

Lubbock County Judicial Branch

DISTRICT COURTS and  
COUNTY COURTS AT LAW

**“CourTools Report II:  
Continuing Accountability through  
Measurement”**

*January 1, 2006 - December 31, 2006*

Lubbock County Board of Judges &  
Administrative Office of the Courts

## **Acknowledgements**

Many people contributed to this report. The Board of Judges and Director of Court Administration wish to thank each one of them, but especially Regan Bullard, Assistant Director of Court Administration, and Shane Bebout, Assistant to the Director of Court Administration, who worked tirelessly compiling data for 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.

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# Introduction to the 2006 Report

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

Last summer, the Lubbock County Board of Judges set out on a new path to accountability, allowing the public to use objective data to “judge the judges.” That data was released in a report entitled “Accountability Through Measurement,” which received national acclaim from the National Center for State Courts<sup>1</sup> and in a blog<sup>2</sup> on court performance measurement. Now, one year later, the Courts attempt to see the progress that has been made between 2005 and 2006. The 2005 report contained sixteen strategies to address deficiencies revealed in the measures. At this point, eleven of the sixteen strategies have either been fully implemented or are in progress. As you will see from the report, the strategies appear to have had a positive influence overall in the measurements.

The Courts continue to 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. The report continues the transparency of the Lubbock County Judiciary, so that the public whom we serve can hold us accountable.

With 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 2006. This year, the report includes nine of the ten CourTool measures, up from seven last year.

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 2006. Without the judges and employees of the Court, none of what will be reported here would have been possible. In addition to the Court staff’s efforts, the Board of Judges extends gratitude to the Lubbock County Information Services Department and Ki Corp for their tremendous efforts in assisting the Courts by modifying the case management software to allow institutionalization of these improvements.

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

Respectfully submitted,

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<sup>1</sup> Letter from Dan Hall and Brian Ostrom, July 31, 2006, NCSC. (“The report is truly impressive, for it reflects a serious commitment to professional court management and service to the public. Your courts are among the very first in the nation to have successfully implemented almost all of the balanced scorecard of performance measures...you have set an excellent example for other courts to follow.”)

<sup>2</sup> “Friendships in the Workplace Good for Court Performance,” From [made2measure.blogspot.com](http://made2measure.blogspot.com), August 14, 2006. (“Courts throughout the country – including Maricopa County Superior Court in Phoenix, the San Joaquin County Superior Court and the San Mateo County Superior Court in California, the Lubbock County Judicial Branch in Texas, and the Morrow County Court of Common Pleas in Ohio – increasingly are using Measure 9 of the CourTools...to make improvement in their programs and services and to change the way they do business.”)

# 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."

This report will focus on nine of the measures (1, 2, 3, 4, 5, 7, 8, 9 and 10). CourTool 6 was not completed due to its complexity and the time required to complete the measure.

## Trends in Lubbock County District and County-Level Courts

CourTool Measure	Trend	Change (2005 - 2006)	Difference (2005 - 2006)	Meets Performance Goal
<b>CourTool 2: Clearance Rate</b>				
District Civil	↑	+5%	108% to 113%	Yes
County Court at Law Civil	↓	-1%	97% to 96%	No
Felony Criminal	↓	-16%	115% to 99%	No
Misdemeanor Criminal	↓	-2%	110% to 108%	Yes
Family Law	↓	-1%	93% to 92%	No
Juvenile	↑	+19%	125% to 144%	Yes
<b>CourTool 3: Time to Disposition</b>				
District Civil				
Level 1	↓	-.3%	82.9% to 82.6%	No
Level 2	↑	+9.5%	86.7% to 96.2%	No
Level 3	↑	+3.3%	84.2% to 87.5%	No
County Court at Law Civil				
Level 1	↓	-6.2%	95.0% to 88.8%	No
Level 2	↓	-2.7%	100% to 97.3%	No
Level 3	unchanged	unchanged	100% to 100%	Yes
Felony Criminal <sup>3</sup>	↑	+16%	73.5% to 89.5%	No
Misdemeanor Criminal	↑	+8.5%	57.9% to 66.4%	No
Family Law				
Level 1	↑	+20.9%	56.0% to 76.9%	No
Level 2	↑	+10.5%	76.3% to 86.8%	No
Level 3		n/a	100% to n/a <sup>4</sup>	n/a

<sup>3</sup> Assuming that all felony criminal cases are level two.

<sup>4</sup> There were no level three family law cases in the 2006 sample.

<b>CourTool 4: Age of Active Pending Caseload</b>				
District Civil				
Level 1	↑	+7.2%	79.5% to 86.7%	No
Level 2	↑	+8.8%	78.0% to 86.8%	No
Level 3	↑	+8.6%	89.9% to 98.5%	No
County Court at Law Civil				
Level 1	↓	-1.8%	94.6% to 92.8%	No
Level 2	↑	+1.1%	92.3% to 93.4%	No
Level 3	unchanged	unchanged	100% to 100%	Yes
Felony Criminal <sup>5</sup>	↑	+1.8%	85.4% to 87.2%	No
Misdemeanor Criminal	↑	+3.6%	73.3% to 76.9%	No
Family Law				
Level 1	↑	+8.6%	62.0% to 70.6%	No
Level 2	↑	+1.5%	80.5% to 82.0%	No
Level 3	unchanged	unchanged	100% to 100%	Yes
<b>CourTool 5: Trial Date Certainty</b>				
<i>Jury Trials:</i>				
District Civil	↓	-3.3%	83.3% to 80.0%	No
County Court at Law Civil	↑	+33.3%	66.7% to 100.0%	Yes
Felony Criminal	↓	-24%	77.3% to 53.3%	No
Misdemeanor Criminal	↓	-4.8%	50.0% to 45.2%	No
<i>Bench Trials:</i>				
Civil	↑	+17%	70.0% to 87.0%	No
Felony Criminal	↑	+10.3%	89.7% to 100.0%	Yes
Misdemeanor Criminal	↓	-16.7%	50.0% to 33.3%	No
Family	↑	+3%	74.0% to 77.0%	No
<b>CourTool 9: Court Employee Satisfaction (overall index score)</b>	↑	+6.0	73.9 to 79.9	No
<b>CourTool 10: Cost per Case</b>				
District Civil	↑	+\$31.90	\$290.65 - \$322.55	n/a
County Court at Law Civil	↓	-\$1.02	\$103.14 - \$102.12	n/a
Felony Criminal	↑	+\$2.68	\$116.28 - \$118.96	n/a
Misdemeanor Criminal	↓	-\$6.98	\$66.31 - \$59.33	n/a
Family	↓	-\$0.45	\$70.36 - \$69.91	n/a
Juvenile	↓	-\$24.95	\$148.00 - \$123.05	n/a

<sup>5</sup> Assuming that all felony criminal cases are level two.



