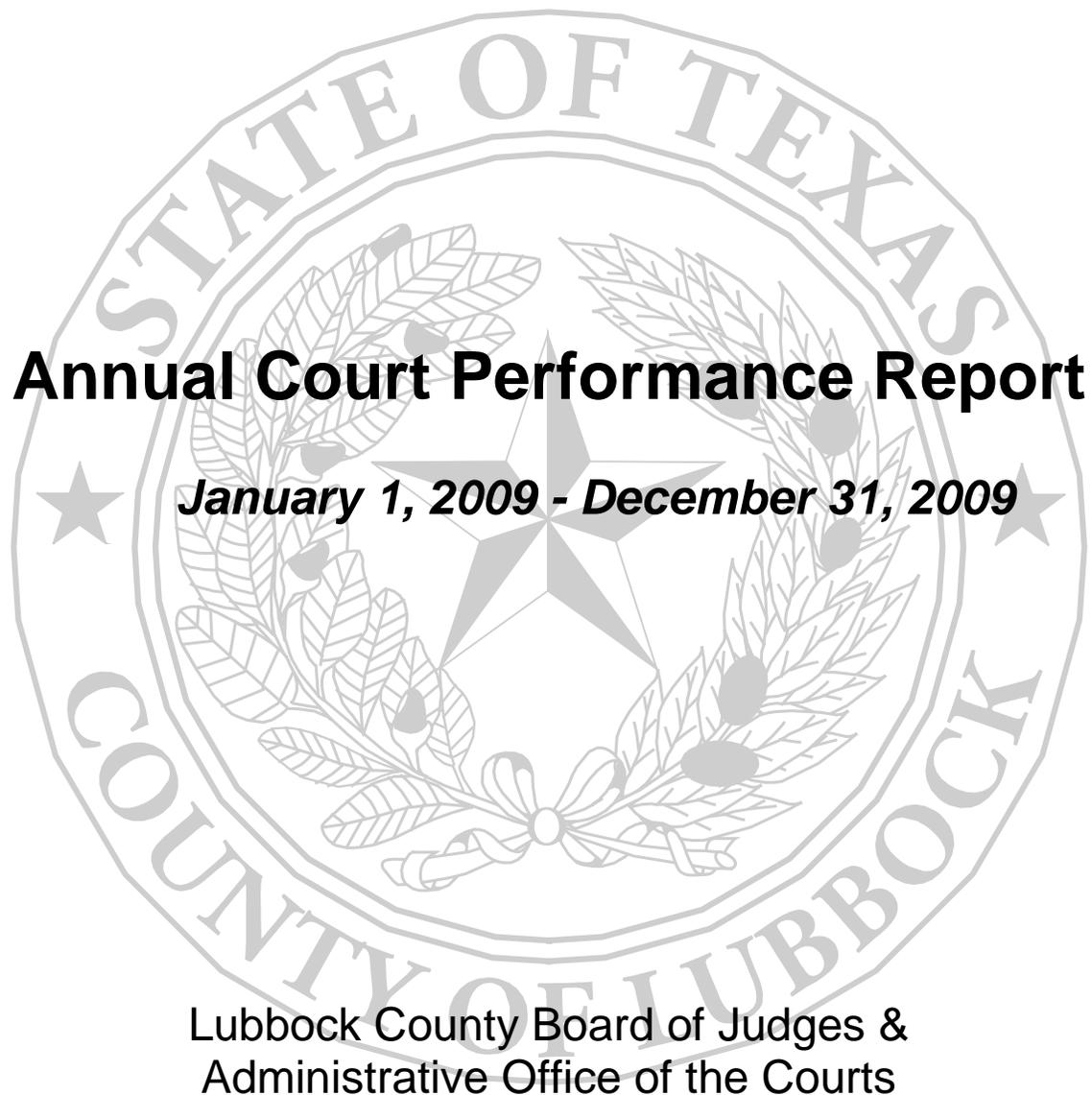


Lubbock County Judicial Branch

DISTRICT COURTS and
COUNTY COURTS AT LAW



Annual Court Performance Report

January 1, 2009 - December 31, 2009

Lubbock County Board of Judges &
Administrative Office of the Courts

Acknowledgements

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- the Lubbock County District Clerk, County Clerk and their respective staff for efforts compiling data for CourTool 6;
- the Director of the Lubbock County Judicial Compliance Department and his staff for efforts compiling data for CourTool 7; and
- 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

INTRODUCTION TO THE 2009 REPORT.....	1
THE COURTOOLS MEASURES	2
TRENDS IN LUBBOCK COUNTY DISTRICT AND COUNTY-LEVEL COURTS.....	5
COURTOOL MEASURES.....	5
<i>COURTOOLS MEASURE 1: ACCESS AND FAIRNESS.....</i>	<i>8</i>
<i>COURTOOLS MEASURE 2: CLEARANCE RATES.....</i>	<i>10</i>
<i>COURTOOLS MEASURE 3: TIME TO DISPOSITION.....</i>	<i>12</i>
<i>COURTOOLS MEASURE 4: AGE OF PENDING CASELOAD.....</i>	<i>14</i>
<i>COURTOOLS MEASURE 5: TRIAL DATE CERTAINTY.....</i>	<i>15</i>
<i>COURTOOLS MEASURE 6: RELIABILITY AND INTEGRITY OF CASE FILES.....</i>	<i>17</i>
<i>COURTOOLS MEASURE 7: COLLECTION OF MONETARY PENALTIES.....</i>	<i>18</i>
<i>COURTOOLS MEASURE 8: EFFECTIVE USE OF JURORS</i>	<i>19</i>
<i>COURTOOLS MEASURE 9: COURT EMPLOYEE SATISFACTION.....</i>	<i>20</i>
<i>COURTOOLS MEASURE 10: COST PER CASE</i>	<i>22</i>
WHERE DO WE GO FROM HERE.....	23
MEASURE 1: ACCESS AND FAIRNESS	23
MEASURE 2: CLEARANCE RATES.....	24
MEASURE 3: TIME TO DISPOSITION AND MEASURE 4: AGE OF PENDING CASES	24
MEASURE 5: TRIAL DATE CERTAINTY.....	26
MEASURE 6: RELIABILITY AND INTEGRITY OF CASE FILES.....	26
MEASURE 7: COLLECTION OF MONETARY PENALTIES.....	27
MEASURE 8: EFFECTIVE USE OF JURORS	27
MEASURE 9: COURT EMPLOYEE SATISFACTION	28
MEASURE 10: COST PER CASE.....	28
GENERAL STRATEGIES.....	29
LISTING OF JUDGES & COURTS IN LUBBOCK COUNTY.....	30

Introduction to the 2009 Report

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

The Lubbock County Board of Judges presents the fifth annual court performance report that focuses on the performance of the courts in 2009. The Lubbock County Board of Judges continues to believe that it is imperative to allow the public who utilize and fund the courts to use objective data to “judge the judges.” In this season of political discourse, the efficiency of the Courts is often called into question. We hope that this report provides the public whom we serve the ability to look at the Courts and objectively determine how the Courts are functioning.

