

Analysis Regarding the Potential Need for a New District Court



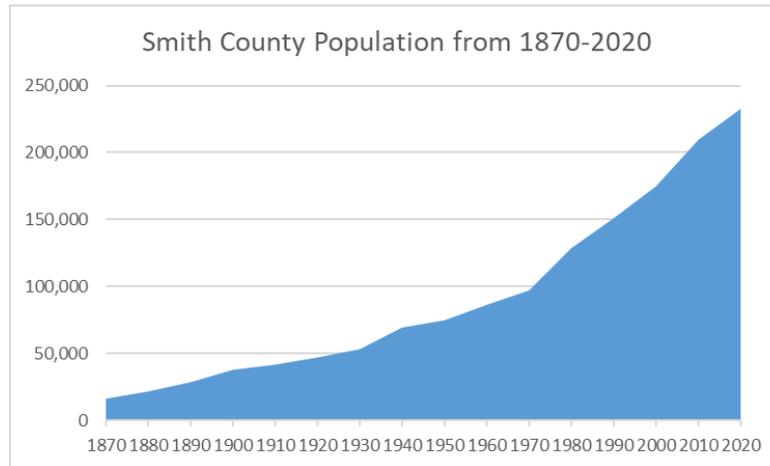
**Data and Analysis Requested by Judge Nathaniel
Moran and compiled by Carter Anne Jones**

March 2, 2021

Note: All of the analysis and supporting statistical data in this report is pre-COVID-19. Since the pandemic began, the need for a new District Court has only accelerated. Nevertheless, the analysis contained herein is based on existing circumstances before the pandemic's affects.

Smith County's Population has increased by 140% Since the Last District Court Addition:

Smith County currently has four District Courts, including the 7th, 114th, 321st, and 241st. The 321st District Court maintains a family court docket, while the other three District Courts focus on civil and criminal cases. The most recent District Court that Smith County received was the 241st District Court, which was created by legislative enactment in 1977. At that time, the County's population was approximately 100,000 people (or about 25,000 people per court). The current population of Smith County is around 233,000 people (per the U.S. Census), which has surpassed the "1999 Needs Assessment Analysis" population predictions for Smith County. This means that there is one District Court for approximately 58,000 people, more than double the ratio in 1977. In 2019, the Office of Court Administration completed a District Court Workload Analysis that recommended Smith County receive additional FTEs in an effort to handle the increased workload.¹ If Smith County added a 5th District Court, it would deduct 10,000 people from each court and overall lessen the workload and stress that the significant rise in population has caused on the four existing courts.



7th District
Court (1876)

321st District
Court (1957)

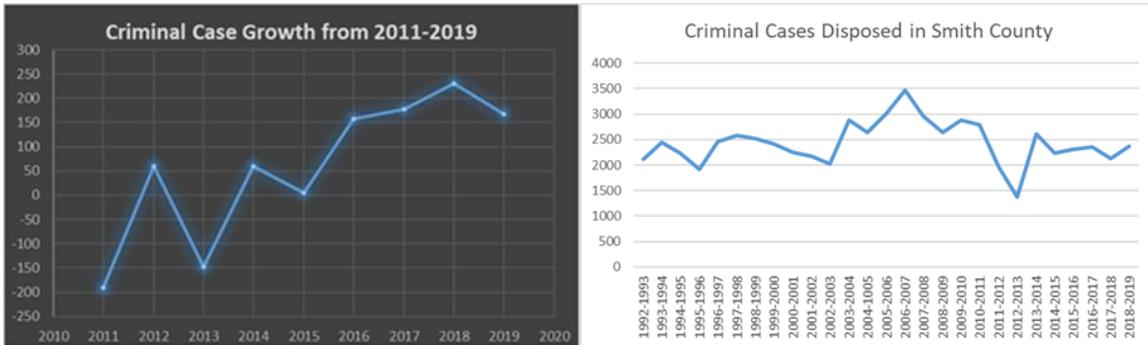
114th District
Court (1933)

241st District
Court (1977)

¹ Based on the application of case weights to 2019 filings as reported to the Office of Court Administration. Details regarding case weights can be found in the following reports, which are available at <http://www.txcourts.gov/publications-training/publications/studies-special-reports/>: "Measuring Current Judicial Workload in Texas, 2007," National Center for State Courts; and "Texas Child Protective Services Workload Assessment, 2016," National Center for State Courts.

Smith County Criminal and Civil Cases Continue to Grow 4-Years in a Row:

According to Smith County 5-year trends data, the civil cases clearance rate fell 25% from 2015-2020. The statewide civil clearance rate for 2019 was 89%, but Smith County only had a 74% civil clearance rate. The county also finished 2019 with an overall 91% total clearance rate, which was 5% below the statewide average. As for criminal cases, the past five years the pending number of cases has remained in the surplus. This means Smith County’s criminal caseload has not decreased in the past five-years.² While each District Court has worked to increase their work output, the statistics indicate that the workload has continued to mount at a faster rate than the four courts have been able to handle alone.



| State Fiscal Year | Civil | | | |
|-------------------|---------|----------|---------------------|----------------|
| | Filings | Disposed | Pending End of Year | Clearance Rate |
| 15 | 916 | 904 | 374 | 99% |
| 16 | 1,158 | 1,073 | 1,135 | 93% |
| 17 | 1,289 | 943 | 1,398 | 73% |
| 18 | 1,383 | 1,187 | 1,462 | 86% |
| 19 | 1,556 | 1,147 | 1,777 | 74% |
| Trend | | | | |
| Average 18-19 | 1,470 | 1,167 | 1,620 | 79% |
| Average 15-19 | 1,260 | 1,051 | 1,229 | 83% |
| Change 18-19 | 13% | -3% | 22% | |
| Change 15-19 | 70% | 27% | 375% | |

| Total | | | |
|---------|----------|---------------------|----------------|
| Filings | Disposed | Pending End of Year | Clearance Rate |
| 3,026 | 2,975 | 2,499 | 98% |
| 3,449 | 3,629 | 3,569 | 105% |
| 5,499 | 4,906 | 3,806 | 89% |
| 5,444 | 4,922 | 4,235 | 90% |
| 5,627 | 5,126 | 4,526 | 91% |
| Trend | | | |
| 5,536 | 5,024 | 4,381 | 91% |
| 4,609 | 4,312 | 3,727 | 94% |
| 3% | 4% | 7% | |
| 86% | 72% | 81% | |

Statewide Average Clearance Rates in 2019: Civil: 89% Family: 100% Criminal: 98% Juvenile: 93% Total: 96%

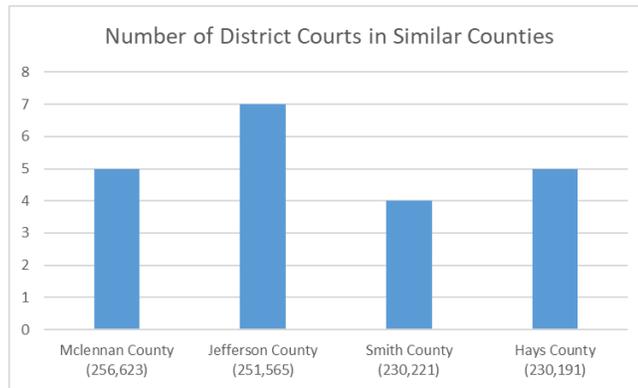
| Estimated Need by Case Type Based on FY 19 Filings | | | | | |
|--|----------|-------|--------|----------|-----|
| | CRIMINAL | CIVIL | FAMILY | JUVENILE | CPS |
| Smith | 1.9 | 0.9 | 1.0 | 0.0 | 0.6 |

Source: Office of Court Administration

² Smith County District Court Archives

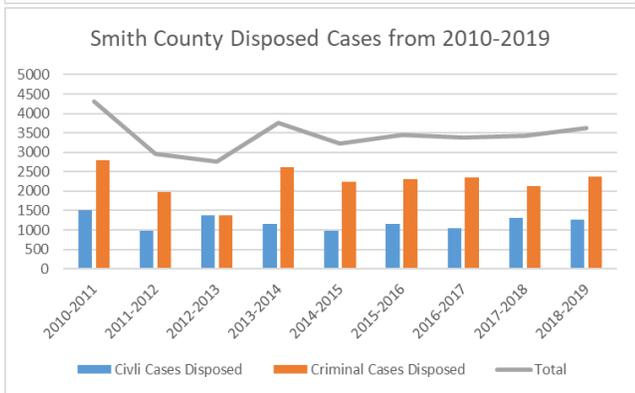
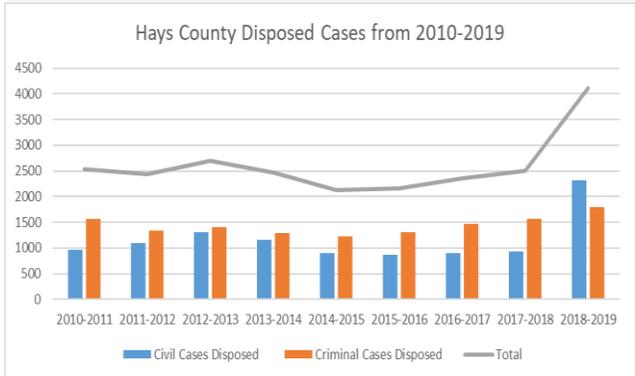
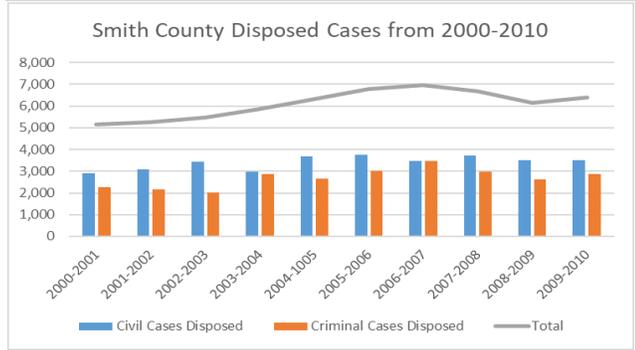
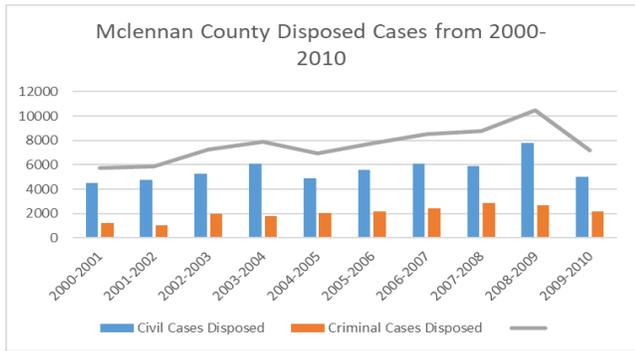
Similar Counties in Population Size Currently have one or More District Courts More than Smith County:

As discussed in Smith County’s population segment, the County currently has a population size of around 233,000. When compared to similar counties like McLennan County, Jefferson County, and Hays County, each county has one or more District Courts than Smith County. Hays County added their most recent District Court, 453rd, in September of 2018. When comparing the data of disposed cases between both Smith and Hays County, we see that Hays has remained steady on their caseloads since 2010 with an uptick in disposed cases in 2018 after receiving a new District Court.³ Smith County, too, has remained consistent in their number of yearly disposed cases averaging around 500 more cases than Hays County. Hays County also has an incarceration rate of 2.36, while Smith County’s rate is 3.54, which ranks 46th out of 254 Texas counties. Smith County is even higher than Jefferson County, 3.06, which has seven District Courts.⁴ McLennan County, which is also comparable in size to Smith County, has five District Courts and a larger population size, although both Smith and McLennan Counties have a similar amount of criminal cases. After McLennan County received their new court in 2005, their civil cases dropped significantly. This would be a solid indicator that Smith County’s civil cases would do the same if given a 5th District Court.



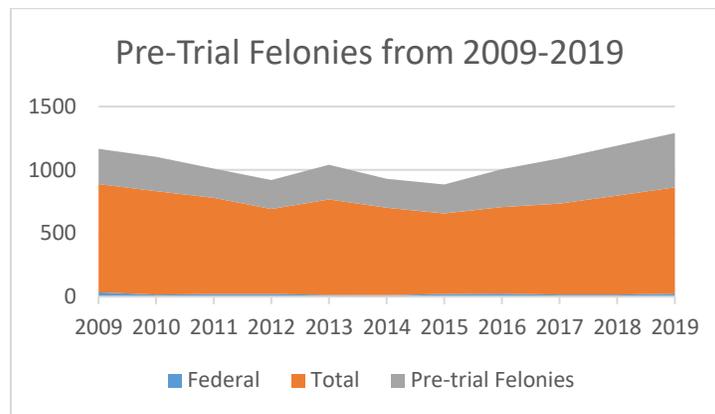
³ The Texas Office of Court Administration, *Court Activity Reporting and Directory System*
<https://card.txcourts.gov/ReportSelection.aspx>

⁴ Texas Commission on Jail Standards, *Incarceration Rate Report*
<https://www.tcjs.state.tx.us/wp-content/uploads/2021/01/IncarcerationRateRptCurrent.pdf>



Since 2016, Smith County's Total Jail Population Has Contained Over 50% Pre-Trial Felonies

Over the past five-years, Smith County has seen a steep rise in felonies awaiting hearings within the courts. It is currently over half of the total prison population.⁵ In 2015, Smith County approved a jail expansion plan, but the jail has again reached capacity. This has required inmates, at an extra cost to Smith County, to be sent to outside jails across the state. A report done by the FBI in 2018 showed that violent crimes have continued to rise within Smith County, which could be a contributor to why the jail population has steadily climbed. The average cost per Pre-Trial Felony inmate is around \$58 dollars per day.⁶ In 2019, Smith County had on average 428 inmates awaiting Felony trials, so this cost the county over \$25,000 a day and nearly 9.2 million dollar annually. An additional felony District Court would serve to bring the number of pre-trial felony inmates down in the jail significant, expedite the trial of those awaiting adjudication, and save tax payer dollars associated with incarcerated inmates.



⁵ Smith County Jail Statistics

⁶ Smith County Auditor