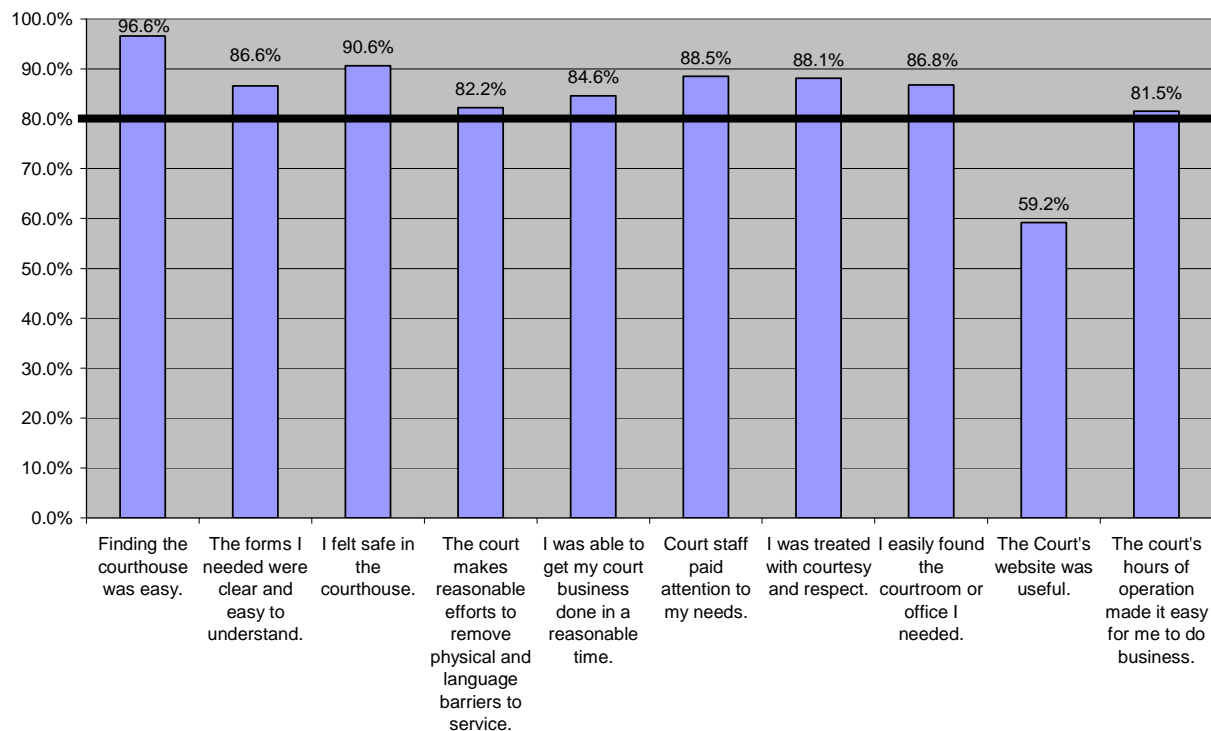
# CourTools Measure 1: Access and Fairness

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

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

The survey was given on May 31, 2007, a typical day at the courthouse. Surveys were collected at the east and west public entrances of the building. One hundred eighty-eight surveys were received from those individuals exiting the courthouse.

