex legal issues)	<b>100% within 9 months of arraignment</b>
Level Two (Felony with trial 2-5 days and/or complex legal/factual issues)	<b>100% within 12 months of arraignment</b>
Level Three (Felony with trial >5 days and/or complex legal/factual issues)	<b>100% within 18 months of arraignment</b>
Misdemeanors	<b>100% within 6 months of arraignment</b>

<b>Family Law</b>	<b>Case Processing Standard</b>
Level One (Divorce not involving children, <\$50,000 marital estate)	<b>100% within 3 months of answer date</b>
Level Two (Suit under Tex. Family Code Title 1, 2 or 5 and/or substantial property issues)	<b>100% within 9 months of answer date</b>
Level Three (Suit under Tex. Family Code Title 1, 2 or 5 and/or substantial property issues and/or complex legal issues)	<b>100% within 12 months of answer date</b>

## **CourTools Measure 3 (cont.)**

Below is the listing of what percentage of cases closed in 2005 meet the standards established by the Courts:

### *Civil –*

**Level One: 92.0% were disposed within the 12-month standard**

**Level Two: 91.2% were disposed within the 18-month standard**

**Level Three: 85% were disposed within the 24-month standard**

### *Criminal –*

#### **Felony<sup>2</sup>:**

*If all cases are Level One – 66.5% were disposed within the standard*

*If all cases are Level Two – 73.5% were disposed within the standard*

*If all cases are Level Three – 81.9% were disposed within the standard*

**Misdemeanor: 57.9% were disposed within the standard**

### *Family Law –*

**Level One: 56.0% were disposed within the standard**

**Level Two: 76.3% were disposed within the standard**

**Level Three: 100% were disposed within the standard**

---

<sup>2</sup> Local Rule 5.15(B) prescribes standards for felonies based upon a Level system. However, the Courts do not currently distinguish among the levels in practice. Therefore, the measure will be calculated using each level's standard as if all cases were that level.

## **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.***

*Civil –*

**Level One: 90.6% are within the 12-month standard**

**Level Two: 80.0% are within the 18-month standard**

**Level Three: 90.4% are within the 24-month standard**

*Criminal –*

**Felony<sup>3</sup>:**

*If all cases are Level One – 78.9% are within the standard*

*If all cases are Level Two – 85.4% are within the standard*

*If all cases are Level Three – 91.3% are within the standard*

**Misdemeanor: 73.3% are within the standard**

*Family Law –*

**Level One: 62.0% are within the standard**

**Level Two: 80.5% are within the standard**

**Level Three: 100% are within the standard**

---

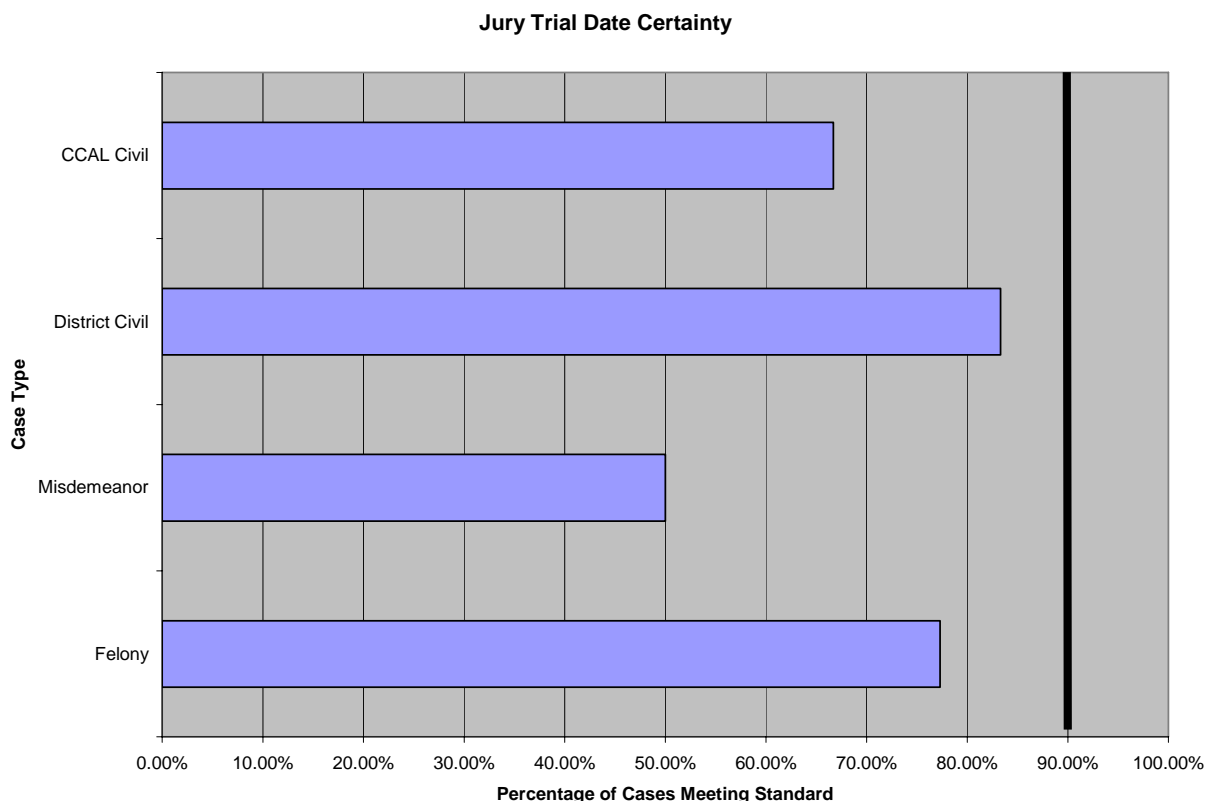
<sup>3</sup> Local Rule 5.15(B) prescribes standards for felonies based upon a Level system. However, the Courts do not currently distinguish among the levels in practice. Therefore, the measure will be calculated using each level's standard as if all cases were that level.

## CourTools Measure 5: Trial Date Certainty

The Lubbock County Court system had 136 jury trials in 2005, which reflects a 37.5% increase in jury trials from 2004 to 2005. The criminal division of courts experienced a 41% increase in jury trials (106 jury trials), while the civil division of courts experienced a 12.9% decrease in jury trials (30 jury trials).

