

# DIRECTOR'S REPORT

February 2017



## Texas Judicial Council

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## CONTENTS

|   |   |
|---|---|
| Technology & Data.....  | 1 |
| Information Services Division .....                             | 1 |
| Attorney Portal Now Available at all Appellate Courts.....      | 1 |
| Judicial Access to Court Records.....                           | 1 |
| Price of Justice Grant .....                                    | 1 |
| Criminal e-Filing .....   | 1 |
| Guardianship Compliance Tool.....                               | 2 |
| Other Information Services Projects.....                        | 2 |
| Research & Court Services .....                                 | 3 |
| Court Services .....  | 3 |
| Collection Improvement Program Technical Support .....          | 3 |
| Consulting .....  | 3 |
| Language Access Services .....                                  | 3 |
| Research.....   | 3 |
| Domestic Violence Resources Program .....                       | 3 |
| Data Collection.....  | 4 |
| Judicial Information Program.....                               | 4 |
| Collection Improvement Program Audit.....                       | 4 |
| Data Integrity/Verification Audit Timeline – SAO Response.....  | 5 |
| Specialty Courts .....  | 6 |
| Child Protection Courts/Child Support Courts Program .....      | 6 |
| Child Protection Courts.....                                    | 6 |
| Child Support Courts .....                                      | 6 |
| Problem Solving Court Coordinator.....                          | 6 |
| Regulatory Services.....  | 7 |
| Judicial Branch Certification Commission (JBCC).....            | 7 |
| JBCC Certifications, Registrations, and Licenses .....          | 7 |
| Recent Meeting of the JBCC and Advisory Boards.....             | 7 |
| Compliance Section Complaint Investigation and Resolution ..... | 7 |
| Development of the new Codes of Ethics and Standards.....       | 7 |
| Examinations for the JBCC .....                                 | 7 |

|   |   |
|---|---|
| Additional Projects for the JBCC .....              | 8 |
| Guardianship Compliance Review Pilot Project.....   | 8 |
| Conservatorship Accountability Project (CAP).....   | 8 |
| Guardianship Compliance Training.....               | 9 |
| Guardianship Compliance Participating Counties..... | 9 |
| Timothy Cole Exoneration Review Commission .....    | 9 |

## TECHNOLOGY & DATA

OCA's Information Services Division (ISD) is instructed by the Legislature to directly provide staff and information technology equipment and services to the two high courts, the 14 intermediate appellate courts and five judicial branch state agencies – almost 900 users. The division also provides staff to coordinate and facilitate the work of the Judicial Committee on Information Technology (JCIT).

### Information Services Division

#### Attorney Portal Now Available at all Appellate Courts

The attorney portal provides a secure access point for attorneys to retrieve clerk records and reporter records from the court. In the past, this required a CD, USB drive and a trip (or a runner) to the courthouse. The Supreme Court, Court of Criminal Appeals, and all 14 intermediate appellate courts have enabled the portal. Attorneys can access the attorney portal at <https://www.attorneyportal.txcourts.gov/>.

#### Judicial Access to Court Records

**re:SearchTX** As part of the eFiling contract, Tyler Technologies is contracted to provide document access. The new tool is currently being used by Texas judges and is called Re:SearchTX. The tool allows judges to filter eFiled documents down by county, court, case, party or a combination of those criteria. Judges can then save those results to “folders” for later viewing. The tool has major benefits to judges that hear cases in multiple jurisdictions that do not share case management systems. Only eFiled civil documents will be available

in the system going back to January 2016. As of February 1, more than 90 judges have signed up for access to the tool.

The Judicial Committee on Information Technology (JCIT) has been asked by the Supreme Court and the Court of Criminal Appeals to make recommendations that address policy issues regarding roles, permissions, privacy issues and possible fees. At its January 20th meeting, JCIT recommended to the high courts that the tool be expanded to Clerks and Attorneys on the Case. JCIT is meeting again on March 3rd to discuss additional recommendations that may further expand access to other registered users.

#### Price of Justice Grant

Texas was one of five states awarded grant money to increase the amount of information that a judge sees when determining a person's ability to pay fines and fees assessed. OCA Information Services, working with other OCA divisions will develop tools for judges that enable them to see more of a person's financial situation. Technology will also be used to link defendants receiving community service with opportunities to serve.

