

TEXAS JUDICIAL COUNCIL
COMMITTEE REPORT
and
RECOMMENDATIONS
June 2018



DATA

In June 2017 the Texas Judicial Council established the Data Committee. The Committee was charged with the following:

- Continue to work on guiding the revisions of the court activity reporting database to collect case-level statistical data.
- Evaluate and recommend activity reporting components for the Regional Presiding Judges pursuant to the new requirement in SB 1893.
- In conjunction with the Criminal Justice Committee and Mental Health Committee (SB 1326 provisions), evaluate the need to collect activity data from the specialty courts and recommend any data elements for collection.

The members of the committee are:

Justice Court Judge Bill Gravell, Chair

Municipal Court Judge Gary Bellair

District Court Judge Scott Jenkins

Court of Appeals Chief Justice Sherry Radack

Mr. Carlos Amaral

Ms. Sonia Clayton

Ms. Ashley Johnson

Mr. Evan Young

The committee acknowledges the participation of Tammy Kneuper, Bandera County District Clerk and President of the County and District Clerks Association of Texas; and Lisa David, Williamson County District Clerk.

Committee meetings were held on September 18, 2017, January 29, 2018, May 8, 2018, and June 15, 2018.

Recommendations in Brief

Continue to work on guiding the revisions of the court activity reporting database to collect case-level statistical data.

Recommendation 1: The Judicial Council should collect case level data from all courts and should expand the collection of data from magistrates. The data should be relevant to supporting policy, planning, management, and budget decisions for the justice system, the judiciary, and other policy makers.

Recommendation 2: Once case level reporting has been implemented, the Legislature should repeal the various statutes requiring information that can be obtained by case level reporting. (See Appendix A.)

Recommendation 3: The Legislature should direct the Office of Court Administration to develop a statewide case management system to improve the collection and facilitate the use of data; the Legislature should provide full funding for the system.

Recommendation 4: The Legislature should direct requests for collection of judicial statistics, including court activity data, to the Texas Judicial Council to study and determine the best way to collect the desired information under its authority established by Section 71.035 of the Government Code.

Recommendation 5: The Judicial Council should establish policies for addressing jurisdictions that are not in compliance with reporting requirements.

Recommendation 6: The Judicial Council should adopt monthly reporting requirements for the appellate courts.

Recommendation 7: The Legislature should amend statutes concerning reporting of mental health/intellectual disability assessments and competency evaluation reports.

Recommendation 8: The Judicial Council should develop procedures for the mandatory, regular, and systematized collection of work-related contact information for judges, including email addresses.

Evaluate and recommend activity reporting components for the Regional Presiding Judges pursuant to the new requirement in SB 1893.

No recommendations. This task was completed in December 2017. (See Appendix B.)

In conjunction with the Criminal Justice Committee and Mental Health Committee (SB 1326 provisions), evaluate the need to collect activity data from the specialty courts and recommend any data elements for collection.

No recommendations. The council's Criminal Justice Committee is making recommendations regarding specialty courts.

Recommendations in Detail

Continue to work on guiding the revisions of the court activity reporting database to collect case-level statistical data.

Background

The Legislature established the Texas Judicial Council in 1929.¹ Set out in statute, the Council's mission involves:

- Continuous study of the courts and methods for their improvement;
- Consideration of advice concerning remedies for faults in the administration of justice;
- Designing methods for simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in or improving the administration of justice; and
- Gathering judicial statistics and other pertinent information from judges and other court officials.

As Judicial Council President M.N. Chrestman noted in the Council's first annual report, data are critical to the Council's work. He wrote: "[I]t must therefore be apparent that to deal intelligently with the problems which will confront this Council it must first obtain accurate and complete data concerning the conditions in the Courts of Texas..."

This reality is arguably truer now than it was nearly 90 years ago, as the number of cases and courts has grown, the complexity of cases has increased, and the expectations that the Council and its partners within and outside of the judiciary bring strategic focus to their work. The administration of justice in Texas is a dynamic and sometimes complex affair, and the need for reliable and complete data about the work of the courts is essential.

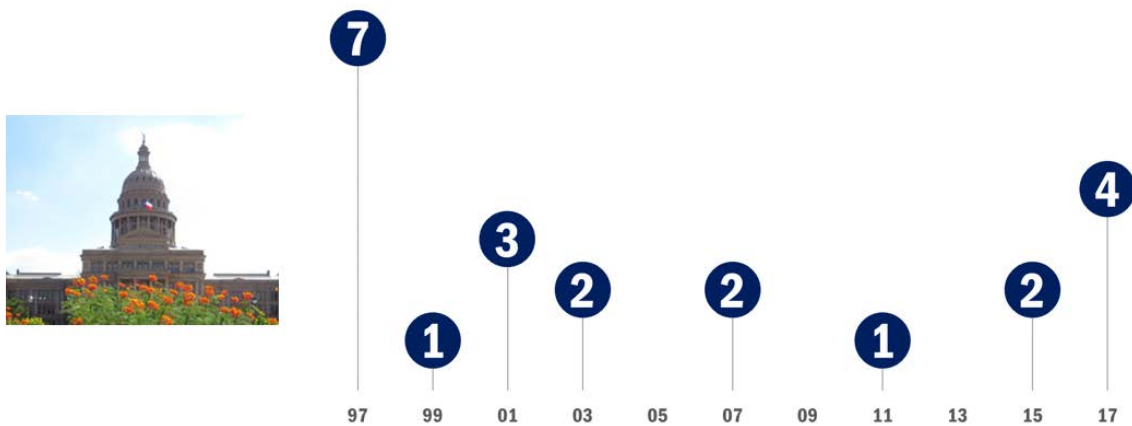
The Council began collecting aggregate statistics in 1929, first with the appellate and district courts. In 1973, data collection expanded to the county, justice, and municipal courts. Over the years, data collection evolved as resources and technology improved the capability of the

¹ Chapter 71, Texas Government Code.

Council to collect more and different information. The Council’s last major change to data collection occurred in 2010 and 2011, when the Council significantly revised its trial court reporting requirements to require the submission of more detailed information.

Judicial data collection requirements also come from the Legislature. Over the last two decades, the Legislature established 22 requirements mandating the collection by OCA of specific information on case activity. See Table 1.

Table 1. Legislatively Mandated Reporting Requirements Related to Case Activity, by Legislative Session



Reporting requirements are now scattered throughout the Civil Practice and Remedies Code, the Code of Criminal Procedure, the Family Code, the Government Code, and the Health and Safety Code. See Appendix A.

Recommendations

Recommendation 1: The Judicial Council should collect case level data from all courts and should expand the collection of data from magistrates. The data should be relevant to supporting policy, planning, management, and budget decisions for the justice system, the judiciary, and other policy makers.

For nearly 90 years, statistics aggregated at the county level have served a generally useful purpose and have been the best information available on a statewide basis. Nevertheless, aggregate statistics are limited in their utility, as they often cannot provide the Council or other policymakers with sufficient detail to support the analysis and monitoring of important policy issues or in the study the administration of justice generally. Consider the following recent situations:

- The Judicial Council’s Criminal Justice Committee was charged with studying the impact of opioid drug use on the Texas judiciary, but no court data are available to

assess the volume of or outcomes in cases involving an opioid or any other specific drug.







- The Council’s Civil Justice Committee was charged with studying the landscape of civil justice in Texas and recommending reforms to improve access to justice in the courts, but only limited data were available on self-represented litigants in the district and county courts and no data were available for other courts.
- The Council’s Juvenile Justice Committee was charged with studying the adjudication of fine-only offense cases involving juveniles, yet only high-level, aggregate data on filings were available.
- Based on Council recommendations, the Legislature passed major school ticketing and truancy reform bills in recent years, but other than a reduction in filings there are no data about the outcomes of these cases.
- Recent mass shootings have brought renewed scrutiny to the completeness of reporting by responsible entities to the National Instant Background Check System (NICS) to ensure that disqualified individuals are not allowed to purchase firearms. Without case level court activity data, the Texas judiciary cannot determine whether all eligible cases are being reported to NICS.
- Hurricane Harvey caused massive, widespread damage throughout Texas in August 2017. No data are available to assess the extent of the disruption of the storm on the judicial system.

Limitations of Current Data

Information Not Available for All Courts

Under the Council’s current data collection system, each constitutional county court, justice court, and municipal court reports its data to OCA. District courts and statutory county courts (county courts at law and statutory probate courts) report data at the county level, combining the activity for all courts in the county into one report. As a result, if there is more than one court in the county, no statistics are available

At What Level are Data Collected?

Court Level	Level of Detail
Appellate	Court 
District	County 
County Courts at Law/Statutory Probate	County 
County	Court 
Justice	Court 
Municipal	Court 

from a centralized location for an individual court. Currently, in 48% of counties, no information is available for individual district courts, and in 82% of counties, no information is available for individual statutory county courts.

Although the Council has not mandated reporting for appellate courts, the Legislature has directed each court to submit a report to OCA.

The committee believes that data reporting requirements should be consistent for all courts in Texas to facilitate analysis of court workloads and to promote transparency and accountability.

The committee notes, however, there will be some challenges in obtaining accurate data from counties that use a centralized docketing system or exchange benches, where a case may be initially assigned to one court but handled by different judges.

Insufficient Information About Magistrate and Pretrial Activities

Data collection should be expanded to capture the activity of all magistrates. Magistrates handle critical matters such as magistrate warnings, requests for counsel, emergency protection orders, emergency mental health hearings, and orders for ignition interlock devices. In addition, critical decisions regarding bail amounts and pretrial release are made by magistrates. Under Article 2.09 of the Texas Code of Criminal Procedure, nearly every judge in Texas may act as a magistrate, as can a variety of other judicial officers such as associate judges, criminal law hearing officers and other magistrates appointed by local jurisdictions. However, Judicial Council reporting requirements currently limit collection of information on magistrate activities to those conducted by justices of the peace and municipal judges. In many urban jurisdictions, the magistrates performing these activities are not justices of the peace or municipal judges. Without capturing data about the work of these magistrates, there is no reliable way to assess statewide activity in these important matters.

Rigid, High Level Case Categories

For the trial courts, cases are grouped into a fixed set of case categories with strict definitions.

- If a case does not meet the definition of one of the specific case categories, it falls into the “All Other” category. The percentage of cases reported this way can be significant. See Table 2.

Table 2. Percentage of District and County Court Cases Reported in “All Other” Category

Juvenile	36%
Class A & B Misdemeanors	31%
Felonies	23%
Civil	12%
Family	5%

- At the district court and county court levels, one-fifth to one-third of criminal cases fall under the “All Other” category.
- At the justice court level, the Small Claims category serves as the “All Other” category. This means occupational license cases, tax cases, dangerous dog cases, tow hearings, habitual toll violator hearings, and other miscellaneous cases are lumped in with small claims suits, rendering the Small Claims category meaningless. In FY 2017, the Small Claims category accounted for 15% of total justice court caseload.
- When failure to attend school cases were changed to truant conduct cases they subsequently fell outside the reporting scheme for justice courts and municipal courts. Previously a Class C misdemeanor, failure to attend cases became a civil matter but with different dispositions from other civil cases filed in justice and municipal courts. Without a category to hold them, these cases are no longer included in disposition statistics.

At the appellate level, no case type distinctions are made other than civil and criminal.

Case level data would not only greatly improve the ability of the Council, OCA or any other party with an interest to analyze and monitor important trends and policy issues but would also reduce the likelihood of the data becoming irrelevant as laws, policies, and trends change in the justice system.

Lack of Important Case Management Information

The National Center for State Courts has long recognized time to disposition and age of active pending caseload as key performance measures and critical case management information for courts.²

² National Center for State Courts CourtTools: Trial Court Performance Measures, at <http://www.courttools.org/Trial-Court-Performance-Measures.aspx>.

Time to disposition, “used in conjunction with Clearance Rates and Age of Active Pending Caseload, is a fundamental management tool that assesses the length of time it takes a court to process cases.”³ The information is used to monitor trends in the amount of time it takes to process cases, and performance can be compared to local, state, or national guidelines for timely case processing. This information can also be used at the state and local level to inform decisions about the need for courts and other judicial resources.

Data collection on processing time is currently limited to an aggregate count of the number of cases disposed within certain timeframes for an entire case category (e.g., family). For example, in family cases the following information is collected:

AGE OF CASES DISPOSED	3 Months or Less	Over 3 to 6 Months	Over 6 to 12 Months	12 to 18 Months	Over 18 Months	Total
Number of Cases	140,004	90,065	88,197	29,908	36,581	384,755

With this data, the average time to disposition cannot be calculated and no information is available for specific case types (such as child protection cases, which have strict deadlines). No data are currently collected on the age of pending cases. Tracking the age of active pending caseload allows for the identification of the number and type of cases coming close to or surpassing time standards so that the court can focus attention on what is required to ensure cases are brought to completion within reasonable timeframes.⁴

Without this important information, the Council cannot assess whether improvements may be needed to expedite justice or whether implemented changes have had the intended results.

Collection of Information that is Not Relevant to the Policy, Planning, Management, and Budget Needs of the Justice System

While the Council has a duty to collect data, it must remain sensitive to the reporting-related costs and other burdens burden that it may place on local clerks of court and other reporting entities. The Council should ensure that all data collection is associated with the policy, planning, management, and budget needs of the justice system. Some of the information currently collected does not serve these larger purposes, as it is too granular and difficult for local jurisdictions to capture. The result is often data of poor quality, and in turn, limited utility.

³ National Center for State Courts. *CourTools, Trial Court Performance Measures: Time to Disposition*. http://www.courttools.org/~media/Microsites/Files/CourTools/courttools_Trial_measure3_Time_To_Disposition_pdf.ashx.

⁴ National Center for State Courts. *CourTools, Trial Court Performance Measures: Age of Active Pending Caseload*. http://www.courttools.org/~media/Microsites/Files/CourTools/courttools_Trial_measure4_Age_Of_Active_Pending_Caseload.ashx.

Need for Further Study to Determine the Relevant Areas of Data Collection

Due to the wide scope and large volume of data involved, a case level data project will be a long-term undertaking. Policy questions that need further exploration are:

- At what level of detail should data be collected?
- What case categories should be used?
- What data currently collected should be discontinued?

The Committee will establish advisory groups to provide input regarding the matters above.

Recommendation 2: Once case level reporting has been implemented, the Legislature should repeal the various statutes requiring specific information that can be obtained by case level reporting.

Through case level reporting, the Council will be able to collect certain information currently mandated by statute. Once case level reporting has been implemented, the various statutes requiring specific information that can be obtained by case level reporting should be repealed. See Appendix A for details.

Recommendation 3: The Legislature should direct the Office of Court Administration to develop a single statewide case management system and provide full funding for the system to better facilitate and improve data collection.

Data collection capabilities vary across the state, not only due to differing resource levels but also to the widely disaggregated nature of the case management systems.

- Each jurisdiction is responsible for selecting, purchasing, and configuring its own court case management system(s). There are more than 20 known case management system vendors, and some jurisdictions have developed their own systems.
- Clerk offices or courts may use different systems within the same county.
- Many jurisdictions may use the same vendor but have different versions or configurations of the case management system, and each jurisdiction may use separate codes and processes for entering information into the system.
- Some jurisdictions, mainly justice courts and municipal courts, have no electronic systems and must compile information manually.

Recommendation 4: The Legislature should direct requests for collection of new information to the Texas Judicial Council to study and determine the best way to collect the desired information under its authority established by Section 71.035 of the Government Code.

Under Section 71.035 of the Texas Government Code, the Texas Judicial Council has the authority to collect data from judges and other court officials in the state. Allowing the Council to determine the proper scope and best method for obtaining the information of interest to the Legislature, may increase the likelihood that the information received is responsive and accurate. Reporting requirements that do not fit within the existing infrastructure can result in poor data quality and be confusing to and burdensome on local jurisdictions.

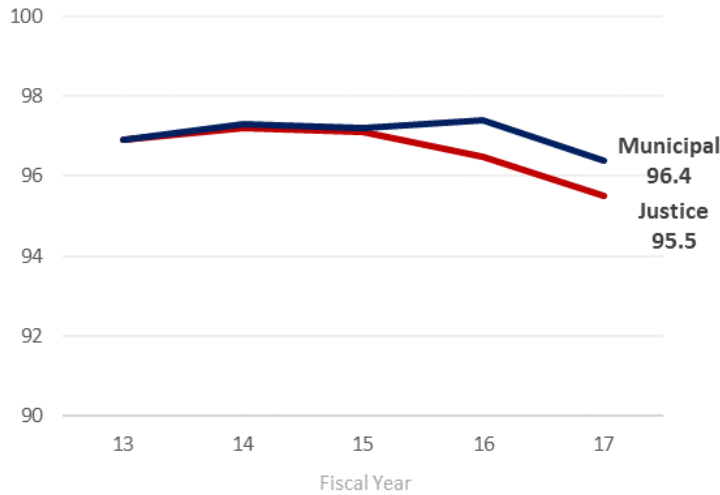
Establishing reporting requirements in the Council's rules would also make it easier for local jurisdictions to keep track of the requirements and for the Office of Court Administration to train the reporting entities. As noted above, legislatively-mandated reporting requirements are scattered across five State codes. Some of the requirements have been incorporated into the Judicial Council's monthly court activity reporting framework, while others cannot be integrated. As staff turnover occurs in the reporting entities, compliance tends to drop for requirements that are not part of the reporting framework, and there is a continuous need for education about those reporting requirements.

Recommendation 5: The Judicial Council should establish policies for addressing jurisdictions that are not in compliance with reporting requirements and hold those jurisdictions accountable.

Section 71.035(b) of the Government Code and Chapter 171 of the Texas Administrative Code require monthly reports from each district clerk, county clerk, justice court and municipal court. Section 71.035(b) of Government Code allows the Judicial Council to enforce this requirement by filing a petition for mandamus, but this option has never been utilized. Instead, the authority of the Texas Indigent Defense Commission to withhold grant funds from a county for a district clerk or county clerk's non-reporting has been effective in promoting compliance. However, this option is not available for justice courts and municipal courts.

Approximately 4 percent of justice and municipal court reports have been outstanding in any given fiscal year. While the ability to report in some courts has been related to issues of court case management system conversion, others have simply not reported. See Table 3.

Table 3. Percentage of Reports Received by Fiscal Year by Municipal and Justice Courts.



Recommendation 6: The Council should adopt monthly reporting requirements for the appellate courts.

The Council has not established rules governing collection of data from the appellate courts. Legislative reporting requirements direct each appellate court to submit an annual report to the Office of Court Administration, but the report must only contain very specific performance measure information. (See Appendix A for details.)

Reporting Requirements

Court Level	Frequency
Highest Appellate	Annual
Intermediate Appellate	Annual
District	Monthly
County Courts at Law/Statutory Probate	Monthly
County	Monthly
Justice	Monthly
Municipal	Monthly

However, the Supreme Court voluntarily reports monthly to the Office of Court Administration and other entities. The courts of appeals also report monthly to OCA, which is responsible for compiling the data for the Supreme Court’s docket equalization program that works to equalize the caseloads of the 14 courts, but no formal requirement exists for the monthly reports.

Reporting requirements should be consistent for all courts, and monthly reporting by the appellate courts would ensure the availability of more timely information.

Recommendation 7 (Joint Recommendation with the Guardianship, Mental Health and IDD Committee): The Legislature should amend statutes concerning reporting of mental health/intellectual disability assessments and competency evaluation reports.

Mental Health Assessments

Under Article 16.22, Code of Criminal Procedure, a magistrate can order a mental health assessment of defendants suspected of having a mental illness or intellectual disability. The magistrate must provide a copy of the mental health assessment to the trial [district or county] court and must report monthly to OCA the number of assessments ordered. There is no existing infrastructure for statewide reporting from magistrates to OCA. Because the district and county clerks maintain the records for the district and county courts and are responsible for reporting, OCA is collecting the number of mental health assessments ordered from the district and county clerks rather than directly from magistrates.

To avoid duplicative reporting from magistrates and trial courts, the Legislature should amend Article 16.22(e) to change responsibility for reporting from the magistrate to the district clerk or county clerk:

Article 16.22(e), Code of Criminal Procedure: The [trial court clerk](#) shall submit to the Office of Court Administration of the Texas Judicial System on a monthly basis the number of written assessments provided to the court under Subsection (a)(1)(B).

[Competency Evaluation Reports](#)

A parallel reporting provision can be found in Article 46B of the Code of Criminal Procedure, which requires the court to order a competency evaluation if evidence exists that a defendant may be incompetent to stand trial. Because the district and county clerks are responsible for reporting to Office of Court Administration and because the courts do not have a mechanism to report directly to the OCA, the Legislature should also amend the statute to clarify that the district clerk or county clerk is responsible for reporting:

Article 46B.026(d), Code of Criminal Procedure: The [trial](#) court [clerk](#) shall submit to the Office of Court Administration of the Texas Judicial System on a monthly basis the number of reports provided to the court under this article.

Recommendation 8: The Judicial Council should develop procedures for the mandatory, regular, and systematized collection of work-related contact information for judges, including email addresses.

OCA's Judicial Information Section is responsible for maintaining the state's publicly available Judicial Directory. This online resource⁵ contains publicly-available contact information for courts, clerk offices, and court personnel. Judges' email addresses are collected for internal correspondence but are not made available to the public.

The directory is updated annually based on a request from OCA to judges, clerks, and court personnel for their contact information. Despite efforts to ensure that the directory is up to date, the directory is not considered reliable for communicating with judges, in part because the email address provided to OCA may be for a court staff person rather than a judge, or it may not be the one a judge relies on for business-related communication.

OCA increasingly relies on email to communicate with judges, and enhanced processes are needed to ensure that the directory can be used as a safe and reliable way to communicate with judges.

Evaluate and recommend activity reporting components for the Regional Presiding Judges pursuant to the new requirement in SB 1893.

No recommendations. OCA drafted proposed data elements based on the statutory duties of the Regional Presiding Judges. The Data Committee reviewed the proposal at its September 18, 2017 meeting and recommended that it be presented to the Council for approval. The Council approved the proposed data elements at its September 29, 2017 meeting. OCA presented the final reporting form to the Committee at its meeting on January 29, 2018. Reporting began February 1, 2018—for the month of January. Accordingly, no recommendations are being made.

The data elements and reporting form are attached as Appendix B.

In conjunction with the Criminal Justice Committee and Mental Health Committee (SB 1326 provisions), evaluate the need to collect activity data from the specialty courts and recommend any data elements for collection.

No recommendations. The council's Criminal Justice Committee is making recommendations regarding specialty courts.

⁵ See <https://card.txcourts.gov/DirectorySearch.aspx>.

Legislatively Mandated Case Activity Reporting Requirements

	Mandate	Who Reports?	Established	Content	Frequency	Where does it go?		Potentially unnecessary when go to case level reporting
	Courts/Clerks							
1	Code of Criminal Procedure, Art. 2.211	District Clerks, County Clerks	9/1/2001	Request for hate crime finding	Monthly	Hate Crimes Webpage		
2	Code of Criminal Procedure, Art. 2.212	District Clerks, County Clerks	9/1/2017	Writs of attachment	As needed	NEW - Webpage planned		✓
3	Code of Criminal Procedure, Art. 16	District Clerks, County Clerks, magistrates	9/1/2017	Mental health assessments	Monthly	Texas Judicial System Annual Report	Court Activity Reporting Database	✓
4	Code of Criminal Procedure, Art. 46B	District Clerks, County Clerks	9/1/2017	Competency evaluation reports	Monthly	Texas Judicial System Annual Report	Court Activity Reporting Database	✓
5	Family Code, Ch. 33	District Clerks, County Clerks	1/1/2016	Judicial bypass cases	As needed	Judicial Bypass Cases Annual Report		✓
6	Government Code, Ch. 36	Appellate Courts, District Clerks, County Clerks, Justice Courts, Municipal Courts	9/1/2016	Appointments and fees	Monthly	Appointments and Fees Webpage		
7	Government Code, Sec. 71.035	District Clerks, County Clerks, Justice Courts, Municipal Courts	1929	Judges and clerks shall report monthly statistics to OCA	Monthly	Texas Judicial System Annual Report	Court Activity Reporting Database	
8	Government Code, Sec. 71.0352	Justice Courts, Municipal Courts	9/1/2003	5 juvenile-related items	Monthly	Texas Judicial System Annual Report	Court Activity Reporting Database	✓
9	Government Code, Sec. 71.0353	District Clerks, County Clerks	9/1/2011	Offenses related to human trafficking	Monthly	Texas Judicial System Annual Report	Court Activity Reporting Database	✓
10	Government Code, Ch. 72.087	District Clerks	9/1/2007	Jury charges and sentences in capital cases	As needed	Jury Charges Webpage		✓
11	Health & Safety Code, Ch. 574.014	County Clerks	9/1/1997	Involuntary mental health services	Monthly	Texas Judicial System Annual Report	Court Activity Reporting Database	✓
12	Government Code, Sec. 72.084	Courts of Appeals	9/1/1997	Specific performance measures	Monthly	Texas Judicial System Annual Report		
13	Supreme Court Budget Rider 3	Courts of Appeals	9/1/1999	New cases filed per justice	Monthly	Supreme Court required to equalize caseload amongst courts of appeals & has transferred cases since 1895		
14	Government Code, Sec. 72.085	Court of Criminal Appeals	9/1/1997	Specific performance measures	Annual	Texas Judicial System Annual Report		
15	Government Code, Sec. 72.086	Supreme Court	9/1/1997	Specific performance measures	Annual	Texas Judicial System Annual Report		
16	OCA Budget Rider 6	Appellate Courts	9/1/2001	Performance measures for appellate courts (reported to Legislative Budget Board)	Quarterly	Legislative Budget Board	Texas Judicial System Annual Report	

	Mandate	Who Reports?	Established	Content	Frequency	Where does it go?		Potentially unnecessary when go to case level reporting
Texas Judicial Council								
17	Government Code, Sec. 71.034(e)	Judicial Council	9/1/2001, 9/1/2017	Include Hate Crime Findings and Writs of Attachment in Council's annual report	Annual	Hate Crimes Webpage	Writs of attachment webpage	
18	Government Code, Sec. 71.035	Judicial Council	1929	Judicial Council shall collect statistics	Monthly	Texas Judicial System Annual Report	Court Activity Reporting Database	
Office of Court Administration								
19	Family Code, Ch. 33	OCA	1/1/2016	Judicial bypass cases	Annual	Judicial Bypass Cases Annual Report		
20	Government Code, Sec. 72.082	OCA	9/1/1997	Performance report of efficiency of courts in the state	Annual	Texas Judicial System Annual Report	Court Activity Reporting Database	
21	Government Code, Sec. 72.083	OCA	9/1/1997	Aggregate clearance rate of district court cases	Annual	Texas Judicial System Annual Report	Court Activity Reporting Database	
22	Government Code, Secs. 72.084-.086	OCA	9/1/1997	Appellate court performance measure data	Annual	Texas Judicial System Annual Report		
23	Government Code, Ch. 72.087	OCA	9/1/2007	Jury charges and sentences in capital cases	Annual	Jury Charges Webpage		
24	OCA Budget Rider 5	OCA	9/1/2003	Report specific performance measures for district courts on countywide basis	Annual	Texas Judicial System Annual Report	Court Activity Reporting Database	
25	OCA Budget Rider 6	OCA	9/1/2001	Study performance measures for appellate courts and what additional data should be collected		Legislative Budget Board	Texas Judicial System Annual Report	

Legislatively Mandated Case Activity Reporting Requirements

Request for Hate Crime Finding

1. **Article 2.211, Code of Criminal Procedure:** Requires a clerk of a district or county court in which an affirmative finding under Article 42.014¹ is requested to report that request to the Texas Judicial Council, along with a statement as to whether the request was granted by the court and, if so, whether the affirmative finding was entered in the judgment in the case. The clerk must submit this report not later than the 30th day after the date the judgment is entered in the case.

Writs of Attachment

2. **Art. 2.212, Code of Criminal Procedure:** Not later than the 30th day after the date a writ of attachment is issued in a district court, statutory county court, or county court, the clerk of the court shall report to the Texas Judicial Council:
 - (1) the date the attachment was issued;
 - (2) whether the attachment was issued in connection with a grand jury investigation, criminal trial, or other criminal proceeding;
 - (3) the names of the person requesting and the judge issuing the attachment; and
 - (4) the statutory authority under which the attachment was issued

Mental Health Assessments

3. **Article 16.22(e), Code of Criminal Procedure:** The magistrate shall submit to the Office of Court Administration of the Texas Judicial System on a monthly basis the number of written assessments provided to the court under Subsection (a)(1)(B).

On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability, the magistrate, except as provided by Subdivision (2), shall order the local mental health authority, local intellectual and developmental disability authority, or another qualified mental health or intellectual disability expert to:

- (A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including, if applicable, information obtained from any previous assessment of the defendant and information regarding any previously recommended treatment; and
- (B) provide to the magistrate a written assessment of the information collected under Paragraph (A) on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments under Section 614.0032(b), Health and Safety Code.

Competency Evaluation Reports

4. **Article 46B.026(d), Code of Criminal Procedure:** The court shall submit to the Office of Court Administration of the Texas Judicial System on a monthly basis the number of reports provided to the court under this article.

Judicial Bypass

5. **Section 33.003(l) Family Code:** Requires district and county clerks to submit information on cases in which a minor files an application for a court order authorizing the minor to consent to the performance of an abortion without notification to and consent of a parent, managing conservator, or guardian.

¹ "In the trial of an offense under Title 5, *Penal Code*, or Section 28.02, 28.03, or 28.08, *Penal Code*, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment of the case if at the guilt or innocence phase of the trial, the judge or the jury, whichever is the trier of fact, determines beyond a reasonable doubt that the defendant intentionally selected the person against whom the offense was committed or intentionally selected property damaged or affected as a result of the offense because of the defendant's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference."

(I-1) The clerk of the court, at intervals prescribed by the Office of Court Administration of the Texas Judicial System, shall submit a report to the office that includes, for each case filed under this section:

- (1) the case number and style;
- (2) the applicant's county of residence;
- (3) the court of appeals district in which the proceeding occurred;
- (4) the date of filing;
- (5) the date of disposition; and
- (6) the disposition of the case.

Appointments and Fees

- 6. Section 36.004, Government Code:** Report on Appointments. (a) In addition to a report required by other state law or rule, the clerk of each court in this state shall prepare a report on court appointments for an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for a case before the court in the preceding month. For a court that does not make an appointment in the preceding month, the clerk of the court must file a report indicating that no appointment was made by the court in that month.

The report on court appointments must include:

- (1) the name of each person appointed by the court as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for a case in that month;
 - (2) the name of the judge and the date of the order approving compensation to be paid to a person appointed as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for a case in that month;
 - (3) the number and style of each case in which a person was appointed as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for that month;
 - (4) the number of cases each person was appointed by the court to serve as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator in that month;
 - (5) the total amount of compensation paid to each attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator appointed by the court in that month and the source of the compensation; and
 - (6) if the total amount of compensation paid to a person appointed to serve as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for one appointed case in that month exceeds \$1,000, any information related to the case that is available to the court on the number of hours billed to the court for the work performed by the person or the person's employees, including paralegals, and the billed expenses.
- (b) Not later than the 15th day of each month, the clerk of a court shall:
- (1) submit a copy of the report to the Office of Court Administration of the Texas Judicial System; and
 - (2) post the report at the courthouse of the county in which the court is located and on any Internet website of the court.
- (c) The Office of Court Administration of the Texas Judicial System shall prescribe the format that courts and the clerks of the courts must use to report the information required by this section and shall post the information collected under Subsection (b) on the office's Internet website.

Sec. 36.005. FAILURE TO REPORT. If a court in this state fails to provide to the clerk of the court the information required for the report submitted under Section 36.004, the court is ineligible for any grant money awarded by this state or a state agency for the next state fiscal biennium.

Sec. 36.006. TEXAS JUDICIAL COUNCIL RULES. The Texas Judicial Council shall, as the council considers appropriate, adopt rules to implement this chapter.

Juvenile Related Items

- 8. Section 71.0352, Government Code:** Requires justice and municipal courts to report as a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System:

- (1) the number of cases filed for the following offenses:
 - (A) failure to attend school under Section 25.094, Education Code;
 - (B) parent contributing to nonattendance under Section 25.093, Education Code; and
 - (C) violation of a local daytime curfew ordinance adopted under Section 341.905 or 351.903, Local Government Code; and

- (2) in cases in which a child fails to obey an order of a justice or municipal court under circumstances that would constitute contempt of court, the justice or municipal court shall report the number of incidents in which the child is:
- (A) referred to the appropriate juvenile court for delinquent conduct as provided by Article 45.050(c)(1), Code of Criminal Procedure, and Section 51.03(a)(2), Family Code; or
 - (B) held in contempt, fined, or denied driving privileges as provided by Article 45.050(c)(2), Code of Criminal Procedure.

Offenses Related to Human Trafficking

9. **Sec. 71.0353, Government Code:** Requires a district court or county court at law, as a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System, to report the number of cases filed for the following offenses: (1) trafficking of persons under Section 20A.02, Penal Code; (2) prostitution under Section 43.02 (Prostitution), Penal Code; and (3) compelling prostitution under Section 43.05, Penal Code.

Jury Charges and Sentences in Capital Cases

10. **Section 72.087, Government Code:** Requires the judge or clerk of court to submit a written record of the case containing the contents of the trial court's charge to the jury and the sentence issued in the case not later than the 30th day after the date the judgment of conviction or acquittal is entered in a case involving the trial of a capital offense.

Involuntary Mental Health Commitments

11. **Section 574.014, Health and Safety Code:** Requires the clerk of each court with jurisdiction to order mental health commitments to provide the Office of Court Administration each month with a report of the number of applications for commitment orders for involuntary mental health services filed with the court and the disposition of those cases, including the number of commitment orders for inpatient and outpatient mental health services. The Office of Court Administration shall make the reported information available to the department annually.

Courts of Appeals

12. **Section 72.084, Government Code:** Each month, a court of appeals shall report to the office:
- (1) the number of cases filed with the court during the reporting month;
 - (2) the number of cases disposed of by the court during the reporting month;
 - (3) for active cases on the docket of the court on the reporting date, the average number of days from the date of submission of the case to the court until the reporting date; and
 - (4) for each case disposed of during the reporting month by the court, the number of days from the date of submission of the case to the court until the date of disposition of the case by the court.
13. **85th Legislature, S.B. 1, Supreme Court Rider 3:** It is the intent of the Legislature that the Supreme Court equalize the dockets of the fourteen courts of appeals. Equalization shall be considered achieved if the new cases filed each year per justice are equalized by 10 percent or less among all the courts of appeals. [Data used for Supreme Court's equalization monitoring and case transfers. OCA prepares the calculations and assists the assigned Supreme Court justice with the equalization program.]

Court of Criminal Appeals

14. **Section 72.085, Government Code:** The court of criminal appeals shall annually report to the office: (1) the number of cases filed with the court during the reporting year involving: (A) capital punishment; (B) an application for writ of habeas corpus; or (C) a petition for discretionary review; (2) the number of cases disposed of by the court during the reporting year involving: (A) capital punishment; (B) an application for writ of habeas corpus; or (C) a petition for discretionary review; (3) the average number of days from the date a case was filed with the court until the reporting date, for each active case on the docket of the court on the reporting date involving: (A) capital punishment; (B) an application for writ of habeas corpus; or (C) a petition for discretionary review; and (4) the average number of days from the date a case was filed with the court until the date the case was disposed of by the court, for each case disposed of during the reporting year by the court involving: (A) capital punishment; (B) an application for writ of habeas corpus; or (C) a petition for discretionary review.

Supreme Court

- 15. Section 72.086, Government Code:** (a) The supreme court shall annually report to the office: (1) the number of cases filed with the court during the reporting year; (2) the number of cases disposed of by the court during the reporting year; (3) for the active cases on the docket of the court on the reporting date, the average number of days from the date a case was filed with the court until the reporting date; and (4) for the cases disposed of during the reporting year by the court, the average number of days from the date a case was filed with the court until the date of release of the court's opinion for the case or the date the case was otherwise disposed of by the court. (b) For cases on the docket of the court during the reporting year, the supreme court shall annually report to the office: (1) the average number of days from the date a case is filed with the court until the date the court releases an order announcing its decision granting, overruling, denying, or dismissing an application, petition, or motion; (2) the average number of days from the date of the granting of an application, petition, or motion until the date of oral argument of the case; (3) the average number of days from the date of the oral argument of the case until the date the court issues a signed opinion and judgment for the case; and (4) the average number of days from the date of filing of a case with the court until the date of the release of a per curiam opinion.

Judicial Council

- 17. Section 71.034(e), Government Code:** In addition to the information described by Subsection (a), the council [Judicial Council] shall include in the report a summary of information provided to the council during the preceding year under Articles 2.211 and 2.212, Code of Criminal Procedure. **[Hate crimes and writs of attachment]**

Office of Court Administration

- 19. Section 33.003(l-2) Family Code [Judicial bypass cases]:** The Office of Court Administration of the Texas Judicial System shall annually compile and publish a report aggregating the data received under Subsections (l-1)(3) and (6). A report submitted under Subsection (l-1) is confidential and privileged and is not subject to disclosure under Chapter 552, Government Code, or to discovery, subpoena, or other legal process. A report under this subsection must protect the confidentiality of:
- (1) the identity of all minors and judges who are the subject of the report; and
 - (2) the information described by Subsection (l-1)(1).
- 20-22. Section 72.082, Government Code:** Requires OCA to annually collect and publish a performance report of information regarding the efficiency of the courts of this state. The report shall include the aggregate clearance rate of cases for the district courts (**Section 72.083, Government Code**), and the performance measure information that the appellate courts are required to report to OCA (**Sections 72.084, 72.085 and 72.086, Government Code**).
- 23. Section 72.087, Government Code:** Requires the Office of Court Administration to annually collect and publish a report of information regarding cases involving the trial of a capital offense. The report must include (1) the contents of the trial court's charge to the jury, and (2) the sentence issued in each case.
- 24. 85th Legislature, S.B. 1, OCA Rider 5:** From funds appropriated, OCA shall report data for the district courts on a countywide basis. The data shall measure countywide clearance rates for criminal, civil, and juvenile cases and measure age of cases disposed and the backlog index for criminal and civil cases. Further, OCA shall revise its reporting system for the trial courts as necessary to simplify reporting, improve data collection and compliance, and streamline its annual report of the Texas judicial system.
- 25. 85th Legislature, S.B. 1, OCA Rider 6:** The current performance measures for the appellate courts should continue to be used for caseload management by each court in accordance with uniform data reporting standards approved by the courts of appeals. Further, the appellate courts should continuously find ways to operate efficiently without sacrificing the quality of justice while remaining true to the rule of law. Finally, from funds appropriated, the OCA should continue to study whether the statistical data currently reported for appellate court performance measures is presented in a clear, understandable format and what, if any, additional data should be collected.

Administrative Judicial Region Monthly Reporting Form

Administrative Judicial Region: _____

Report for: _____
Year *Month*

Reasons for Assignments and Number of Judges Assigned			
Reason for Assignment by Presiding Judge within the Region	<u>Active Judges - Number of Assignments</u>	<u>Sr/Fmr/Ret Judges - Number of Assignments</u>	Total Number of Assignments
Assistance with Heavy Docket			0
Vacation			0
Illness			0
Recusal - Voluntary			0
Recusal - Involuntary			0
Disqualification - Voluntary			0
Disqualification - Involuntary			0
Continuing Education			0
Personal Emergency			0
Election Contest			0
Attorney Contempt			0
Suit to Remove Locally Elected Official			0
Vacant Bench			0
Other			0
Totals	0	0	0
Assignment to Another Region			0
Assigned by the Chief Justice to the Region			0

Number of Attorney Fee Voucher Appeals	
-----------------------------------------------	--

Motions to Recuse/Disqualify	
Type of Judge Hearing Motion	No. of Motions
Regional Presiding Judge	
Active Judge	
Senior, Former, Retired Judge	
Disposition	No. of Motions
Granted with hearing	
Granted without hearing	
Denied with hearing	
Denied without hearing - failure to comply with Rule 18a	
Denied without hearing - other	

Vacant Benches	
Reason for Vacancy	Number of Days Judge Assigned to Sit
Death	
Illness*	
New Bench	
Resignation	
Retirement	
Suspension	

*More than 2 weeks absence.

Presiding Judge Monthly Report - OCA Report Form

Report for:

Year *Month*

	<i>Rule 12 Appeals</i>				<i>Appeals from JBCC</i>		
Appointments for PIU Cases	Denied	Granted in Whole	Granted in Part	No Jurisdiction	Violation Occurred, Penalty Upheld	Violation Occurred, Penalty Reduced	Violation Did Not Occur