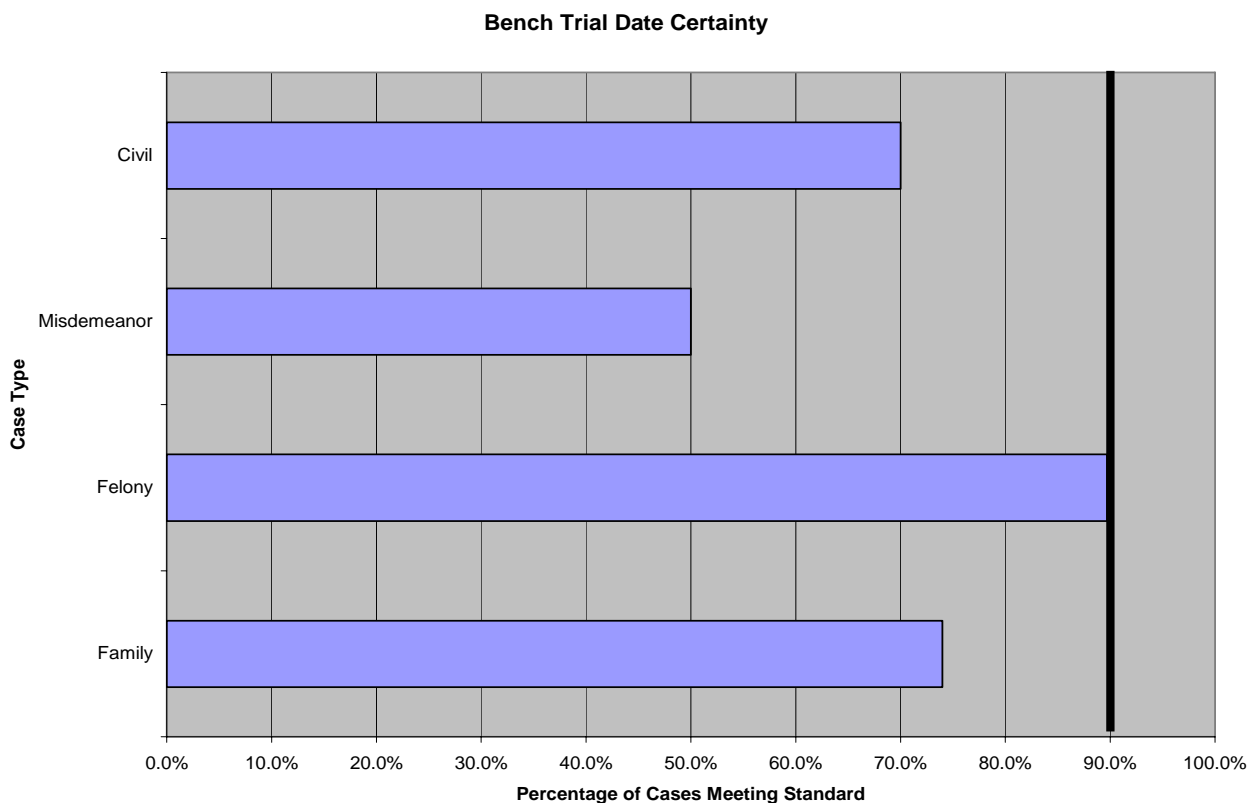
The increase in trials reinforces the fact that the Courts must ensure that trials are heard as scheduled. One of the basic tenets of case management practice is that a court should hold trial on the first date that the case is scheduled to be heard. The trial date certainty measures the number of times 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 149 contested bench trials in 2005<sup>4</sup>. Of those, 104 were family law trials, 35 criminal trials and 10 civil trials.



The following chart reveals the average number of trial settings for each case type in 2005:

Case Type	Trial Type	Average Number of Settings
District Civil	Jury	1.8
Co Court at Law Civil	Jury	2.0
	Bench	2.1
Felony	Jury	2.5
	Bench	1.6
Misdemeanor	Jury	3.1
	Bench	4.2
Family	Jury	3.0
	Bench	2.0

<sup>4</sup> The total number of bench trials excludes data from one court that was unavailable.

## **CourTools Measure 7: Collection of Monetary Penalties**

Integrity and public trust in the dispute resolution process depend in part on how well court orders are observed and enforced in cases of noncompliance. 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. The Lubbock County Court system has taken particular interest in enforcing its orders and has supported the full establishment and integration of the Lubbock County Collections Department. Rather than using CourTools Measure 7, the extensive 5-year report prepared by the Collections Department in the Fall of 2005 is incorporated herein and is attached as Attachment C.

## 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 August 2005. The survey response rate was 85% and was followed by a meeting to discuss the specifics of the survey with the staff members. 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 in August 2006 as a follow-up to see if progress has been made.