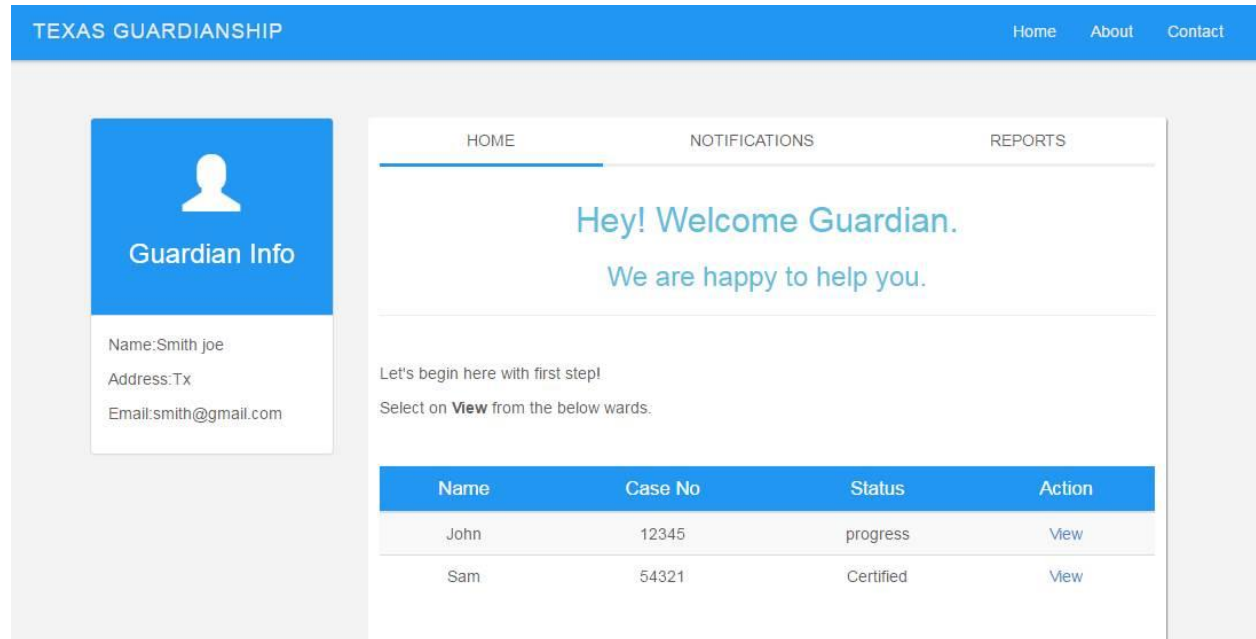
#### Criminal e-Filing

Last summer, the Court of Criminal Appeals ordered that criminal eFiling be mandatory for attorneys in district and county courts. The implementation of the mandate will be similar to the civil mandate, with the top 10 most populous counties becoming mandatory in July 2017 and other counties becoming mandatory every six months according to their population. OCA's eFiling vendor is working with counties to bring criminal eFiling to the permissive environment in order for clerks to work through any business

process changes that are needed. The Court of Criminal Appeals is also reviewing and revising eFiling rules to further support the mandate.

### Guardianship Compliance Tool

The contract development team is continuing work on the guardianship compliance tool. The team is currently in the user acceptance test cycle for the initial inventory intake. The goal of the project is to use technology to enable guardians to provide reports to the court electronically and in a timely manner. In the future, the system will also perform a basic review and alert the judge to the potential need for additional review.



### Other Information Services Projects

- Replacing court professional licensing database – OCA’s software that manages the licensing provided by the Judicial Branch Certification Commission (JBCC) is outdated and in need of several modern features, including the ability for licensees to review their records and renew/pay for licenses online. OCA procured technology from Aithent (New York) and is currently working to bring the system online. Aithent staff are working with JBCC staff and OCA IT in order to bring the system online in the summer of 2017 as planned.
- Infrastructure Upgrades – OCA is currently working with the remote courts of appeals to deploy a new case management server. These servers replace old servers that were originally bought in 2010. Additional network equipment upgrades are also planned.

