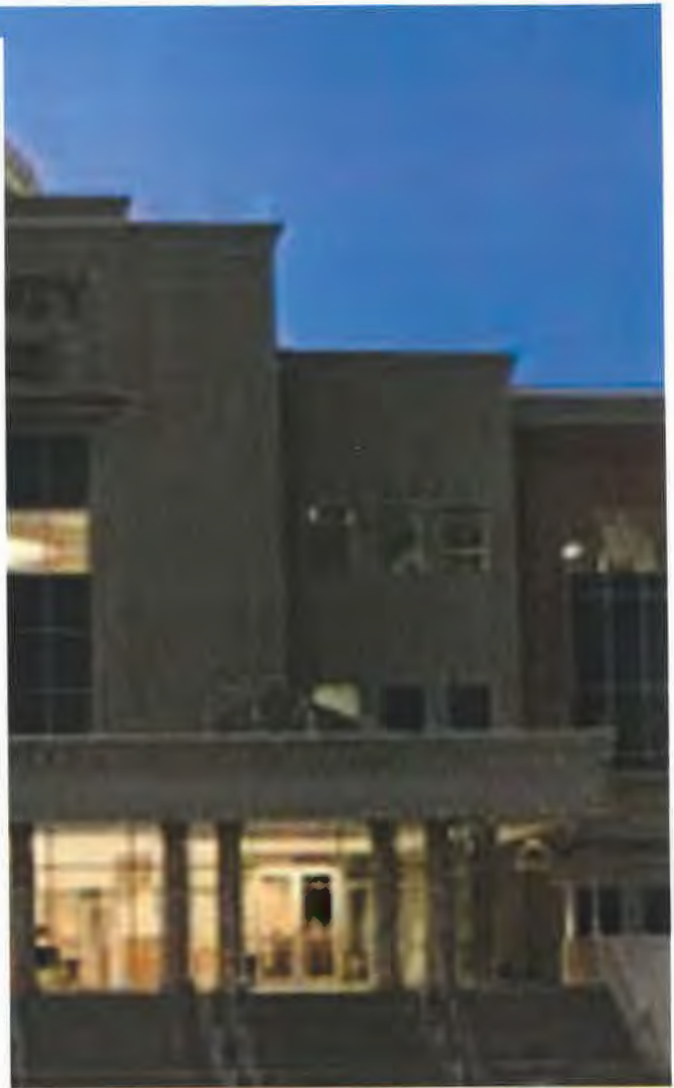


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**And 2 to Grow On:**

**As Collin County grows so  
does the need for  
additional County Courts at  
Law**

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JULY 27

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**Authored by: Judge Jay Bender**  
**Assisted by: Kim Alvarado**



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# Executive Summary

We need help!

We are asking the Collin County Commissioners Court to approve adding 2 more County Courts at Law. They would be County Court at Law 8 and County Court at Law 9.

The population is increasing, the cases are increasing and we get more cases filed each year, year over year, than we can dispose of; therefore, we need more County Courts at Law.

“The biggest challenge is to continue to offer high levels of service while maintaining a low tax rate,” Collin County Judge Chris Hill.

We have not added a County Court at Law since 2015. Since that time the population of the County has grown significantly. With the exception of 2020, the COVID Pandemic year, the number of filings in the County Courts at Law have been relatively linear and consistent at 1 case per 64 persons living in Collin County. The Pandemic has been an anomaly and we have seen demand return to pre-Pandemic levels.

Furthermore, if current population growth continues as predicted we will need to add a total of 6 additional County Courts at Law within the next 10-15 years and a total of 11 additional County Courts at Law within the next 20 years.

Moreover, there are proposed changes to the law that if implemented, will significantly increase the civil cases filings in the County Court at Law. If this were to occur, then the resulting increase in demand for County Courts at Law here in Collin County would require even more additional County Courts at Law than we are projecting at this time.

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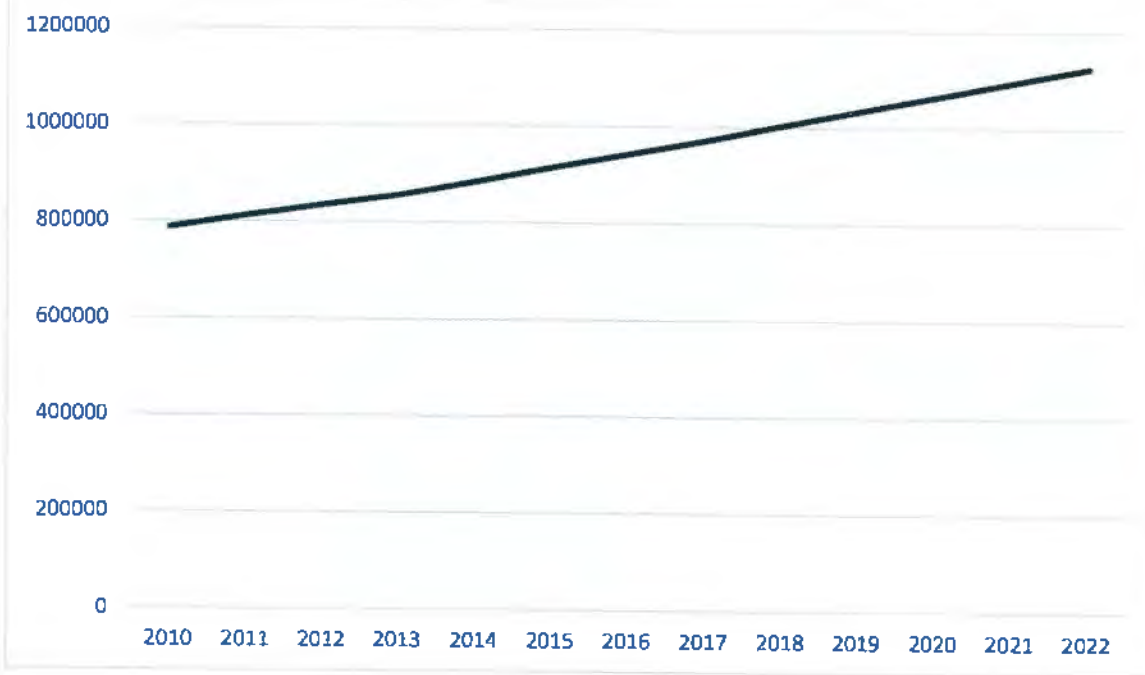
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# Where Are We Currently

Population and its effect on the cases filed in County Courts at Law

Collin County Population Growth Actual<sup>1</sup>



From 2010 to 2015 Collin County's population grew 125,000 from 788,600 to 914,100<sup>2</sup>. The current population is 1,064,465<sup>3</sup>.

In the decade from 2010 to 2020, the population increased by 36%<sup>4</sup>.

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<sup>1</sup> <https://worldpopulationreview.com/us-counties/tx/collin-county-population>

<sup>2</sup> [https://www.collincountytx.gov/public\\_information/features/Pages/Growth\\_One.aspx](https://www.collincountytx.gov/public_information/features/Pages/Growth_One.aspx)

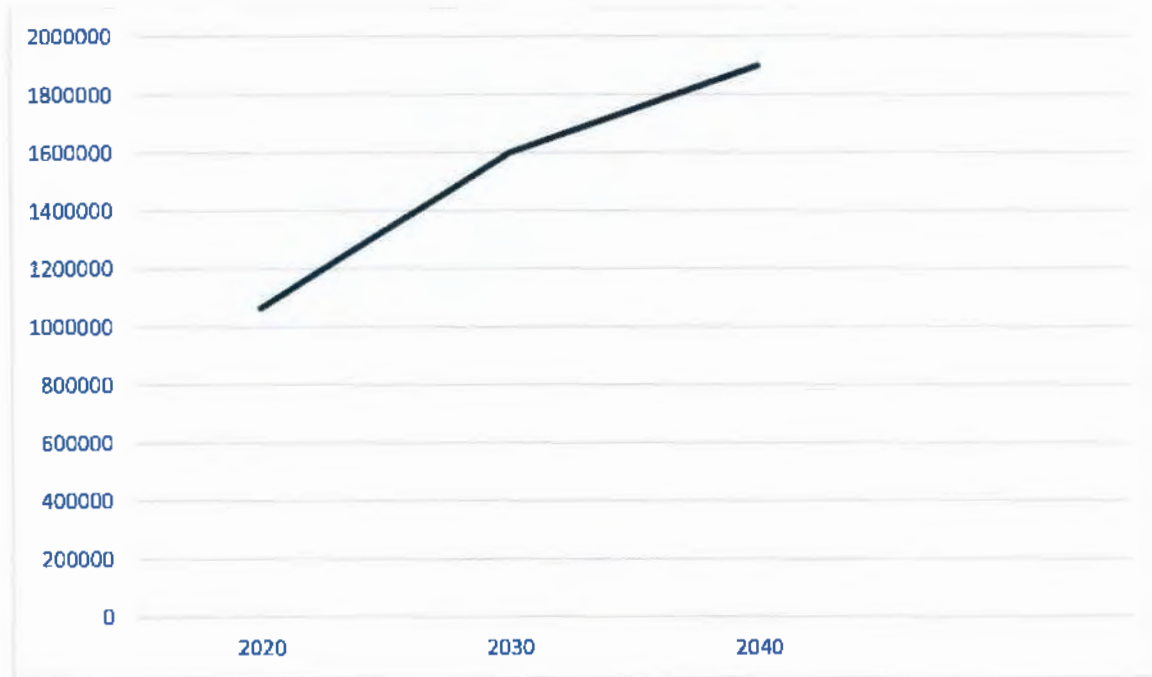
<sup>3</sup> See the Collin County, Texas Annual Comprehensive Financial Report, page 183.

<sup>4</sup> <https://www.nbcdfw.com/news/local/collin-county-seeing-major-growth-according-to-2020-census-redistricting-data/2755640/>

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In November of 2015, County Court at Law 7 came on-line. This is the last County Court at Law to be added

### Collin County Population Growth Projection<sup>5</sup>



According to Bisnow, since 2000, Collin County has experienced the highest sustained growth rate of any U.S. county with more than a half-million people. The Texas Demographic Center projects that Collin County will have over 2.4 million residents by 2050. Other estimates predict a population as high as 3.5 million<sup>6</sup>.

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<sup>5</sup> [https://www.collincountytx.gov/public\\_information/features/Pages/Growth\\_One.aspx](https://www.collincountytx.gov/public_information/features/Pages/Growth_One.aspx)

<sup>6</sup> <https://localprofile.com/2020/12/21/collin-countys-population-explodes-are-we-ready/>

## Current Status of the County Courts at Law

### Civil Cases

#### Civil - Total Cases Added By Year 2013 - 2022 YTD



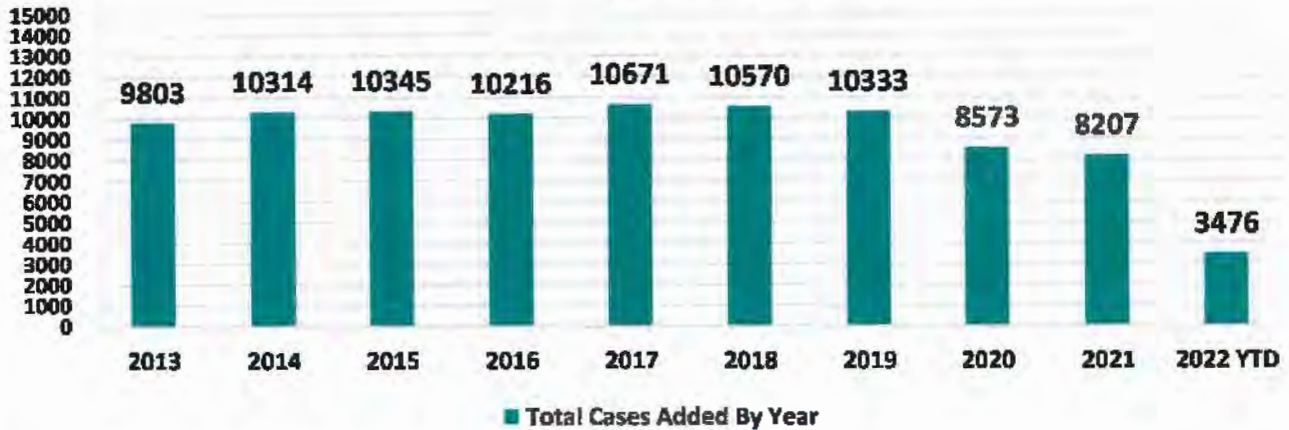
#### Civil - Total Cases Disposed By Year 2013 - 2022 YTD