### Overall Rating of Employee Satisfaction

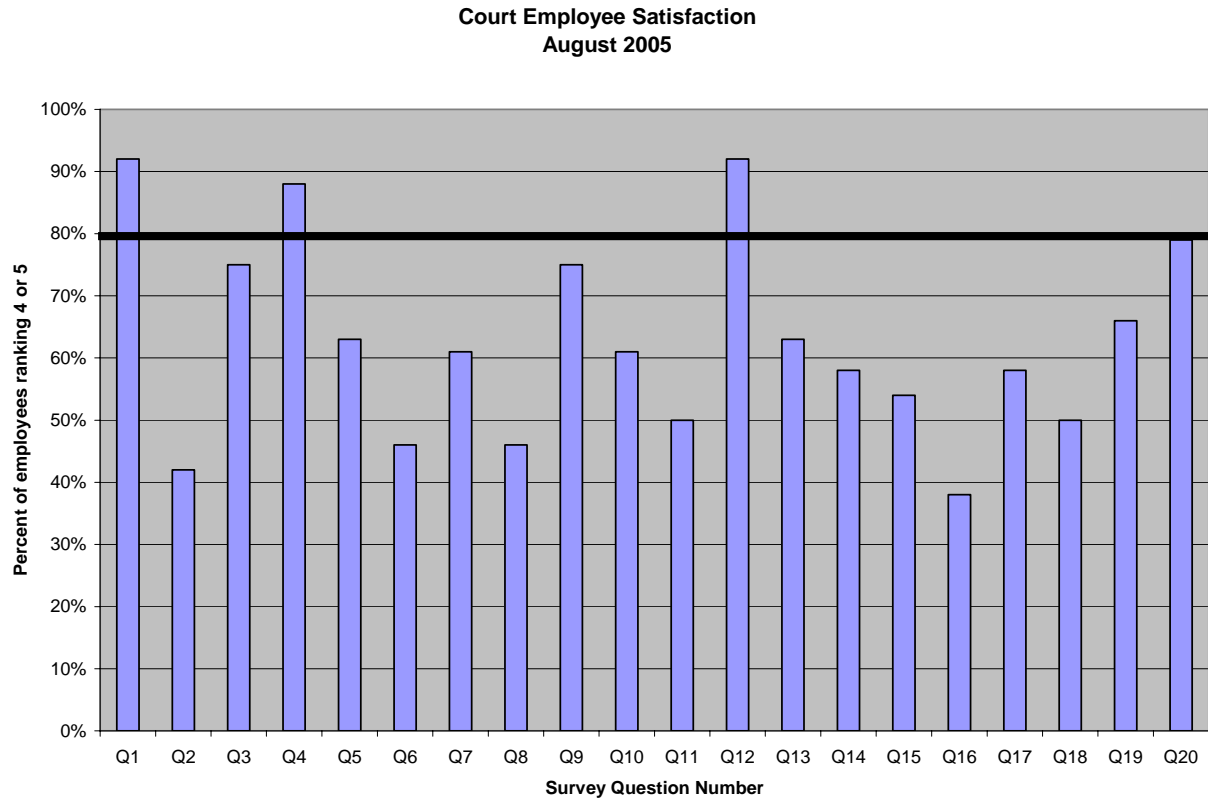
Court Employee Satisfaction Survey (1=Strongly Disagree, 5=Strongly Agree)		Average Scores
1.	I understand what is expected of me.	4.5
2.	I am kept informed about matters that affect me.	3.1
3.	I have the resources ( <i>materials, equipment, supplies, etc</i> ) necessary to do my job well.	3.8
4.	I am able to do my best every day.	4.3
5.	Communication within my department is good.	3.6
6.	In the last month, I was recognized and praised for doing a good job.	3.1
7.	Someone in the court cares about me as a person.	
3.7		
8.	I have opportunities to express my opinion about how things are done in my division.	3.3
9.	The court is respected in the community.	4.0
10.	My coworkers work well together.	3.5
11.	I am encouraged to try new ways of doing things.	
3.5		
12.	I understand the connection between the work I do and the mission and goals of the court.	
4.5		
13.	My working conditions and environment enable me to do my job well.	3.7
14.	I feel valued by my supervisor based on my knowledge and contribution to my department.	3.6
15.	I feel free to speak my mind.	3.8
16.	In the last month, someone in the court has talked to me about my performance.	3.0
17.	I enjoy coming to work.	3.7
18.	My coworkers care about the quality of services and programs we provide.	3.3
19.	I am treated with respect.	3.6

20. I am proud that I work in the court.

4.3  
**Overall Index Score = 73.9**

## CourTools Measure 9 (continued)

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



## **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).

<b>Case Types</b>	<b>2005 Cost per Case</b>
District Civil	\$290.65
County Court at Law Civil	\$103.14
Felony Criminal	\$116.28
Misdemeanor Criminal	\$66.31
Juvenile	\$148.00
Family Law	\$70.36

## 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 2: Clearance Rates***

In 1999, faced with inefficient case management processes and a 93% overall clearance rate, the Courts revamped the system to allow greater court control over pending cases. Based upon those changes, the Courts were able to clear thousands of backlogged cases. Currently, most case types are settling towards the 100% clearance rate, which suggests that the Courts have been fairly successful in eliminating backlog.

- The **criminal case types (felony and misdemeanor)** appear to still be working to clear some backlog, as the clearance rates for those case types remains at 115% and 110%, respectively.
- The **juvenile case type**, whose clearance rate has remained below 100% from the time measurement began until 2005, appears to have just begun to eliminate the backlog of cases and will likely continue significantly above 100% before settling back down to 100%.
- The **civil case types** have settled close to 100% suggesting that the backlog of cases has been eliminated.
- The **family law case type** has fallen to 93%, which suggests that the Courts need to monitor the case type carefully to ensure that a backlog does not begin to develop. Note: Recent measures of the family law clearance rate indicate that improvements made once the Courts recognized an issue with the family law clearance rate for 2005 have already improved the clearance rate, further stressing the importance of “what gets measured gets done.”

**Strategy 1:** The Courts commit to maintain attention on clearing any remaining backlog, focusing specifically on criminal, juvenile and family law case types. Specific efforts will be made to resolve the juvenile backlog as quickly as possible.

**Strategy 2:** 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.

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

According to some, the Lubbock County court system established lofty goals for case processing standards. However, the data reveals that the case management system being employed by the Courts is much more effective than the processes used prior to the reform in 1999.

With that said, 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 3: In conjunction with the Lubbock County Information Systems department, the Courts will establish an automated monitoring method for court staff and judges to see the age of a pending case and the time to disposition of cases at any time.**

**Strategy 4: 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.**

**Strategy 5: The Board of Judges will review and modify the Local Rules to establish a case level system (Level 1, Level 2 and Level 3) for felony cases that allows the Courts to determine case levels from the filing of a case, rather than at the end of a case.**

**Strategy 6: Due to the fact that misdemeanor courts have little administrative control over cases where a felony case is also pending against the defendant, the Courts hearing misdemeanor cases will work with the Director of Court Administration to establish a neutral method for excluding from these measures misdemeanor cases where a felony against that defendant is also pending.**

**Strategy 7: All Courts will devote specific attention to disposing of family law cases in a timely fashion under the guidelines.**

**Strategy 8: The Courts will administratively close cases where the Court is unable to move the case forward due to issues outside the control of the Court (i.e. bankruptcy proceedings, reconciliation in a divorce proceeding, felony case pending, etc) so that delay caused by external factors is excluded from these measures to produce a more accurate picture of the performance of the Courts.**

### ***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.

While none of the Courts are meeting the established performance goal for jury trials (90% within two trial settings), three of the case types would have met the standard with just few more cases tried on the first or second trial setting (District Civil - 2, County Court at Law Civil - 1, Felony - 8), meaning that with some monitoring the Courts should be able to meet the standard.