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 2009. This report includes all of the ten CourTool measures. 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 2009 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.

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

Respectfully submitted,

Ruben G. Reyes
Administrative Judge
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Larry B. “Rusty” Ladd
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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.

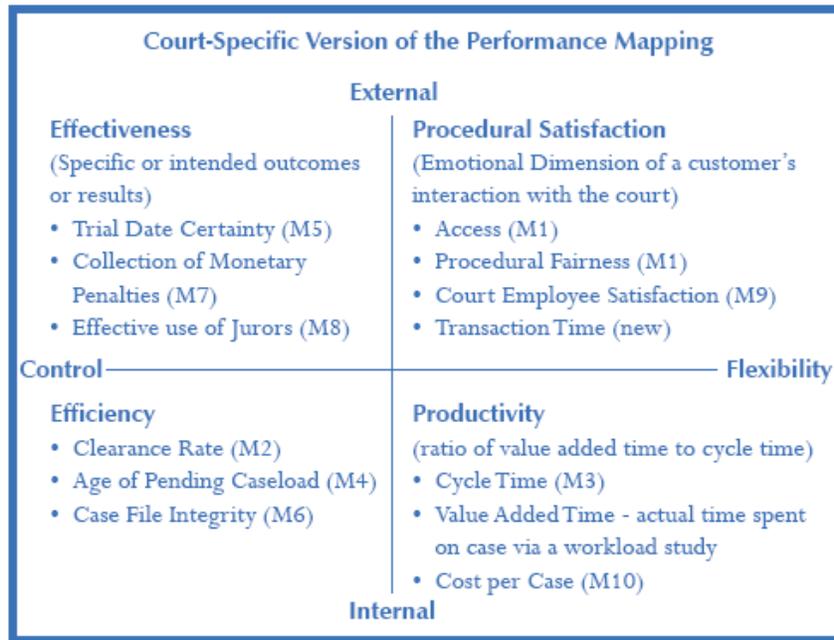
purpose: Committed and loyal employees have a direct impact on a court's performance. This measure is a powerful tool for surveying employee opinion on whether staff have the materials, motivation, direction, sense of mission, and commitment to do quality work. Knowing how employees perceive the workplace 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 third consecutive year, 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 (2008 - 2009)	Difference (2008 – 2009)	Meets Performance Goal
<i>CourTool 1: Access and Fairness</i>			
Access Index Score	-4.9	87.0 to 82.1	No
Fairness Index Score	-4.3	82.7 to 78.4	No
<i>CourTool 2: Clearance Rate</i>			
District Civil	-5%	123% to 118%	Yes
County Court at Law Civil	-10%	115% to 105%	Yes
Felony Criminal	-5%	99% to 94%	No
Misdemeanor Criminal	+4%	97% to 101%	No
Family Law	-7%	91% to 83%	No
Juvenile	+14%	161% to 175%	Yes
<i>CourTool 3: Time to Disposition</i>			
District Civil			
Level 1	+12.6%	77.6% to 90.2%	No
Level 2	-1.6%	93.3% to 91.7%	No
Level 3	-1.1%	92.9% to 91.8%	No
County Court at Law Civil			
Level 1	+0.2%	79.8% to 80%	No
Level 2	-2.7%	93.2% to 90.5%	No
Level 3	unchanged	100% to 100%	Yes
Felony Criminal			
Level 1	-8.3%	75.4% to 67.1%	No
Level 2	+12.5%	76.0% to 88.5%	No
Level 3	-57.1%	57.1% to 0%	No
Misdemeanor Criminal			
	+3.5%	40.9% to 44.4%	No
Family Law			
Level 1	-4.4%	84.0% to 79.6%	No
Level 2	+3.8%	84.7% to 88.5%	No
Level 3	+14.3%	85.7% to 100%	Yes
Juvenile ¹			
In detention	+1.9%	28.8% to 30.7%	No
Out of detention	-22.7%	34.3% to 11.6%	No

¹ The Courts have not adopted a local guideline for the disposition of juvenile cases. 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).

<i>CourTool 4: Age of Active Pending Caseload</i>			
District Civil			
Level 1 (6.4% of caseload)	+5.1%	90.0% to 95.1%	No
Level 2 (73.6% of caseload)	+1.8%	87.3% to 89.1%	No
Level 3 (20% of caseload)	-3.2%	96.9% to 93.7%	No
County Court at Law Civil			
Level 1 (61.8% of caseload)	+15%	71.9% to 86.9%	No
Level 2 (37% of caseload)	+2.7%	86.3% to 89%	No
Level 3 (1.2% of caseload)	-20%	100% to 80%	No
Felony Criminal			
Level 1 (66.4% of caseload)	-1.5%	70.7% to 69.2%	No
Level 2 (33.5% of caseload)	-8.8%	72.1% to 63.3%	No
Level 3 (.1% of caseload)	-16.7%	66.7% to 50%	No
Misdemeanor Criminal			
Family Law			
Level 1 (4.6% of caseload)	-5.1%	85.6% to 80.5%	No
Level 2 (95.2% of caseload)	+4.8%	77.0% to 81.8%	No
Level 3 (.2% of caseload)	unchanged	100% to 100%	Yes
Juvenile ¹			
In detention	+63.8%	15.4% to 79.2%	No
Out of detention	+8.8%	16.7% to 25.5%	No
<i>CourTool 5: Trial Date Certainty</i>			
<i>Jury Trials:</i>			
District Civil	+3.6%	75.0% to 78.6%	No
County Court at Law Civil	-100%	100% to 0%	No
Felony Criminal	-6.6%	71.7% to 65.1%	No
Misdemeanor Criminal	+2.2%	54.1% to 56.3%	No
<i>Bench Trials:</i>			
District Civil	-2.5%	90.0% to 87.5%	No
County Court at Law Civil	+5.6%	94.4% to 100%	Yes
Felony Criminal	-6.9%	78.8% to 71.9%	No
Misdemeanor Criminal	+73.3%	0% to 73.3%	No
Family	+5.2%	85.2% to 90.4%	Yes