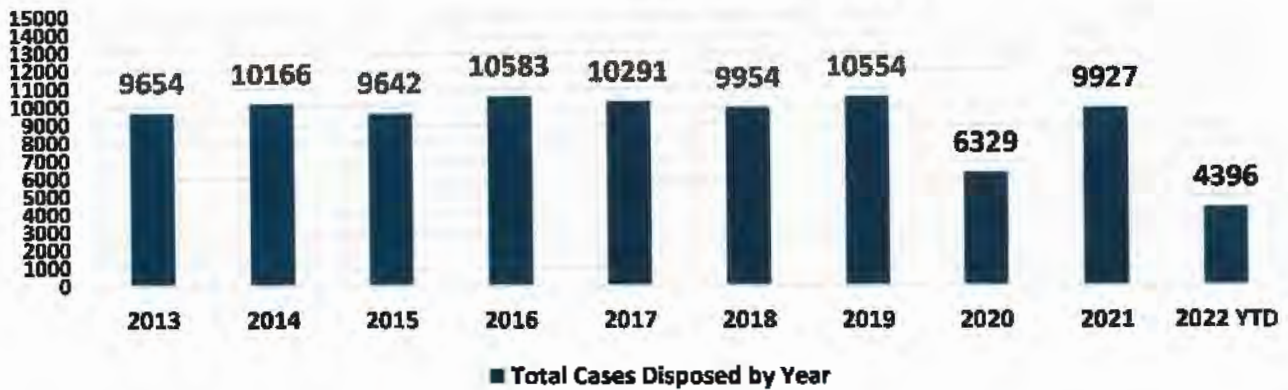
Since 2015, there have been more civil cases filed each year, year-over-year, than we were able to dispose of.

## Criminal Cases

### Criminal - Total Cases Added By Year 2013 - 2022 YTD



### Criminal - Total Cases Disposed By Year 2013 - 2022 YTD



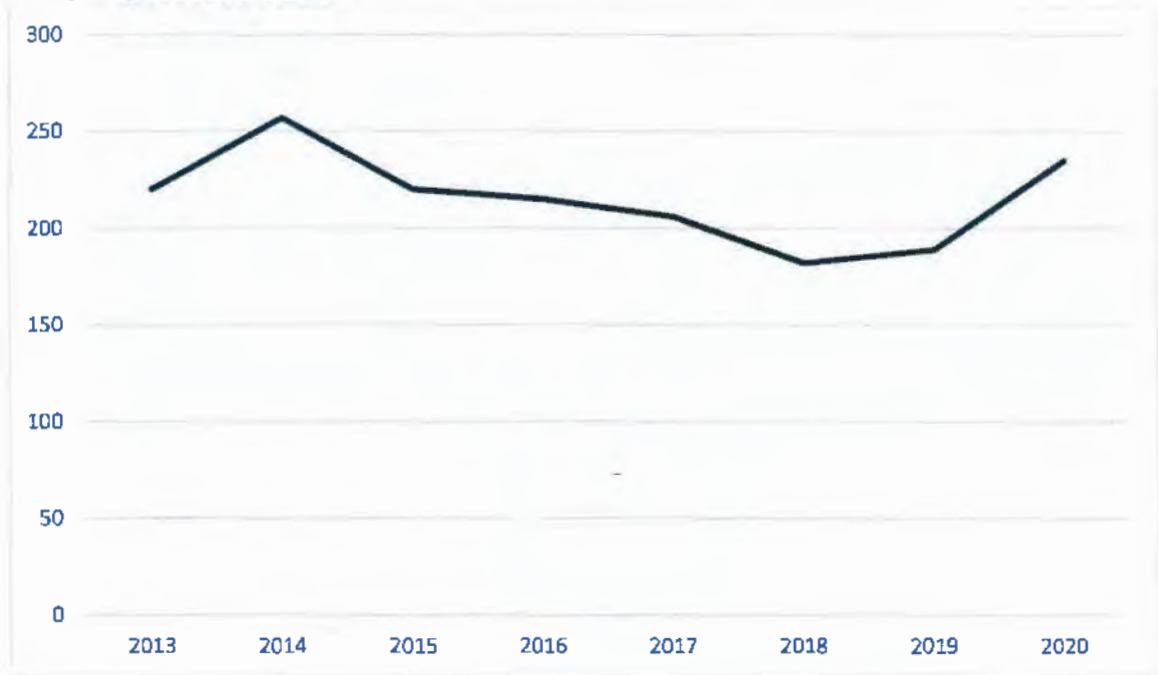
Since 2015, there have been more criminal cases filed each year, year-over-year (Except 2019 and 2021), than we were able to dispose of.



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## Average Number of Cases filed in County Criminal Court per person

### People per Civil Case



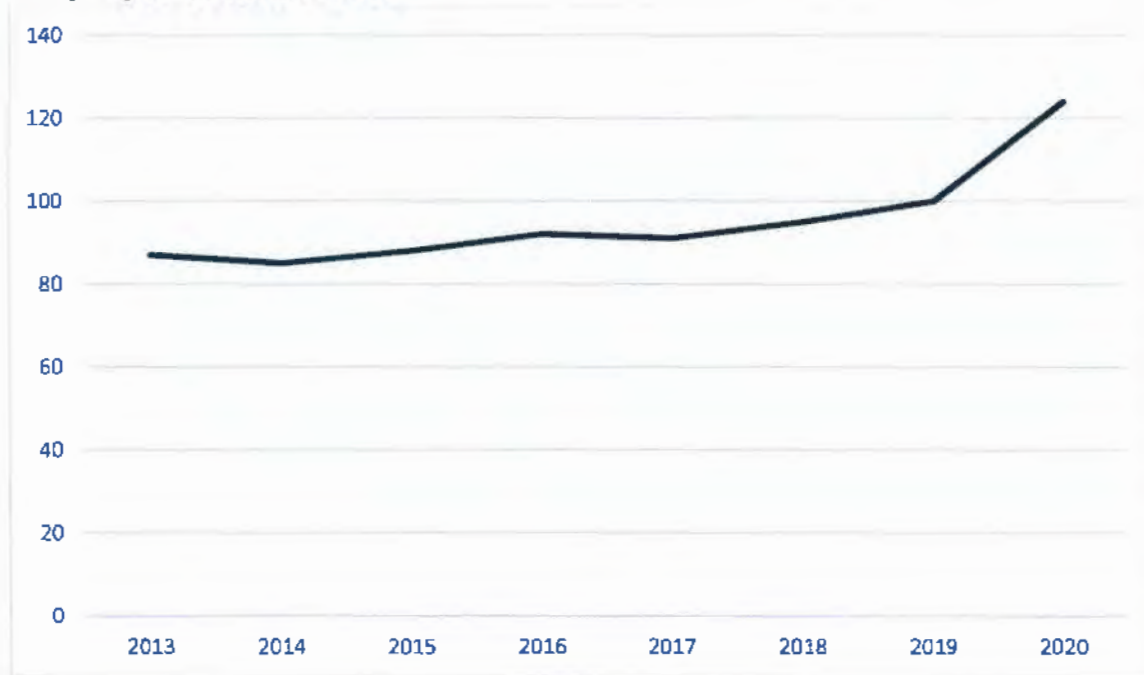
With the exception of 2020<sup>7</sup>, the Pandemic year, there was approximately 1 civil case added to the County Courts at Law dockets for every 220 people living in Collin County.

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<sup>7</sup> Statewide, there was a 13% decrease in civil filings in the County Courts at Law (See pages i and 5 of The Annual Statistical Report for the Texas Judiciary, Fiscal Year 2021).

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## People per Criminal Case



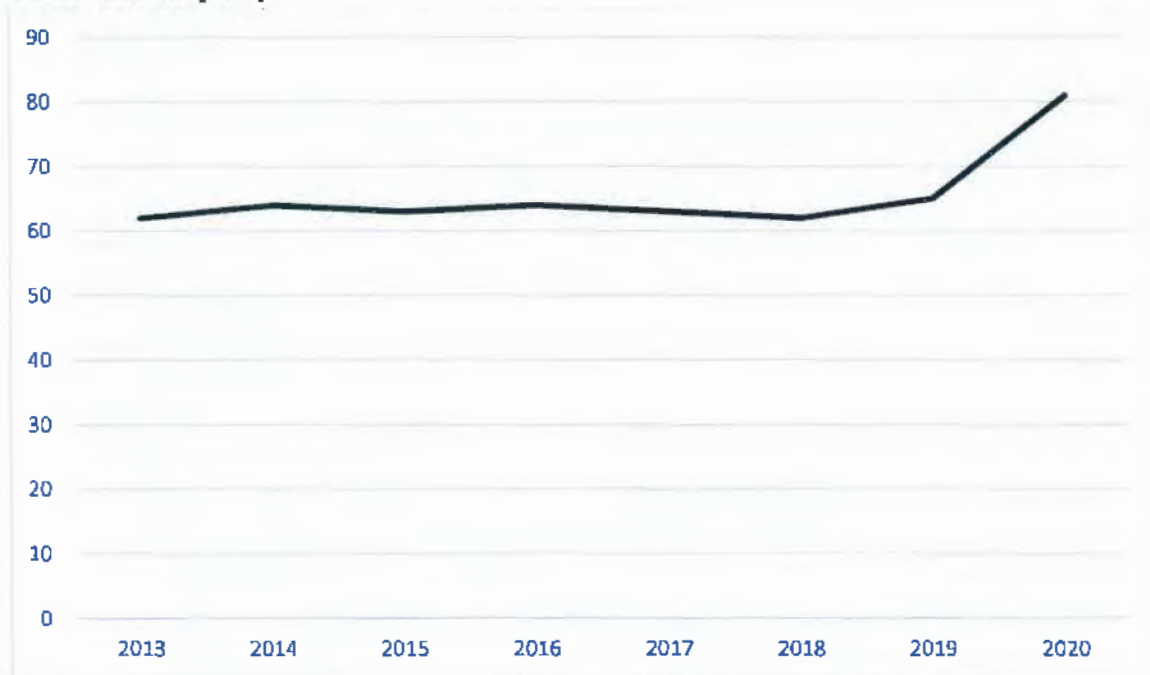
With the exception of 2020<sup>8</sup>, the Pandemic year, there was approximately 1 criminal case added to the County Courts at Law dockets for every 90 people living in Collin County

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<sup>8</sup> Statewide, new misdemeanor filings have been declining since 2007 but saw a significant decline in 2020 during the pandemic but this is because misdemeanor marijuana cases we not being prosecuted. However, there have been an increase in the number of Assault Family Violence cases and DWI cases (See pages I, 15 and 17 of The Annual Statistical Report for the Texas Judiciary, Fiscal Year 2021).

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### Total Cases per person



What this shows is that with the exception of 2020, the Pandemic year, for every 64 people moving to Collin County the County Courts at Law adds an additional case. This is linear and constant before the Pandemic and we expect that it will continue to be the same post-Pandemic.

---

**Our County Courts at Law are busy**

From January 2013 through March 2021<sup>9</sup> your County Courts at Law have heard:

4,744 Criminal Appeals Cases

10,099 Criminal Motion to Revoke

1,547 Criminal Trials before the Court (Bench Trials)

886 Criminal Jury Trials

1,354 Civil Appeals Cases

1,427 Civil Trials before the Court (Bench Trials)

95 Civil Jury Trials

And within just the last five years we have signed more than 3,350 criminal warrants and reviewed countless more than that. Needless to say, these warrants are not usually submitted to us between 9 am and 5 pm Monday through Friday as most crime occurs overnight and on weekends.