The bench trial date certainty measure reveals that the felony courts are meeting the standard and the civil courts are only 2 cases away from meeting the standard. The Courts will implement the

following strategies to improve trial date certainty:

**Strategy 9: The Courts will draft a consistent, written trial continuance policy that will assist the Courts in controlling continuances.**

**Strategy 10: The Courts hearing misdemeanor cases and/or family law cases will review their trial date scheduling practices to ensure that cases are able to be reached on the first or second trial setting.**

### ***Measure 7: Collection of Monetary Penalties***

The 5-year Collections Report reveals that the implementation of a Collections Department has been a tremendous success for Lubbock County. The report details the fact that collections in misdemeanor cases has increased 112% during the measurement period. In addition, the average monthly payment has increased from \$49 per month to \$193 per month for misdemeanors and \$147 per month for felonies. The increase in collection of monetary penalties has instituted a greater degree of integrity to the Courts' orders and has resulted in an increase in revenue for Lubbock County and the State of Texas. That being said, some of the data elements necessary to perform CourTools Measure 7 are not readily available. Therefore, the Courts will implement the following strategies:

**Strategy 11: The Courts will work with the Community Supervision and Corrections Department and the Collections Department, as well as the Lubbock County Information Systems Department, to see that required data elements are centralized to allow the Court to utilize CourTools Measure 7 in early 2007 utilizing 2006 data.**

### ***Measure 9: Court Employee Satisfaction***

Data from this measure reveals some areas of specific concern for the Courts. Communication within the Courts appears to be one of the greatest concerns of employees. In addition, court employees appear to desire more feedback on their job performance. That being said, the Courts should be proud of the fact that employees seem to enjoy their job and are proud to work for the Courts and contribute to the community.

**Strategy 12: The Courts will develop a better method for intradepartmental communication. More frequent staff meetings and communication mechanisms may be beneficial. The Courts will work to develop a method for communication with Court Reporters, who are currently not on the County e-mail system.**

**Strategy 13: 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.**

## ***Measure 10: Cost per Case***

The cost per case measure provides a glimpse of where the Court's resources are being allocated. The data reveals that a significant amount of resources are being devoted to District Civil cases, while fewer resources are being devoted to misdemeanor and family law cases. That being said, this measure fails to take into account the amount of time required to process each case type. Armed with an understanding of how long each court is spending on the cases filed in that court, this measure would provide more valuable data as to where resources are being allocated.

**Strategy 14: The Courts will review the feasibility and usefulness of a weighted caseload study to provide information on how much time is being spent by the Courts on each case type.**

## ***General Strategies***

**Strategy 15: 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.**

**Strategy 16: 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.**

**Strategy 17: 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.**

## **Attachment A: Listing of Judges & Courts in Lubbock County**

### 50<sup>th</sup> 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)

### 64<sup>th</sup> District Court (1906-1913)

L.S. Kindler (1906-1913)

### 72<sup>nd</sup> 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)

### 99<sup>th</sup> 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)

### 137<sup>th</sup> District Court (1965-present)

James A. Ellis (1965-1971)

Robert C. Wright (1971-1986)

Madison Sowder (1986-1987)

Cecil G. Puryear (1987-present)

### 140<sup>th</sup> District Court (1955-present)

Robert Bean (1955-1969)

William R. Shaver (1969-1996)

Jim B. Darnell (1996-present)

### 237<sup>th</sup> District Court (1977-present)

John R. McFall (1977-1998)

Sam Medina (1998-present)

### 364<sup>th</sup> District Court (1989-present)

Bradley S. Underwood (1989-present)

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)

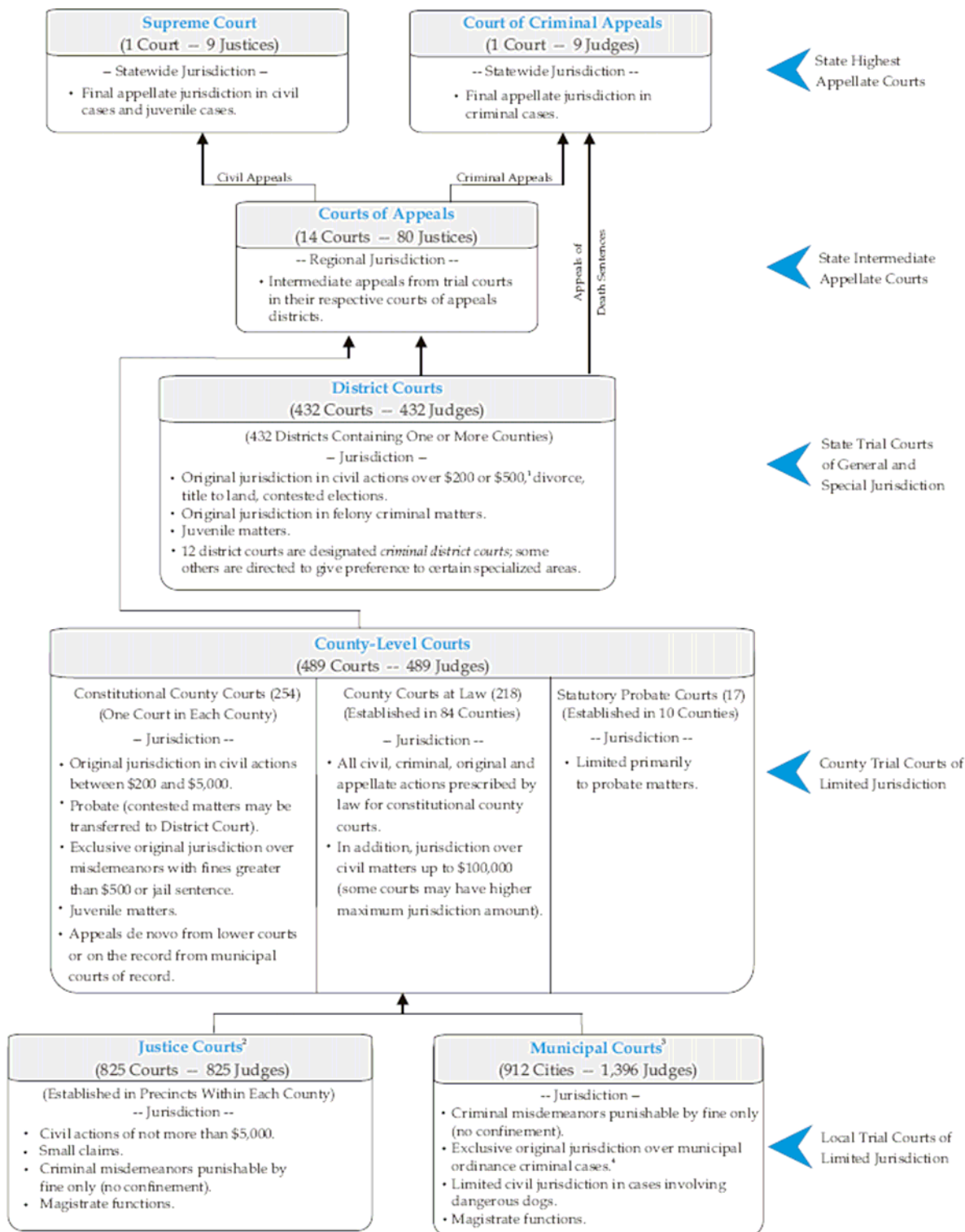
County Court at Law No. 3 (1987-present)

Tom Cannon (1987-1989)  
Mackey Hancock (1989-1994)  
Paula Lanehart (1995-present)

## **Attachment B: Court Structure in Texas**

# COURT STRUCTURE OF TEXAS

MARCH 1, 2006



<sup>1</sup> The dollar amount is currently under.