<i>CourTool 6: Reliability and Integrity of Case Files</i>			
Pending District Civil	+25%	75% to 100%	Yes
Closed District Civil	+10%	90% to 100%	Yes
Pending Felony	unchanged	95% to 95%	Yes
Closed Felony	-5%	95% to 90%	No
Pending Misdemeanor	+20%	80% to 100%	Yes
Closed Misdemeanor	+15%	80% to 95%	Yes
Pending Family Law	+15%	85% to 100%	Yes
Closed Family Law	+10%	90% to 100%	Yes
<i>CourTool 7: Collection of Monetary Penalties</i>			
Misdemeanor	-16.6%	83.0% to 66.4%	No
Felony	-47.1%	73.4% to 26.3%	No
<i>CourTool 8: Effective Use of Jurors</i>			
Juror Yield	+2.2%	26.1% to 28.3%	No
Percent Selected as Jurors	-0.3%	9.3% to 9.0%	No
Percent Sent for Jury Selection	-0.8%	34.9% to 34.1%	No
Percent Sent to Courtroom & Utilized	-0.8%	66.9% to 66.1%	No
<i>CourTool 9: Court Employee Satisfaction (overall index score)</i>	-2.5	79.8 to 77.3	No
<i>CourTool 10: Cost per Case²</i>			
District Civil	+26.62	\$337.34-363.96	n/a
County Court at Law Civil	+22.02	\$116.23-138.25	n/a
Felony Criminal	-14.24	\$154.44-140.20	n/a
Misdemeanor Criminal	+13.29	\$68.74-82.03	n/a
Family	-5.63	\$85.10-79.47	n/a
Juvenile	+0.09	\$120.63-120.72	n/a

² The figures reported in cost per case are balanced for inflation from 2008 to 2009.

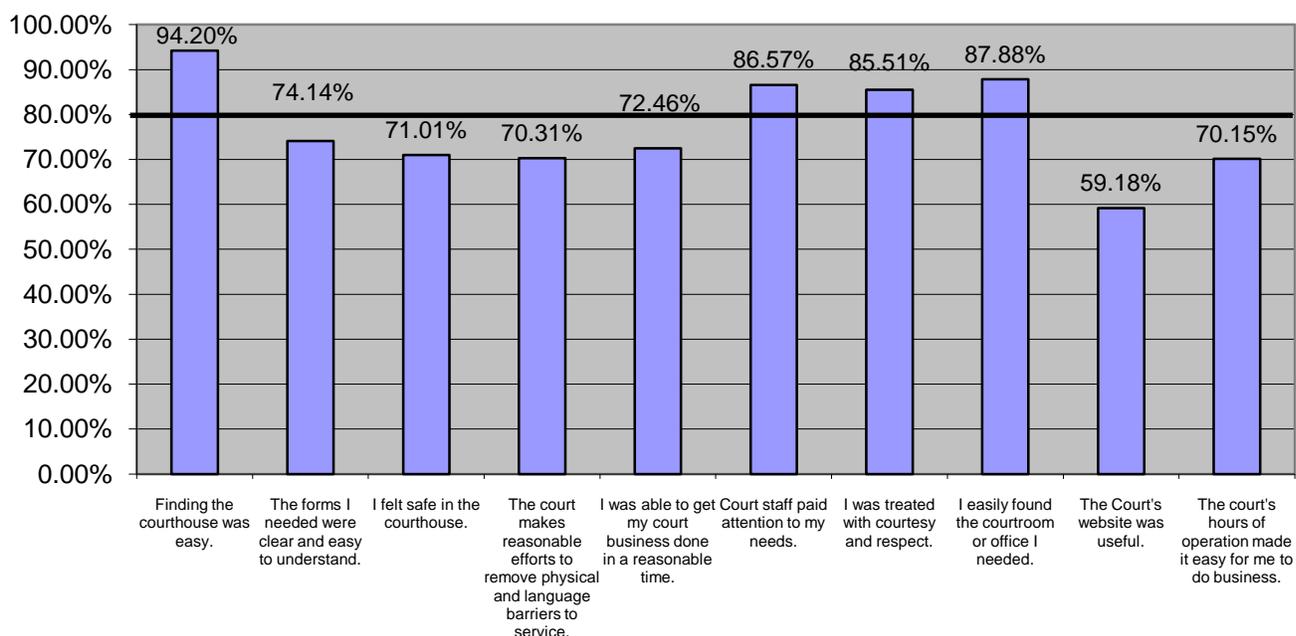
CourTools Measure 1: Access and Fairness

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 November 2, 2009, a typical day at the courthouse. Surveys were collected at the east and west public entrances of the building. Sixty-nine surveys were received from those individuals exiting the courthouse, down 69% from the previous survey. Many individuals exiting the courthouse indicated that they had just filled out a survey six months prior and did not want to complete the survey again.

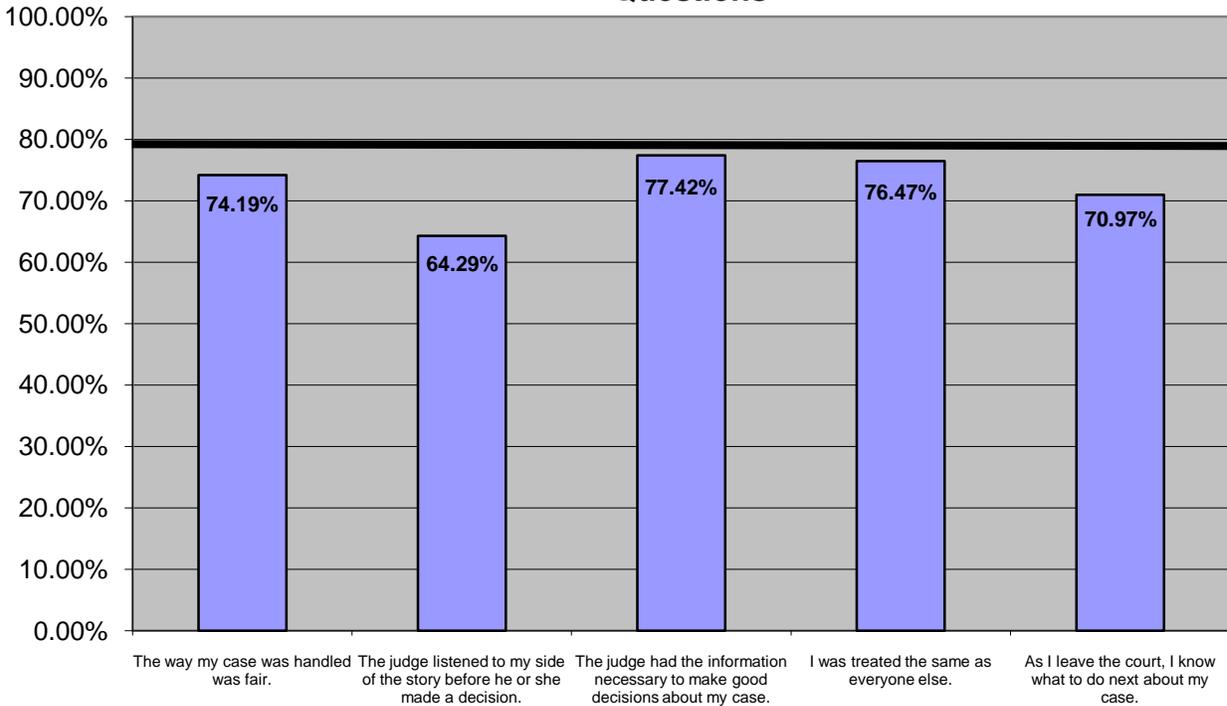
Percent Giving a 4 or 5 (Agree/Strongly Agree) to Access Questions



The overall index score for the Access portion of the survey was 82.1 (out of a possible 100). The 2009 survey indicates a consistent drop in most areas questioned. There were only two areas of gain (question #1 and question # 6), while all other questions dropped. The most significant drops occurred in questions #4 and #10. In addition, after continuous annual improvement in question #9, this survey showed a significant drop (14.8%) in that question. Lastly, it should be noted that the security question dropped again this year by 9.5% after last year's 15% drop. This is the lowest security response since measurement began.

CourTools Measure 1: Access and Fairness (cont.)

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

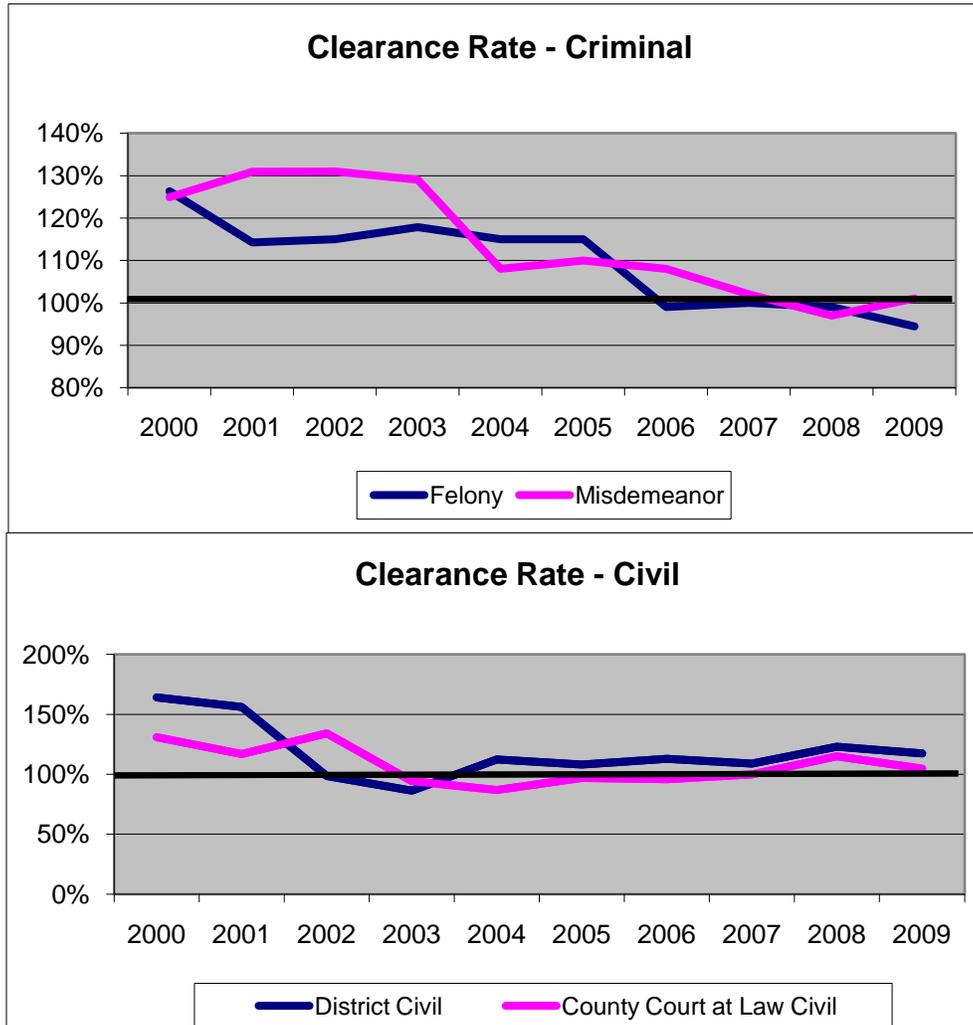


The overall index score for the Fairness portion of the survey was 78.35 (out of a possible 100), which is 4.3 points lower than the previous survey. For the second year in a row, the court was unable to meet the standard in all of the five questions of the fairness portion of the survey. Three of the questions remained relatively unchanged, while there were significant decreases in questions #2 (judge listened to my side of the story) and #5 (I know what to do next).

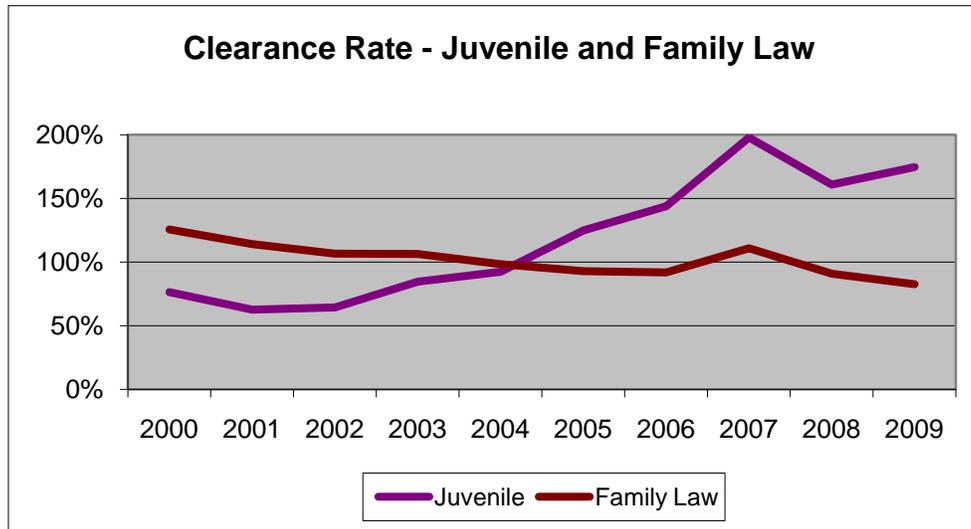
CourTools Measure 2: Clearance Rates

The clearance rate is one of four measures that provides a snapshot of the effectiveness of the case management practices of the Court.³ 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.*



³ 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 2009 clearance rates for all but two of the courts' case types were above 100 percent [District Court Civil (118%), County Court at Law Civil (105%), Misdemeanor (101%), and Juvenile (175%)]. However, the felony case type fell to 94%, which is the lowest rate since 1997. In addition, the Family Law case type fell for the second straight year to 83%, which is the lowest rate since 1999.

Overall, the Lubbock County Court system had 18,902 cases filed and disposed of 18,354 cases during calendar year 2009, which translates into a 97% clearance rate. These numbers translate into a 3.6% increase in case filings and a .7% decrease in dispositions compared with calendar year 2008. The number of felony filings were the second highest since measurement began in 1993 (increasing 12% from 2008), and the number of family law filings increased 17.4% from 2008 to the highest level since measurement began in 1993. All other case types experienced decreased numbers of filing in 2009.

Half of the Lubbock County clearance rates were higher than the 2009 statewide clearance rates of 98.6% for Felony, 101.8% for Misdemeanor, 96.9% for District Court Civil, 104.5% for County Court at Law Civil, 99.5% for Family Law and 100.3% for Juvenile. Felony, misdemeanor and family law clearance rates for Lubbock County fell below the state averages for those case types.

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 2009 meet the standards established by the Courts:

District Court Civil –

Level One: 90.2% were disposed within the 12-month standard
Level Two: 91.7% were disposed within the 18-month standard
Level Three: 91.8% were disposed within the 24-month standard

County Court at Law Civil –

Level One: 80% were disposed within the 12-month standard
Level Two: 90.5% were disposed within the 18-month standard
Level Three: 100% were disposed within the 24-month standard

Criminal –

Felony:

Level One – 67.1% were disposed within the 9-month standard
Level Two – 75.5% were disposed within the 12-month standard
Level Three – 0% were disposed within the 18-month standard

Misdemeanor: 44.4% were disposed within the 6-month standard

Family Law –

Level One: 79.6% were disposed within the 6-month standard
Level Two: 88.5% were disposed within the 9-month standard
Level Three: 100% were disposed within the 12-month standard

Juvenile⁴ -

Detention – 30.7% were disposed within the 15-day standard
Out of detention – 11.6% were disposed within the 30-day standard

⁴ 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 (6.4% of the caseload): 95.1% are within the 12-month standard
Level Two (73.6% of the caseload): 89.1% are within the 18-month standard
Level Three (20% of the caseload): 93.7% are within the 24-month standard

County Court at Law Civil –

Level One (61.8% of the caseload): 86.9% are within the 12-month standard
Level Two (37% of the caseload): 89% are within the 18-month standard
Level Three (1.2% of the caseload): 80% are within the 24-month standard

Criminal –

Felony:

Level One (66.4% of the caseload) – 69.2% are within the 9-month standard
Level Two (33.5% of the caseload) – 63.3% are within the 12-month standard
Level Three (0.1% of the caseload) – 50% are within the 18-month standard

Misdemeanor: 66.2% are within the 6-month standard

Family Law –

Level One (4.6% of the caseload): 80.5% are within the standard
Level Two (95.2% of the caseload): 81.8% are within the standard
Level Three (0.2% of the caseload): 100% are within the standard

Juvenile -

Detention –79.2% are within the 15-day standard
Out of detention –25.5% were disposed within the 30-day standard

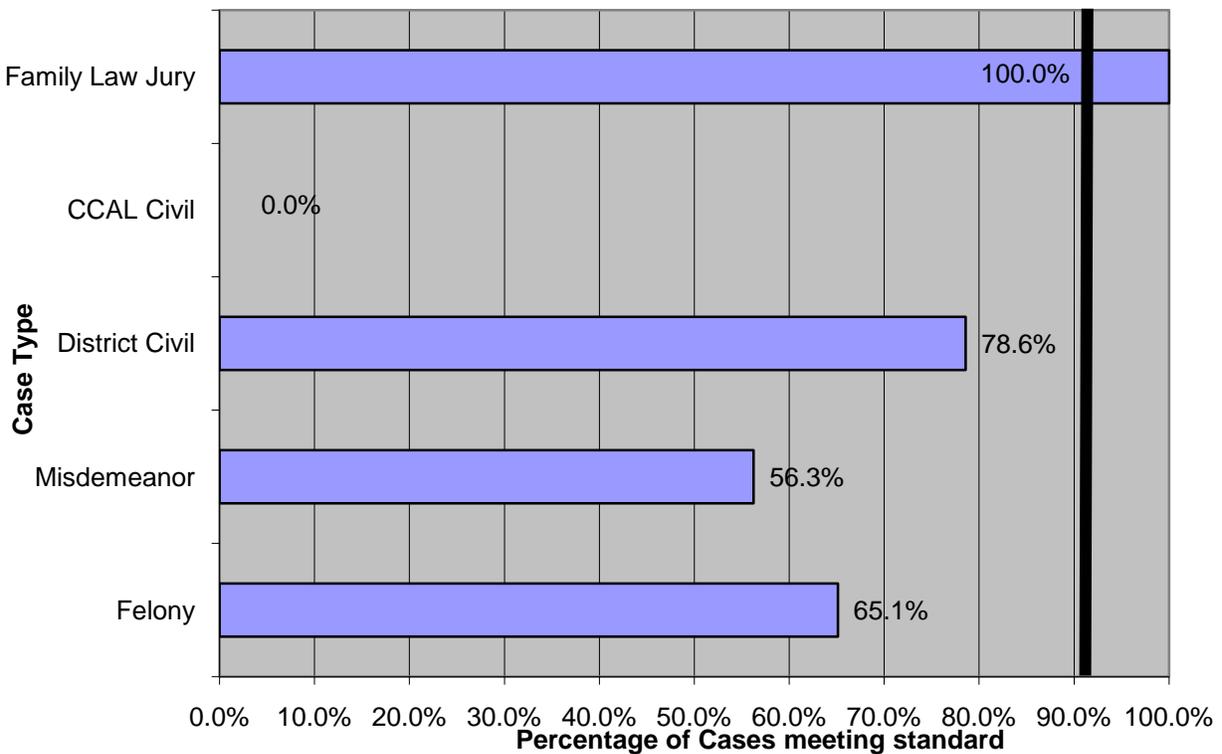
CourTools Measure 5: Trial Date Certainty

The Lubbock County Court system had 109 jury trials in 2009, down from 128 in 2008 (15% decrease). The criminal division of courts experienced a 22.7% decrease in jury trials (75 jury trials), while the civil division of courts experienced a 6.5% decrease in jury trials (29 jury trials). The family law division of the courts had an unprecedented number of jury trials in 2009 (5).

A testament to the case management and alternative dispute resolution practices of the court, just over 2% of the total cases filed were tried (Felony – 2.33%; Misdemeanor – 0.87%; District Civil – 2.11%; County Court at Law Civil – 0.56%; Family Law – 3.74%; Juvenile – 1.82%). 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.

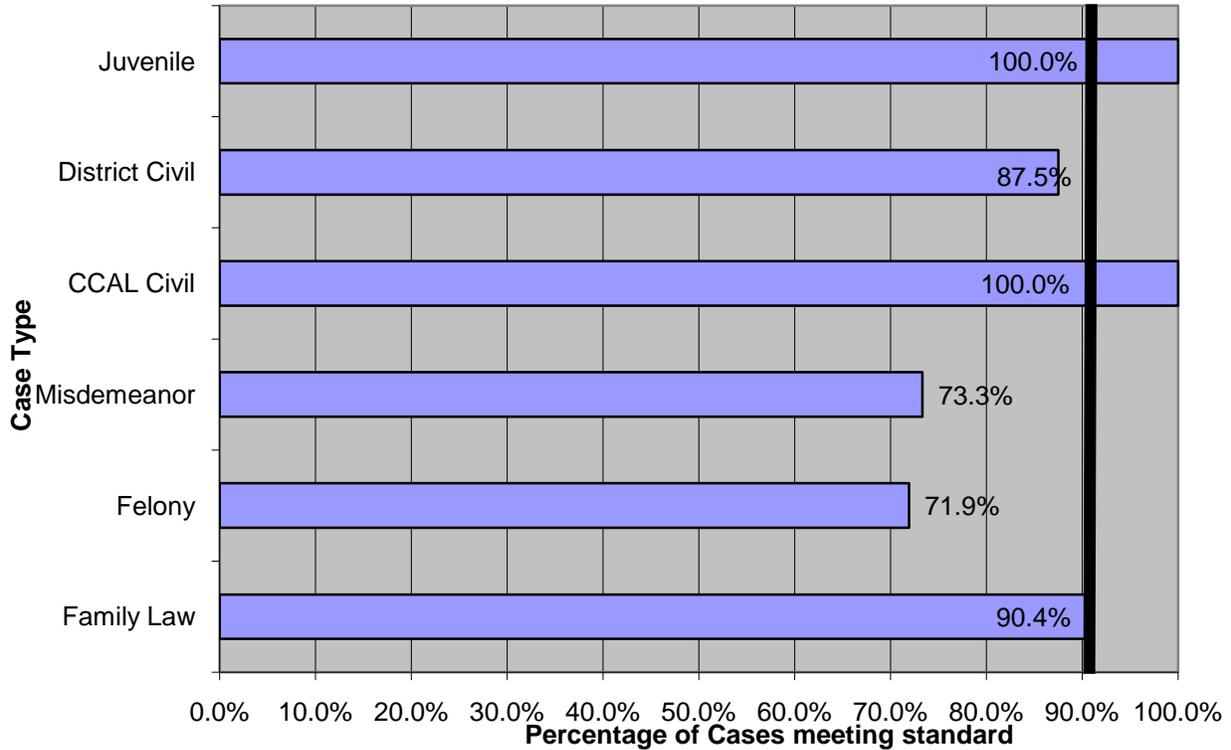
Jury Trial Date Certainty



CourTools Measure 5 (continued)

The Lubbock County Court system heard over 273 contested bench trials in 2009, an increase of 20.3% over 2008. Of those, 178 were family law trials, 72 criminal trials, 14 civil trials and 9 juvenile trials.

Bench Trial Date Certainty



The following chart reveals the average number of trial settings for each case type in 2009:

Case Type	Trial Type	Average Number of Settings
District Civil	Jury	1.8
	Bench	2.1
Co Court at Law Civil	Jury	3.0
	Bench	1.2
Felony	Jury	2.5
	Bench	2.0
Misdemeanor	Jury	2.8
	Bench	2.3
Family	Jury	1.4
	Bench	1.5
Juvenile	Bench	1.0

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 District Civil	100%	100%	100%
Closed District Civil	100%	100%	95%
Pending CCAL Civil	90%	50%	50%
Closed CCAL Civil	85%	75%	75%
Pending Felony	95%	100%	70%
Closed Felony	100%	100%	95%
Pending Misdemeanor	100%	100%	100%
Closed Misdemeanor	100%	95%	95%
Pending Family Law	95%	100%	100%
Closed Family Law	95%	95%	85%

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 from each case type, 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 2009, monetary penalty and collection data from 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	46.7%	66.4%
Felony	20.1%	26.3%
Total	33.6%	46.6%

As can be seen from the table above, just over a third of the assessed monetary penalty is paid through monetary means (down from half in 2008), while an additional 13% is satisfied through other means (down from a third in 2008), including jail and work programs. There was a significant drop from 2008 to 2009, much related to internal management issues during 2009.⁵ This internal issue has drastically affected the courts' ability to enforce its orders, with less than half of the ordered amounts being satisfied. It is hoped that recent management changes within the department and a departmental name change (from Collections to Judicial Compliance) will positively affect the 2010 compliance rate.

⁵ It should be noted that the compliance rate includes both those cases referred to the Judicial Compliance Department and those cases not referred to the Judicial Compliance Office (typically prison sentences). The preliminary compliance rate for cases referred to the Department were: 67.5% (misdemeanor) and 55.8% (felony), and the overall compliance rate was: 79.2% (misdemeanor) and 66.5% (felony).

CourTools Measure 8: Effective Use of Jurors

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 & Utilization Measurement	Percentage
Jury Yield	28.3%
Percent Selected as Jurors	9.0%
Percent Sent for Jury Selection	34.1%
Percent Sent to Courtroom and Utilized	66.1%

As can be seen from the table above, the Courts are not meeting the standard in any of the measurements of CourTool 8. The jury yield of 28.3% is well below the performance goal of 40 percent. Comparing the percent selected as jurors (9.0% versus the performance goal of 30%), the percent sent for jury selection (34.1% versus the performance goal of 90%), and the percent sent to the courtroom and utilized (66.1% 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).

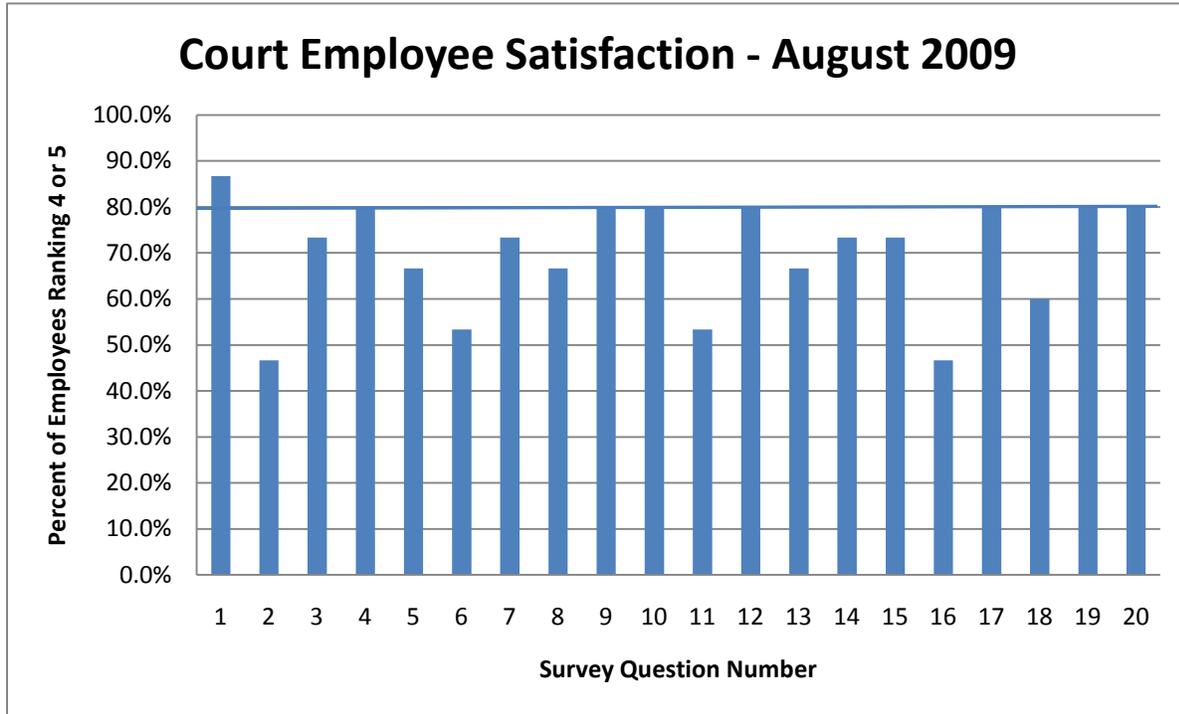
Below is an overview of the Court Employee Satisfaction survey that was taken in August 2009. The survey response rate was 56%. The survey is repeated bi-annually to track historical employee satisfaction.

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.	4.5
2. I am kept informed about matters that affect me.	3.3
3. I have the resources (<i>materials, equipment, supplies, etc</i>) necessary to do my job well.	3.7
4. I am able to do my best every day.	4.1
5. Communication within my department is good.	3.7
6. In the last month, I was recognized and praised for doing a good job.	3.5
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.	3.7
9. The court is respected in the community.	3.9
10. My coworkers work well together.	3.9
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.	3.9
14. I feel valued by my supervisor based on my knowledge and contribution to my department.	3.8
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.	3.3
17. I enjoy coming to work.	4.0
18. My coworkers care about the quality of services and programs we provide.	3.7
19. I am treated with respect.	4.1
20. I am proud that I work in the court.	<u>4.3</u>
Overall Index Score = 77.3	

CourTools Measure 9 (continued)

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



The Courts experienced drops in Court Employee Satisfaction in 14 of the 20 questions on the survey and now only meets the standard in eight of the twenty areas of inquiry. There were significant drops in questions 2, 3, 4, 5 and 9. While this is a major concern for the Courts, six questions increased in satisfaction levels, with significant increases in questions 10, 15, 18 and 19.

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	2009 Cost per Case
District Civil	\$363.96
County Court at Law Civil	\$138.25
Felony Criminal	\$140.20
Misdemeanor Criminal	\$82.03
Juvenile	\$120.72
Family Law	\$79.47

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)⁶:

Case Types	Average Minutes per case ⁷	Weighted Cost per case per minute
District Civil	60.7	\$6.80
Felony Criminal	64.3	\$2.47
Juvenile	54	\$2.54
Family Law	42.5	\$2.12

⁶ Only District Court cases were examined by the Texas Weighted Caseload Study.

⁷ 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. The Courts should work with the Lubbock County Bar Association to implement the online document assembly approved in a recent grant as a method to achieve this strategy.

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. *(continued from 2007 report)*

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. *(continued from 2007 report)*

Fairness:

Strategy 4: Judges should review current courtroom practices to determine if there are ways to improve the impression of litigants that they are treated more fairly. *(continued from 2007 report)*

Strategy 5: The Courts should review practices regarding notifying litigants of the next steps in case processing as litigants leave the courtroom. *(continued from 2007 report)*

Measure 2: Clearance Rates

The 2009 report is not the first year to see clearance rates below 100%. However, this report shows that the clearance rates for the felony and family law case types have fallen considerably. This trend must be reversed in order to deter a backlog from developing. In considering methods on how to reverse the trend, the Courts should consider the significant increase in felony and family law filings.

Strategy 6: The Courts should evaluate the allocation of judicial resources to see if there are strategies that could allow movement of more cases in the family law and felony caseloads.

Strategy 7: To assist the Courts with Strategy 6 above, the Courts should consider seeking outside technical assistance to review the caseflow management processes in Lubbock County.

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

These measures produced fairly positive results with most case types moving in the appropriate direction.

- The District Court Civil case type remains measures remain very high and improved overall from 2008 (currently 9.6% of all pending cases are in backlog status, down from 10.3% in 2008).
- The County Court at Law Civil case type measures resulted in significant improvements, with dramatic increases in the number of pending cases meeting the standard. This measurement reveals the efforts made by the County Court at Law to address the backlog of cases in that court (currently 12.4% of all pending cases are in backlog status, down from 23% in 2008).
- The Felony case type provides some cause for concern in these measures. The percentage of pending cases still within the guidelines fell for all felony cases, with a significant drop in the 1st and 2nd degree felony cases (which makes up approximately 33% of the pending docket). That drop is coupled with a significant increase in the age of the cases disposed for those same cases. This indicates that the courts moved newer 1st and 2nd degree cases but needs to focus on the older cases that are now in backlog. That being said, approximately 33% of all pending felony cases are now in backlog status, up from 28.8% in 2008.
- The Misdemeanor case type measures experienced tremendous increases; however, there are still a significant number of cases being disposed over the guidelines. It should be noted that an additional 17.7% of cases are being moved within the 60 days after the guidelines, suggesting that efforts could be made to dramatically increase this measurement. Currently, 33.8% of all pending cases are in backlog status, down from 41.6% in 2008.
- The Family Law case type saw positive movement as well, with the majority of the caseload improving to closer to the guidelines. However, with the low

clearance rate for family law cases in 2009, it should be expected that this number will decrease if changes are not made to correct that issue. Currently, 19.6% of all pending cases are in backlog status, down from 20.8% in 2008.

- The Juvenile case type saw dramatic improvements over 2008, with cases in detention and out of detention showing significant improvements. This reflects efforts made over the last year to address the juvenile backlog and to expedite cases where the child is in detention (currently, there are 74.5% of non-detention and 20.8% of juvenile cases in backlog, compared with 83.3% and 84.6% in 2008, respectively).

As can be seen from the bullets above, it appears that the Courts are working successfully on reducing the backlog for most case types. This is a direct result of a recommendation from the 2007 report to focus on that backlog. 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 8: In conjunction with the Lubbock County Information Technology 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. *(continued goal from 2005 report)*

Strategy 9: The Courts should consider establishing local guidelines for the disposition of juvenile cases. *(continued from 2007 report)*

Strategy 10: 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. *(continued from 2007 report)*

Strategy 11: At the suggestion of the National Center for State Courts, the Courts should re-evaluate the performance goal for CourTools 3 and 4 and consider lowering the goal to a level that is possibly achievable (i.e. 95%).

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 experienced mixed results with respect to jury trial date certainty; however, no case types met the established guidelines. There were mixed results regarding trial date certainty in bench trials; however, the guidelines were met by the County Court at Law Civil and Family Law case types.

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

Strategy 12: The Courts will draft a consistent, written trial continuance policy that will assist the Courts in controlling continuances. *(continued goal from 2005 report).*

Strategy 13: 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).*

Strategy 14: In conjunction with the Lubbock County Information Technology department, the Courts will establish an automated monitoring method for court staff and judges to see number of trial settings for cases easily for each case. *(continued from 2008 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. This year the review of files was taken by the Clerks' Offices, as suggested in Strategy 14 from the 2008 report. However, the study only reviewed a total of small number of files for each case type.

Strategy 15: 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. *(continued from 2007 report).*

Measure 7: Collection of Monetary Penalties

The overall compliance rate this year shows that the Judicial Compliance Department (formerly the Collections Department) struggled in 2009 to collect the amounts ordered by the Court. Comparing the compliance rates from last year to this year shows a significant drop in both misdemeanor and felony collection rates.⁸ Neither compliance rate for felonies and misdemeanors meets the established goal of 100%. It should be noted that the actual dollars collected in the sample of cases was just 46.7% for misdemeanors and 20.1% for felonies (total of 33.6% combined). 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 results 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 16: The Courts will monitor the overall compliance rate monthly and will work with the Judicial Compliance Department to limit the amount of time offenders are spending in jail to sit out costs. (continued from 2008 report)

Strategy 17: The Courts will work with the District Clerk's Office and the Judicial Compliance Department to institute a program to collect court costs, fines and fees from Inmate Trust Funds as allowed by law.

Measure 8: Effective Use of Jurors

CourTools Measure 8 has revealed a significant area for improvement in the jury system in Lubbock County. The following strategies will be undertaken by the Courts:

Strategy 18: 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 19: 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 20: 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

⁸ A management change was made in the Fall of 2009, which seems to have had a positive impact upon the compliance rate. The data from the last quarter and indications from data in 2010 reveal that the compliance rate should increase for 2010.

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 21: 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)*

Strategy 22: 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. *(continued from 2006 report)*

Measure 9: Court Employee Satisfaction

For the second year in a row, the overall index score for Court Employee Satisfaction saw a drop (2.5 points on a 100 point scale). Over half of the questions saw a drop from previous years, indicating increasing dissatisfaction among our employees. Communication continues to be a concern for employees; however, significant increases occurred in four questions – two dealing with coworkers and two dealing with respect.

Strategy 23: 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 24: 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. Four out of six of the case types saw an increase in cost per case, with only the family law and felony case types dropping in cost per case. Since these two case types experienced the biggest issues in measurement in 2009, it could be necessary to re-evaluate the resources being allocated to those two case types.

In addition to the basic cost per case measurement, the weighted caseload data reveals the court is spending significantly more on the District Civil case type than any other case type (over 2.5 times as much).

Strategy 25: The Courts should review the case and staff allocation to ensure that all case types receive adequate resources. *(continued goal from 2007 report).*

General Strategies

Strategy 26: The Courts will work with the Lubbock County Information Technology 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 27: To the extent 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 28: The Courts should attempt to produce CourTools data on a monthly basis for those measures susceptible to such practice. *(continued from 2008 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).*

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 (1998-2009)
Les Hatch (2009-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

MARCH 1, 2010