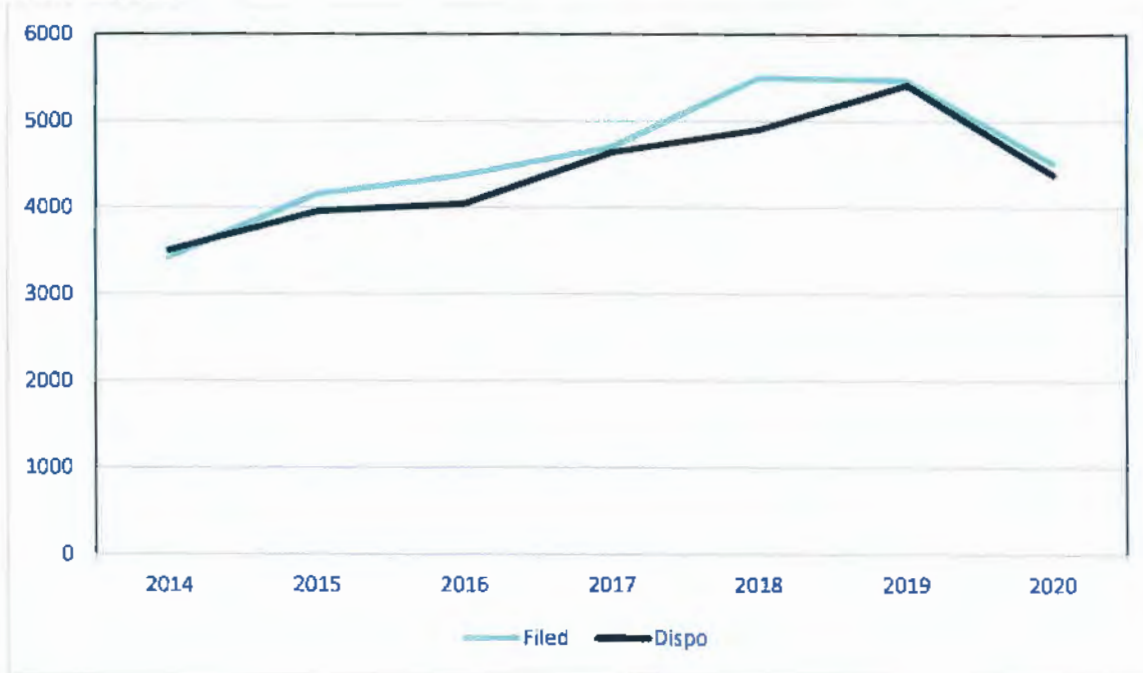
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<sup>9</sup> This data came from the Office of Court Administration (OCA). Moreover, during the pandemic there 565,898 cases added to the Statutory County Courts at Law and only 421,779 disposed. This means that statewide the Statutory County Courts at law were underwater due to the pandemic. The clearance rates for all case types except civil cases related to criminal matters was below 100% indicating an increase in backlog. (See pages 64 and 65 of The Annual Statistical Report for the Texas Judiciary, Fiscal Year 2021).



## Impact of Adding County Court at Law 7 in November 2015

### Civil Cases



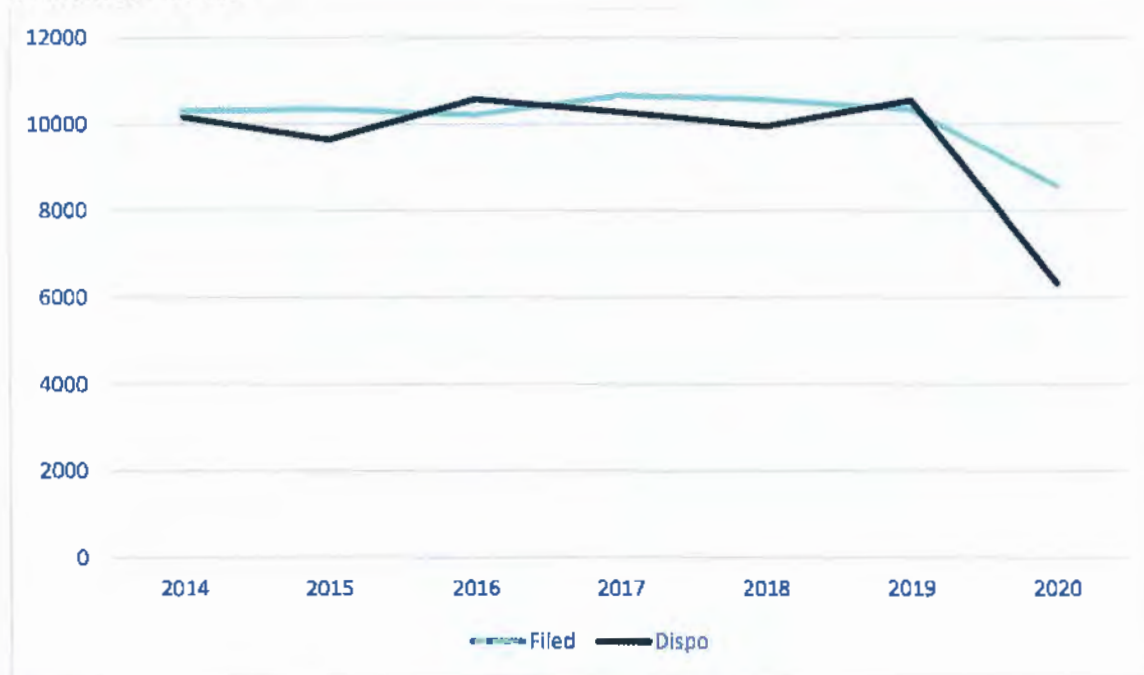
When the light blue line representing the number of cases filed is above the dark blue line representing the number of cases disposed of then there is a net gain of cases carried over to the following year. This results in a backlog.

This carryover of cases into the next year is not reflected in this graph. That means this graph under represents the case load of the County Courts at Law.

As you can see, with the exception of 2019, the County Courts at Law have not been able to keep up with the demand. We are underwater with regards to the number of civil cases being filed every year, not to mention the cases we carryover from previous years.

Also, please see the section of this report titled "Civil Procedure Changes" and "District Court Civil Jurisdiction" that explains why we predict this is only going to get worse.

## Criminal Cases



When the light blue line representing the number of cases filed is above the dark blue line representing the number of cases disposed of then there is a net gain of cases carried over to the following year. This results in a backlog.

This carryover of cases into the next year is not reflected in this graph. That means this graph under represents the case load of the County Courts at Law.

As you can see, with the exception of 2016 which was right after County Court at Law 7 was added, and in 2019 the County Courts at Law have not been able to keep up with the demand. We are underwater with regards to the number of criminal cases being filed every year, not to mention the cases we carryover from previous years.

Also, please see the section of this report titled "Civil Procedure Changes" that explains why we predict this is only going to get worse.

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# How Do We Compare

## Collin County vs. El Paso County<sup>10</sup>

According to the 2020 Census, El Paso County had a population of 865,657<sup>11</sup>. El Paso currently has the same number of County Courts at Law as Collin County<sup>12</sup>. If the County Courts at Law in El Paso County were to have the same number of cases per resident as Collin County, which is 1 case per 64 residents, then all 7 of their courts would be assigned a total of 13,525 cases. Here in Collin County, for the Census year, we were assigned 17,593 cases for the same number of courts. Furthermore, El Paso County has 1 County Court at Law per 120,000 residents. Here in Collin County, we only have 1 County Court at Law per every 160,000 residents.

Comparing just the last 3 calendar years El Paso County has seen a reduction in the total<sup>13</sup> number of cases filed in its County Courts at Law, while we have seen an increase. We are back to pre-Pandemic numbers and climbing.

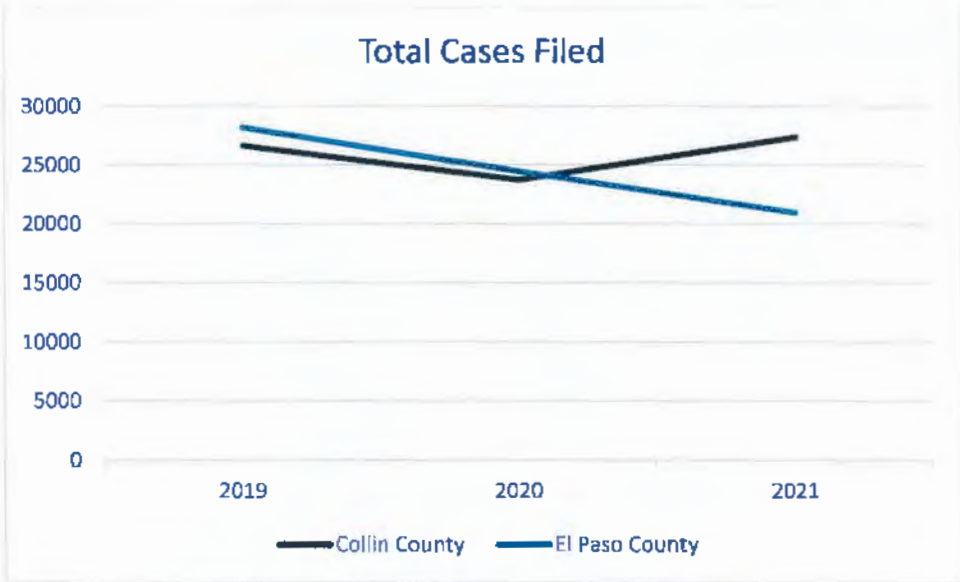
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<sup>10</sup> Chief Justice Nathan Hecht testified to the Texas House of Representatives Committee on Judiciary & Civil Jurisprudence praising Collin County and El Paso for clearing their backlog of cases due to the pandemic (See [https://tlchouse.granicus.com/MediaPlayer.php?view\\_id=46&clip\\_id=23223](https://tlchouse.granicus.com/MediaPlayer.php?view_id=46&clip_id=23223) at time stamp 22:32 and again Collin County is specifically mentioned by Megan LeVoie at 46:34).

<sup>11</sup><https://www.google.com/search?q=what+county+is+el+pas+tx+in&oq=what+county+is+el+pas&aqs=chrome.0.0i512j46i512j69i57j0i512l2j46i512j0i512l3j0i390.5901j1j7&sourceid=chrome&ie=UTF-8>

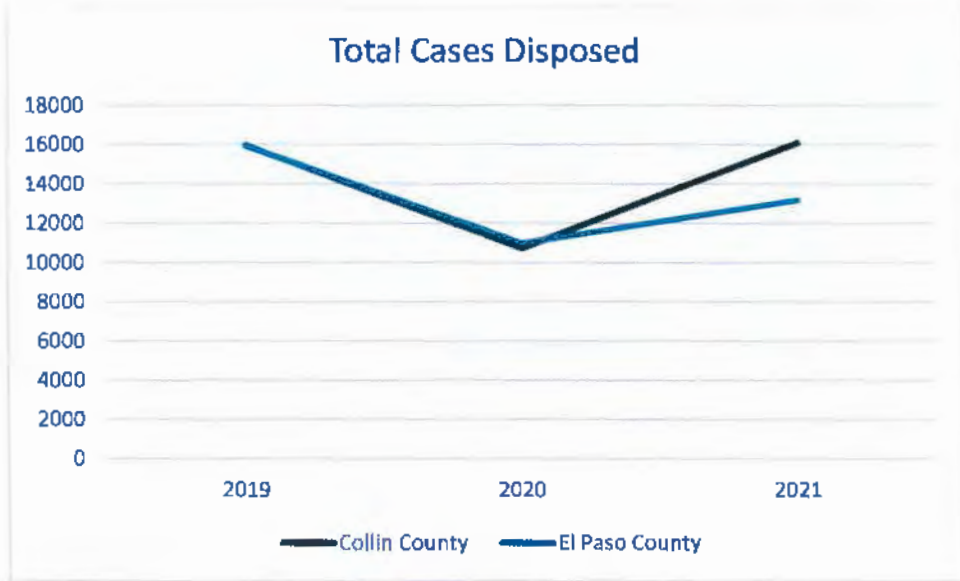
<sup>12</sup> <https://www.epcounty.com/courts/directory.htm>

<sup>13</sup> Civil Cases plus Criminal Cases.