<sup>2</sup> All justice courts and most municipal courts are not courts of record. Appeals from these courts are by trial de novo in the county-level courts, and in some instances in the district courts.

<sup>3</sup> Some municipal courts are courts of record -- appeals from those courts are taken on the record to the county-level courts.

<sup>4</sup> An offense that arises under a municipal ordinance is punishable by a fine not to exceed: (1) \$2,000 for ordinances that govern fire safety, zoning, and public health or (2) \$500 for all others.

## **Attachment C: Collections Department 5-Year Report**

# **LUBBOCK COUNTY CRIMINAL COLLECTIONS DEPARTMENT**



## **DISTRICT & COUNTY COURTS-AT-LAW** **5-YEAR REPORT**

OCTOBER 3, 2005

**DIRECTOR: DEAN STANZIONE**

**ASSISTANT DIRECTOR: STACEY LAWLOR**

**STAFF: SHAN ALEXANDER, PRISCELLA QUINTERO, & SHELLY ROSS**

LUBBOCK COUNTY CRIMINAL COLLECTIONS  
LUBBOCK COUNTY COURTHOUSE  
P. O. BOX 10536  
4<sup>TH</sup> FLOOR, ROOM #410  
LUBBOCK, TEXAS 79408  
(806) 775-1653

## **LUBBOCK COUNTY CRIMINAL COLLECTIONS DEPARTMENT 5-YEAR REPORT**

### **Fiscal Year 2000-2001**

The Lubbock County Criminal Collections Department began assisting in the collection of fines, court costs, and attorney fees for the Lubbock County Courts-at-Law in February of 2001. Throughout the remainder of the fiscal year, the department generated \$519,291.99 in court costs, fines, and attorney fees. ***Of the \$519,291.99 generated, \$288,483.00 was designated as court costs, \$206,094.72 as fines, and \$24,794.04 as attorney fees.*** During the first 8-months of collections, the department generated an average of \$64,911.50 per month.

It is necessary to approve community service work for qualified defendants who are unable to monetarily satisfy their obligation to the court. During the fiscal year, approximately \$14,274.21, which is the equivalent of 2,284 hours worked, was satisfied through community service work at the Lubbock County Maintenance Department.

***During the fiscal year, the department established 1,679 agreements at an average agreement amount of \$535.10, totaling approximately \$898,431.51 in ordered money.*** The County Courts-at-Law ordered \$513,230.00 in court costs, \$313,286.00 in fines, and \$71,915.51 in court-appointed attorney fees. The department established an average of 210 agreements per month.

### **Fiscal Year 2001-2002**

Lubbock County experienced their best year of court collections during the second fiscal year of the Criminal Collections Department. It was during this first full fiscal year the department generated nearly \$900,000.00 in court costs, fines, and attorney fees. ***The department generated approximately \$897,587.00, of which \$493,729.64 was designated as court costs, \$354,500.83 as fines, and \$49,356.53 as attorney fees.*** For the first full fiscal year of collections, the department generated an average of \$74,798.92 per month.

During the fiscal year, approximately \$28,481.31, which is the equivalent of 4,557 hours worked, was satisfied through community service work at the Lubbock County Maintenance Department.

***During the fiscal year, the department established 1,958 agreements at an average agreement amount of \$502.67, totaling approximately \$984,235.01 in ordered money.*** The County Courts-at-Law ordered \$552,949.46 in court costs, \$371,498.88 in fines, and \$59,786.67 in attorney fees. The department established an average of 163 agreements per month.

### **Fiscal Year 2002-2003**

During this fiscal year, the department generated approximately \$764,959.51 in court costs, fines, and attorney fees. ***Of the \$764,959.51 generated, \$416,288.68 was designated as court costs, \$315,285.36 as fines, and \$33,385.47 as attorney fees.*** For the year, the department generated an average of \$63,746.63 per month.

During the fiscal year, approximately \$19,120.59, which is the equivalent of 3,059 hours worked, was satisfied through community service work at the Lubbock County Maintenance Department.

***During the fiscal year, the department established 1,787 agreements at an average agreement amount of \$524.55, totaling approximately \$937,373.75 in ordered money.*** The County Courts-at-Law ordered \$478,002.50 in court costs, \$379,225.00 in fines, and \$46,699.00 in attorney fees. The department established an average of 149 agreements per month.

#### **Fiscal Year 2003-2004**

It was during this fiscal year, the department experienced it's greatest decline in collections for Lubbock County. The only other year that generated less money was the year the department began operations, fiscal year 2000-2001. The department generated approximately \$737,519.93 in court costs, fines, and attorney fees. ***Of the \$737,519.93 generated, \$401,264.39 was designated as court costs, \$297,321.65 as fines, and \$38,933.89 as attorney fees.*** For the year, the department generated an average of \$61,459.99 per month.

During the fiscal year, approximately \$20,738.68, which is the equivalent of 3,318 hours worked, was satisfied through community service work at the Lubbock County Maintenance Department.

***During the fiscal year, the department established 1,610 agreements at an average agreement amount of \$525.10, totaling approximately \$845,405.84 in ordered money.*** The County Courts-at-Law ordered \$464,486.00 in court costs, \$332,705.00 in fines, and \$48,104.84 in attorney fees. The department established an average of 134 agreements per month.

#### **Fiscal Year 2004-2005**

The Collections Department is experiencing possibly the best overall fiscal year since the department's inception. The department has generated over \$800,000.00 in the County Courts-at-Law for only the second time in it's 5-year history. The department generated in average of nearly \$69,000.00 per month in the County Courts-at-Law alone, which is the second highest monthly average since the department began. Together with the District Courts, the department generated a total of over \$81,000.00 per month.

The department began collection efforts for the Lubbock County District Courts in February, and most recently began efforts for Justice of the Peace #4. The Collections Department now assists in recouping fines, court costs, and attorney fees for 6 courts; 1 Justice of the Peace, 2 County Courts-at-Law, and 3 District Courts.