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

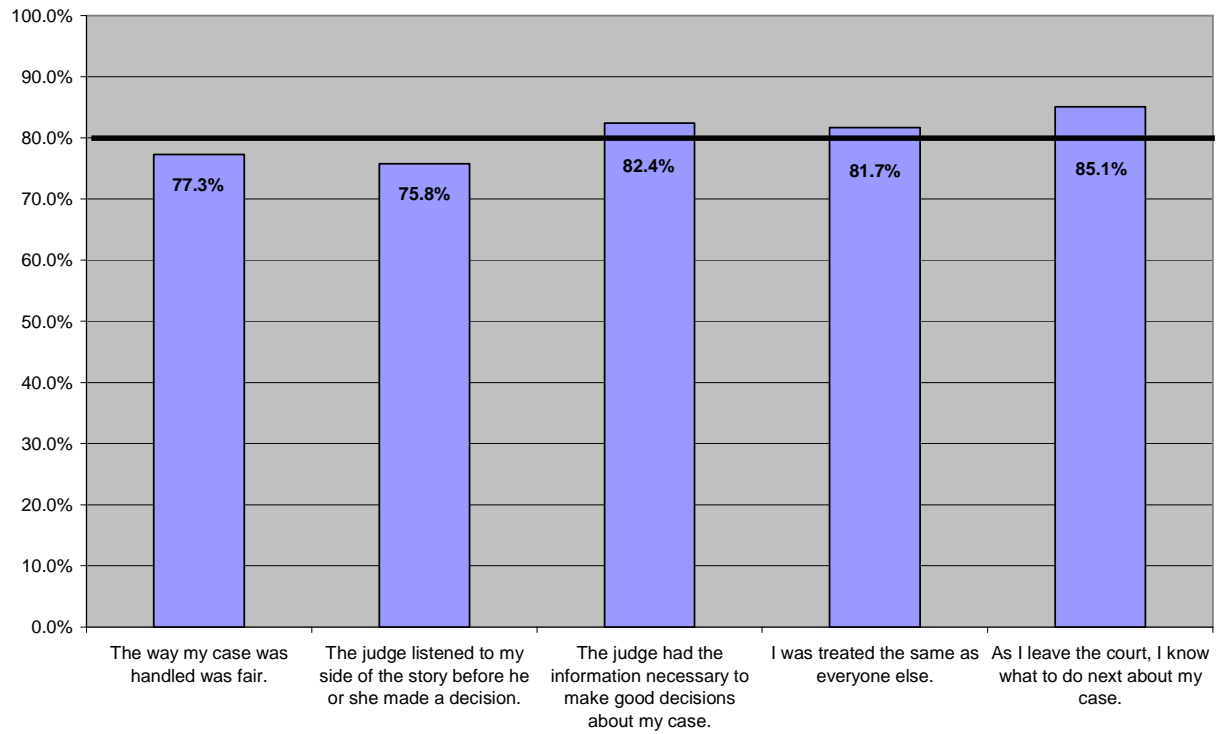


The overall index score for the Access portion of the survey was 86.2 (out of a possible 100). It is apparent that the courts have met the goal in most areas of the survey. The usefulness of the Court's website sticks out as an area where improvement is needed.<sup>6</sup>

<sup>6</sup> It should be noted that only 98 of the 188 (52%) surveys collected answered the question regarding the website usefulness. This might suggest that, in addition to the fact that users do not find the website useful, many court users have not visited the website at all. The Courts' website is [www.co.lubbock.tx.us](http://www.co.lubbock.tx.us)

# CourTools Measure 1: Access and Fairness (cont.)

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

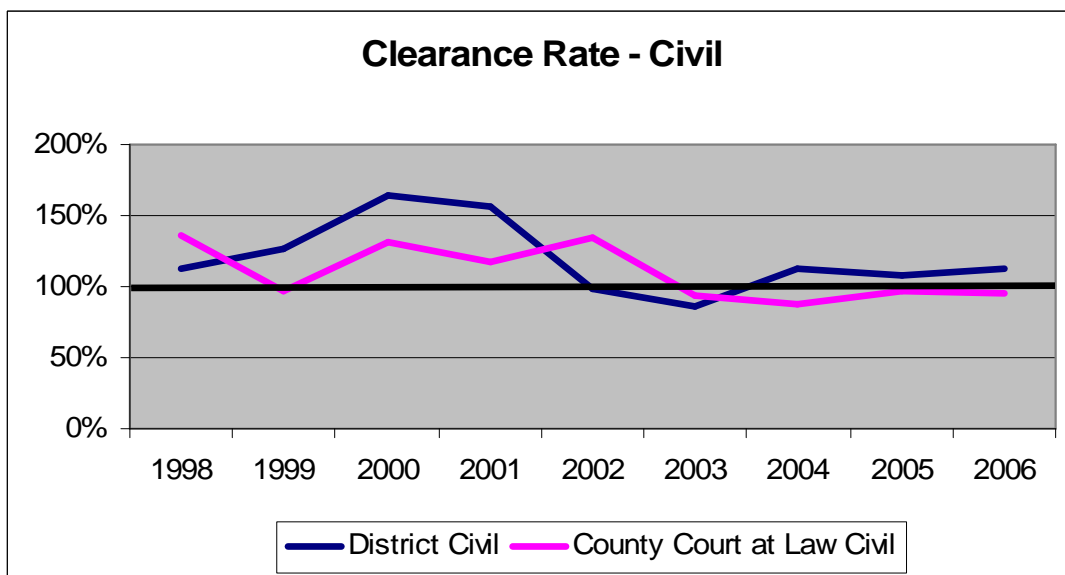
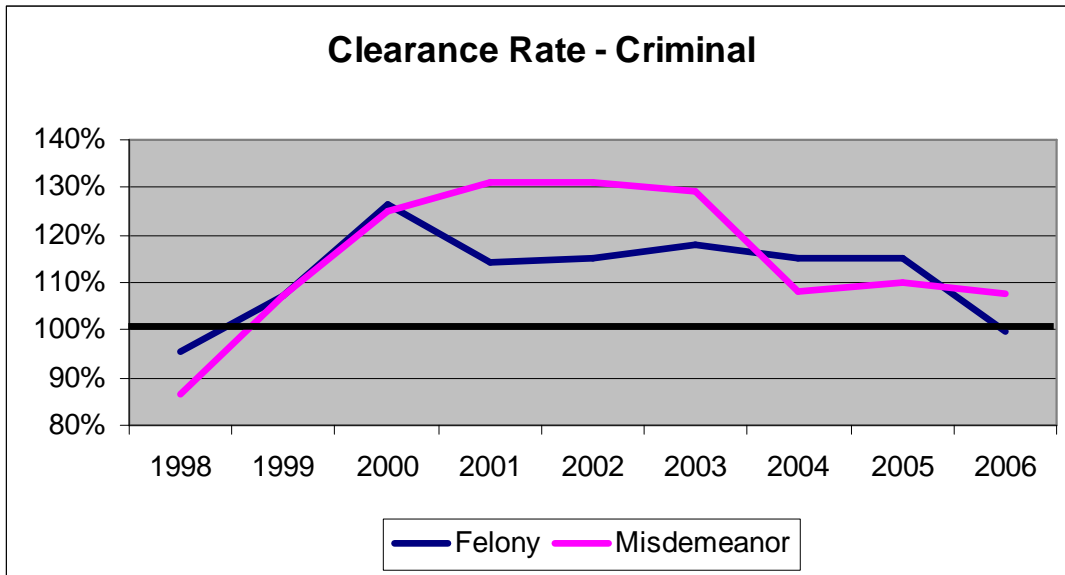


The overall index score for the Fairness portion of the survey was 84.4 (out of a possible 100). The court was able to meet the standard in three of the five questions of the fairness portion of the survey. The other two questions (questions #1 and #2) were close to meeting the standard (77.3% and 75.8%, respectively).

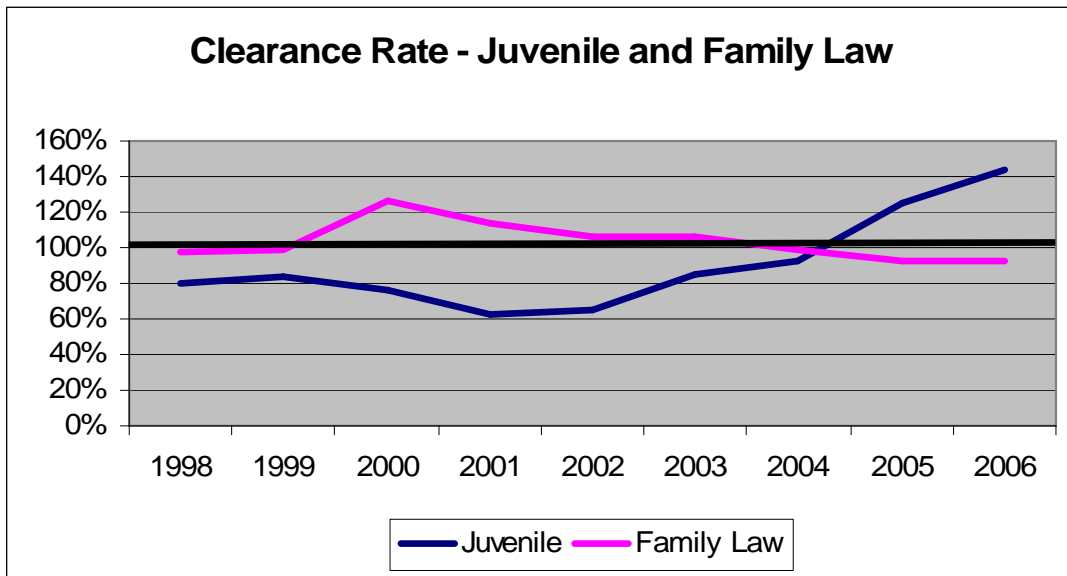
## CourTools Measure 2: Clearance Rates

The clearance rate is one of four measures that provides a snapshot of the effectiveness of the case management practices of the Court<sup>7</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>7</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 2006 clearance rates for Felony (112%), Misdemeanor (123%), District Court Civil (113%) and Juvenile (144%) were all above 100 percent. The Family Law (92%) and County Court at Law Civil (96%) clearance rates were slightly below the benchmark in 2006.

Overall, the Lubbock County Court system had 19,408 cases filed and disposed of 21,188 cases during calendar year 2006, which translates into a 109% clearance rate.

The Lubbock County clearance rates were significantly higher than the 2006 statewide clearance rates of 94.3% for Felony, 96.5% for Misdemeanor, 84.5% for District Court Civil (including Family Law), 86.8% for County Court at Law Civil and 93.5% for Juvenile.

## CourTools Measure 3: Time to Disposition

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

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

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

Civil	Case Processing Standard
Level One (monetary value less than \$50,000 – Tex. R. Civ. P. 190.1)	<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>

Criminal	Case Processing Standard
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>

Family Law	Case Processing Standard
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 2006 meet the standards established by the Courts:

### *District Court Civil –*

**Level One: 82.6% were disposed within the 12-month standard**

**Level Two: 96.2% were disposed within the 18-month standard**

**Level Three: 87.5% were disposed within the 24-month standard**

### *County Court at Law Civil –*

**Level One: 88.8% were disposed within the 12-month standard**

**Level Two: 97.3% were disposed within the 18-month standard**

**Level Three: 100% were disposed within the 24-month standard**

### *Criminal –*

#### **Felony<sup>8</sup>:**

*If all cases are Level One – 78.5% were disposed within the standard*

*If all cases are Level Two – 89.5% were disposed within the standard*

*If all cases are Level Three – 93.9% were disposed within the standard*

**Misdemeanor: 66.4% were disposed within the standard**

### *Family Law –*

**Level One: 76.9% were disposed within the standard**

**Level Two: 86.8% were disposed within the standard**

**Level Three: No level three cases in the sample**

### *Juvenile<sup>9</sup> -*

**Assuming all in detention – 19.2% were disposed within the standard**

**Assuming all out of detention – 42.5% were disposed within the standard**

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<sup>8</sup> Local Rule 5.15(B) prescribes standards for felonies based upon a Level system. However, the Local Rules do not currently distinguish among the levels in practice. A proposed revision to the rules will address this deficiency. However, because of the inability to distinguish among the levels currently, the measure will be calculated using each level's standard as if all cases were that level.

<sup>9</sup> 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: 86.7% are within the 12-month standard**

**Level Two: 86.8% are within the 18-month standard**

**Level Three: 98.5% are within the 24-month standard**

*County Court at Law Civil –*

**Level One: 92.8% are within the 12-month standard**

**Level Two: 93.4% are within the 18-month standard**

**Level Three: 100% are within the 24-month standard**

*Criminal –*

**Felony<sup>10</sup>:**

*If all cases are Level One – 80.7% are within the standard*

*If all cases are Level Two – 87.2% are within the standard*

*If all cases are Level Three – 93.7% are within the standard*

**Misdemeanor: 76.9% are within the standard**

*Family Law –*

**Level One: 70.6% are within the standard**

**Level Two: 82.0% are within the standard**

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

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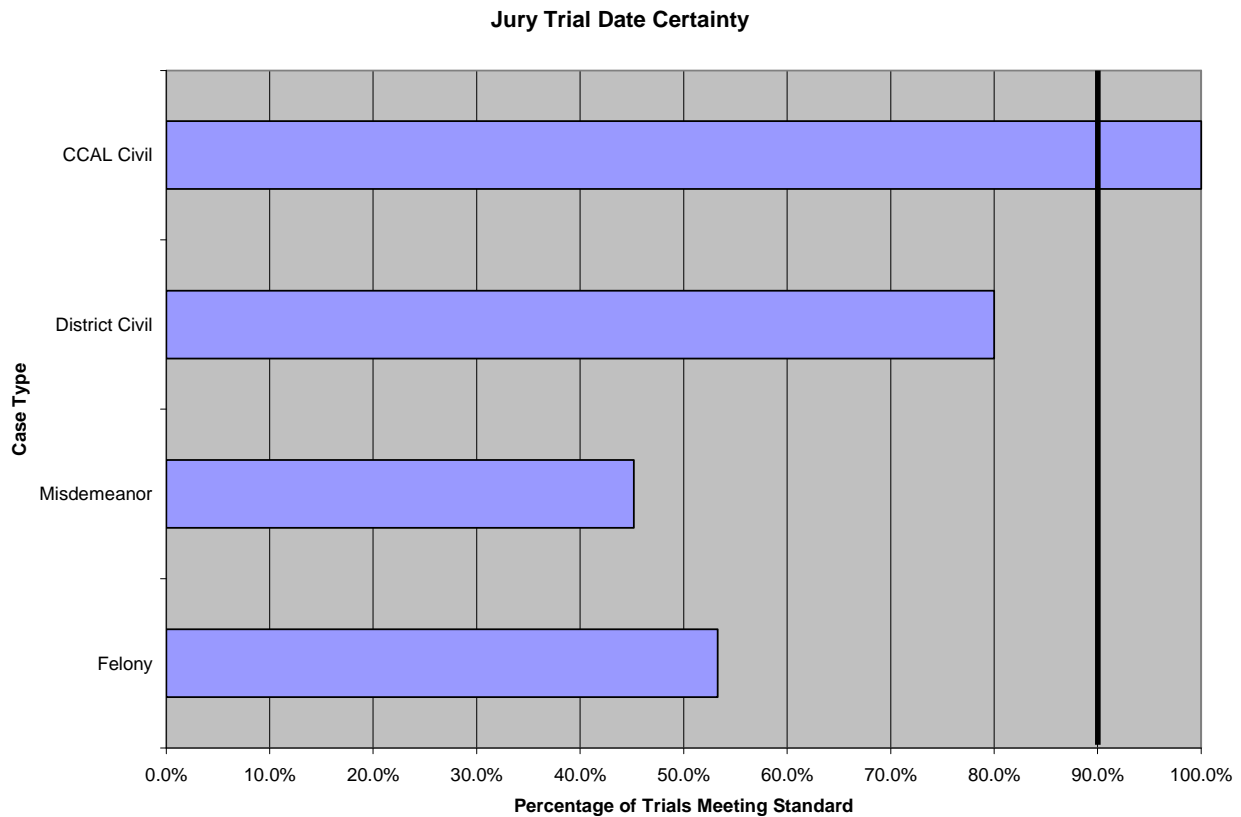
<sup>10</sup> Local Rule 5.15(B) prescribes standards for felonies based upon a Level system. However, the Courts do not currently distinguish among the levels in practice. Therefore, the measure will be calculated using each level's standard as if all cases were that level.

## CourTools Measure 5: Trial Date Certainty

The Lubbock County Court system had 128 jury trials in 2006, which reflects a 6% decrease in jury trials from 2005 to 2006. The criminal division of courts experienced a 3% decrease in jury trials (102 jury trials), while the civil division of courts experienced a 13% decrease in jury trials (26 jury trials).

While the statistics show an overall decrease in number of jury trials from 2005 to 2006, the total number of trials and the number of criminal trials still increased over 2004 (33% and 36%, respectively). The sustained high number of 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.

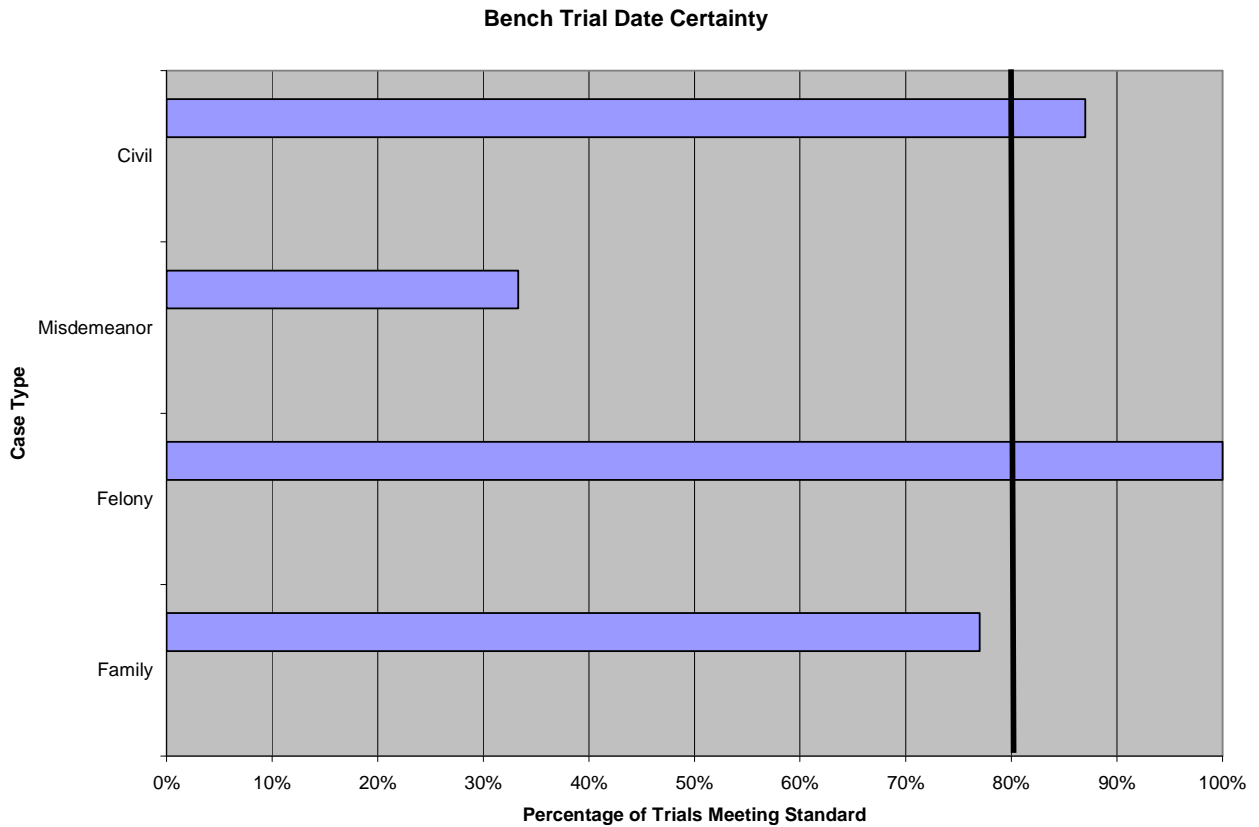
***PERFORMANCE GOAL: It is a goal of the Courts that 90% of cases disposed by trial should actually go to trial on the first or second trial date.***





## CourTools Measure 5 (continued)

The Lubbock County Court system heard over 228 contested bench trials in 2006<sup>11</sup>. Of those, 161 were family law trials, 13 criminal trials and 54 civil trials.



The following chart reveals the average number of trial settings for each case type in 2006:

Case Type	Trial Type	Average Number of Settings
District Civil	Jury	2.2
Co Court at Law Civil	Jury	1.6
	Bench	1.4
Felony	Jury	2.8
	Bench	1.4
Misdemeanor	Jury	3.5
	Bench	3.1
Family	Jury	3.0
	Bench	1.9

<sup>11</sup> The total number of bench trials excludes data from one court that was unavailable.

## 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 2006, monetary penalty and collection data from fifty randomly selected misdemeanor cases was collected. The collection data included actual dollars paid, as well as jail conversion and work conversion.<sup>12</sup>

<b>Percent compliance through monetary collections</b>	<b>Overall compliance (including jail &amp; work conversion)</b>	<b>Average number of days to satisfy ordered collection</b>
78%	<b>93%</b>	30.2 days

As can be seen from the table above, just over three-quarters of the assessed monetary penalty is paid through monetary means, while an additional 15% is satisfied through other means, including jail and work programs. While the overall compliance rate of 93% is lower than the established goal, it shows that the courts' orders are being enforced in most cases. The average number of days to satisfaction of the penalty is also lower than expected.<sup>13</sup>

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<sup>12</sup> In the sample of cases, there were no orders containing restitution. Therefore, the compliance rate for restitution and its disbursement cannot be calculated.

<sup>13</sup> Texas statute provides a sixty day threshold before the case can be referred to an outside collection agency. One would expect to see most cases nearing that deadline.

## CourTools Measure 8: Effective Use of Jurors<sup>14</sup>

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

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

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

Juror Yield Computation Worksheet for All Days during the period from January 1, 2005 to June 30, 2006

<b>DATA ELEMENT</b>	<b>TOTAL ON MONDAYS</b>	<b>TOTAL ON TUESDAYS</b>	<b>TOTAL ON WEDNESDAYS</b>	<b>TOTAL - ALL DAYS</b>
Summonses Sent	42,510	5,747	21,219	71,226
Postponed to Serve this Period	6,648	1,156	3,328	11,370
Told Not to Report	0	0	0	0
No Show	6,745	1,111	3,296	11,764
Undeliverable	9,143	1,094	4,566	15,040
Disqualified	4,042	501	2,019	6,697
Exempt	8,911	1,180	4,370	14,742
Excused	142	17	140	308
Postponed to Future	7,621	1,127	3,699	12,759
Total Potentially Available to Serve	49,158	6,903	24,547	82,596
Total Not Available to Serve	36,613	5,030	18,090	61,310
Total Serving	12,554	1,873	6,457	21,286
<b>Juror Yield</b>	<b>25.5%</b>	<b>27.1%</b>	<b>26.3%</b>	<b>25.8%</b>
<i>Standard Deviation</i>	<i>7.02%</i>	<i>8.08%</i>	<i>6.41%</i>	<i>6.84%</i>

<sup>14</sup> A lengthy report analyzing the effective use of jurors utilizing CourTool Measure 8 was released in May 2007. The full report can be accessed online at

[http://www.ncsconline.org/D\\_ICM/programs/cedp/papers/Research\\_Papers\\_2007/Slayton\\_JurorUtilization.TX.pdf](http://www.ncsconline.org/D_ICM/programs/cedp/papers/Research_Papers_2007/Slayton_JurorUtilization.TX.pdf).

## CourTools Measure 8 (continued)

Juror Utilization for All Days during the period from January 1, 2005 to June 30, 2006

<b>Juror Utilization Measurement</b>	<b>Percentage</b>
Percent Selected as Jurors	12.3%
Percent Sent for Jury Selection	49.7%
Percent Sent to Courtroom and Utilized	65.5%

As can be seen from the two tables above, the Courts are not meeting the standard in any of the measurements of CourTool 8. The jury yield of 25.8 percent is well below the performance goal of 40 percent. Comparing the percent selected as jurors (12.3% versus the performance goal of 30%), the percent sent for jury selection (49.7% versus the performance goal of 90%), and the percent sent to the courtroom and utilized (65.5% 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).***

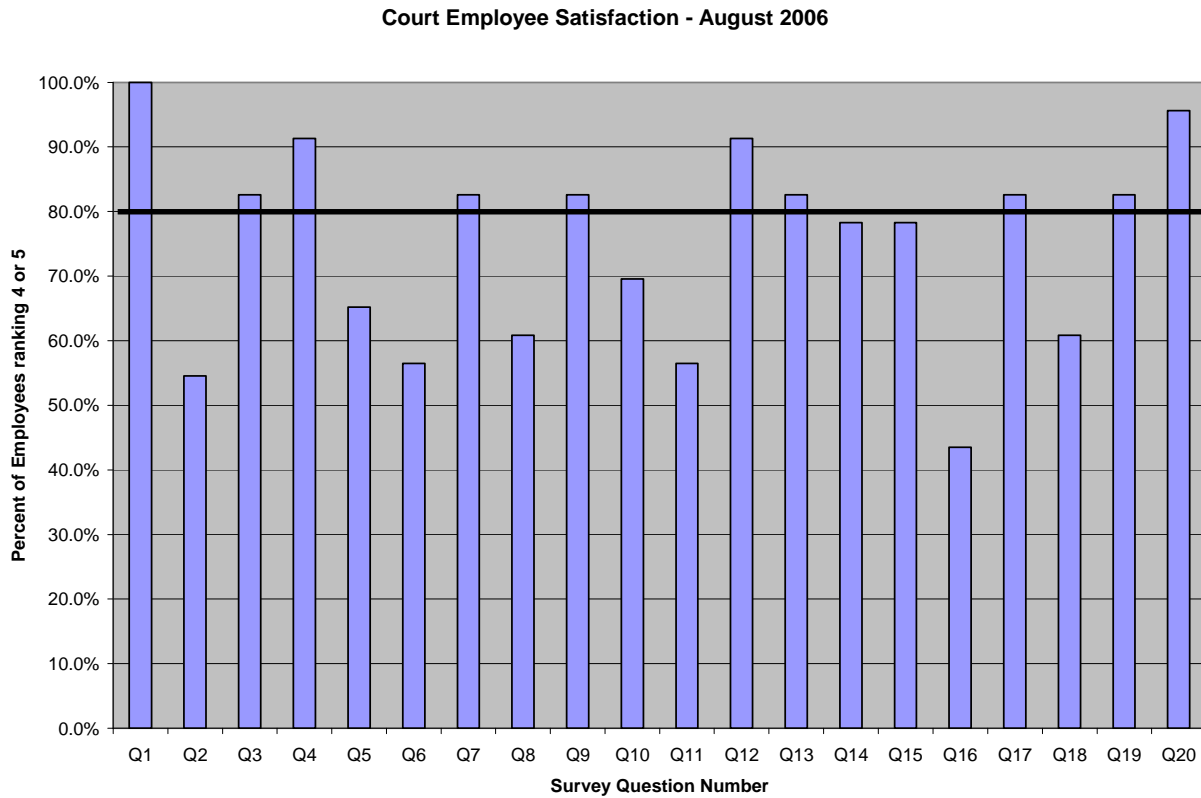
Below is an overview of the Court Employee Satisfaction survey that was taken in August 2006. The survey response rate was 95% for the court administrative staff (survey administered online) and a 40% survey response for the court reporters (survey administered in paper format) for an overall response rate of 77%. A memo summarizing the findings was presented to the Court and efforts have been made to address the issues involved. The survey will be repeated each August to track historical employee satisfaction.

### Overall Rating of Employee Satisfaction

<b>Court Employee Satisfaction Survey</b>		<b>Average</b>
<b>(1=Strongly Disagree, 5=Strongly Agree)</b>		<b>Scores</b>
1.	I understand what is expected of me.	4.5
2.	I am kept informed about matters that affect me.	3.4
3.	I have the resources ( <i>materials, equipment, supplies, etc</i> ) necessary to do my job well.	4.1
4.	I am able to do my best every day.	4.4
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.	4.3
8.	I have opportunities to express my opinion about how things are done in my division.	3.6
9.	The court is respected in the community.	4.2
10.	My coworkers work well together.	3.8
11.	I am encouraged to try new ways of doing things.	3.8
12.	I understand the connection between the work I do and the mission and goals of the court.	4.4
13.	My working conditions and environment enable me to do my job well.	4.0
14.	I feel valued by my supervisor based on my knowledge and contribution to my department.	4.1
15.	I feel free to speak my mind.	4.0
16.	In the last month, someone in the court has talked to me about my performance.	3.3
17.	I enjoy coming to work.	4.3
18.	My coworkers care about the quality of services and programs we provide.	3.7
19.	I am treated with respect.	4.2
20.	I am proud that I work in the court.	<u>4.7</u>
<b>Overall Index Score = 79.9</b>		

## CourTools Measure 9 (continued)

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



As can be seen from the chart above, the Courts have made great improvements from 2005 to 2006 in employee satisfaction. There were improvements in every survey question. The Courts have now met the performance goal in 10 of the 20 questions. However, there are still 8 questions that fall significantly below the performance goal.

## CourTools Measure 10: Cost per Case

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

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

<b>Case Types</b>	<b>2006 Cost per Case</b>
District Civil	\$322.55
County Court at Law Civil	\$102.12
Felony Criminal	\$118.96
Misdemeanor Criminal	\$59.33
Juvenile	\$123.05
Family Law	\$69.91

## 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 most questions met the established goal, there are a few areas for improvement.

**Strategy 1: The Courts should work with the Lubbock County Website Committee to determine ways to better publicize the Lubbock County website and its usefulness.**

**Strategy 2: The Courts should review its website to determine what information or services can be added to provide more usefulness to the public.**

**Strategy 3: Judges should strive to show litigants in the courts that he or she listens to both sides of the case prior to making a decision.**

### ***Measure 2: Clearance Rates***

Most case types continue settling towards the 100% clearance rate, which suggests that the Courts are being 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 112% and 123%, respectively.
- The **juvenile case type**, whose clearance rate first surpassed 100% in 2005, continued to make large strides in eliminating 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. Due to the fact that the County Court at Law Civil clearance rate has been below 100% for four consecutive years, the Court should evaluate whether measures can be put in place to improve this rate.
- The **family law case type** has stayed consistent with the 2005 rate, but was still below 100%. This is likely the result of an increased number of incoming cases (4% increase from 2005 to 2006) and suggests a need to more closely monitor the case type.

**Strategy 4: The Courts commit to maintain attention on clearing any remaining backlog, focusing specifically on criminal, County Court at Law civil, juvenile and family law case types. Specific efforts will be made to resolve the juvenile backlog as quickly as possible.**



**Strategy 5: The Courts commit to work with the District Attorney's Office to establish greater court control over juvenile cases that will allow the court greater flexibility to monitor and dispose of cases in a timely manner. (continued goal from 2005 report).**

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

While the Courts are pleased to report that the time to disposition and age of pending cases measure for all but two areas<sup>15</sup> increased from 2005 to 2006, 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 6: 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. (continued goal from 2005 report).**

**Strategy 7: All Courts will review their individual scheduling mechanisms to ensure that all cases are disposed within the established case processing standards. Specifically, the Courts will ensure that cases are reviewed immediately after filing for assignment to a specific track and scheduling based upon the guidelines for that track. (continued goal from 2005 report).**

**Strategy 8: The Courts handling misdemeanor cases will evaluate and focus specific attention on their scheduling mechanisms to ensure that cases are disposed within the established case processing standards.**

### ***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. This measure is an area where the Courts dropped across most case types between 2005 and 2006. One shining note was the fact that for the first time since measurement began, one of the case types (County Court at Law Civil) met the established performance goal for jury trials (90% within two trial settings). The District Civil case type would have met the standard with just two more cases tried within two settings.

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:

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<sup>15</sup> The Time to Disposition Measurement for Level One Civil Cases (District and County Court at Law) and the County Court at Law Level Two Civil Cases decreased slightly from 2005 to 2006.

**Strategy 9: The Courts will draft a consistent, written trial continuance policy that will assist the Courts in controlling continuances.** *(continued goal from 2005 report).*

**Strategy 10: The Courts hearing criminal 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.** *(continued goal from 2005 report).*

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

The 5-year Collections Report included in the 2005 report revealed that the implementation of a Collections Department has been a tremendous success for Lubbock County resulting in dramatic increases in the amount of money collected by the courts. The addition of the overall compliance rate this year shows that the Department continues to have success in collecting the amounts ordered by the Court. The overall compliance rate of 93% is close to the performance goal of 100%; however, it should be noted that the actual dollars collected in the sample of cases was just 78%. While some of the additional amount was undoubtedly paid through work service to Lubbock County, some of the time was paid through sitting out the costs in jail. Sitting those costs in jail result in a loss to Lubbock County due to the decreased revenue and the increased expense of housing the offender. The Courts will implement the following strategies:

**Strategy 11: The Courts will monitor the overall compliance rate to ensure it remains at a high level and will attempt to limit the amount of time offenders are spending in jail to sit out costs.**

### ***Measure 8: Effective Use of Jurors***

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

**Strategy 12: The Central Jury Pool, in conjunction with the courts, should monitor the no show rate of potential jurors to ensure that further action is not necessary. No show rates under 15 percent should be seen as acceptable. Should no show rates rise above 15 percent, the courts should consider taking further action.**

**Strategy 13: The Central Jury Pool should seek funding in the Fiscal Year 2008 budget from the Lubbock County Commissioner's Court to allow for the source list addresses to be updated monthly using the United States Postal Service's National Change of Address Database (NCOA). Updating the addresses on a monthly basis will ensure that the most accurate addresses are utilized when mailing summons, thereby reducing the number of undeliverable summonses. The historical cost of the service has been approximately \$400 per retrieval. Running the NCOA updates monthly would require an increase in the jury budget from the current \$1,650 to approximately \$5,000.**

**Strategy 14:** The Lubbock County Judiciary should encourage the Texas Legislature to consider eliminating all automatic exemptions and excusals from jury duty. The court's discretionary exemption and excusal from jury duty should continue. This recommendation, in line with American Bar Association Jury Principle 10(c)(1), would likely be the place where the courts could make the greatest positive impact in the juror yield.

**Strategy 15:** The Central Jury Pool staff should continue to follow the newly-implemented statute related to juror postponement of service. However, the court and Central Jury Pool should continue to evaluate the effect of postponement on juror yield to determine if the rate is having a detrimental impact upon the jury process.

**Strategy 16:** The Texas Legislature should take note of the positive impact that the juror compensation increase had in Lubbock County. Efforts should be made to keep such compensation in line with the inflation rate to maintain the positive impacts of the increase.

**Strategy 17:** 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.

Because of the fact that the Central Jury Pool is unsure of the number of jurors who will be necessary to satisfy all requests from the courts by the deadline to request the issuance of summons, the Central Jury Pool requests the same number of jurors for each summons date. The actual need may or may not support such a request. Either way, the inability to estimate the number of needed jurors is likely one of the greatest problems of jury management. Implementing Strategy 17 will minimize this issue.

**Strategy 18:** The Jury Manager should request jurors to be summoned based upon the historical yield rate and the number of jurors requested by the courts.

**Strategy 19:** The Lubbock County Commissioner's Court, Courts, District Clerk's Office, Central Jury Pool and Information Services Department should collaborate upon a method to allow jurors to report electronically. Such a system should allow jurors to report electronically for duty and to be notified electronically if they will be needed for service on a certain date. The system should be updated by the Jury Manager on the business day previous to the summons date. Only potential jurors who are needed should be required to report for jury duty. Note: The current reporting method must be maintained for potential jurors without access to the electronic reporting mechanism.

**Strategy 20: 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.**

Standard Panel Sizes.

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

**Using the standard panel sizes will result in a much higher percentage of jurors sent to the courtroom and utilized. Following the standard panel sizes during the reporting period would have reduced the total number of jurors assigned to a courtroom by fourteen percent.**

**Strategy 21: 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.**

**Strategy 22: The courts and the Central Jury Pool should work with the Lubbock County Information Services Department to allow for the capture of juror utilization data as described in CourTool 8 in the Jury Management System.**

**Strategy 23: The courts and the Central Jury Pool should work with the Lubbock County Information Services Department to institutionalize the measures of CourTool 8 within the Jury Management System so that further analysis can continue.**

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

The Court Employee Satisfaction Survey showed probably the largest gain overall of all of the measures (index score from 73.9 to 79.9). In addition, whereas only four of the twenty questions met the performance goal in 2005, ten of the twenty questions met the performance goal in 2006, and all questions showed improvement. However, as in 2005, communication within the Courts, both about performance and providing feedback to management, appears to be one of the greatest concerns of employees.

**Strategy 24:** 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. *(continued goal from 2005 report).*

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

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

The cost per case measure provides a glimpse of where the Court's resources are being allocated. There was no significant change in the ranking of the cost per case from 2005 to 2006. However, the District Civil cases experienced a significant increase in the cost per case between 2005 and 2006. As with last year, 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 26:** The Courts should participate and utilize the data from the Texas Weighted Caseload Study being conducted by the Texas judiciary in September-October 2007.

### **General Strategies**

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

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

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

**Strategy 30:** The Courts should consider beginning to conduct case management activities on all case types, including bond forfeitures, seizure/forfeitures, IV-D family law cases, child protection cases and any other case types not currently being "tracked."

## **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)

## **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-present)

# Structure of the Texas Judiciary

## COURT STRUCTURE OF TEXAS

MARCH 1, 2007