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Furthermore, we have disposed of more cases than El Paso County with the same number of courts.

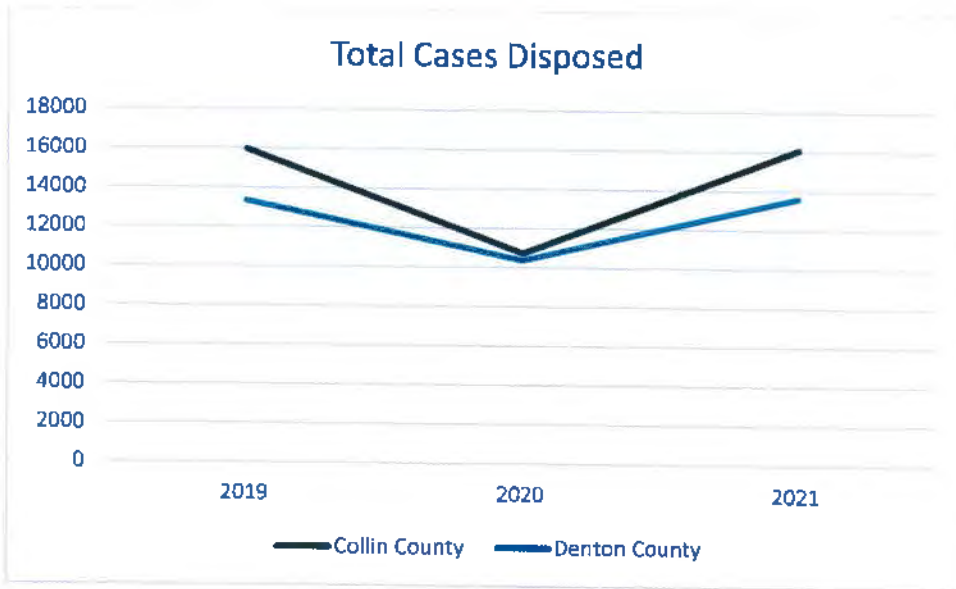
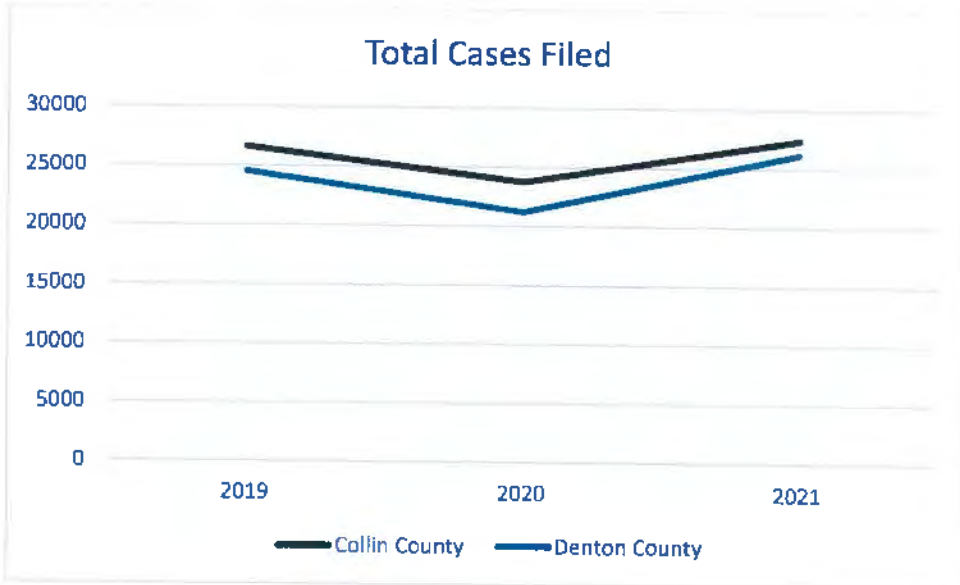


<sup>14</sup> The data depicted in this chart was provided by the OCA.



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## Collin County vs. Denton County



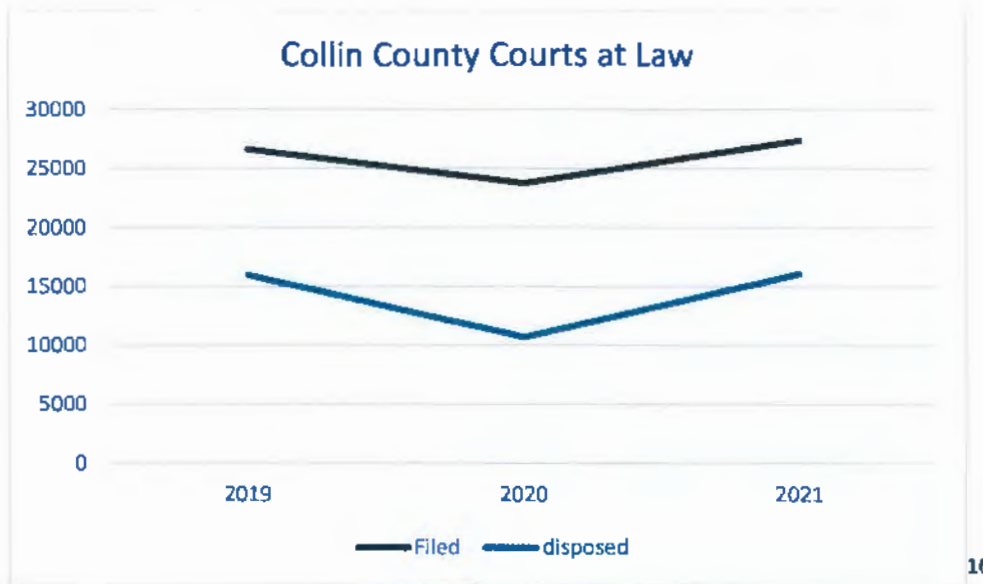
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<sup>15</sup> The data depicted in this chart was provided by the OCA.

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## Boldly going where others have gone before

Your County Courts at Law are getting more cases filed than we can dispose of in a calendar year. We are currently underwater and it is only going to get deeper.



The population of Collin County is projected to double within the next 8 years<sup>17</sup>. This growth shows no sign of slowing and by 2050 Collin County is anticipated to have the largest population in North Texas surpassing both Dallas and Tarrant Counties<sup>18</sup>.

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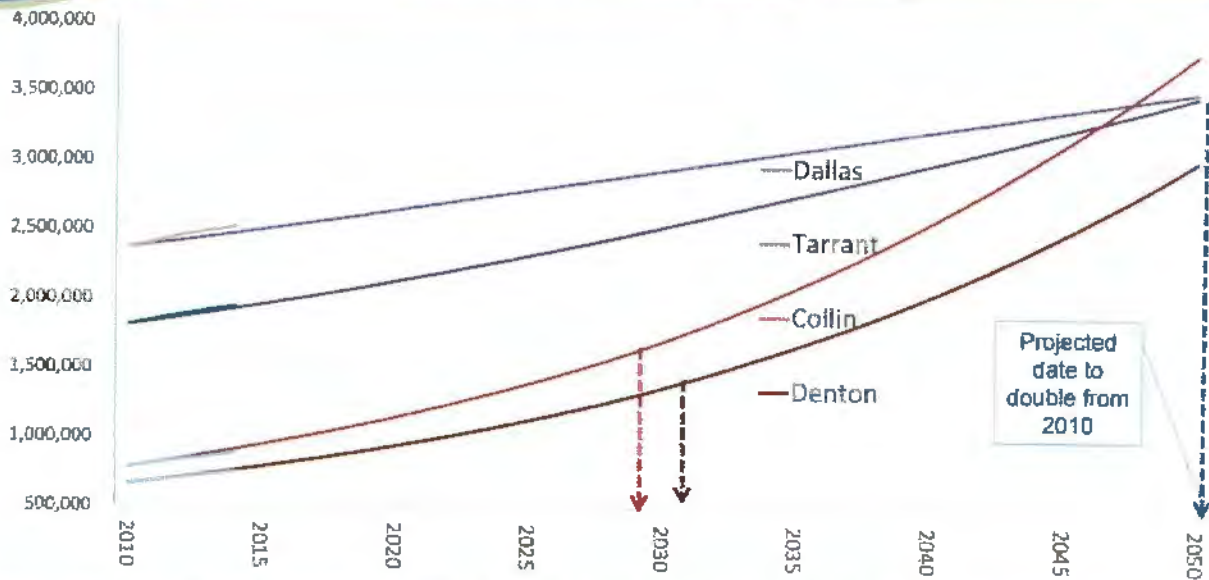
<sup>16</sup> The data depicted in this chart came from the OCA.

<sup>17</sup> <https://www.dallasnews.com/news/2018/02/21/going-going-gone-booming-collin-county-growth-means-rural-areas-won-t-be-farmland-forever/>

<sup>18</sup> <https://www.dallasnews.com/news/2018/02/21/going-going-gone-booming-collin-county-growth-means-rural-areas-won-t-be-farmland-forever/>



## Population Estimates and Projections, Metroplex Counties, 2010-2050



Source: Texas State Data Center 2014 Population Projections and U.S. Census Bureau Estimates 2014

19

According to the 2020 Census, Tarrant County then had a population of 2,110,640<sup>20</sup>. Currently, Tarrant County has 13 County Courts at Law<sup>21</sup>. Collin County is projected to reach that population total around 2035. Using Tarrant County as a barometer then in the next 10-15 years Collin County will have to add a total of 6 additional County Courts at Law.

According to the 2020 Census, Dallas County then had a population of 2,613,539<sup>22</sup>. Currently, Dallas County has 18 County Courts at Law<sup>23</sup>. Collin County is projected to

<sup>19</sup> <https://www.dallasnews.com/news/2018/02/21/going-going-gone-booming-collin-county-growth-means-rural-areas-won-t-be-farmland-forever/>

<sup>20</sup> <https://www.census.gov/quickfacts/tarrantcountytexas>

<sup>21</sup> <https://www.tarrantcounty.com/en/courts/county-courts.html?linklocation=Button%20List&linkname=County%20Courts> it should be noted that there are some differences in the jurisdictions between the County Courts at Law in Collin County and Tarrant County but they are all nonetheless Statutory County Courts at Law.

<sup>22</sup> <https://www.census.gov/quickfacts/dallascountytexas>

<sup>23</sup> See [https://www.dallascounty.org/government/courts/county\\_criminal/](https://www.dallascounty.org/government/courts/county_criminal/), see also

[https://www.dallascounty.org/government/courts/county\\_court\\_at\\_law/](https://www.dallascounty.org/government/courts/county_court_at_law/) it should be noted that while there are some

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reach that population total around 2040. Using Dallas County as a barometer then in the next 20 years Collin County will have to add a total of 11 additional County Courts at Law.

## Up, Up and Away

The county population has grown since 2015 when the last County Court at Law was added. The projections show no slowdown in population growth for at least the next 30 years<sup>24</sup>

The case filings have remained linear at approximately 1 case filed for every 64 residents of Collin County. The exception being the Pandemic. But even the Pandemic has added load in that we County Courts at Law are having to deal with a backlog of

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jurisdictional differences between the Dallas County and Collin County Courts at Law they are all Statutory County Courts at Law.

24 See <https://cftexas.org/cft/files/aa/aae08a80-370e-4822-b18c-93c014a4d61e.pdf>

Stating that Collin County is Growing at Twice the Rate of Dallas County In the five years from 2012 to 2017, Dallas County added more people (208,000 people as compared to 146,000 in Collin County), but Collin County's growth rate was twice as high at 18 percent.<sup>14</sup> Also, Frisco and McKinney have been growing faster in population than their neighboring communities for years.