#### **County Courts-at-Law**

During this fiscal year, the department has generated \$827,480.52 in court costs, fines, and attorney fees in the County Courts-at-Law. ***Of the \$827,480.52 generated in the County Courts, \$483,619.20 was designated as court costs, \$311,186.77 as fines, and \$32,376.97 as attorney fees.*** For the year, in the County Courts-at-Law, the department generated an average of \$68,956.71 per month.

During the fiscal year, approximately \$15,115.99, which is the equivalent of 2,419 hours worked, was satisfied through community service work at the Lubbock County Maintenance Department.

***During the fiscal year, the department established 1,785 agreements at an average agreement amount of \$524.98, totaling approximately \$937,094.57 in ordered money.*** The County Courts-at-Law ordered \$555,276.50 in court costs, \$339,704.31 in fines, and \$42,113.76 in attorney fees. The department established an average of 149 agreements per month.

#### **District Courts**

The Collections Department began assisting the District Courts on February 11, 2005, and has generated approximately \$146,804.69. ***Of the \$146,804.69 generated in the District Courts, \$87,222.78 was designated as court costs, \$14,667.62 as fines, and \$44,914.29 as attorney fees.*** For the year, the department has generated an average of \$18,350.59 per month for the District Courts.

During the year, approximately \$3,331.26, which is the equivalent of 533 hours worked, was satisfied through community service work at the Lubbock County Maintenance Department.

***During the fiscal year, the department established 618 agreements at an average agreement amount of \$434.23, totaling approximately \$268,355.10 in ordered money.*** The District Courts of Lubbock County have ordered \$138,533.00 in court costs, \$24,050.00 in fines, and \$105,772.10 in attorney fees. The department has established an average of 77 agreements per month.

#### **Justice of the Peace #4**

While the Collections Department has begun assisting Justice of the Peace #4, there is not enough available information to make a pre/post "Collections" analysis.

### **5-Year Review**

Prior to the establishment of the Lubbock County Criminal Collections Department, the responsibility of recovering any court-ordered fines, court costs, and attorney fees was laid upon the Lubbock-Crosby Community Supervision & Corrections Department. It must be understood the collection of fines, court costs, and attorney fees prior to establishing the Collections Department was not the sole responsibility nor the focus of their office. The Community Supervision office has expressed that losing the duties of a "collector" has been a benefit for their department, allowing more focus and concentration on their necessary duties supervising offenders within Lubbock County. The Collections Department and Community Supervision office has worked hand-in-hand in efforts to enforce compliance with court orders assessing fines, court costs, and attorney fees in the District Courts and County Courts-at-Law.

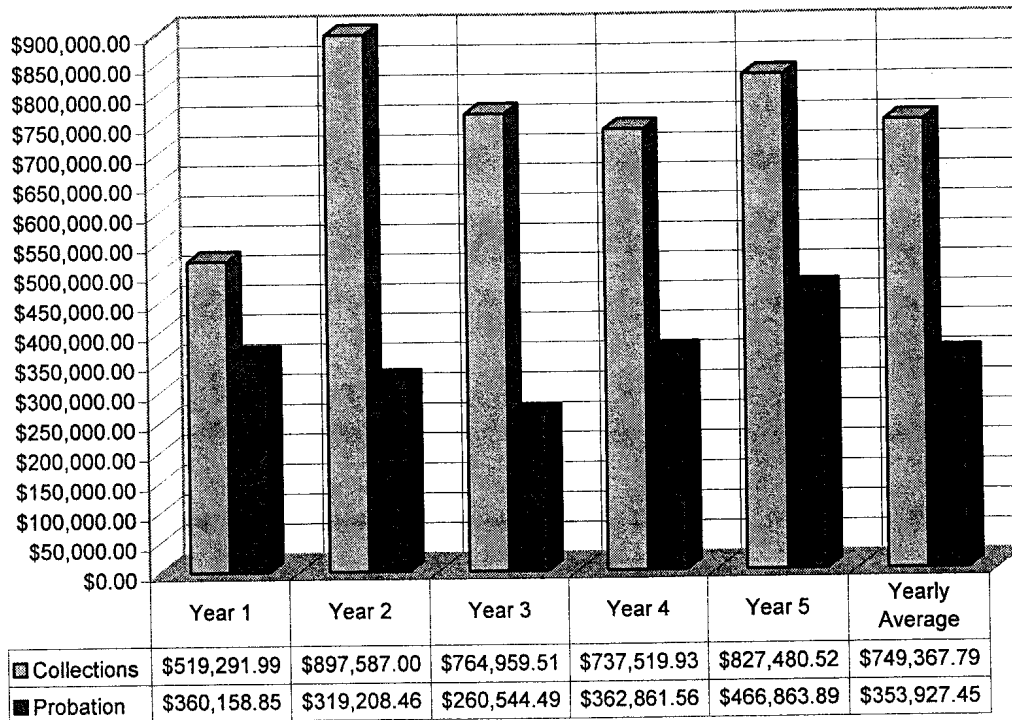
#### **County Courts-at-Law**

In the County Courts-at-Law alone, the Lubbock County Criminal Collections Department has generated over \$3.74 million in fines, court costs, and attorney fees. During this period, nearly \$98,000, or approximately 15,680 hours, has been credited through community service work with the Lubbock County Maintenance Department. The Collections Department has established over 8,800 agreements for the County Courts-at-Law in an attempt to recover over \$4.6 million in ordered money.

In an attempt to compare the collections of court costs, fines, and attorney fees, the 5 years prior to the establishment of the Collections Department was examined. Data, representing State fiscal years 1996-1997, 1997-1998, 1998-1999, 1999-2000, and 2000-2001, from the Lubbock-Crosby

Community Supervision & Corrections Department indicates over \$1.76 million was receipted in during that period, or approximately \$354,000.00 per fiscal year.

**5 Years Pre-Collections vs. Collections**



Based on the data comparing these methods of collections, the Collections Department has helped increase receipts by an average of over \$395,000.00, or 112%, per fiscal year for the County Courts-at-Law.

### **District Courts**

With the collection efforts recently established in the District Courts of Lubbock County, the department has generated \$146,804.69 in court costs, fines, and attorney fees. During this short time, over \$3,300.00, or over 530 hours, has been credited through community service work with the Lubbock County Maintenance Department. Since February 11, 2005, the Collections Department has established 618 agreements for the District Courts. During this time, the District Courts of Lubbock County have ordered \$268,335.10 in fines, court costs, and attorney fees to be paid through the Collections Department.