## RESEARCH & COURT SERVICES

### Court Services

Court Services includes OCA's consulting, language access, research, collection improvement technical support, and grant-funded programs.

### Collection Improvement Program Technical Support

CIP staff worked to develop new processes, procedures, and training materials related to the amended rules effective January 1, 2017. A webinar on the new rules was conducted through the Texas Municipal Courts Education Center, and in-person training was provided at 15 locations across the state. Resources regarding the new rules are available [online](#).

### Consulting

The Court Services Consultant continued to assist the 212th District Court, Galveston County, in developing a Differentiated Case Management policy for civil cases. The consultant provided on-site training to the court coordinator of the 402nd District Court, Wood County. In addition, the consultant worked with OCA's Judicial Information Section on a data quality review project.

### Language Access Services

Language Access Program staff provide Spanish interpreting services via speakerphone or videoconference through the Texas Court Remote Interpreter Service (TCRIS). TCRIS services are available for all case types, for short, non-contested hearings involving limited or no evidence. In addition, OCA's Language Access staff provides training on language access issues and best practices.

Since the last Council meeting, Texas Court Remote Interpreting Service (TCRIS) staff completed the translation of Texas Indigent Defense Commission adult and juvenile forms into Spanish and completed a translation for the Court of Criminal Appeals. In addition, TCRIS staff:

- Provided interpreting services in 236 hearings held in 37 counties to 50 judges in a variety of criminal and civil cases, including magistrations, plea hearings, sentencing hearings, arraignments and divorce prove-ups.
- Enrolled five new TCRIS users.

### Research

OCA research staff continued to work with researchers at Texas A&M's Public Policy Research Institute on a pretrial release research project, which is being conducted under the charge of the Council's Criminal Justice Committee. The study, which will look at the pretrial release practices in jurisdictions around the state, is expected to inform judges and others about pretrial

program planning, design, and operations issues. Work also continued on piloting the Judicial Council's Centers of Excellence initiative, which assists courts in assessing and improving their performance. The framework, based on recognized standards of court performance and supportive of local innovation and priorities, is built around nine quality management principles and includes 10 performance indicators for each principle.

### Domestic Violence Resources Program

OCA's Domestic Violence Training Attorney (DVTA) collaborated with Justice Eva Guzman, Justice Debra Lehrmann, the Hague Domestic Violence Project at University of California – Berkeley, and other Texas stakeholders to create the Hague Convention on the Civil Aspects of International Child Abduction and

Domestic Violence Bench Guide for Texas and Federal judges, which will be available in the coming weeks. In addition, the DVTA presented trainings in several events across the state including: Texas Victim Services Association's Victim Symposium on October 27, 2016, in San Marcos on the subject of procedural justice; Texas Municipal Courts Education Center Regional Judges Seminars in Tyler, Austin, and San Antonio on the topic of family violence Class C misdemeanor cases in municipal courts; and Texas Justice Court Training Center and Texas Municipal Courts Education Center New Judges Seminars in Austin.

## Data Collection

### Judicial Information Program

#### *Providing Information and Data-Related Support*

In addition to handling routine inquiries from the public, media, and legislative staff, during the period the Judicial Information Department:

Finished updating Texas' information for the National Center for State Courts' [State Court Organization](#) database, which contains detailed comparative data about how state trial and appellate courts are organized and administered.

Responded to a significant increase in phone calls and emails from courts, clerks, case management system vendors, county and city information technology staff, and other interested parties as clerks and courts began submitting their first reports to comply with SB 1369 (reporting of appointments and fees paid to attorneys ad litem, guardians, guardians ad litem, mediators and competency evaluators). Staff also spent time testing XML files from the various case management vendors and local IT staff and providing feedback about errors that needed to be addressed.

Presented a webinar on Updates and Issues with the Monthly Court Activity Report for the Texas Justice Court Training Center.

#### *Annual or Biennial Reports*

During the period the Department produced

- the [2016 Annual Statistical Report for the Texas Judiciary](#) and
- the [Annual Report on Disposition of Judicial Bypass Cases by Trial Courts](#).

Staff are currently working on the annual update of the [Texas Judicial System Directory](#).

## Collection Improvement Program Audit

Article 103.0033(j) of the Code of Criminal Procedure requires OCA to periodically review mandatory local jurisdictions' compliance with the components of the Collection Improvement Program (CIP).

Since the inception of the CIP Audit department at the OCA in 2012, CIP Audit has issued 58 Compliance Audit reports, of which eight were follow-up audits.

In Fiscal Year 2017, five Compliance Audit reports have been issued, which were residual FY2016 projects.

- 1 - Failed

The Judicial Information Program collects, reports and analyzes court activity statistics, judicial directory information, and other information from the approximately 2,700 courts in the state; produces the Annual Statistical Report for the Texas Judiciary, the Texas Judicial System Directory, and other publications; and provides statistical and other information about the judicial branch to the legislature, state and federal agencies, local governments, private associations and public interest groups, and others. More than 150,000 statistical and other reports were received in FY2016.

- 4 - Passed, this includes 1 follow-up audit.

In addition, since 2012, CIP Audit has completed and issued 48 Rate Review reports.

- 13 - Pre-Implementation Rate Reviews
- 35 - Post-Implementation Rate Reviews

In Fiscal Year 2017, one Post-Implementation Rate Review report has been issued, a residual FY2016 project.

CIP Audit staff are currently working on five Compliance Audits and ten Post-Implementation Rate Reviews, all FY2017 assigned projects.

- 1 - New rules pilot test jurisdiction
- 4 - Follow-up audits to be tested under the new rules
- 10 - Post Implementation Rate Reviews

#### Data Integrity/Verification Audit Timeline – SAO Response

Since the last update, OCA experienced turnover in two key staff members directly involved with the development of the audit methodology for the data verification reviews. This resulted in a need for the new staff to develop a body of knowledge about the data verification review process and a significant delay in the repetition of series of trials to be completed (pilot tests). As stated in the last update, OCA completed a pilot review with a municipality and planned to conduct a second review pilot in a county jurisdiction. The data from the county selected to be the second pilot was determined to be inadequate and insufficient to make an accurate assessment of the test goals. An alternate county jurisdiction will need to be identified as the second pilot.

In addition to the issues identified above, the complexity of the data to be tested and the multiple number of programs to test within a county jurisdiction were factors considered in the development of the new target implementation date. OCA is undertaking another review of the TAC rules in order to identify the appropriate data to be verified.

The proposed data verification review timeline is as follows:

- Conduct second pilot review by December 2017
- Publish for public comment proposed amendments to 1 TAC §175 regarding compliance review standards for audits verifying information submitted to OCA under 103.0033(i) of the Code of Criminal Procedure by February 2018
- Adopt proposed amendments by Fiscal Year End 2018
- Implementation of data integrity reviews in Fiscal Year 2019



## SPECIALTY COURTS

### Child Protection Courts/Child Support Courts Program

#### Child Protection Courts

The 2016 Child Protection Court Judges and Coordinators Meeting and Training was held Monday, November 14, 2016, prior to the Child Welfare Judicial Conference hosted by the Texas Center for the Judiciary and the Children’s Commission of the Supreme Court. The joint meeting and coordinator training was well attended and the presentations well received. Anissa Johnson, Judge Dean Rucker, Presiding Judge, Seventh Administrative Judicial Region, and Mena Ramon opened the meeting with information on upcoming items and projects. Several OCA staff attended the meeting providing updates on HR policy, travel policies, and technology. The OCA IT team updated the judges’ and coordinators’ laptops during the meeting and conference. Scott Gibson closed out the coordinator training presenting on Legal Advice vs. Legal Information.

In its 2018-2019 budget request, OCA is asking for funding for four new child protection courts.

Work is underway to reconvene the advisory group for the CPC case management system, CPCMS, to identify any gaps in service.

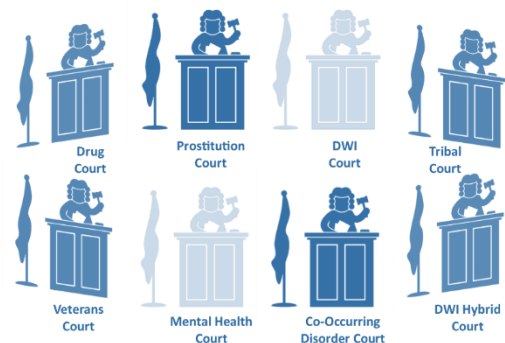
#### Child Support Courts

Efforts are underway to reconvene the advisory group for the child support case management system, CSCMS. This is largely due to feedback Ms. Johnson received from child support court judges and their coordinators during her visits to the courts. The goal is to revisit the original purpose of CSCMS, gauge current status of usefulness and effectiveness, and explore ways to make the system more efficient.

A couple of associate child support judges retired in 2016. Judge Patricia Moseley, CSC 39 in Lubbock, and Judge John Rivera, CSC 26 in Edinburg, retired in December. Judge Moseley’s replacement is Judge Meg Jordan. The Edinburg position is currently vacant.

#### Problem Solving Court Coordinator

Anissa Johnson and Scott Griffith have had ongoing meetings with representatives from the Governor’s Criminal Justice Division (CJD) to discuss ongoing collaboration between OCA and CJD on drug court and other problem solving court programs. Efforts are underway to finalize a self-assessment tool based on Volume II of the National Association of Drug Court Professionals’ [Adult Best Practice Standards](#) and explore the creation of a statewide problem-solving court case management system.



## REGULATORY SERVICES

### Judicial Branch Certification Commission (JBCC)

#### JBCC Certifications, Registrations, and Licenses

| Profession         | Number of Certifications, Registrations, Licenses |
|--------------------|---|
| Court Reporters    | 2,291 individuals and 356 firms                   |
| Guardians          | 451 individuals                                   |
| Process Servers    | 3,464 individuals                                 |
| Court Interpreters | 448 individuals                                   |
| <b>TOTAL</b>       | <b>7,010 individuals and firms</b>                |

#### Recent Meeting of the JBCC and Advisory Boards

The last meeting of the full commission was February 2, 2017. The next meeting will be held on May 5, 2017.

#### Compliance Section Complaint Investigation and Resolution

- Process Server Certification Complaint Review Committee meeting – December 8, 2017
- Court Reporter Certification Complaint Review Committee meeting – December 8, 2017
- Guardianship Certification Complaint Review Committee meeting – January 13, 2017

In FY 2017, the JBCC compliance team has opened 34 complaints that were filed with the Commission. There are currently 57 complaints open in various stages of the complaint process:

- 20 court reporter, 27 process server and 10 guardian complaints.

#### Development of the new Codes of Ethics and Standards

The Court Reporter Certification Advisory Board continues to work on revisions to the Court Reporter Code of Professional Conduct.

The Licensed Court Interpreters Certification Advisory Board continues to develop standards of practice guidelines for interpreters.

#### Examinations for the JBCC

The JBCC certification staff administers and proctors the examinations for the Guardianship Certification written examination and the Licensed Court Interpreter (LCI) written and oral examinations. A vendor administers the written and skills examination for the Court Reporters Certification.

- The guardian written examinations were administered on October 19, 2016, and January 18, 2017.
- The Licensed Court Interpreter written and oral examinations were administered on November 15-18, 2016, and February 14-17, 2017.

On September 1, 2014, the Judicial Branch Certification Commission (JBCC) was established by the Texas Legislature, during the 83rd Regular Session, to promote government efficiency and create consistency across the regulated judicial professions. The core responsibility of the JBCC is the oversight of the certification, registration, and licensing of over 7,000 court reporters and court reporting firms, guardians, process servers, and licensed court interpreters. The nine-member commission is appointed by the Supreme Court of Texas.

| EXAMS ADMINISTERED |                           |  |                                       |
|--------------------|---------------------------|--|---------------------------------------|
| Fiscal Year        | Written –<br>Guardianship | Written –<br>Licensed Court Interpreters | Oral –<br>Licensed Court Interpreters |
| FY17               | 39                        | 105                                      | 65                                    |
| FY16               | 98                        | 129                                      | 86                                    |
| FY15               | 111                       | 123                                      | 79                                    |

#### Additional Projects for the JBCC

- On May 9, 2016, OCA posted a Request for Proposal (RFP) to replace the current certification licensing database. We continue to work with the vendor on the configuration and development of the new certification database.
- JBCC staff recently prepared 2017 1st quarter performance measures for submission to the LBB.

## GUARDIANSHIP COMPLIANCE REVIEW PILOT PROJECT

### Conservatorship Accountability Project (CAP)

Pursuant to the Judicial Council recommendation from the Elders Committee, OCA obtained funding from the legislature (Rider 20 to OCA in the GAA) to establish a pilot program to improve guardianship compliance. The Office of Court Administration has launched the Guardianship Compliance Project to provide additional resources to courts handling guardianship cases. The goal of this project is to help courts protect our most vulnerable citizens and their assets. Assistance is available to counties that have a significant number of guardianship cases reported at no cost to the county. OCA is also developing an on-line guardianship reporting application to monitor guardianship filings of initial inventory and annual accountings and annual reports.

Through this project, our guardianship compliance specialists are available to:

- Review adult guardianship cases to identify reporting deficiencies by the guardian.
- Audit annual accountings and report findings back to the court.
- Work with courts to develop best practices in managing guardianship cases.

The Office of Court Administration submitted the report on the performance of the Guardianship Compliance Project to the Legislature on December 31, 2016. The report revealed the following:

- As of December 2016, GCP staff have worked with 18 courts in 11 counties. The following performance measures summarize the work of the GCP:
  - 10,325 guardianship cases were reviewed;
  - 7,866 guardianship cases recommended for closure;
  - 2,438 active guardianship cases were identified;
  - 680 guardianship cases were found to be out of compliance with statutorily required reporting;
  - 35 percent of cases were found to be missing reports of the person;
  - 46 percent of cases were found to be missing initial inventories;
  - 48 percent of cases were found to be missing annual accountings.

## Guardianship Compliance Training

- In December 2016 and January 2017, GCP and JBCC staff attended HHSC guardianship training.
- On May 26 and 27, 2016, The Guardianship Compliance team attended the Guardianship and Elder Law CLE in Austin.

## Guardianship Compliance Participating Counties

Hays, Guadalupe, Webb, Comal, Anderson, Montgomery, Tyler, Orange, Bexar, Tom Green and Lubbock have participated in the compliance project. Staff are currently finalizing Lubbock and Tom Green Counties.

During the period the Project Team

- Met with Judges, court staff, and county clerks on details of project.
- They have all be extremely cooperative with the project, except for one county court at law judge.
- Conducted an Initial Assessment and Program Survey.
- Conducted Review and audit of guardianship files for overall reporting compliance
  - Reviewing files for missing inventories, missing annual report of the persons, and missing annual accountings.
  - Completing audit sheet for each active case file
  - Compiling our findings on a spreadsheet to report
- Conducting financial audit of estates using Initial Inventories and Annual Accountings
- Working with the courts to develop notices to request missing reports and information
- Maintaining a list to recommend best practices for the courts

## TIMOTHY COLE EXONERATION REVIEW COMMISSION

The Timothy Cole Exoneration Review Commission released its final report and recommendations to the 85th Legislature. The Commission was created by the 84th Legislature with the passage of House Bill 48. The Commission's recommendations include proposals to make legislative changes to electronic recordings of interrogations, false accusation/informant regulations, faulty eyewitness identification and forensic science practices.

The full report is located [here](#) or at the Timothy Cole Exoneration Review Commission [website](#). The Texas Judicial Council also adopted a [resolution](#) supporting the Commission's recommendations and the Commission was dissolved as of December 1st by the terms of the bill creating it.

The Commission is named after Timothy Cole, the first Texan to be posthumously exonerated of a crime through DNA testing. Mr. Cole was a 26-year-old U.S. Army veteran and student at Texas Tech University when he was accused of a rape he did not commit. One September, 17, 1986 he was convicted of the crime and sentenced by a jury in Lubbock to 25 years in prison. Mr. Cole passed away of asthma complications in 1999 while serving his sentence. On April, 7, 2009, nearly 10 years after his death, Mr. Cole became the first posthumous DNA exoneration in Texas history and was pardoned by Texas Governor Rick Perry on March 1, 2010.