See also [https://tucson.com/news/18-collin-county-texas/image\\_d7deeb20-b8a4-5538-8e92-a118973e4384.html](https://tucson.com/news/18-collin-county-texas/image_d7deeb20-b8a4-5538-8e92-a118973e4384.html),  
[https://www.kulr8.com/news/national/18-collin-county-texas/image\\_08914de5-4ab5-54cb-bc78-42b288da974b.html](https://www.kulr8.com/news/national/18-collin-county-texas/image_08914de5-4ab5-54cb-bc78-42b288da974b.html),  
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[https://www.rheaheraldnews.com/news/image\\_8b33f072-9dee-5d82-b15c-3cfe6556091f.html](https://www.rheaheraldnews.com/news/image_8b33f072-9dee-5d82-b15c-3cfe6556091f.html),

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[https://www.thecentralvirginian.com/news/national/18-collin-county-texas/image\\_6620316c-54b3-54ea-a052-7a28a94ac41e.html](https://www.thecentralvirginian.com/news/national/18-collin-county-texas/image_6620316c-54b3-54ea-a052-7a28a94ac41e.html),

[https://pantagraph.com/news/18-collin-county-texas/image\\_87a3edb7-cb07-5740-ae2-f40624cf51cd.html](https://pantagraph.com/news/18-collin-county-texas/image_87a3edb7-cb07-5740-ae2-f40624cf51cd.html), Stating that Thanks to its prime location near Dallas, Collin County has had a 36% increase in population since 2010. And with higher population numbers comes a need for more housing—which is one part of why Collin County has had such massive growth in housing in recent years. Families looking for single-family homes have set their sights on this area, and developers have delivered *en masse*. Plus, unlike areas within Dallas proper, there's plenty of land to develop in Collin County, which makes it prime for the addition of new neighborhoods.



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cases stagnated by the COVID pandemic. We believe, based upon our experience and data that Collin County will once again see a rise in the number of filings in the County Courts at Law and it will continue to be proportional to the population.

When it comes to Strategic Planning for infrastructure, Commissioners Court has previously resisted adding capacity to get us to tomorrow or next year or to 2035 or 2040. Rather, Collin County Strategic Planning has advocated to think “Build-Out” now rather than later<sup>25</sup>. If Commissioners Court wishes to continue with this mindset, then we require to add an additional 6 County Courts at Law within the next 10-15 years and a total of 11 additional County Courts at Law within the next 20 years. This averages out to adding 2 County Court at Law every legislative session for the next 20 years.

However, we County Court at Law judges are currently seeking 2 additional County Courts at Law for this legislative cycle. We believe that this population growth and case filings show that we potentially need for than two to keep pace with the growth. Adding 2 County Courts at Law now is the prudent request given that the future may provide more efficiency than we are currently experiencing either through changes in technology or legislative changes. In essence, we may be able to do more with less. And if these potential efficiencies are not recognized then we can, in fact we will need to, add more courts in the future.

## We are Hard Working

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<sup>25</sup> <https://www.collincountytx.gov/engineering/Documents/Future%20Mobility%20Std%20090816.pdf>

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# Where Are We Going

## The Evolution of the County Courts at Law

### The Good

#### ***Odyssey and eFile Systems***

Migrating from paper files to a computer based system has provided a tremendous benefit. No longer is a clerk required to lug around voluminous paper files to and from court. No longer are judges, lawyers and litigants required to come to the courthouse and wait in queue just to review a file or file a document with the Court. Everything is online and very accessible.

#### ***Zoom***

The Office of Court Administration as part of its response to the COVID Pandemic was charged with finding a solution to conducting court proceedings remotely. That solution was Zoom, an online video conferencing tool. By allowing Court to proceed with the parties and even the court staff appearing remotely via Zoom created many efficiencies. For example, some hearings like setting bond conditions take a relatively short amount of courtroom time; however, it takes a long time for the lawyers and criminal defendants to drive to the courthouse, clear courthouse security, and then wait in the gallery for their case to be called. All of that movement and waiting was eliminated using Zoom. The parties are more likely to be on-time when they appear remotely and thus docket management is more efficient.

#### ***Mental Health Competency Coordinator***<sup>26</sup>

Having a Mental Health Competency Coordinator allows for the Courts to have a single point of contact regarding any and all mental health issues in the criminal justice system. No longer are the Courts wondering what the status of a case is or a criminal defendant ability to stand trial or not. No longer are we having to draft orders and

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<sup>26</sup> <https://www.county.org/County-Magazine-Main/Sep-Oct-2019/Best-Practices-Collin-County>

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schedule experts to assess competency and coordinate various issues between the State and defense. Moreover, we now know the exact status of a defendant, their treatment options, where they are in line for the care facility; therefore, we can more quickly dispose of cases. While this efficiency is difficult to quantify it is real and a tremendous help to not only the Court but to the litigants as well.

### **The Bad**

#### ***COVID in March 2020***

In 2019, across all 254 counties within the Great State of Texas, there were 9,000 jury trials. We judges here in Collin County contributed more than our fair share to that total. In 2020, during the pandemic, there were only 239 jury trials conducted within the entire State. That means we went from averaging 186 jury trials per week to merely 4 per week across all 254 counties in the State of Texas.<sup>27</sup> Collin County was not immune to this stagnation. While we are diligently working to get through the backlog the addition of new cases does not stop.

It should be noted that had this Pandemic occurred 10 years ago, perhaps even just 5 years ago then the court system in Collin County would have come to a complete standstill. Due to proper planning and a desire to be more efficient Collin County migrated from using paper based files to a computer based file system, Tyler Technologies Odyssey system, for document management. Also, the Texas Supreme Court mandated implementing an e-File solution to allow the filing documents remotely. These two solutions allowed our courts to continue and operate from a court filings perspective during the Pandemic. Furthermore, the Office of Court Administration (OCA) having rolled out Zoom to all of the courts statewide allowed us to have remote courtroom proceedings. Again, but for these three technological advances we would not have been able to conduct court at all.

#### ***District Attorney's Office***

Since our last request for County Court at Law 7, the District Attorney's office has created a Family Violence Unit. This unit consists of 2 Assistant District Attorney's (a

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<sup>27</sup> <https://www.sll.texas.gov/assets/pdf/judiciary/state-of-the-judiciary-2021.pdf>



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Chief and a #2) handling all of the misdemeanor Assault Family Violence cases for all 7 County Courts at Law. Statutorily, the County Courts at Law MUST give jury trial priority to family violence cases<sup>28</sup>. This means we 7 courts must now share only 2 resources.

Moreover, the District Attorney's office staffs each County Court at Law with two (2) Assistant District Attorney positions per County Court at Law (a Chief and at #2). The District Attorney's Office has three (3) "floaters" which share duties across all 7 County Courts at Law. Therefore, there are a total of nineteen<sup>29</sup> (19) Assistant District Attorneys assigned to handle all of the criminal cases filed within the 7 County Courts at Law. This is less than 3 per County Court at Law. This inhibits the ability to dispose of criminal cases. For example, each criminal trial has 2 prosecutors. When the prosecutors are in jury trial there is no one to respond to defense attorney requests.

### ***Civil Procedure Changes***

Texas Rules of Civil Procedure 169, regarding expedited actions, was first enacted in 2013 and revised in 2021. This rule requires ALL Civil Cases filed in County Court at Law to be "fast tracked" unless otherwise exempted or upon request by the parties. This rule also limits the number of continuances the Court may grant and limits the amount of time to conduct the jury trial. This means some civil trials are taking precedence over criminal trials.

Furthermore, the jurisdictional limit of the County Courts at Law has been raised from \$100,000 to \$250,000, not including attorney's fees and exemplary damages.

Finally, we are seeing Eviction cases, which the County Courts at Law have appellate jurisdiction over, increasing. Eviction cases were stayed for some time during the Pandemic; however, that stay has been lifted. We are now seeing a surge in Eviction

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<sup>28</sup> See <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.23.htm> specifically, Section 23.101(a)(2) of the Texas Government Code stating that priority to jury trial settings should first be given to jail inmates and then to family violence cases before all other cases.

<sup>29</sup> 2 Family Violence prosecutors plus 3 floaters plus 2 prosecutors assigned to each of the 7 County Courts at Law equals 19 total Assistant District Attorney's.



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Appeals. Given the current status of the economic climate we do not foresee this surge as being the exception but rather the norm.

It is our belief that all of these changes have created an increase in the number of civil filings in the County Courts at Law.

### ***Criminal Procedure Changes***

SB6 which is the Public Safety Report System Information (PSRS) for District and County Court at Law Judges. This legal requirement now creates additional steps that the court must provide in recording bond information for criminal defendants. This additional time means less time to conduct other court business.

### ***Condemnation Cases***

There has been an increase in the number of condemnation cases filed and those going to trial<sup>30</sup>. These are complex civil matters often times involving lengthy expert testimony. The County Courts at Law have original jurisdiction regardless of the jurisdictional dollar amount limit of the court. We have seen multi-million-dollar jury verdicts for Condemnation suits. We believe the increase in filings is due to the growth of the county and subsequent increase and scope of projects requiring *eminent domain*. Again, ultimately this is tied to the increase in population. The increase in jury trials is likely due to the party's inability to agree<sup>31</sup> on the value of the take due to the increase in property values seen in Collin County<sup>32</sup>. These trials take longer and therefore cause a disproportionate amount of time to dispose of compared to any other type of case within the jurisdiction of the County Courts at Law.

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<sup>30</sup> See <https://www.dallasnews.com/news/2018/02/21/going-going-gone-booming-collin-county-growth-means-rural-areas-won-t-be-farmland-forever/> "During that meeting, Mayor Pro Tem Rainey Rogers warned that probably wouldn't be the last time rural Collin County residents would have to fight to protect their property."

<sup>31</sup> See <https://www.nbcdfw.com/news/local/century-old-collin-county-farm-fighting-over-eminent-domain/58869/> see also <https://www.fox4news.com/news/collin-county-family-facing-eminent-domain-fight-over-farm> see also <https://www.dmagazine.com/frontburner/2021/01/collin-county-delays-vote-on-controversial-land-purchase-for-highway-380-expansion/>

<sup>32</sup> See <https://www.redfin.com/county/2682/TX/Collin-County/housing-market> where the housing prices went up more than 25% in just one year from 2021 to 2022.

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## **The Ugly Court Staffing**

The Office of Court Administration and the State Legislatures have provided funding for visiting judges to assist in the COVID backlog. However, we are having difficulty finding substitute Court Reporters and we have no substitute Bailiffs<sup>33</sup>. There have been occasions when court business could not be performed due to a staffing shortage. This further inhibits our abilities to manage our dockets efficiently.

Even if we could run a double-docket, meaning that we utilized a visiting judge, a substitute court reporter and substitute bailiff to help with our backlog we still only have 1 extra courtroom space in which to conduct trials<sup>34</sup>. That is an Auxiliary Court Room. However, the Auxiliary Court Room is very often used by other courts, usually the Probate Court as the current Probate Court is not configured for jury trials. Again, this is not an option as we do not have access to substitute bailiffs.

Moreover, operating a double-docket is only a short-term solution. We are experiencing long-term growth thus necessitating additional courts.

## ***District Court Civil Jurisdiction***

Further complicating the issue of future additional County Courts at Law is that our District Judges here in Collin County are contemplating seeking a legislative change to their civil jurisdiction. This is a prospective change and not yet made; however, if changed this could have a tremendous impact on the County Court at Law caseload.

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<sup>33</sup> On September 3, 2019, the County Court at Law judges entered into an agreement with the Collin County Sheriff, Jim Skinner, at the request of the Collin County Sheriff, Jim Skinner, not to seek relief Bailiffs from the Sheriff due to his inability to staff these positions. Because a Bailiff is the Court Officer he is a necessary position in the courtroom in order to hold court. When a Bailiff is unavailable then court cannot proceed. There have been lost court days due to the inability of the court to have a Bailiff when previously the Collin County Sheriff would provide a relief Bailiff. The 7 County Courts at Law are now left to back fill for each other. That means we County Courts at Law are left to find a back-up Bailiff from our 7 when the Collin County Sheriff could not find a back-up out of his more than 200 sworn peace officers. It should be noted that the Collin County District Judges do not have such an agreement with the Collin County Sheriff and they are still utilizing fill-in and back-up Bailiffs from the Sheriff's Office.