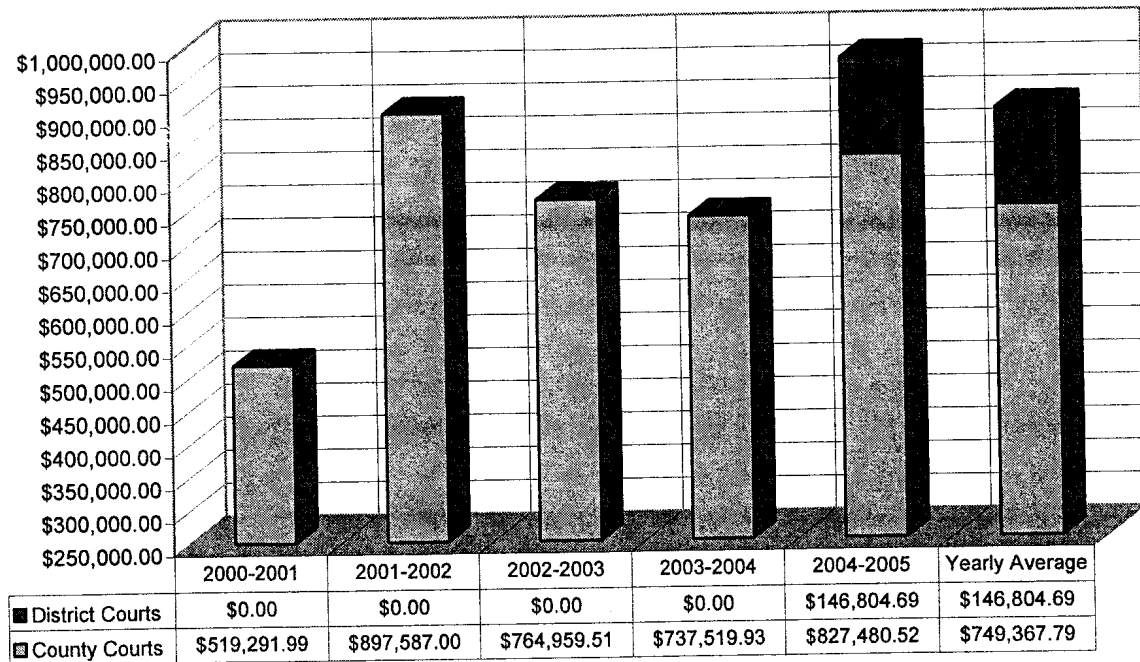
### **All Courts** *(excluding Justice of the Peace)*

In all, the Collections Department has established over 9,400 agreements, totaling over \$4.87 million ordered by the District Courts and County Courts-at-Law of Lubbock County. The department has helped generate nearly \$3.9 million in court costs, fines, and attorney fees. During this time, the department has seen offenders perform community work to discharge over \$101,000.00 by working more than 16,000 hours with the Lubbock County Maintenance Department.

Using available data, the Community Supervision office has generated an overall average monthly payment of approximately \$49.00. The Collections Department, however, has generated an average

monthly payment of approximately \$193.00 for the County Courts-at-Law and approximately \$147.00 for the District Courts.

#### 5 Years of Collections



#### Successful Collections

It is recognized that the success of the Lubbock County Criminal Collections Department is not solely based on the efforts of those within its department. The efforts to recover court-ordered fines, court costs, and attorney fees have been successful due to cooperation with various County officials and the individuals within their departments. The District and County Court-at-Law Judges, the County and District Clerk's offices, the Commissioner's Court, the Lubbock County Maintenance Department, the Lubbock County Sheriff's Office, the Lubbock-Crosby Community Supervision Department, and the Justice of the Peace courts have all played a vital role ensuring any court-ordered fines and fees are recovered. While increasing revenue is a benefit of utilizing a Collections Department, establishing the Court as a priority and ensuring compliance in the repayment of court-ordered fines, court costs, and attorney fees is the department's primary goal.

#### 5-Year Goals

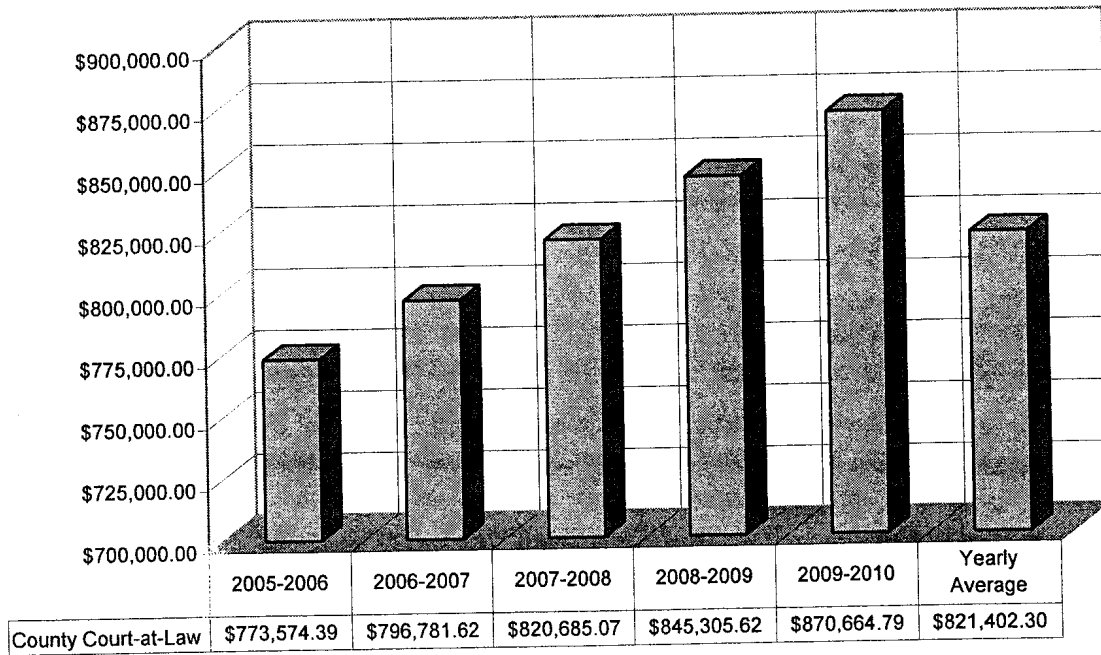
*While the efforts of the Collections Department will seek to obtain the goals established below, it should be understood the amount of money collected is dependent upon a variety of variables and is based on many factors, such as dispositions, Collection referrals, economy, etc. The goals provided below are established based on current statistics and data.*

#### County Courts-at-Law

In continuing our efforts to improve each year, our department has set goals for the next 5 years relating to the amount of money collected for the County Courts-at-Law. For the previous 5 fiscal

years, the Collections Department has generated a yearly average of \$749,367.79. It is the goal of this department to increase the yearly average by 3% each year for the next 5 years. Should the department achieve such a goal, it is estimated it will generate over \$4.1 million in collected money for the County Courts-at-Law, compared to the \$3.76 million generated the previous 5 years.

**Departmental Goals**



### **District Courts**

The previous 5 years of collections by the Community Supervision office has generated nearly \$1.28 million, or approximately \$255,000.00 per year, for the District Courts. As previously noted, the Collections Department increased the amount of collected money by approximately 112% for the County Courts-at-Law. Over the next 5 years, using a conservative 75% increase for the District Courts, the Collections Department hopes to generate over \$2.23 million.

### **All Courts** *(excluding Justice of the Peace)*

In 5 years, the Lubbock County Criminal Collections Department hopes to generate over \$6.33 million in court costs, fines, and fees for the District and County Courts-at-Law for Lubbock County. If the prior method of collections were currently in place, it is estimated that over the next 5 years approximately \$3.06 million would be generated.

### **Strategy**

In attempting to achieve the said goals, the department will examine any available resources or innovative methods relating to the collection of fines, court costs, and fees. The Collections Department recently began utilizing Chapter 706 of the Texas Transportation Code authorizing the denial of the renewal of an individual's driver's license for the County Courts-at-Law, and will soon be utilizing it for the District Courts. While this technique may not generate the majority of collections for Lubbock County, it is another resource available at our disposal.

A technique the department is currently analyzing is the use of Chapter 501.014 (e) of the Government Code. The statute allows withdrawing from an *"inmate's account any amount the inmate is ordered to pay by order of the court under this section."* The statute provides a schedule of priorities for withdraws and payments from the account, and establishes *"as payment in full for all orders for court fees and costs"* and *"as payment in full for all orders for fines"* as the 4<sup>th</sup> and 5<sup>th</sup> priority. The Collections Department has recently provided orders withdrawing from an inmate's account to the Texas Department of Criminal Justice (TDCJ) for a few offenders owing money to Lubbock County. In general, the typical "turn-around" time for possibly receiving payment is 60-90 days. Because of having recently forwarded the orders to TDCJ, it is currently too early to make a assessment on how effective and useful this tool will be.

The Collections Department will also evaluate the effectiveness of utilizing other statutes relating to the collection of fines and fees. Texas Transportation Code 502.185 provides *"A county assessor-collector or the department may refuse to register a motor vehicle if the assessor-collector or the department receives information that the owner of the vehicle owes the county money for a fine, fee, or tax that is past due."* It is unclear how effective this technique is for counties who utilize it, or how many counties use it, but our department looks to research and examine the possibility of taking advantage of it.

Other techniques such as an "Amnesty Program" and a "Warrant Round-Up" are used in some counties across the State, and our department looks to examine the success and effectiveness of those techniques. Each technique and tool will be examined and utilized by this department should the District Courts and County Courts-at-Law and the Collections Department find it useful and effective in enhancing the collection of fines, court costs, and attorney fees for Lubbock County.

#### **Senate Bill 1863 (79<sup>th</sup> Legislature)**

Recently passed Senate Bill 1863 requires counties with a population of 50,000 or more, as well as municipalities with a population of 100,000 or more to have a program in place to *"improve the collection of court costs, fees, and fines imposed in criminal cases..."* The Bill requires the counties to have a program in place that contains two components:

*"The program must consist of:*

- (1) a component that conforms with a model developed by the office and designed to improve in-house collections through application of best practices; and*
- (2) a component designed to improve collection of balances more than 60 days past due, which may be implemented by entering into a contract with a private attorney or public or private vendor in accordance with Article 103.0031."*

By utilizing the Collections Department, our District Courts and County Courts-at-Law are in compliance with Senate Bill 1863 and it's requirements. The Collections Department fulfills each requirement listed in the Office of Court Administration's (OCA) Model Program Components for *in-house* collections.

With the District Courts and the County Court-at-Law cases, the Collections Department does not contract with *a private attorney or public or private vendor*, but does fulfill the second component by dedicating staff to address any balances *more than 60 days past due*. Contracting with an attorney or vendor is optional and not required by the bill.

Counties and municipalities will be audited by the Comptroller of Public Accounts to ensure compliance with Senate Bill 1863. Because the Collections Department does not assist all courts within Lubbock County, audits of each office or court managing the recovery of court costs, fines, and attorney fees will be done separately. However, should one office or court be found non-compliant, Lubbock County, as a whole, is subject to penalty. Penalty includes a loss of money typically retained by the county. Regarding the penalty, Senate Bill 1863 reads as follows:

*“SECTION 10.02. Section 133.058, Local Government Code, is amended by adding Subsection (e) to read as follows:*

*(e) A municipality or county may not retain a service fee if, during an audit under Section 133.059 of this code or Article 103.0033(j), Code of Criminal Procedure, the comptroller determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality or county may continue to retain a service fee under this section on receipt of a written confirmation from the comptroller that the municipality or county is in compliance with Article 103.0033, Code of Criminal Procedure.”*

*“SECTION 10.03. Section 133.103, Local Government Code, is amended by amending Subsections (b) and (c) and adding Subsection (c-1) to read as follows:*

*(b) Except as provided by Subsection (c-1), the [The] treasurer shall send 50 percent of the fees collected under this section to the comptroller. The comptroller shall deposit the fees received to the credit of the general revenue fund.*

*(c) Except as provided by Subsection (c-1), the [The] treasurer shall deposit 10 percent of the fees collected under this section in the general fund of the county or municipality for the purpose of improving the efficiency of the administration of justice in the county or municipality. The county or municipality shall prioritize the needs of the judicial officer who collected the fees when making expenditures under this subsection and use the money deposited to provide for those needs.*

*(c-1) The treasurer shall send 100 percent of the fees collected under this section to the comptroller if, during an audit under Section 133.059 of this code or Article 103.0033(j), Code of Criminal Procedure, the comptroller determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality or county shall continue to dispose of fees as otherwise provided by this section on receipt of a written confirmation from the comptroller that the municipality or county is in compliance with Article 103.0033, Code of Criminal Procedure.”*

The Lubbock County Criminal Collections Department will assist and cooperatively work with any department not currently in compliance with SB 1863. The Collections Department seeks to ensure compliance with all statutory guidelines while maintaining a high level of integrity and respect for the courts.