<sup>34</sup> It should be noted that in 2019, during a meeting with all of the current County Court at Law judges, Mr. Bill Bilyeu was asked by us judges how long it will take to build onto the current courthouse and add more physical courtrooms for the projected growth. He stated it would take 5 years from the time Commissioners Court approves the expansion until we were to get a certificate of occupancy.

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Currently, a Plaintiff seeking less than \$250,000 in damages has the choice to file in either District or County Courts at Law. The District Judges want to increase their minimum civil jurisdiction. If changed, then Plaintiff's will no longer have the option of filing in either County Court at Law or District Court. The Plaintiff will be REQUIRED to file in County Court at Law if they are seeking damages below the new proposed jurisdictional threshold of the District Courts. The net effect of such change would be a net decrease in the civil case filings in District Court and a net increase of civil filings in the County Court at Law.



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## What We Need

Except for the Pandemic year of 2020, the case filings in the County Courts at Law has remained linear at about 1 additional case filed per 64 residents. Given the current population that means that we can expect 16,625 cases to be filed this year in the County Courts at Law. This means that there will be roughly 2,375 cases filed in each of the current 7 County Courts at Law. To keep up we would have to dispose of approximately 200 cases per month. That is not possible. Until we get some help in the way of additional courts we will continue to carry over cases year-over-year. This means that we may not be able to meet our statutory requirements for disposing of civil cases in accordance with Rule 169 and those select criminal cases that require preferential trial settings.

This situation is not new. We County Courts at Law were underwater in that we were getting more cases filed than we could dispose of; therefore, in 2015, Commissioners Court granted our request and County Court at Law 7 was added. For this we are grateful and provided temporary relief as we were underwater once again starting in 2017.

No County Courts at Law have been added since 2015. In this 7 year timespan the population of the county has grown from approximately 915,000 to 1,125,000.<sup>35</sup> Furthermore, it is projected over the next 8 years that the population is expected to swell to 1,600,000.<sup>36</sup> If the cases continue to get filed in the County Court at Law at the current rate that means in 2030 there will be approximately 25,000 cases filed in the County Courts at Law<sup>37</sup>.

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35 <https://worldpopulationreview.com/us-counties/tx/collin-county-population>

36 [https://www.collincountytx.gov/public\\_information/features/Pages/Growth\\_One.aspx](https://www.collincountytx.gov/public_information/features/Pages/Growth_One.aspx)

37 Today there is approximately 1 case filed in County Court at Law per 64 residents. If the population increases to 1.6 million then there will be 25,000 cases filed in the County Courts at Law.

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The County Courts at Law last saw relief when County Court at Law 7 was added. 2016, the first full year of operation for all 7 County Courts at Law, we were actually able to dispose of more criminal cases than were filed. We recognized a net gain for that calendar year, but there were still cases held over from previous years. So this was not a net overall gain to the number of cases assigned to each County Court at Law but only a gain for that calendar year.

However, in all of the years since 2016, with the exception of 2019 when we were able to dispose of 50 more criminal cases than were filed for that single calendar year, we have still been underwater. That means after prudently adding only 1 County Court at Law in 2015 we are experiencing more cases being added to our dockets than we can possibly dispose of.

The data shows that the recent number case filings in the County Courts at Law, both Civil and Criminal have increased. There was a temporary anomaly due to the COVID pandemic with a decrease in filings for 2020. But we have also saw a decrease in the ability to dispose of cases during the Pandemic. It is not for a lack of effort on behalf of us County Court at Law judges. We judges have worked very diligently to manage our dockets as best as possible.

Furthermore, our efforts have been enhanced due to the migration from paper based files to the computer based Odyssey system coupled with the statewide deployment of Zoom for the courts. If we did not have Odyssey and Zoom then we would literally not have been able to conduct any court business whatsoever during this Pandemic. Nonetheless, even with a reduction in filings they are occurring faster than we can dispose of the cases.

While the relief provided by County Court at Law 7 was temporary we do not believe it was a mistake to only add 1 County Court at Law in 2015. We believed then that it was the prudent approach to see if the county was going to sustain its growth or not. Like Collin County Judge Chris Hill stated "it is a challenge to maintain our high levels of



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service while managing to keep costs down”<sup>38</sup>. We County Court at Law judges have demonstrated our desire to be good stewards of tax payer resources. But, we now find and believe that the county’s growth is not only sustainable it is increasing at an increasing rate. To meet this demand and provide the good citizens of Collin County with the level of service they expect and deserve as well as meet our legal requirements we require 2 additional County Courts at Law.

## Appendix

**We have included any data used or documents used not readily accessible in this report.**

**Also included are the different positions regarding Substitute Bailiff’s; one from Sheriff Box in 2016 where he was willing to provide substitute Bailiff’s and one from Sheriff Skinner in 2019 where is not willing to provide substitute Bailiff’s.**

**A brief explanation of Senate Bill 6 which create the Public Safety Report System (PSRS).**

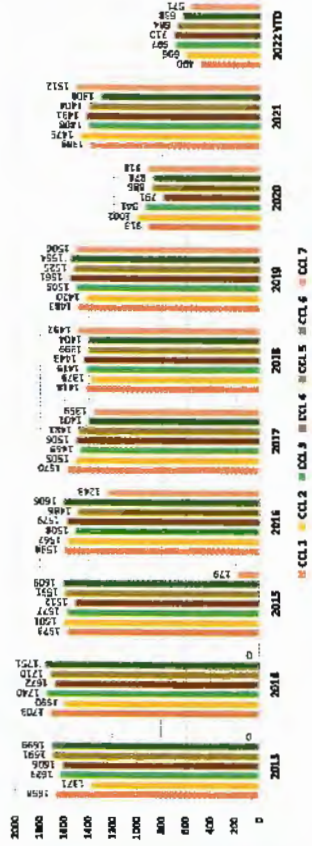
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<sup>38</sup> See <https://localprofile.com/2020/12/21/collin-countys-population-explodes-are-we-ready/> Where Collin County Judge Chris Hill is quoted “The biggest challenge is to continue to offer high levels of service while maintaining a low tax rate,” and the article further state that keeping up with the Collin County population growth can be expensive.

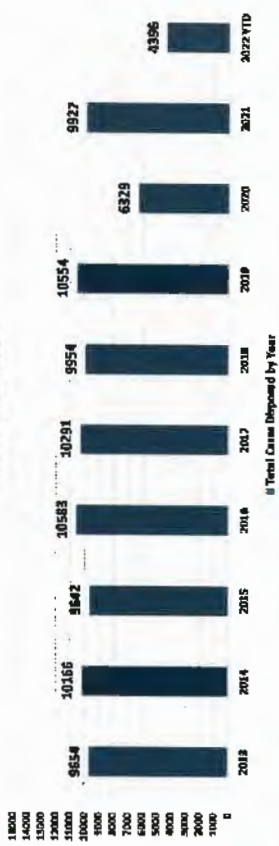
**CIVIL - CASES DISPOSED**

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022 YTD	Total by Court
CCL1	709	593	596	539	628	742	735	640	843	441	6528
CCL2	642	561	740	643	683	712	810	631	511	439	6782
CCL3	744	590	643	589	709	757	804	695	496	480	6851
CCL4	633	672	689	591	621	704	735	599	921	432	6897
CCL5	701	554	635	571	664	699	748	639	869	435	6464
CCL6	664	567	588	586	662	676	810	603	914	423	6483
CCL7	0	0	60	470	665	648	773	510	603	437	4456
<b>Total by Year</b>	<b>4093</b>	<b>3907</b>	<b>4043</b>	<b>4043</b>	<b>4642</b>	<b>4908</b>	<b>5419</b>	<b>4386</b>	<b>6157</b>	<b>3077</b>	

**Criminal - Total Cases Disposed By Year By Court**  
2013 - 2022 YTD



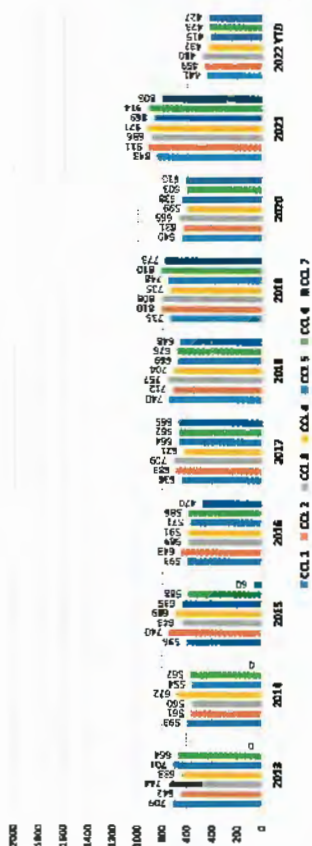
**Criminal - Total Cases Disposed By Year**  
2013 - 2022 YTD



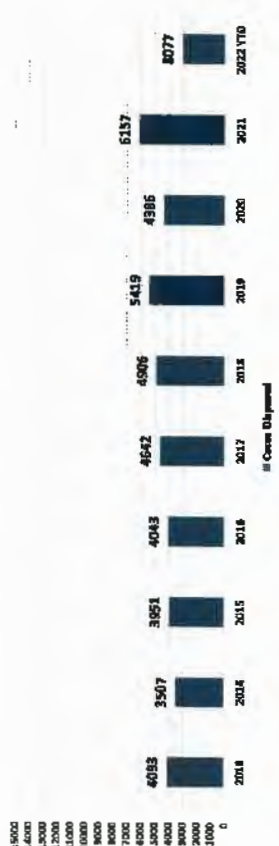
**CIVIL - CASES DISPOSED**

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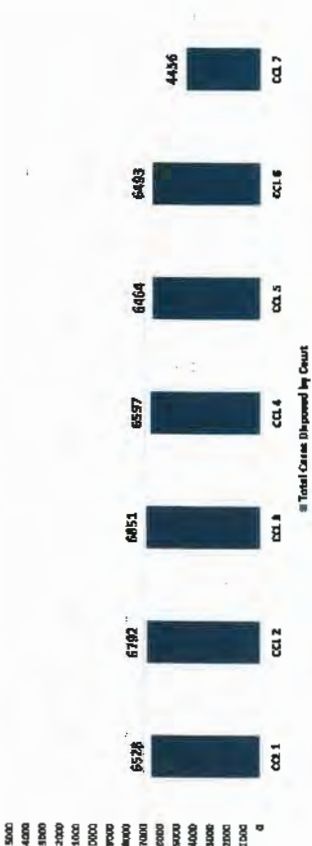
**Civil - Total Cases Disposed By Year By Court**  
2013 - 2022 YTD



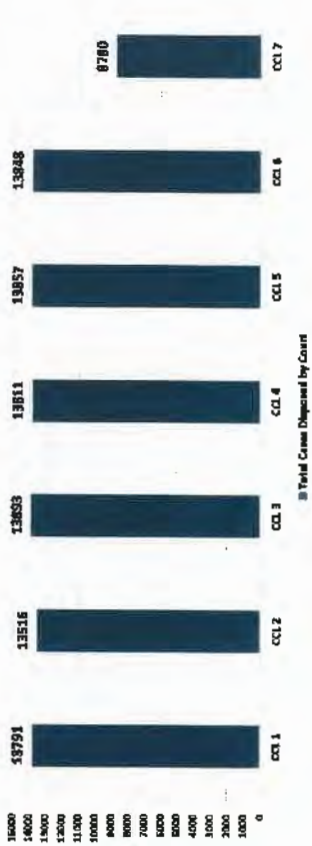
**Civil - Total Cases Disposed By Year**  
2013 - 2022 YTD



**Civil - Total Cases Disposed By Court**  
2013 - 2022 YTD



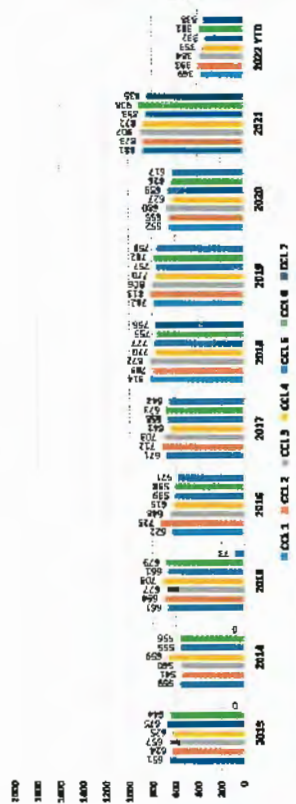
**Criminal - Total Cases Disposed By Court**  
2013 - 2022 YTD



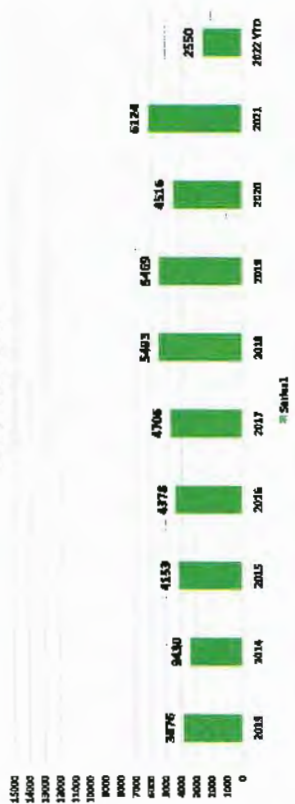
**CIVIL - CASES ADDED**

	2018	2019	2020	2021	2022 YTD	Total By Court
CCL1	651	651	622	673	814	3692
CCL2	624	694	725	712	789	3618
CCL3	657	680	677	648	703	3464
CCL4	615	659	615	641	770	3313
CCL5	675	661	599	658	717	3322
CCL6	644	596	608	678	735	3318
CCL7	0	73	571	648	766	3318
Total By Year	3278	3430	4353	4378	4708	25350

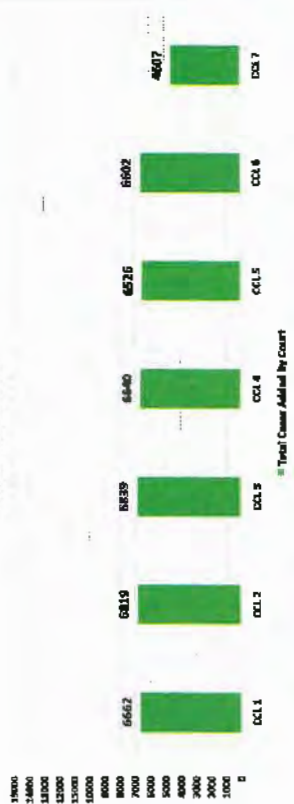
**Civil - Total Cases Added By Year By Court**  
2013 - 2022 YTD



**Civil - Total Cases Added By Year**  
2013 - 2022 YTD



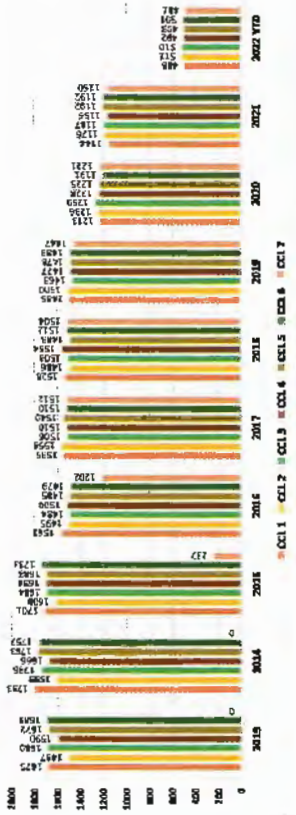
**Civil - Total Cases Added By Court**  
2013 - 2022 YTD



**CIVIL - CASES ADDED**

	2015	2016	2017	2018	2019	2020	2021	2022 YTD	Total By Court
CCL1	1675	1783	1701	1562	1528	1485	1144	482	24124
CCL2	1497	1599	1600	1495	1486	1500	1176	511	23666
CCL3	1680	1736	1694	1484	1509	1463	1187	570	14002
CCL4	1590	1666	1664	1609	1570	1554	1158	482	13876
CCL5	1677	1763	1660	1485	1540	1483	1192	489	14019
CCL6	1698	1787	1713	1579	1512	1498	1192	501	14047
CCL7	0	0	237	1202	1512	1504	1192	481	8744
Total By Year	8803	10214	10244	10574	10570	10813	8574	3207	

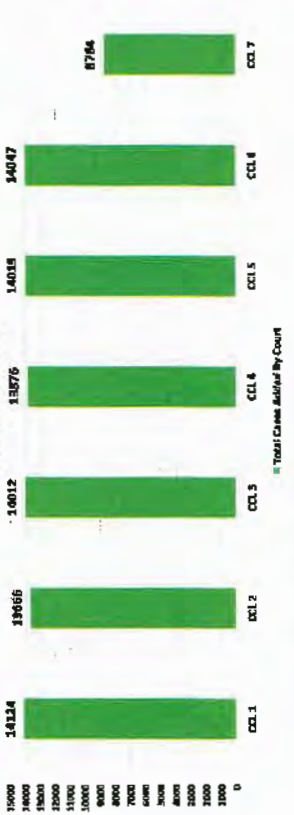
**Criminal - Total Cases Added By Year By Court**  
2013 - 2022 YTD



**Criminal - Total Cases Added By Year**  
2013 - 2022 YTD



**Criminal - Total Cases Added By Court**  
2013 - 2022 YTD

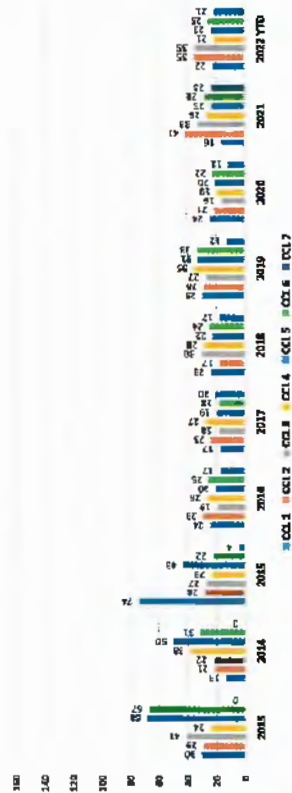




**CIVIL - TBC**

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022 YTD	Total by Court
CCL1	30	13	74	24	17	23	29	24	16	22	272
CCL2	29	21	28	29	23	17	24	21	41	55	272
CCL3	41	72	27	39	38	30	27	16	33	35	266
CCL4	24	36	23	26	27	28	35	26	21	21	287
CCL5	68	50	43	20	39	22	32	20	23	23	320
CCL6	67	0	22	25	38	24	33	22	28	25	285
CCL7	0	0	4	17	20	17	12	11	23	21	135
<b>Total by Year</b>	<b>258</b>	<b>175</b>	<b>221</b>	<b>180</b>	<b>247</b>	<b>161</b>	<b>186</b>	<b>138</b>	<b>190</b>	<b>162</b>	<b>1623</b>

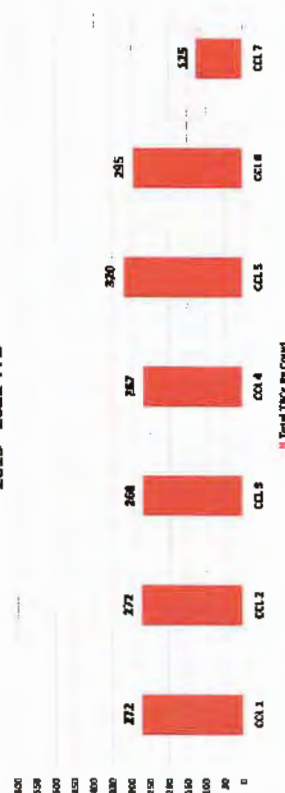
**Civil - Total TBCs By Year By Court**  
2013 - 2022 YTD



**Civil - Total TBCs By Year**  
2013 - 2022 YTD



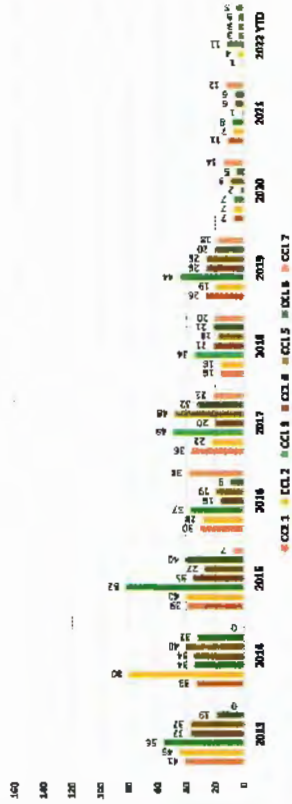
**Civil - Total TBCs By Court**  
2013 - 2022 YTD



**Criminal - TBC**

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022 YTD	Total by Court
CCL1	41	33	59	50	56	16	26	7	11	1	240
CCL2	45	80	40	28	22	16	19	7	7	4	268
CCL3	56	34	82	37	46	34	44	7	8	11	382
CCL4	37	34	35	16	20	21	26	2	1	3	195
CCL5	37	40	39	19	48	18	26	9	6	3	288
CCL6	19	32	9	32	21	21	20	5	6	3	187
CCL7	0	0	7	38	21	20	14	14	12	5	135
<b>Total by Year</b>	<b>235</b>	<b>252</b>	<b>270</b>	<b>277</b>	<b>228</b>	<b>146</b>	<b>179</b>	<b>51</b>	<b>53</b>	<b>30</b>	<b>1635</b>

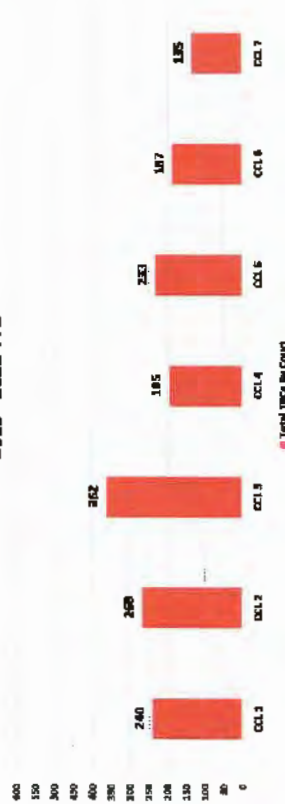
**Criminal - Total TBCs By Year By Court**  
2013 - 2022 YTD



**Criminal - Total TBCs By Year**  
2013 - 2022 YTD



**Criminal - Total TBCs By Court**  
2013 - 2022 YTD



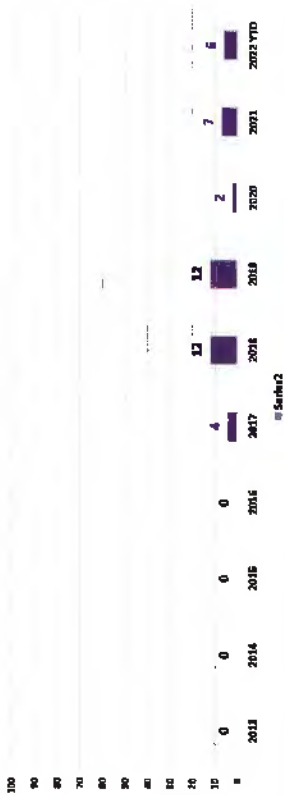
**CIVIL - JURY TRIALS**

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022 YTD	Total By Court
CCL1	0	0	0	0	0	0	0	0	0	1	1
CCL2	0	0	0	0	0	1	0	0	3	1	5
CCL3	0	0	0	0	0	1	0	2	1	4	8
CCL4	0	0	0	0	1	5	3	0	1	10	20
CCL5	0	0	0	1	1	0	0	0	0	2	3
CCL6	0	0	0	1	4	2	1	1	1	10	20
CCL7	0	0	0	1	3	5	0	2	7	6	31
Total by Year	0	0	0	4	12	12	2	7	7	6	

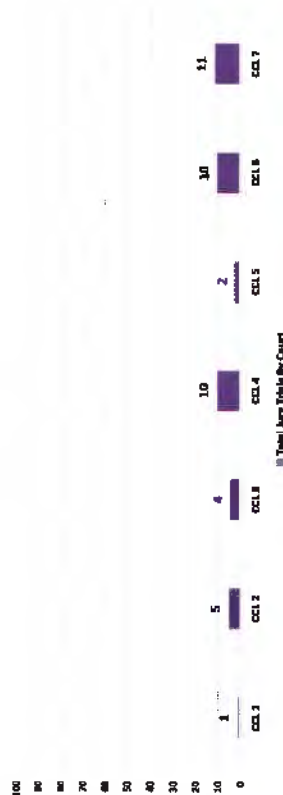
**Civil - Total Jury Trials By Year By Court**  
2013 - 2022 YTD



**Civil - Total Jury Trials By Year**  
2013 - 2022 YTD



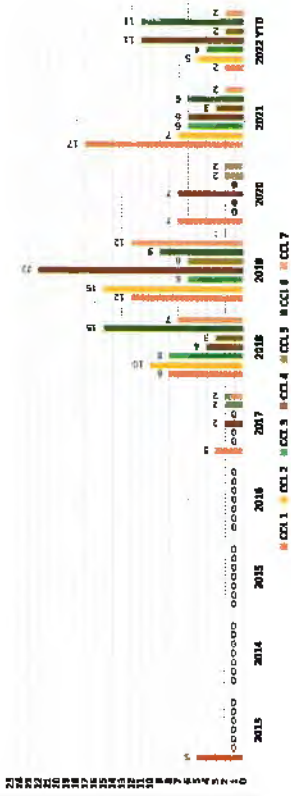
**Civil - Total Jury Trials By Court**  
2013 - 2022 YTD



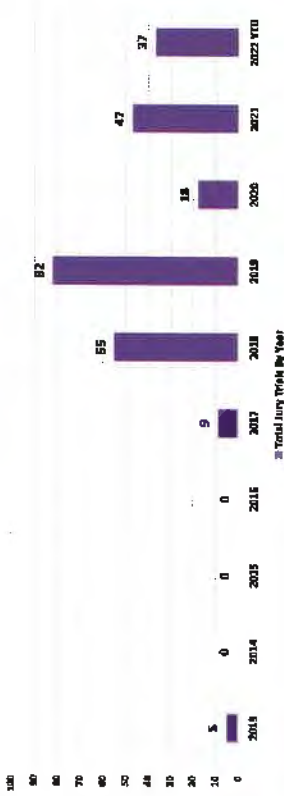
**CRIMINAL - JURY TRIALS**

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022 YTD	Total By Court
CCL1	5	0	0	0	3	8	12	7	17	2	54
CCL2	0	0	0	0	0	30	15	0	7	5	57
CCL3	0	0	0	0	0	8	6	0	6	4	24
CCL4	0	0	0	0	2	4	22	7	6	11	52
CCL5	0	0	0	0	0	3	6	0	3	2	14
CCL6	0	0	0	0	2	15	4	2	6	6	45
CCL7	0	0	0	0	2	7	32	2	2	2	47
Total by Year	5	0	0	0	6	55	82	14	47	47	

**Criminal - Total Jury Trials By Year By Court**  
2013 - 2022 YTD



**Criminal - Total Jury Trials By Year**  
2013 - 2022 YTD



**Criminal - Total Jury Trials By Court**  
2013 - 2022 YTD





# Sheriff Box's Position Document

# MEMO

**To:** Judge Barnett Walker, Judge Lance Baxter, Judge David Rippel, Judge Dan Wilson,  
Judge Jay Bender, Judge David Waddill  
**From:** Judge Corinne Mason  
**CC:** Sheriff Terry Box, Judge Angela Tucker, Darla Wright Pam DeVault,  
Lieutenant Crossland, Sergeant Henry  
**Date:** August 23, 2016  
**Re:** Substitute Bailiff

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As you know Judge Tucker and I recently met with Sheriff Box and his staff to discuss the substitute bailiff situation. Afterwards I visited with each of you to determine how we can best resolve the Sheriff's concerns while maintaining our court officer's presence in our courts.

Accordingly, as of September 1, 2016 the following procedures will be implemented:

1. Before requesting a substitute bailiff, always try to fill your need by contacting the other county courts to see if another county court officer can step in and fill the vacancy;
2. If a substitute bailiff is absolutely necessary, have your court officer fill out the attached form and get it to Darla Wright, who will be working with Lieutenant Crossland to coordinate time off requests
  - a. Such requests must be made at least two weeks ahead of time (true emergencies will always be accommodated), and the sooner the request is made the better as we currently only have two substitute bailiffs available for all of the courts;
  - b. Darla will inform your bailiff whether the request was approved or not. If it is not approved, no substitute bailiff will be provided by the Sheriff's Office and you and your court officer will have to make other arrangements;
3. Court officers must be in full uniform at all times. This includes Christmas week and Spring Break. If your court officer is working, they must be in the uniform as outlined by the Sheriff's policy manual.
4. All off duty work is to be handled according to the Sheriff's policies as outlined in the policy manual.
5. Should you receive a substitute bailiff, please let the bailiff return to the jail as soon as possible once court business is concluded for the day.

We are hoping these changes will help ease the situation with the jail transfer staff. The Sheriff has always been willing to assist us when we have asked and it's now our turn to adjust to accommodate his needs. If you have any questions or concerns please let me know as soon as possible and before September 1.

# Sheriff Skinner's Position Document

**Agreement Between the Courts and the Sheriff's Office  
Regarding Relief for Court Security Officers (Bailiff Duty)**

**Liaisons and Chain of Command for Security**

1. Liaisons

- a. District Courts: Kim Alvarado, Court Administrator  
x 4542, [kalvarado@co.collin.tx.us](mailto:kalvarado@co.collin.tx.us)
- b. County Courts at Law: Darla Wright, Court Coordinator  
x 3840, [darla2@co.collin.tx.us](mailto:darla2@co.collin.tx.us)
- c. Sheriff's Office: Capt. Mitch Selman  
x 5146, [mselman@co.collin.tx.us](mailto:mselman@co.collin.tx.us)

2. Chain of Command for Security

a. The chain of command for security is the S.O. Captain-- Services, the Courthouse Lieutenant, and the Courthouse Sergeants. These officers have the authority to enforce security policy, including any policy or procedure adopted by the Court Security Committee under Section 74.092(a)(13), Gov't Code, in the courthouse and the Security Best Practices—set out below—with respect to all court security officers.

b. Current personnel:

- i. Capt. Mitch Selman  
x 5146, [mselectman@co.collin.tx.us](mailto:mselectman@co.collin.tx.us)
- ii. Lt. Frank Bundick  
x 5120, [fbundick@co.collin.tx.us](mailto:fbundick@co.collin.tx.us)
- iii. Sgt. Alejandro Nevarez  
x 6496, [anevarez@co.collin.tx.us](mailto:anevarez@co.collin.tx.us)

- iv. Sgt. Michael Lake  
x 4736, [mlake@co.collin.tx.us](mailto:mlake@co.collin.tx.us)

The S.O. will notify the court liaisons of any changes to these.

### **Scheduling, Unavailability, and Coverage**

3. As of September 1, 2019, the seven County Courts at Law (a) will work as a team to provide security relief or bailiff coverage for any of the other county courts at law and (b) will not request security relief or bailiff coverage from the S.O. The County Courts at Law will address their security issues by working as units according to floors. Accordingly, Courts two, three, and four will be a unit, Courts five and one will be a unit, and Courts seven and six will be a unit. These units will cover for each other and will be the first point of relief to address bailiff/security needs. The judges will communicate their needs directly to the other judge(s) in their unit before seeking help from another unit. Should the units be unable to fulfill their needs in that manner, Courts may work with Darla Wright to coordinate relief bailiff assistance. Ms. Wright will keep track of bailiff requests for time off and the reason for such request. i.e., training, vacation, PTO, etc.

### **Security Best Practices**

The court security officers will also comply with these best practices.

The Best Practices for Courthouse Security Staff, including the Court Bailiffs:

- Attend briefings where security and critical information is disseminated;
- Comply with the S.O.'s uniform policy, including wearing the uniform and vest every day to work, whether in court or not;
- Comply with the S.O.'s grooming policy;
- Wear the radio and monitor the courthouse main channel, regardless of whether the court officer's regular court is in session (the County provided the court officers with ear pieces for use when an operating radio might be a distraction); and report any lost or damaged radios— or radios not operating properly—to Commander Pam Palmisano, x 5110;
- Stay off of personal phones, keeping eyes up and moving while standing a post;
- Follow the current policies and procedures for:
  - Emergency responses;
  - Crisis communications;
  - Lock-down situations;
  - Leadership during evacuations;
  - Follow one chain of command; and
  - Conduct daily security searches of areas under each deputy's responsibility;
- Conduct routine threat assessments of defendants on the dockets;
- Routinely test panic alarms and be familiar with how to reset them;



- Attend all trainings regarding overall courthouse security upon adequate notice being given;
- Qualify with firearms with PSS, according to state law and S.O. policy; and
- Participate in at least two training exercises with the S.O. and other courthouse-security stakeholders per year.

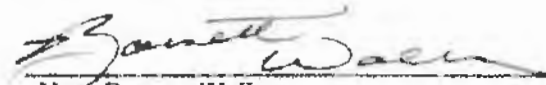
AGREED and SIGNED this 3 day of September, 2019.



Sheriff Jim Skinner  
Collin County Sheriff's Office



Hon. Corinne Mason  
County Court at Law No. 1



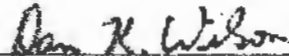
Hon. Barnett Walker  
County Court at Law No. 2



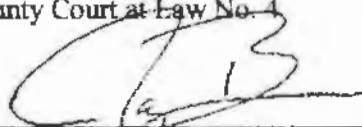
Hon. Lance Baxter  
County Court at Law No. 3



Hon. David Rippel  
County Court at Law No. 4



Hon. Dan Wilson  
County Court at Law No. 5



Hon. Jay Bender  
County Court at Law No. 6



Hon. David Waddie  
County Court at Law No. 7

## **SB 6's Public Safety Report System Information for District and County Court Judges**

The Second Called Session of the 87th Legislature (2021), enacted [Senate Bill 6](#) which requires the Office of Court Administration (OCA) to develop a statewide Public Safety Report System and requires magistrates who set bail for defendants charged with a Class B misdemeanor or higher category offense to consider a public safety report generated by the Public Safety Report System. The bill also requires any magistrate, judge, sheriff, peace officer or jailer who sets bail under Chapter 17, Code of Criminal Procedure, for a defendant charged with a Class B misdemeanor or higher category offense to complete a bail form and to promptly (but no later than 72 hours) submit it to OCA through the Public Safety Report System.

### **What does the Public Safety Report System (PSRS) do?**

The PSRS serves three primary functions – 1) generates a public safety report with respect to a defendant for magistrates to consider before setting bail for defendants charged with a Class B misdemeanor or higher category offense, 2) provides the bail form that must be completed by magistrates, judges, sheriffs, peace officers and jailers who set bail under Chapter 17, Code of Criminal Procedure, for a defendant charged with a Class B misdemeanor or higher category offense, and 3) provides a system/process for the bail form to be submitted to OCA. (Code of Crim. Proc. Arts. 17.021, 17.022; Gov't Code Sec. 72.038)

### **When do I have to consider a public safety report generated by the PSRS or submit a bail form?**

Art. 17.022(d) of the Code of Criminal Procedure requires a magistrate setting bail for a defendant charged with a Class B misdemeanor or higher category offense to consider a public safety report generated by the PSRS and to promptly, but no later than 72 hours after setting bail, submit a bail form (Sec. 72.038, Gov't Code) to OCA using the PSRS.

The following is a guide outlining when a judge is required to consider the public safety report generated by the PSRS and whether a judge needs to complete and submit a bail form using the PSRS: