

ANNUAL REPORT OF THE  
JUDICIAL SUPPORT AGENCIES,  
BOARDS AND COMMISSIONS



FOR THE  
FISCAL YEAR ENDED  
AUGUST 31, 2013



**Annual Report  
of the  
Judicial Support Agencies,  
Boards and Commissions**

For the Fiscal Year Ended  
August 31, 2013

Published by  
Office of Court Administration  
David Slayton, Administrative Director

205 West 14<sup>th</sup> Street, Suite 600  
PO Box 12066  
Austin, TX 78711-2066  
(512) 463-1625  
[www.txcourts.gov](http://www.txcourts.gov)

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**Our MISSION**

To Provide Resources and Information for the Efficient Administration of the Judicial Branch of Texas.

## Executive Operations

The Office of Court Administration provides resources and information for the efficient administration of the Judicial Branch of Texas.

The Office of Court Administration (OCA) has been led since May 2012 by Mr. David Slayton, the Administrative Director of OCA and the Executive Director of the Texas Judicial Council. Mr. Slayton is supported by an executive assistant and a team of division directors.

The clerical functions of the Process Server Review Board previously being conducted by the executive assistant, were transferred in the Fall of 2012 to the director of the Guardianship Certification Board to provide for greater support for the Administrative Director.

Mr. Slayton was sworn in as President of the National Association for Court Management (NACM) in July 2013.



***NACM is a national organization with 1,800 court leader members dedicated to improving the administration of justice in the nation's courts.***

Mr. Slayton will serve in that role for one year. In the same month, Mr. Slayton was appointed by the President of the Conference of State Court Administrators (COSCA) as co-chair of the national Joint Technology Committee (JTC) of COSCA, NACM and the National Center for a State Courts. The JTC is the national policy-making body for court technology and technology standards.

In an effort to better communicate with the public and court stakeholders, the Executive Division oversees the distribution of CourTex, a monthly electronic publication to over 1,700 stakeholders, and social media via Facebook.

### DIRECTOR RESPONSIBILITIES



- ★ Leadership and strategic direction
- ★ Represents the agency to the Legislature, other agencies and interest groups
- ★ Agency's performance
- ★ Staffs the policy-making function of the Judicial Council, with support from the Research and Court Services and Legal divisions.

## Texas Judicial Council

The Texas Judicial Council (TJC) was created by the 41st Texas Legislature in 1929 as the policy-making body for the state judiciary. The TJC is responsible for continuously studying and reporting on the “organization, rules, procedures and practice, work accomplished, results, and uniformity of the discretionary powers of the state courts and methods for their improvement.” To accomplish this purpose, the TJC designs “methods for simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in or improving the administration of justice.”

### THE COUNCIL MET FOUR TIMES IN FY 2013

- ★ SEPTEMBER 7, 2012
- ★ NOVEMBER 9, 2012
- ★ FEBRUARY 22, 2013
- ★ JUNE 7, 2013

*Links to Minutes and Webcasts are  
located on TJC website:*

[www.courts.state.tx.us/tjc/meetings.asp](http://www.courts.state.tx.us/tjc/meetings.asp)

### TEXAS JUDICIAL COUNCIL as of August 31, 2013

Supreme Court of Texas Chief Justice **Wallace Jefferson**, Austin  
Court of Criminal Appeals Presiding Judge **Sharon Keller**, Austin  
State Senator **Robert Duncan**, Lubbock  
State Senator **Royce West**, Dallas  
State Representative **Tryon Lewis**, Odessa  
State Representative **Roberto Alonzo**, Dallas  
1<sup>st</sup> Court of Appeals Chief Justice **Sherry Radack**, Houston  
14<sup>th</sup> Court of Appeals Justice **Bill Boyce**, Houston  
121<sup>st</sup> Judicial District Judge **Kelly Moore**, Terry & Yoakum  
419<sup>th</sup> Judicial District Judge **Orlinda Naranjo**, Travis County  
County Court at Law No. 2 Judge **Linda A. Rodriguez**, Hays County  
Probate Court #1 Judge **Polly Spencer**, Bexar County  
Pct. 3, Place 1 Justice of the Peace **Russell B. Casey**, Tarrant County  
Pct. 1, Place 2 Justice of the Peace **Valencia Nash**, Dallas County  
Municipal Judge **Glenn D. Phillips**, Kilgore  
Municipal Court Presiding Judge **Gary Bellair**, Ransom Canyon  
Mr. **Richard Battle** of College Station, non-attorney member (appointed by Governor)  
Mr. **Richard “Rick” Figueroa** of Houston, non-attorney member (appointed by Governor)  
Ms. **Allyson Ho** of Dallas, attorney (appointed by Governor)  
Mr. **Virgil Justice** of Kerrville, non-attorney member (appointed by Governor)  
Mr. **Henry “Hank” Nuss** of Corpus Christi, attorney (appointed by Governor)



**Committees**

The Council regularly appoints committees to study issues affecting the administration of justice. The two active committees in FY 2013 were the Juvenile Justice Committee and the Committee on Court Resources.

**Juvenile Justice Committee**

The Juvenile Justice Committee, chaired by Travis County District Judge Orlanda Naranjo, presented its findings and [recommendations](#) to the Council at its meeting on September 7, 2012. The Council focused its recommendations in four areas:

- 1. The Legislature should expressly authorize local governments to implement “deferred prosecution” measures in Class C misdemeanors to decrease the number of local filings from schools;*
- 2. The Legislature should amend applicable criminal laws to ensure that local courts are the last and not the first step in school discipline;*
- 3. The Legislature should amend offenses relating to Disruption of Class, Disruption of Transportation, and Disorderly Conduct so that age (not grade level) is a prima facie element of the offense; and*
- 4. The Legislature should amend existing criminal law and procedures to increase parity between “criminal juvenile justice in local trial courts” and “civil juvenile justice in juvenile court and juvenile probation.”*

***Juvenile Justice  
Committee Charge***

*To assess the impact of school discipline and school-based policing on referrals to the municipal, justice, and juvenile courts and identify judicial policies or initiatives that work to reduce referrals without having a negative impact on school safety; limit recidivism; and preserve judicial resources for students who are in need of this type of*

In addition to the legislative recommendation, the Juvenile Justice Committee recommended several changes to [practices](#). Those changes included recommendations to improve data collection and improved training for school officials on juvenile justice issues.

The Council unanimously approved a resolution supporting implementation of the legislative recommendations of the juvenile justice committee. The recommendations were introduced as SB 393 in the 83<sup>rd</sup> Legislature.

### Committee on Court Resources

Following the success of the TJC Shared Solutions Summit, the Council considered a proposal to develop a [framework](#) to guide Texas courts in improving their performance. The Council approved the concept and sought grant funding from the State Justice Institute, a federally-funded organization that provides grants to state courts. The grant was funded and a project led by the Committee on Court Resources was initiated. The plan is for a stakeholder group to meet in the Fall of 2013 to develop the framework and to deliver the concept to the courts through Shared Solutions Summit 2.0 in the Spring of 2014.



### Committee on Elders

In June 2013, Chief Justice Wallace B. Jefferson formed and appointed members to a new committee of the TJC. The Elders Committee was tasked with a charge that would allow the Council to study and make policy, rule and legislative recommendations regarding the interaction of the courts and the elderly. With the impending dramatic increase in the elder population, this task was seen as a critical one for the Council. The committee will work closely with the Texas Working Interdisciplinary Network of Guardianship Stakeholders (WINGS), which is a newly-formed group that received grant funding from the National Guardianship Network after a proposal by the Supreme Court of Texas. The committee expects to make its report to the Council in the Summer of 2014.

#### *Elders Committee Charge*

*To assess ways in which Texas courts interact with elderly and identify judicial policies or initiatives that could be enacted to protect and improve the quality of life for the elderly in Texas.*

### Hate Crime Reporting

Article 2.211 of the Code of Criminal Procedure provides that in each case that a request is made for an affirmative finding that an offense was committed because of bias or prejudice under Article 42.014, the clerk of the district or county court shall report that request to the Texas Judicial Council and include a statement whether the affirmative finding was entered in the judgment in the case. During FY 2013, OCA received one report of a case in which a request was made for an affirmative finding that a hate crime was committed. The list of cases reported since September 2001 is available [online](#).

During FY 2013, OCA received one report of a case in which a request was made for an affirmative finding that a hate crime was committed.



## Legislative Resolutions for the 83rd Legislative Session

Council Resolution	Bill Filed	Author/Sponsor	Status	Impact on Resolution
Ensuring Adequate Court Funding	SB 1	Williams/Pitts	Passed	Almost all court funding requests by judicial entities were funded.
Adequate Funding of the Court eFiling System	HB 2302	Hunter, S. Thompson/ West	Passed	Bill enacts per-case fee of \$20 on appellate, district and county civil cases, \$10 on justice court civil cases, and \$5 court cost on criminal convictions in district and county courts. Allows counties to continue \$2 per transaction fee to recoup costs of integration.
Additional State Funding for Indigent Defense	SB 1	Williams/Pitts	Passed	"Estimated appropriation" and unexpended balances in Fair Defense Account restored to Indigent Defense Commission. No increased funding to "close the gap."
Judicial Compensation Commission Recommendations	SB 1	Williams/Pitts	Passed	Appropriations act provides funding for a 12% increase in judicial compensation. While not the 21.5% increase recommended by the Judicial Compensation Commission, the increase is the first since 2005 and has been well-received by the judiciary.
Interim Study on Criminal Court Cost Consolidation	SB 1908	West, Paxton/Lewis	Passed	Requires OCA to study all court fees and costs to determine whether each fee or cost is necessary. Report to Legislature due 9/1/14.
Consistent Fee Amounts in Compliance Dismissals	SB 790	Rodriguez	Did not pass	Bill would have set all compliance dismissal fees at \$20. Concerns were raised about removing judicial discretion on the fees.
Single Effective Date for New Criminal Court Costs and Civil Filing Fees	SB 390	West/Lewis	Passed	Repeals Government Code Sec 51.607(d), ensuring that all new court costs and filing fees become effective on January 1 of the year after they are enacted.
Assessment of Criminal Court Costs in Effect on Date of Conviction	SB 389	West/Lewis	Passed	Modifies law to state that court costs are assessed based upon the date of conviction, not date of offense.
Collection of Fines and Court Costs after End of Community Supervision Period	SB 391	West/Herrero	Passed	States that defendant's obligation to pay court costs is independent of community supervision period.
Juvenile Justice Committee Recommendations	SB 393	West, Hinojosa, Whitmire/Lewis, S. Thompson	Passed	SB 393 contains all of the Judicial Council's Juvenile Justice recommendations, with minor modifications. Modifies law to eliminate ticketing for school offenses, provides confidentiality of records for children, ensures children can access diversion programs and waiver of court costs, and provides greater parity with civil juvenile justice system.
	SB 394	West/Herrero, Wu	Passed	SB 394 contains Judicial Council recommendations for confidentiality of records for children.
	SB395	West/Herrero	Passed	SB 395 contains Judicial Council recommendations for waiver of court costs for children.
Informing the Attorney General of Constitutional Challenges to Texas Statutes	SB 392	West/Lewis	Passed	Requires attorneys to notify clerks/courts if they are challenging constitutionality of a state statute. Clerk then notifies AG.
Vexatious Litigants	SB 1630	West/Lewis	Passed	Bill clarifies vexatious litigant statute for all involved.
Support Funding for Civil Legal Aid in Texas	SB 1	Williams/Pitts	Passed	Appropriations Act maintained level funding with 2012-2013.
	HB 1445	S. Thompson, S. Davis, J. Davis, S. Turner, Naishtat, Farias, Lucio III/Duncan	Passed	Expands the potential funding available from recoveries by the Attorney General to up to \$50 million (currently \$10 million and more limited in scope)

Links to individual Resolutions can be found on the Texas Judicial Council [website](#).

### Revised Justice Court Statistical Reporting

Responding to the Supreme Court of Texas' new justice court rules, the TJC adopted changes to the monthly reporting requirements and instructions to comply with the rule changes. The changes were made to be effective on September 1, 2013 to coincide with the justice court rule changes.

## Research and Court Services Division

The Research and Court Services Division provides services to improve the administrative operation of courts and increase public accessibility to courts, and provides information about the Judicial Branch.

### Collection Improvement Program

OCA's Collection Improvement Program is a set of principles and processes for managing cases when defendants are not prepared to pay all court costs, fees, and fines at the time of assessment and when time to pay is requested.

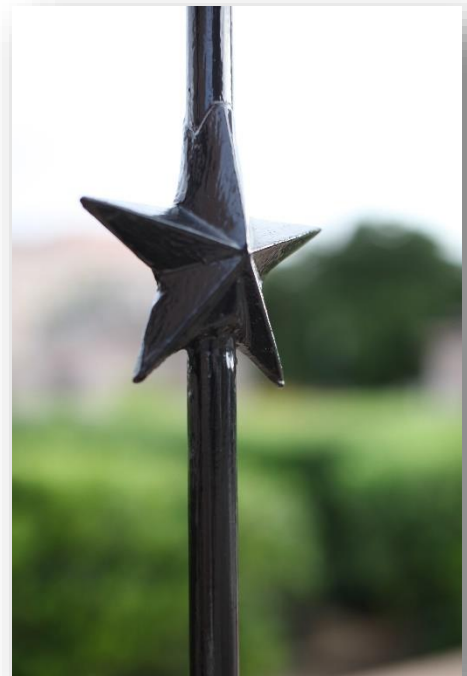
In 2005, the Texas Legislature enacted S.B. 1863 (codified at Code of Criminal Procedure, article 103.0033) which requires cities with a population of 100,000 or more, and counties with a population of 50,000 or more, to implement collection improvement programs based on OCA's model Court Collection Improvement Program. As of August 31, 2013:

- 89 of the 91 counties and cities required to implement a program have either fully or partially implemented a program. Two of the 91 counties and cities required to implement a program – Harris and Anderson – have both received a waiver. Anderson County, however, intends to continue its program on a voluntary basis.
- It is anticipated that both Cherokee and Rusk counties will request a waiver in the future. [Senate Bill 387, which was passed by the 83rd Legislature, Regular Session, and took effect May 10, 2013, requires OCA to grant a waiver to a county with a population of 50,000 or more when the population of the county is at least 50,000 only because of the Texas Department of Criminal Justice inmate population within the county. Three counties – Anderson, Cherokee, and Rusk – are eligible under this new provision.]

### RESEARCH AND COURT SERVICES DUTIES AND RESPONSIBILITIES



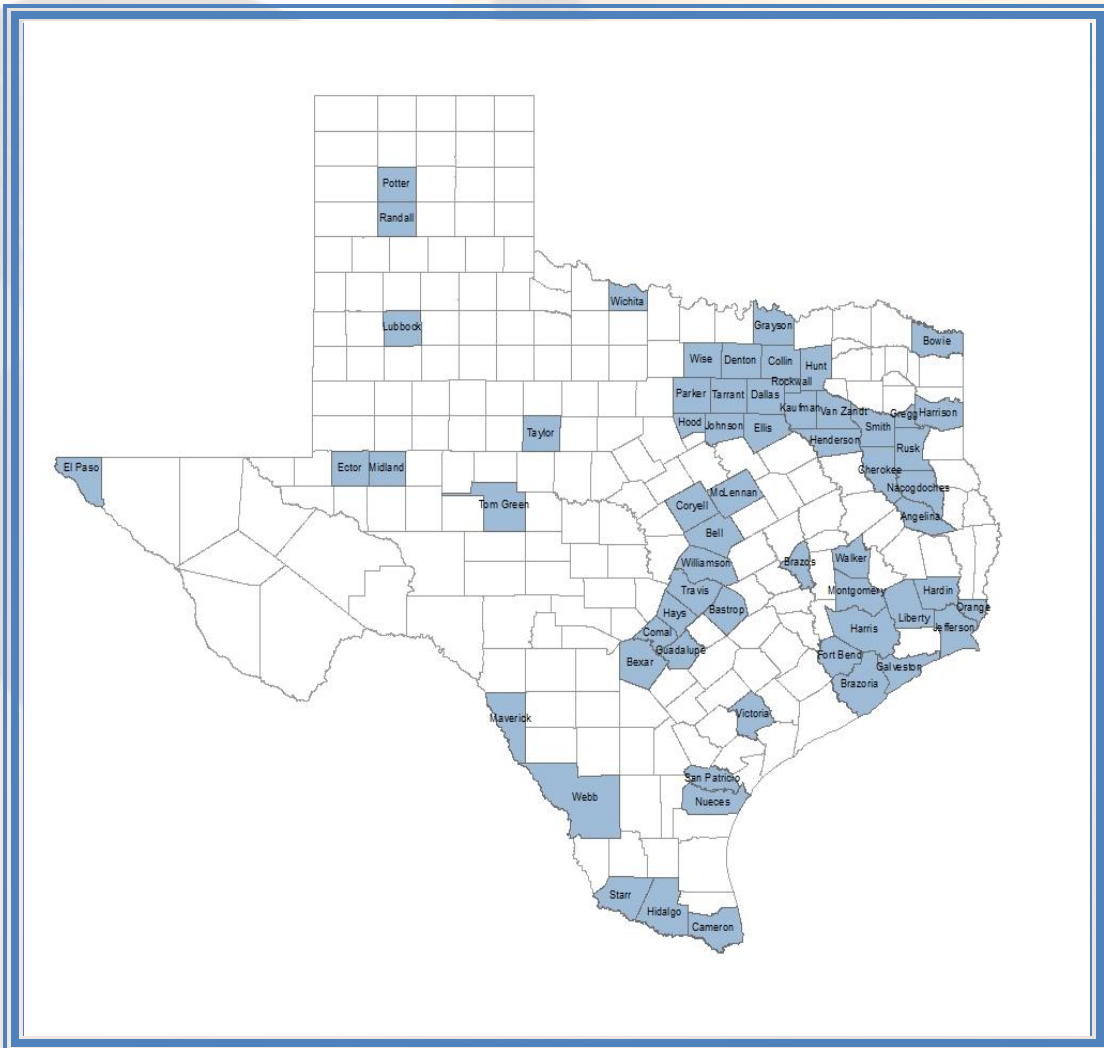
- ★ Collection of court costs, fees, and fines
- ★ Judicial data reporting accuracy and compliance
- ★ Administrative operation of the courts
- ★ Remote interpreter services for family violence cases



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**MANDATORY COUNTY COLLECTION IMPROVEMENT PROGRAMS**

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***89 of the 91 counties and cities required to implement a program have either fully or partially implemented the CIP model.***

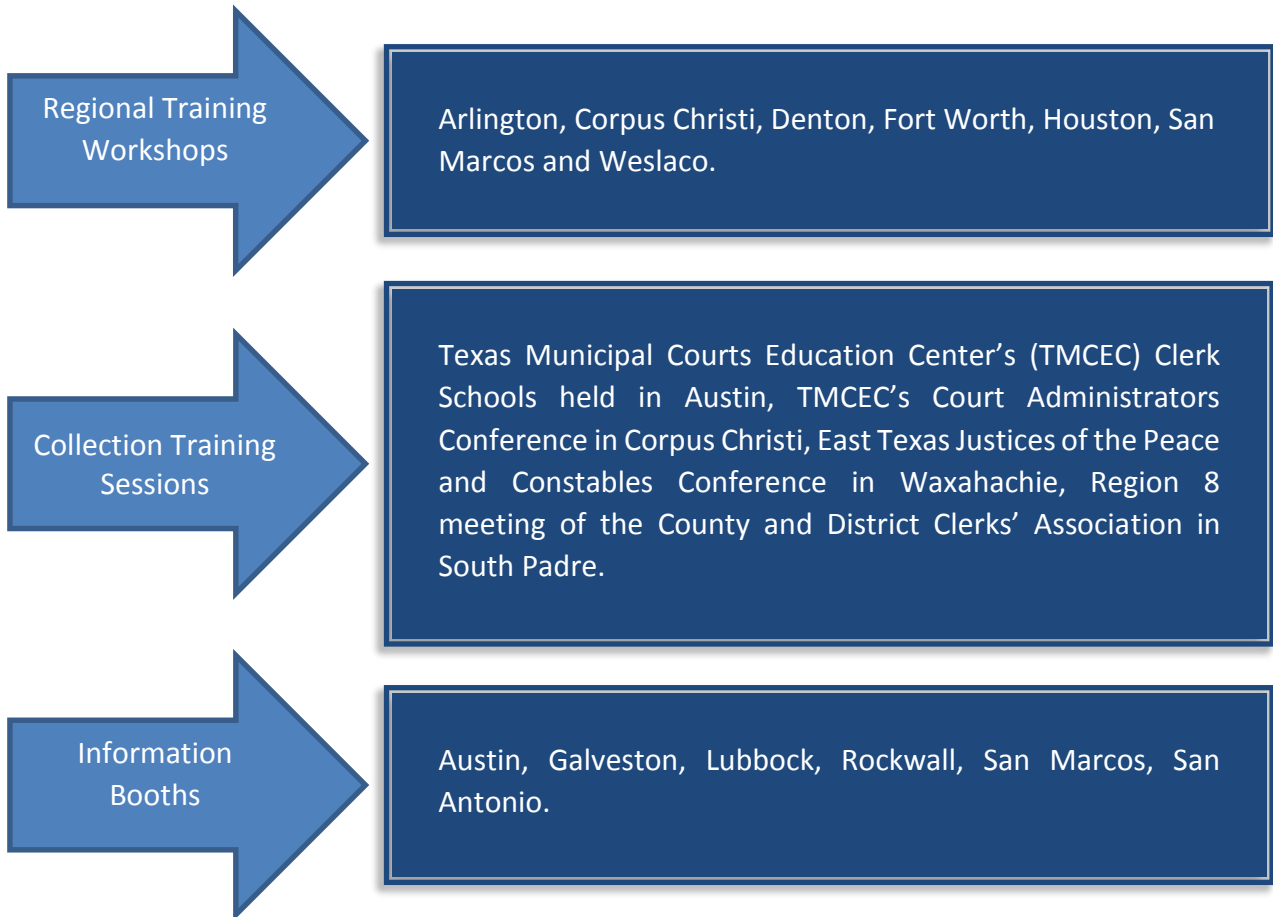
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In FY 2013, the Collection Improvement Program (CIP) technical support staff continued working with the counties and cities required to implement a program to ensure compliance with the critical components of the model program. To that end, program staff continued to conduct simulated compliance audits of mandatory programs to identify any deficiencies and assist counties or cities with correcting deficiencies before the OCA auditors conduct the official compliance audit. The technical support staff also conducted “spot check” reviews of counties and cities required to implement a program to ensure continuing compliance with program components. Lastly, program staff developed: 1) a “trend” report that analyzes data submitted by the programs, such as amounts assessed, collected and credited; and 2) a “return on expenditures” report that reviews the cost effectiveness of the program. Fifty-two (18 cities and 34 counties) “return on expenditure” reports were compiled and distributed during FY 2013, *reflecting a collective average return of \$17.39 for every \$1 spent on collections.*

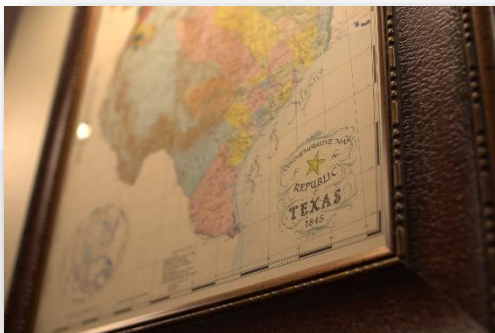
## KEY ELEMENTS OF THE COLLECTION IMPROVEMENT PROGRAM

- ⊛ Expectation that all court costs, fees and fines are generally due at the time of assessment (sentencing or judgment imposed date.)
- ⊛ Defendants unable to pay in full on the day of assessment are required to complete an application for extension of time to pay.
- ⊛ Application information is verified and evaluated to establish an appropriate payment plan for the defendant.
- ⊛ Payment terms are usually strict.
- ⊛ Alternative enforcement options (e.g., community service) are available for those who do not qualify for a payment plan.
- ⊛ Defendants are closely monitored for compliance, and action is taken promptly for non-compliance:
  - Telephone contact and letter notification are required when a payment is missed;
  - Possible issuance of a warrant for continued non-compliance; and
  - Possible application of statutorily permitted collection remedies, such as programs for non-renewal of driver's license or vehicle registration.
- ⊛ A county or city may contract with a private attorney or a public or private vendor for the provision of collection services on delinquent cases (61+ days), after in-house collection efforts are exhausted.

The CIP technical support staff conducted eight regional training workshops on collection best practices, tools and techniques.



***90 voluntary programs fully or partially implemented***



ESTIMATED ADDITIONAL REVENUE GENERATED BY MANDATORY COLLECTION IMPROVEMENT PROGRAMS		
State Fiscal Year	State	Local
2006	\$5,235,455	\$15,706,365
2007	\$21,150,486	\$63,451,458
2008	\$21,332,823	\$63,998,469
2009	\$19,834,715	\$59,504,147
2010	\$17,652,549	\$52,957,646
2011	\$21,014,408	\$63,043,225
2012	*	*
2013	*	*
Total	\$106,220,436	\$318,661,310

\*2012 and 2013 revenue estimates are pending.

## Judicial Information Program

The Judicial Information Program is the only statewide repository that collects, reports and analyzes court activity statistics, judicial directory information and other information from the approximately 2,800 courts in the state; produces the Annual Report for the Texas Judiciary, Texas Judicial System Directory and other publications; and provides information about the judicial branch. Approximately 162,000 statistical and other reports were received in FY 2013.

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*Number of statistical and other reports received: 162,000+*

*Number of courts tracked in judicial directory: 2,800\**

*Number of active judicial system personnel tracked in judicial directory: 7,300+*

*\*Includes child support and child protection specialty courts*

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## Publications

During FY 2013, Judicial Information produced the [2012 Annual Statistical Report for the Texas Judiciary](#), the [2013 Texas Judicial System Directory](#), and the [2012 Report on Texas Court Security Incidents](#). Staff also updated the [Geographical Jurisdiction of District Courts](#). The Judicial Information section will publish an annual statistical report in 2014.

## H.B. 3352 and National Instant Criminal Background System (NICS) Record Improvement

OCA has taken a leading role in providing assistance to the district and county clerks with the implementation of H.B. 3352, which was passed by the Texas Legislature in 2009 to comply with and implement the requirements of the federal NICS Improvement Amendments Act of 2007. H.B. 3352 requires clerks to report information on mental health, guardianship and other prohibiting cases (including historical cases for the period September 1, 1989 through August 31, 2009) to the Criminal

Justice Information System (CJIS) maintained by the Texas Department of Public Safety. This information is used in background checks performed by the Federal Bureau of Investigation to determine whether a person is disqualified from possessing or receiving a firearm.

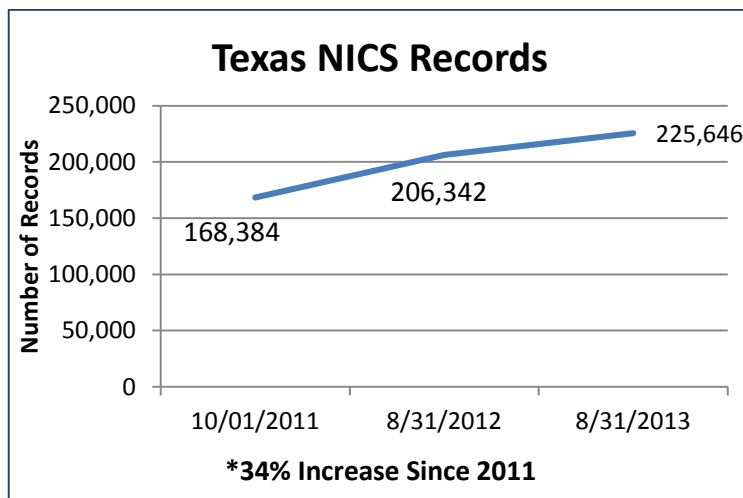
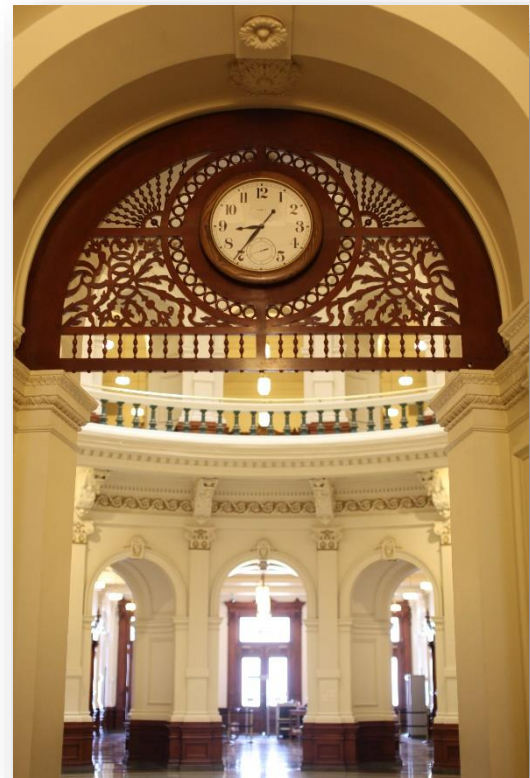
**Bureau of Justice Statistics,  
U.S. Dept. of Justice grants  
\$1,035,880**

OCA has been awarded a total of \$1,035,880 in grants from the Bureau of Justice Statistics, U.S. Department of Justice, for the Texas OCA NICS Mental Health Record Improvement Project. The project, which began on October 1, 2011, hires OCA staff to provide assistance to the clerks by reviewing historical case files and docket sheets to identify eligible mental health records to be reported and, when

requested, entering this information into CJIS, and providing training on H.B. 3352 reporting requirements.

During FY 2013, OCA provided records research assistance and on-site training in 22 counties. The number of Texas NICS records as of August 31, 2013 was 225,646. In addition to the records research assistance and on-site training, OCA engaged in the following activities to provide assistance to the district and county clerks: 1) made a presentation on H.B. 3352 reporting at a regional meeting of the Texas County and District Clerks’ Association in Sweetwater; and 2) provided frequent assistance to clerks by answering questions over the phone and by email.

COUNTIES RECEIVING NICS RESEARCH ASSISTANCE AND TRAINING IN FY 2013			
Anderson	Ellis	Kinney	Starr
Bee	Fannin	Maverick	Stephens
Cherokee	Franklin	Palo Pinto	Van Zandt
Dawson	Henderson	Polk	Zavala
Dimmit	Jasper	Sabine	
Edwards	Kimble	Smith	



### Texas Remote Interpreter Project (TRIP) in Domestic Violence Cases

OCA obtained a three-year, \$300,000 grant from the U.S. Department of Justice’s Office on Violence Against Women (OVW) to hire two half-time licensed Spanish court interpreters to provide interpretation services at no cost, via telephone, voice over Internet protocol, or videoconferencing to district and county-level courts in cases involving intimate partner violence. Limited grant funds were also available for non-Spanish interpretation from a commercial telephonic service for civil intimate partner cases. The focus of the project was to improve access and the quality of interpretation services

in rural counties. The grant period was September 1, 2010 through August 31, 2013. OCA received funding from the 83rd Legislature to expand the program to cover all case types in all Texas courts.

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***Office on Violence Against Women, U.S. Dept. of Justice grant \$300,000***

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Despite many and varied efforts (e.g., making site visits to courthouses to explain and demonstrate TRIP services, making presentations, conducting webinars and publishing articles) to promote the use of TRIP throughout the three-year project period, utilization continued to remain low in FY 2013. During FY 2013, seven judges used the services in a total of 11 hearings.

During FY 2013, division staff continued to work on activities to promote the program, including the following: 1) made phone calls and sent follow-up emails or postcards to hundreds of court coordinators and judges to explain and offer TRIP services; 2) made site visits to courts in the following counties to explain TRIP services: Austin, Bee, Burnet, Caldwell, Cameron, Colorado, Comal, DeWitt, Falls, Fayette, Gillespie, Gonzales, Goliad, Hays, Kendall, Kenedy, Kerr, Kleberg, Lee, Mason, Robertson, San Saba, Willacy and Williamson; 3) made three presentations on TRIP and related court interpretation issues at the annual Conference of the Texas Association for Court Administration in Ft. Worth; and 4) made a presentation on TRIP and related court interpretation issues at the Texas Association of Counties' Judicial Education Sessions held in Galveston and Lubbock.

In an effort to make the most of the project staff interpreters' time when they were not providing interpretation services or promoting the use of TRIP services, they prepared curriculum materials related to domestic violence for the Language Access Basic Training Suite, which is an online course for bilingual court staff who interact with non-English speaking members of the public. The training is being developed by the New Mexico Administrative Office of the Courts in collaboration with other states and will be made available to all states.

With the approval of OVW, in spring 2013, OCA established a Court Interpreter Workgroup comprised of judges, clerks, a court coordinator, and representatives from the Texas Association of Counties and the Texas Conference of Urban Counties. The workgroup met in May 2013 to discuss ways to better educate county officials and judges about the need to use licensed court interpreters when possible and to improve language access in Texas courts.

OCA staff interpreters identified a number of obstacles that contributed to the limited use of TRIP during the three-year project period, including the grant requirement that interpretation services could only be provided in cases involving intimate partner violence. With the state funding that OCA received from the 83<sup>rd</sup> Legislature to continue to provide remote interpretation services to the courts, OCA is able expand the scope of the program to include all case types.



**WITH NO RESTRICTIONS ON  
CASE TYPE, IT IS ANTICIPATED  
THAT MORE COURTS WILL  
USE THE SERVICES.**



### Domestic Violence Resource Attorney

OCA obtained a \$72,120 S.T.O.P Violence Against Women Act Fund grant to continue funding for its domestic violence resource attorney (DVRA) on a part-time basis. The DVRA serves as a single point of contact to provide training and support court efforts to combat domestic violence, sexual assault, dating violence, and stalking. OCA agreed to contribute a cash match of \$2,000, resulting in a total project cost of \$74,120. The grant period was September 1, 2012, through September 30, 2013.

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### *S.T.O.P Violence Against Women Act Fund grant \$72,120*

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### DOMESTIC VIOLENCE RESOURCE ATTORNEY

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- 
- ⊛ Updated the Texas Family Violence Benchbook
  - ⊛ Represented OCA on the State Bar of Texas Family Law Task Force Committee on Best Practices for Lawyers Representing Survivors of Domestic Violence, Sexual Assault, Stalking, and Trafficking
  - ⊛ Provided technical assistance to judges, clerks, prosecutors and law enforcement officers
  - ⊛ 19 training presentations at various locations around the State to a total of approximately 847 judges, law enforcement officers, prosecutors and clerks.
    - **Training Topics**
      - domestic violence dynamics
      - protective orders
      - magistrate's orders of emergency protection
      - domestic violence and court security

## Information Services Division

The Information Services Division works to improve information technology at all judicial levels in Texas.

Information Services maintains applications that provide certification management for OCA's regulatory boards, case management for the child protection and child support specialty courts, case management for the State Commission on Judicial Conduct, court case management for appellate courts and court activity reporting for trial courts. Information Services also provides staffing and support for the Judicial Committee on Information Technology.



### RECIPIENTS OF DIRECT TECHNOLOGY SERVICES



- ★ Supreme Court of Texas
- ★ Court of Criminal Appeals
- ★ 14 Intermediate Courts of Appeals
- ★ State Law Library
- ★ State Prosecuting Attorney
- ★ State Commission on Judicial Conduct
- ★ Texas Indigent Defense Commission
- ★ Office of Capital Writs

## FY 2013 Information Services Projects

### **Texas Appeals Management and eFiling System (TAMES)**

TAMES was implemented in the 2<sup>nd</sup> Court of Appeals, 3<sup>rd</sup> Court of Appeals, 4<sup>th</sup> Court of Appeals, 6<sup>th</sup> Court of Appeals, 7<sup>th</sup> Court of Appeals, 8<sup>th</sup> Court of Appeals, 9<sup>th</sup> Court of Appeals, 10<sup>th</sup> Court of Appeals, 11<sup>th</sup> Court of Appeals and 12<sup>th</sup> Court of Appeals in FY 2013. TAMES implementation will be completed for the remaining appellate courts (the 13<sup>th</sup> Court of Appeals and the Court of Criminal Appeals) in FY 2014.



### **Statewide eFiling Contract**

In November 2012, OCA entered into an agreement with Tyler Technologies to serve as the new statewide eFiling vendor. NICUSA notified OCA that it will no longer provide eFiling services after 11/30/2013. OCA staff have been working with Tyler Technologies to move existing eFiling courts to the new eFiling system by the 11/30 date. Beginning in January 2014, eFiling will be mandated in civil cases for the ten most populous counties in Texas. Additional counties become mandatory every six months until eFiling in civil cases is mandatory statewide.

### **Texas Courts Online Website Redesign**

OCA contracted with Ambonare Technology Consultants to redesign the existing judicial branch website into a more user-friendly format, and to implement a content management system. In 2014, Information Services will begin training content owners on how to manage their own websites and then begin implementing the redesigned website, starting with the new websites for the State Prosecuting Attorney and the State Commission on Judicial Conduct.

## Judicial Committee on Information Technology

The mission of the Judicial Committee on Information Technology (JCIT) is to establish standards and guidelines for the systematic implementation and integration of information technology into the trial and appellate courts in Texas. JCIT held five meetings during FY 2013. JCIT continued to push for statewide electronic eFiling rules at all levels. JCIT presented statewide civil eFiling rules to the Supreme Court Advisory Committee. JCIT also worked with local partners to communicate the impending mandate of civil filings starting on January 1, 2014.

### Electronic Court Filing

Electronic filing (eFiling) enables filers and courts to connect electronically and is designed to allow parties to file electronically to any participating court from any one of the several certified eFiling service providers. The 75<sup>th</sup> Texas Legislature created JCIT and gave it a 12-point mission, including establishing an electronic court filing system (eFiling) pursuant to Government Code §77.031(5.) To fulfill this mandate, JCIT continued to encourage adoption of eFiling.

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*In December of 2012, the Supreme Court mandated eFiling in civil cases starting with the top ten most populous counties in January 2014. Every six months, additional counties become mandatory, with a statewide mandate in effect starting January 2016.*

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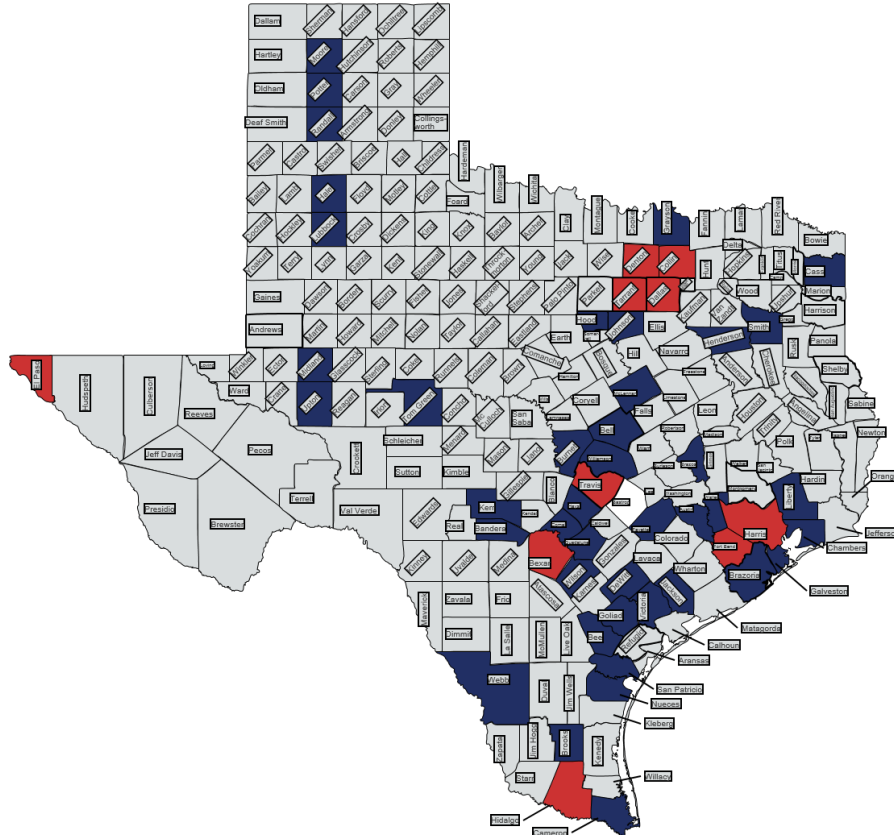
### Judicial Information Technology Standards

JCIT also promotes the use of standards wherever possible. With JCIT's assistance, OCA now enforces ECF 4.0 standards be used on communications. This allows a filer to choose their service provider and allows counties to have local control over their case management systems. The standards subcommittee on JCIT also reviews and provides updates to JCIT Technology standards. These standards provide trial and appellate courts with guidance as to the types of documents that can be accepted for eFiling.

## ELECTRONIC COURT FILING

### DISTRICT COURTS, COUNTY COURTS, JUSTICE COURTS

*All shaded counties have eFiling as of 8/31/2013. The top ten most populous counties are shaded in red.*



As of August 2013, 52 counties and 80 district/county clerks have implemented eFiling. These jurisdictions cover approximately 80 percent of the state's population. As of August 31, 2013, 10 of the 14 intermediate appellate courts accept eFiling. Electronic filing is now mandated for all cases in the Supreme Court. The 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 7<sup>th</sup>, and 14<sup>th</sup> Courts of Appeals have also mandated that all civil cases be filed electronically.

All existing eFiling counties are transitioning to the new system. After the initial transition, the new system will add counties to the eFiling program based on their mandatory civil eFiling date.

## Legal Division

The Legal Division provides legal support for the agency and numerous entities within the judiciary and oversees the administration of the specialty courts programs on behalf of the presiding judges of the nine administrative judicial regions.



### Rule 12 and 14 Appeals

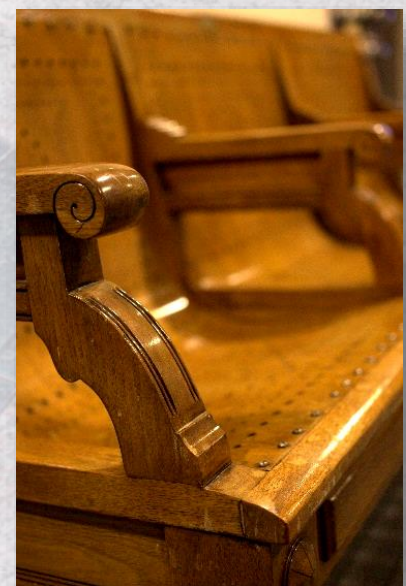
The Division also provides support to the special committees composed of regional presiding judges who issue decisions in appeals filed pursuant to Rule 12 (denial of access to judicial records) and Rule 14 (appeal of Process Server Review Board decisions) of the Rules of Judicial Administration. In FY 2013, nine public access opinions were issued.

The Texas Rules of Judicial Administration (RJA) can be found on the Texas Supreme Court's website:

<http://www.supreme.courts.state.tx.us/rules/rja-home.asp>

### Specialty Courts Program

The specialty courts program includes the child support courts and the child protection courts. Throughout the year, division staff supports the efforts of the presiding judges of the administrative judicial regions in administering the specialty courts program. An attorney funded through two federal grants, one from the Children's Commission and one from the Children's Justice Act, continues to work with the child protection courts and the Information Services Division to refine reports for the case management system and help identify and implement best practices. The Children's Commission also provided federal grant funding for a part-time Spanish language interpreter. The interpreter assists the child protection courts with remote interpretation in hearings where a licensed court interpreter is not available. In addition to performing interpretation sessions for the child protection courts, the interpreter transcribes and translates recorded victim interviews, translates brochures on child abuse, makes presentations at conferences and contacts courts directly to offer services.



### LEGAL STAFF LIAISON SUPPORT



- ★ Texas Judicial Council
- ★ Conference of Regional Presiding Judges
- ★ Council of Presiding Judges
- ★ Board of Regional Judges for Title IV-D Account
- ★ Judicial Districts Board
- ★ Judicial Compensation Commission
- ★ Guardianship Certification Board
- ★ Court Reporters Certification Board

## JUDICIAL COMPENSATION COMMISSION

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- ★ Composed of nine members
- ★ Members are appointed by the governor with the advice and consent of the Senate
- ★ Serve six-year terms
- ★ No more than three members on the commission may be licensed to practice law

### Judicial Compensation Commission

The Judicial Compensation Commission (JCC) is responsible for making a report to the Texas Legislature no later than December 1st of each even-numbered year recommending the proper salaries to be paid by the state for all justices and judges of the Supreme Court, the Court of Criminal Appeals, the courts of appeals and the district courts. The Office of Court Administration provides administrative support for the JCC.

The Commission issued its latest report on November 30, 2012. In addition to public comment and data gathering committee meetings held during fiscal year 2012, the Commission met to discuss and finalize its report on September 14 and October 25, 2012. Additional information regarding the Commission and its November 30, 2012 report is available on the Commission's website: <http://www.txcourts.gov/oca/jcc/jcc.asp>.

## Report of the Judicial Compensation Commission

Austin, Texas  
November 30, 2012



**"A strong and qualified, independent judiciary is vital to a civilized and balanced government, and in order to attract qualified candidates and retain experienced judges, adequate judicial compensation is essential."**

Testimony - Public Comment Committee Meeting  
June 21, 2012

## Finance and Operations Division

The Finance and Operations Division manages the fiscal and operational support activities of OCA.

Division staff members consult with OCA program managers on a variety of financial and contractual issues, and answer questions from the Legislature, the public and other interested parties on judicial funding and state appropriations to the courts and judicial agencies. The division coordinates preparation of the agency's strategic plan, legislative appropriations request and quarterly performance measures.

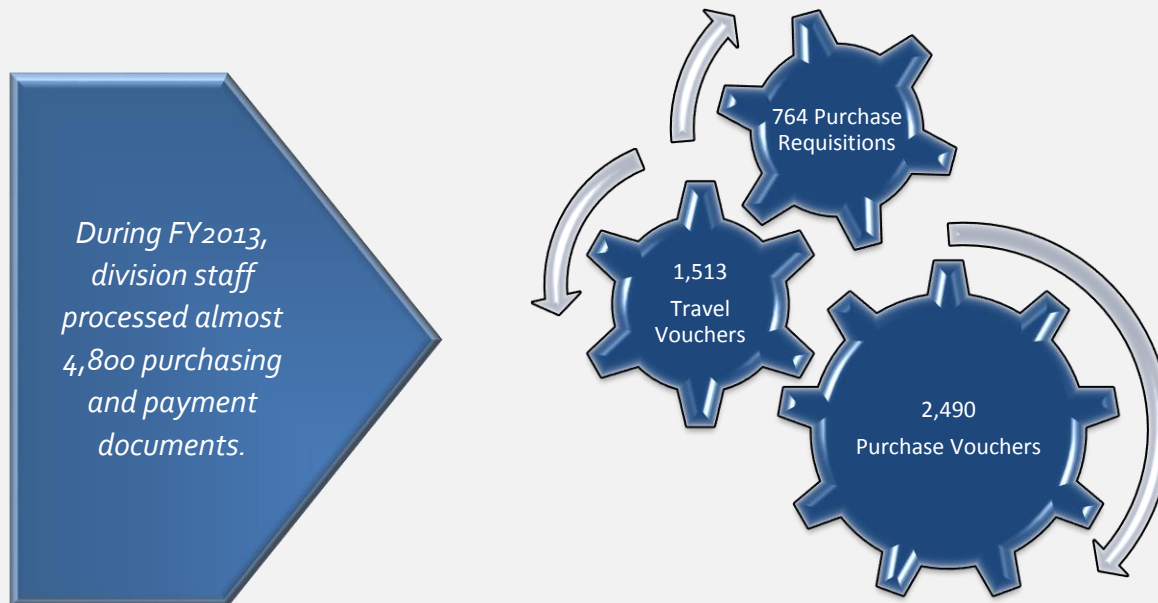
Finance and Operations staff work with the clerks of the appellate courts on issues related to accounting, purchasing, financial reporting and human resources. The division also provides support to the chief justices of the appellate courts and the presiding judges of the administrative judicial regions regarding legislative, budgetary and human resources issues.

The division provides administrative support to the Office of State Prosecuting Attorney (SPA) via an interagency contract. OCA provides 100% of the processing for SPA's purchases, payments, budgeting and other accounting functions. OCA also provides support for human resources and facilities functions of the SPA.

### FISCAL AND OPERATIONAL SUPPORT ACTIVITIES



- ★ Purchasing
- ★ Accounting
- ★ Payroll
- ★ Budgeting
- ★ Financial Reporting
- ★ Human Resources
- ★ Property Inventory
- ★ Facilities Management





Division staff also processed 133 reimbursement requests for grants and contracts totaling \$6.5 million and deposited fees for 1,332 licensees. The Human Resources staff screened 987 applications for 37 job postings.

*Almost 800 fiscal notes submitted to the Legislative Budget Board, the second highest of all Texas agencies.*

Division staff assisted with numerous requests for financial information during the 83<sup>rd</sup> Legislature, including the submission of almost 800 fiscal notes to the Legislative Budget Board, the second highest of all Texas agencies. During the summer, several key staff members assisted the Information Services division and the courts of appeals with analyzing processes, completing paperwork and setting up accounts with vendors, the State Comptroller, and the State Treasury to be able to accept online payments as part of the mandated eFiling project coordinated by OCA.



### Collection Improvement Program (CIP) Audit

In addition to its finance and operational support activities, the division includes the audit function for the Collection Improvement Program (CIP Audit). During FY 2013, CIP Audit issued compliance reports for eight cities and five counties, as well as pre-implementation and post-implementation rate reviews for seven cities and eight counties. The Audit section also provided information to the State Auditor’s Office, who conducted an audit of the Collection Improvement Program, including both the technical assistance and audit functions.

Compliance Reports
<b>Cities:</b> Arlington, Dallas, Fort Worth, Grand Prairie, Irving, Laredo, McAllen, Mesquite
<b>Counties:</b> Bell, Ector, Gregg, Harrison, Wichita
Pre-Implementation Rate Reviews
<b>Cities:</b> Denton, Frisco, Killeen, McKinney, Midland
<b>Counties:</b> Hardin, Hood, Maverick, Rockwall, Rusk, Van Zandt, Wise
Post-Implementation Rate Reviews
<b>Cities:</b> Abilene, Houston
<b>Counties:</b> Tom Green

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*The State Auditor is expected to release its audit report in early FY 2014.*

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## Certification Division

The Certification Division supports three regulatory boards: Court Reporters Certification Board, Guardianship Certification Board and Process Server Review Board.

Although each board's structure is unique, many regulatory practices and staff functions are common to all three. Each board shares in the mission to protect and serve the public. All staff members meet monthly to share information on each program's processes, and to streamline and standardize procedures and day-to-day operations.

Legislation was passed during the 83rd Legislature, Regular Session to establish a Judicial Branch Certification Commission (JBCC). The JBCC will incorporate the regulatory and certification functions of the three boards referenced above, and will also include the licensed court interpreters' program that is being transferred from the Texas Department of Licensing and Regulation to OCA effective September 1, 2014. As of September 1, 2013, the Supreme Court of Texas may appoint members to the JBCC and may promulgate rules. The JBCC will begin operations on September 1, 2014.

### DUTIES



- ★ Protect and serve the public
- ★ Share information on each program's processes
- ★ Streamline and standardize procedures and day-to-day operations



### Court Reporters Certification Board

The Court Reporters Certification Board (CRCB) was created in 1977 to certify and regulate court reporters in the state of Texas. Three staff members (Director, Administrator of Licensing, and Judicial Regulatory Assistant) provide administrative support for the Board. The Board operates under the provisions of Chapter 52 of the Texas Government Code, and the Supreme Court of Texas serves as the Board's rulemaking authority. In 2003, the 78<sup>th</sup> Legislature administratively attached the CRCB to the Office of Court Administration (OCA). The program is funded from certification fees collected by the CRCB and deposited to the General Revenue Fund.

## CRCB RESPONSIBILITIES

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- ★ Administration of the court reporters exam
- ★ Certification of court reporters
- ★ Registration of court reporting firms
- ★ Conduct disciplinary hearings on complaints filed against court reporters and court reporting firms
- ★ Assessment and collection of fees
- ★ Approval of continuing education courses
- ★ Enforcement of rules and regulations governing the profession
- ★ Approval of court reporting program curricula

### Organization

The Board is comprised of 13 members appointed by the Supreme Court of Texas: one active district judge who serves as chair, two attorneys, two official court reporters, two freelance court reporters, two representatives from court reporting firms (one court-reporter owned and one non-court-reporter owned), and four public members. Appointments reflect a diverse geographical representation throughout the state. Board members are reimbursed for travel expenses in accordance with state rules and regulations and serve six year terms.

### Board and Committee Meetings

A total of 10 meetings were held in Austin during FY 2013: four Board meetings, one Certification/Uniform Format Manual Committee meeting, two Rules Committee meetings, and three Review Panel Committee meetings.

## CRCB COMMITTEES

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- ★ Rules, Standards, and Policies Committee
- ★ Certification/Uniform Format Manual Committee
- ★ Continuing Education Committee
- ★ Legislative Committee
- ★ Criminal History Review Committee
- ★ Review Panel Committee

## Complaints

In FY 2013, there were a record number of 57 complaints filed against court reporters and court reporting firms before the Board. 35 complaints were dismissed by the Board, seven complaints were administratively dismissed by staff, six complaints were withdrawn, and nine matters were set for formal hearings resulting in seven disciplinary actions with two matters continued until FY 2014. The two complaints filed against court reporting firms are included in the number dismissed by the Board.

## SANCTIONS

- ★ Private and public reprimands
- ★ 12 month probated suspension
- ★ Administrative penalties

*THE TWO COMPLAINTS FILED AGAINST COURT REPORTING FIRMS ARE INCLUDED IN THE NUMBER DISMISSED BY THE BOARD.*

## 57 Complaints before the Board

## Certification of Individuals

The Texas Court Reporters Association (TCRA) was again selected as the contracted vendor to administer the court reporters exam effective September 1, 2013 for a two-year period ending 8/31/2015 with an option to renew for another two-year term. Agreements reached with the vendor through the negotiation process include; 1) increased security measures for transporting and storing exams, and 2) including new court reporters, OCA staff, and non-court reporters with business management experience, in test development processes.

The Board renewed 1,316 individual certifications with approximately 61 percent renewing online through the Texas.gov portal. Certification renewal is based on a two-year cycle with an expiration date of January 1<sup>st</sup>. Applicants are required to complete ten hours of continuing education as a condition of renewal with 2-1/2 hours in rules and ethics.

## TCRA Administered Exams in FY 2013

Applicants must pass both the oral skills test and the written test to be eligible for certification. This exam is offered throughout the state for the convenience of examinees.

- ★ Four exams in Austin, Dallas, and San Antonio
- ★ 278 applicants
- ★ 32 new certified court reporters

**2,448 Certified Court Reporters in Texas**

### **Continuing Education (CE) Course Approvals**

The Board processed 115 course approvals during the fiscal year to ensure that CE courses completed as a requirement for renewal are relevant to the court reporting profession. The Board approves CE courses submitted by sponsors and individual court reporters.

### **Registration of Firms**

The Board processed 15 new registrations for court reporting firms and renewed 176 firm registrations for a total of 370 registered court reporting firms. Renewals are based on a two-year cycle with an expiration date of January 1<sup>st</sup>.

## ***370 Registered Court Reporting Firms in Texas***

### **Curriculum Approval for Court Reporting Schools**

The Board approves court reporting curriculums for public community colleges, technical institutes and proprietary schools. There are currently 12 court reporting schools in Texas.

### **Public Information Requests – Rule 12**

Staff processed 15 judicial records requests.

### **Rules Governing the Court Reporting Profession**

The comprehensive review of the Board's rules has been postponed pending the promulgation of new rules for the Judicial Branch Certification Commission. Revisions to the Examples Section of the Uniform Format Manual and proposed rules pertaining to military personnel and spouses and exam applicants with dyslexia were submitted for approval in FY 2013, and are pending before the Supreme Court.

### **Litigation**

There were two lawsuits filed against the Board in FY 2013. A former court reporter is seeking reinstatement of her certification retroactively to January 1, 2011, when her certification expired. The matter is pending. In the second matter, a complainant is challenging the Board's dismissal of a complaint that was based on allegations of omissions in the record. The court issued an Order to Dismiss as Frivolous in May 2013.

### **Website**

The Board's [website](#) provides information to the public on CRCB functions, including standards and rules, certification, complaints, forms, disciplinary actions, lists of licensees, legislation and related links.

## Guardianship Certification Board

Guardianship Certification Program serves as staff to the Guardianship Certification Board (GCB), the entity that certifies certain individuals who provide guardianship services in Texas. Its primary responsibility is to carry out the daily business of the GCB and perform the necessary administrative functions to implement and enforce statutory requirements.

The Guardianship Certification Board (GCB) was created by the 79<sup>th</sup> Texas Legislature with the passage of Senate Bill 6, effective September 1, 2005. The bill established a certification requirement, effective September 1, 2007, for certain individuals who provide guardianship services. The GCB certifies and regulates individuals (other than attorneys and corporate sureties) who act as private professional guardians, individuals (other than volunteers) who provide guardianship services to wards of guardianship programs, and individuals who provide guardianship services to wards of the Department of Aging and Disability Services.

### Organization

The GCB is comprised of 11 members appointed by the Texas Supreme Court and four public members appointed by the Supreme Court from a list of nominees submitted by the Governor's Office. The original GCB members were appointed in early 2006. Two GCB members resigned during the fiscal year; the public member's replacement was appointed by the Supreme Court in October 2012. Four members were re-appointed; one public member, whose term expired in February 2013, continues to serve pending his re-appointment.

## GCB RESPONSIBILITIES



- ★ Process applications for certification, provisional certification and re-certification
- ★ Develop procedures and forms
- ★ Maintain program and GCB records
- ★ Disseminate information on the GCB's rules, minimum standards and policies



## GCB COMMITTEES



- ★ Rules Committee
- ★ Minimum Standards Committee
- ★ Exam Committee
- ★ Review committees:
  - Application Review Committee
  - Disciplinary Review Committee

### Certification of Individuals

During FY 2013, 36 guardians were granted certification, 48 were granted provisional certification, and 25 individuals moved from provisional to “full” certification.<sup>1</sup>

## *386 Guardians and Provisionally Certified Guardians in Texas*

Certifications are valid for two years and are renewable if the requirements for re-certification, including completion of continuing education hours, are met.

The Rules Governing Guardianship Certification allows certified guardians to apply for re-certification up to 90 days past their certification expiration date. Twenty-one certified guardians passed the 90-day mark during the fiscal year, rendering them ineligible for re-certification; their certifications are expired. One certified guardian voluntarily surrendered his certification during the fiscal year.

Provisional certifications are valid for only one two-year period, unless a waiver is sought from and granted by the GCB. No waivers were sought during the fiscal year. A total of eight provisional certifications expired during the fiscal year. Five provisionally certified guardians voluntarily surrendered their provisional certifications.



*160 Guardians successfully re-certified during FY 2013*

### Complaints

Four complaints were filed in FY 2013, and three remained pending at the close of the fiscal year. The fourth was dismissed by the Board in February 2013. At the same meeting, the Board revoked the certification of the subject of one complaint, filed in FY 2012, for non-compliance with the terms of the settlement agreement.

## *Four Complaints Filed*

<sup>1</sup> The 25 individuals who moved from provisional to “full” certification are included in the total number of guardians.

### **Board and Committee Meetings Held**

The full GCB met four times in FY 2013 for its regular quarterly meetings. No special called meetings of the full Board were held. None of the standing Committees met during the fiscal year. The Disciplinary Review Committee met nine times, and the Application Review Committee met seven times. The Application Review Committee considered a total of eight applications at its seven meetings (one applicant appeared before the Committee twice); three applications for certification were denied.

### **Exam Administration**

The OCA entered into a contract with UT-Austin to administer and grade three exams during the fiscal year. UT-San Antonio administered and graded one exam, held in conjunction with the Texas Guardianship Association's annual conference. The contract with UT-Austin was renewed for fiscal year 2014, with four exams scheduled. The Exam Committee will meet during the coming fiscal year to work on developing and validating new exam questions.

### **Legislation**

In addition to Senate Bill 966, which created the JBCC discussed above, another significant bill relating to guardians was House Bill 2080, passed by the 83rd Legislature, Regular Session and effective January 1, 2014. Sections 21 and 22 of this bill relate specifically to certified guardians. Each certified guardian will be required to disclose to the court whether he or she has been the subject of an investigation by the GCB. This disclosure will be part of the annual report filed by guardians of the person and the annual accounting filed by guardians of the estate.





## Process Server Review Board

Process Server Review Program serves as staff to the Process Server Review Board (PSRB), the entity that governs certifications to serve civil process statewide. Its primary responsibility is to provide clerical assistance to the Board and perform the necessary administrative duties to implement and enforce Rule 14 of the Texas Rules of Judicial Administration.



## PSRB RESPONSIBILITIES



- ★ Process applications for certification
- ★ Handle complaints filed against process servers
- ★ Process requests for reconsideration of board decisions made by process servers
- ★ Maintain program and PSRB records, including the Statewide List of Authorized Process Servers

In June 2005, the Supreme Court of Texas approved amendments to Rules 103 and 536(a) of the Texas Rules of Civil Procedure governing statewide certification of process servers. The Court also issued a companion order (Misc. Docket No. 05-9122) to establish the framework for certification of those approved to serve process under the revised rules, to approve of certain existing civil process server courses and to establish the framework for the Process Server Review Board (PSRB) to approve additional courses. This order also required the Office of Court Administration to provide clerical support to the PSRB. The Supreme Court also approved a companion order (Misc. Docket No. 05-9123) that establishes the membership of the PSRB, and an order (Misc. Docket No. 05-9137) appointing a Chair. In FY 2007, the Supreme Court promulgated [Rule 14](#) of the Rules of Judicial Administration, which governs Statewide Certification to Serve Civil Process. In 2011, the PSRB was given legislative authority to collect fees for certification. The Board began collecting fees January 1, 2012.

### Organization

The number of Board members was increased from nine to ten during the fiscal year. The ten members represent judges, attorneys, law enforcement, and process servers throughout the state. Board members are not compensated for their services, but are reimbursed for actual travel and other expenses incurred while in the performance of their official duties.

**PSRB COMMITTEES**

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- ★ Complaint Committee
- ★ Curriculum Committee
- ★ Application Review Committee

### Board Meetings Held

The PRSB held five meetings in Austin during the fiscal year.

### Complaints

The Board reviewed 33 complaints against process servers on the Supreme Court of Texas Statewide List of Certified Process Servers. The Board determined 13 complaints were founded; three certifications were revoked, seven certifications were suspended, two process servers were issued written reprimands, and one received a warning letter. As of August 31, 2013, 15 complaints were pending investigation.

***33 Complaints before the Board***

### Certification of Individuals

The Board approved 601 new applicants, 316 renewal applicants and 141 reinstatements. 436 certifications expired during the fiscal year. As of August 31, 2013, the total number of certified process servers was 3,716.

***3,716 Certified Process Servers in Texas***

### Website

The Board's [website](#) provides information such as the Supreme Court orders establishing the membership of the Process Server Review Board and the appointment of its Chair; various forms, processes and procedures; and the Supreme Court of Texas Statewide List of Certified Process Servers.

## Texas Indigent Defense Commission

The Texas Indigent Defense Commission (TIDC) provides financial and technical support to counties to develop and maintain quality, cost effective indigent defense systems.

### Background and Mission

The Texas Fair Defense Act of 2001, the original blueprint for indigent defense developed by the Texas legislature, provides necessary structure and guidance to local officials carrying out constitutional responsibilities to ensure that all defendants have access to counsel. The legislation established the Texas Task Force on Indigent Defense to oversee the provision of indigent defense services in Texas. The Task Force was renamed the Texas Indigent Defense Commission (TIDC) in 2011.

Central to the Commission's approach is its commitment to respect local control, providing support where needed, while ensuring that counties understand that with autonomy comes responsibility. By deploying an evidence-based practice strategy, the Commission is able to provide local and state officials with reliable information to make informed decisions about indigent defense practices, resulting in a better indigent defense delivery system that meets the needs of the local jurisdictions while fulfilling the requirements of state and constitutional law.

Prior to the passage of the Fair Defense Act, most courts in Texas did not have established written procedures for appointment of counsel and the provision of counsel was typically managed separately by each judge. Now the basic process is more uniform across the state and more transparent. Every county in Texas has submitted a local plan on how it provides indigent defense in its jurisdiction. These plans are submitted to the Commission and posted on its website. The plans are reviewed for compliance with statutory requirements and can be compared to local court records and processes to verify whether jurisdictions follow their plans. With this enhanced transparency, Texas is doing a much better job of ensuring persons who are too poor to hire an attorney receive counsel as required by the law.

### TEXAS INDIGENT DEFENSE COMMISSION



- ★ Sets statewide policies and standards for the provision and improvement of indigent defense
- ★ Grants state funds to counties for indigent defense
- ★ Monitors counties' compliance with policies and standards



*Every county in Texas has submitted a local plan on how it provides indigent defense in its jurisdiction.*

The Commission is led by the Honorable Sharon Keller, Presiding Judge, Court of Criminal Appeals and is composed of five members appointed by the Governor and eight ex officio members. The Commission's programs and policies are implemented by ten full-time staff members.

#### TEXAS INDIGENT DEFENSE COMMISSION as of August 31, 2013

Court of Criminal Appeals Presiding Judge **Sharon Keller** of Austin (ex officio)

Supreme Court Chief Justice **Wallace Jefferson** (ex officio)

Chief Justice of the Texas First Court of Appeals **Sherry Radack** of Houston (ex officio, designated by Governor)

Second Administrative Judicial Region Presiding Judge **Olen Underwood** of Conroe (Vice-Chair, appointed by Governor)

Tarrant County Judge **B. Glen Whitley** of Hurst (appointed by Governor)

Bell County Judge **Jon Burrows** of Temple (appointed by Governor)

Hays County Court-at-Law #2 Judge **Linda A. Rodriguez** of Buda (ex officio, designated by Governor)

State Senator **John Whitmire** of Houston (ex officio)

State Senator **Royce West** of Dallas (ex officio)

State Representative **Roberto Alonzo** of Dallas (ex officio)

State Representative **Abel Herrero** of Corpus Christi (ex officio)

Mr. **Don Hase** of Fort Worth (appointed by Governor)

Mr. **Anthony Odiorne** of Georgetown (appointed by Governor)

#### Indigent Defense Funding for Texas Counties

The Commission has developed a state grant program that ensures funds are fairly distributed to counties across the state while also promoting compliance and encouraging more effective indigent defense services. One grant program—which has benefitted all counties—provides formula-based grants. The other offers discretionary grants to implement innovative programs to remedy issues of non-compliance and to assist counties that demonstrate an overwhelming economic hardship related to the delivery of indigent defense services.

To receive a grant under either program, a county must demonstrate its commitment to compliance with the requirements of state law related to indigent defense. This is accomplished in part by the submission of a locally-developed county plan that specifies the processes county and district courts will use to meet the minimum standards set by law in the areas of magistrate responsibilities, indigence determination, minimum attorney training, attorney appointment and payment processes, and where applicable, Commission-promulgated contract defender standards. A county must also report its indigent defense appointments and expenditures to the Commission each year. A county, however, may not reduce the amount of funds it provides for indigent defense services in the county because of funds provided by the Commission under either program.

Among the discretionary grant programs the Commission has funded are public defender offices, defender programs for mentally ill defendants and technology projects. In 2013 the Commission funded a collaborative technology project through the Conference of Urban Counties' TechShare program to develop and extend an indigent defense process management system to 11 counties that enhances the oversight, accountability and transparency of indigent defense.

### Policy and Fiscal Monitoring

The Commission is required in Texas Government Code §79.037 to monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant, as well as all state and local rules and regulations. Staff applies a consistent procedure to the review of all county files and considers both programmatic and fiscal concerns when determining a county's risk level. Fiscal concerns are those related to the type and adequacy of the financial management system, the overall percentage of administrative expenses as they relate to total expenditures, value of grants awarded, value of equipment purchased and adjustment or tardiness in document submission. Programmatic concerns are those related to compliance with plan submission instructions, type of appointment system maintained by the county, the lack of an administrative person responsible for the oversight of indigent defense services and compliance with the policies outlined in the county indigent defense plan.

The policy monitoring process includes interviews with local officials, staff, and members of the bar, observation of court hearings, review of expenditure records and examination of case files to determine how well jurisdictions meet the core requirements of the Fair Defense Act.

The standards used to conduct fiscal monitoring reviews are based on state law and administrative rules. The Commission is required by Texas Government Code §79.037 to monitor counties that receive grant funds and to enforce compliance by the county with the conditions of the grant. Counties are selected for a monitoring visit based on a combination of objective risk assessment scores and geographical distribution. The review process considers a number of factors in determining the county's risk level related to the adequacy and type of financial management system, administrative costs and equipment expenditures.

#### MONITORING PROCESS ENSURES



- ★ Article 15.17 hearings are held within 48 hours of arrest
- ★ Jurisdiction has a method for tracking continuing legal education (CLE) hours of attorneys on the appointment list
- ★ Counsel is appointed within statutorily required times
- ★ Appointments are distributed in a fair, neutral and non-discriminatory manner
- ★ Attorneys are paid according to a standard payment process

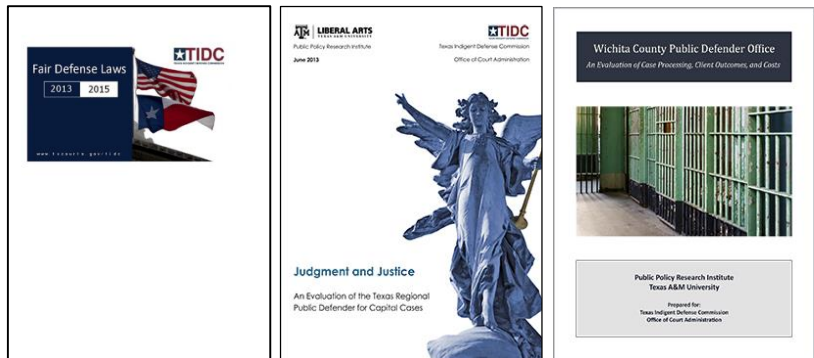
70 COUNTY PARTICIPANTS ATTEND  
EACH YEAR, REPRESENTING  
APPROXIMATELY 25 COUNTIES.

The annual Indigent Defense Expenditure Report (IDER) provides a thorough snapshot of all county indigent defense expenditures. This data provides the basis for eligibility in all of the Commission's grant programs, both formula and discretionary, as well as whether a fiscal review may be warranted. It also provides policymakers at

the state and local levels with a clear and reliable picture of indigent defense services, evidence of funding needs and whether statutory and state standards are being fulfilled.

### Publications, Research and Training

TIDC also conducts training and research, produces publications and maintains an extensive website, all to further the mission and improve indigent defense in Texas. Every biennium TIDC reviews legislative changes and case law pertaining to indigent defense and publishes [Texas](#)



[Fair Defense Laws](#), a comprehensive resource for judges, policymakers and local officials. TIDC has also published studies evaluating the effectiveness of indigent defense programs in order to build the indigent defense knowledge base and encourage the implementation of evidence-based practices. Recent studies have included a comparative study of public defenders and assigned counsel in [Wichita County](#), an extensive evaluation of the [Regional Public Defender Office for Capital Cases](#) based in Lubbock and a review of the start-up and work of the [Harris County Public Defender](#).

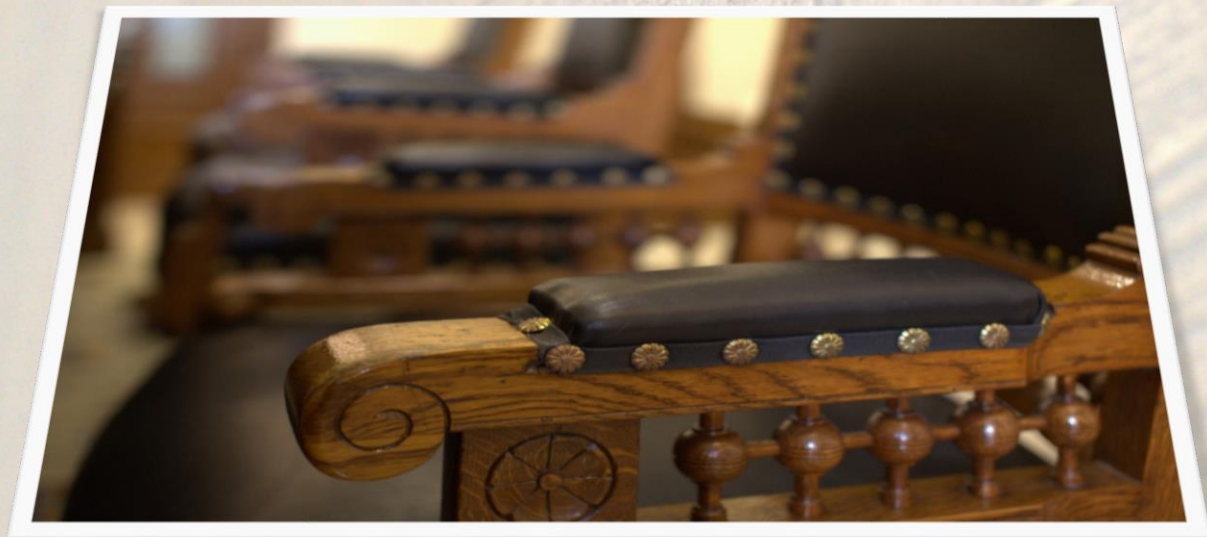
Since 2003 TIDC has provided an annual workshop for county stakeholders including judges, commissioners, court administrators, auditors, members of the defense bar and other stakeholders involved in the indigent defense system. The 2013 workshop will take place October 28-29, 2013. These workshops provide opportunities to share the latest information on indigent defense in Texas, including those programs it has funded, changes in the law and lessons learned about operating more effective programs. To encourage maximum participation by key decision-makers, TIDC gives priority consideration to county teams that include at least one elected official.

In addition to bringing in experts to make presentations on indigent defense topics, the workshops include county breakout sessions during which stakeholders can process what they have learned in the context of the needs of their particular county. Each county team is asked to develop some goals regarding their indigent defense system and put together an action plan as part of the workshop. Over

the years county teams have addressed the creation of new mental health defense programs, public defender offices, improved case flow management systems and increased collaboration and integration of criminal justice departments county-wide.

Perhaps the greatest testament to the Commission's commitment to transparency is its [website](#). Every task the Commission undertakes, every publication it produces, every local report it receives is readily available on the website. Not only does the website provide easy access to critical information by acting as a clearinghouse for publications and documents, it tells the story of indigent defense progress in Texas.

Finally, TIDC publishes an extensive [Annual Report and Expenditure Report](#) each January, which includes full details on the agency's grants, programs and publications, as well as information about indigent defense across the state.



## State Law Library

The State Law Library provides research support to the courts and the public.

The State Law Library (SLL) was established as the law library for the Supreme Court in 1854, and expanded to include direct service to the public in 1971. In addition to providing research support to the courts and the public, the State Law Library offers a centralized, cost-effective research facility for the Office of the Attorney General, and all of the other agencies of state government.



The SLL's primary responsibility is to make legal information accessible. Library staff uses the print collection and online resources to locate information and provide responses to patron queries via phone, email, mail and fax. Staff also provide training in the use of legal resources (paper and electronic). Demand for library services continues to grow.

*The number of reference questions received by the library has increased every year for the last five years. The number handled in FY2013 was 28% higher than the number received in FY2008.*

During FY2013 the library launched a redesigned website focusing on easier access to a wealth of legal information, including 28 consumer guides to the law, annotated topical bibliographies of key legal treatises and remote access to a variety of legal databases.

### ORGANIZATION



- ★ 12.5 FTEs
- ★ Administered by the State Law Library Board
- ★ Board members designated by:
  - The Supreme Court
  - Presiding Judge of Court of Criminal Appeals
  - Attorney General





## Office of the State Prosecuting Attorney

The Office of the State Prosecuting Attorney is the voice of the people of Texas before the Court of Criminal Appeals, the highest state court for appeals resulting from criminal cases.

The State Prosecuting Attorney represents the State of Texas in all proceedings before the Court of Criminal Appeals, either alone or with the assistance of the district or county attorney, and may also represent the state in selected criminal cases before the fourteen courts of appeals. In addition to attending all oral arguments in the Court of Criminal Appeals, the office's three attorneys read all opinions issued by the Court, all briefs filed in the Court on discretionary review, and all opinions decided against the state in the courts of appeals. The attorneys also advise district and county attorneys on issues that arise at trial and on appeal and frequently speak at continuing legal education (CLE) seminars across the state.

### DUTIES



- ★ Attend oral arguments in the CCA
- ★ Read CCA opinions
- ★ Read briefs on discretionary review
- ★ Read opinions decided against the state in the courts of appeals



During FY 2013, the office's attorneys:

- ★ filed 28 petitions for discretionary review, 23 briefs, and four motions for rehearing;
- ★ presented arguments in four cases;
- ★ reviewed more than 400 opinions from the Court of Criminal Appeals and courts of appeals;
- ★ answered more than 150 phone calls or emails from prosecutors; and
- ★ spoke at six legal seminars in Dallas, San Antonio, Waco, and Austin.

To update prosecutors and the public on the latest criminal law issues, the office's website has been recently updated to include the attorneys' CLE and law journal publications, as well as summaries of all the issues currently pending before the Court of Criminal Appeals on discretionary review.

## State Commission on Judicial Conduct

The State Commission on Judicial Conduct reviews every allegation of misconduct made against a Texas judge.

### Organization

The State Commission on Judicial Conduct was created in 1965 by an amendment to Article V of the Texas Constitution. The Commission is the independent judicial branch agency responsible for investigating allegations of judicial misconduct or permanent disability, and for disciplining judges.

The Commission's jurisdiction includes all sitting Texas judges, including municipal judges, justices of the peace, criminal magistrates, county judges, county courts-at-law judges, statutory probate judges, district judges, appellate judges, masters, associate judges, referees, retired and former judges who consent to sit by assignment and judges pro tempore. The Commission has no jurisdiction over federal judges and magistrates, administrative hearing officers for state agencies or the State Office of Administrative Hearings, or private mediators or arbitrators. Although judicial candidates are required to comply with the Texas Code of Judicial Conduct, the Commission does not have the authority to sanction anyone who was not a sitting judge at the time an offense occurred. Therefore, violations of the canons by candidates for judicial office who were not judges at the time of the alleged misconduct are subject to review and appropriate action by other authorities such as the State Bar, the Attorney General, the Secretary of State, or the local District Attorney.

### DUTIES



- ★ Issues discipline when necessary
- ★ Dismisses cases when appropriate
- ★ Provides informal ethics advice to judges, judicial candidates and other stakeholders
- ★ Educates judges, court clerks, staff attorneys, interns and others at judicial training programs across the State of Texas



*There are 13 Board Members of the Commission serving staggering six-year terms*

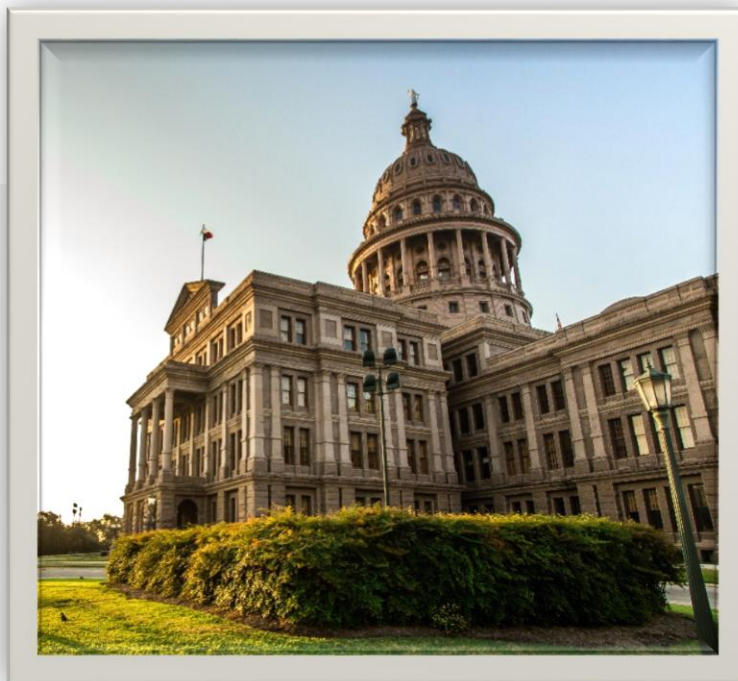
Article V, Section 1-a(6)A of the Texas Constitution defines judicial misconduct as the “willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.”

### **Disciplinary Actions**

In fiscal year 2013, 42 disciplinary actions were issued against Texas judges. The Commission disposed of 30 cases through public sanction, private sanction, orders of additional education or a combination of a sanction with an order of additional education. In addition, five cases were disposed of through voluntary agreements to resign from office. Interim actions, such as suspensions, Amicus referrals, and formal proceedings, accounted for seven of the disciplinary actions taken in fiscal year 2013.

### **Legislative Changes**

The past year resulted in some significant changes for the Commission. As a result of recommendations made by the Sunset Advisory Commission, Legislators sponsored bills that would require: (a) a sunset review of the Commission in six (6) years; (b) the Commission to hold a public hearing every other year to allow for public input on the Commission's mission and operations; (c) the Commission to provide Sunset Advisory Commission staff access to closed meetings, Commission deliberations and confidential and privileged records for purposes of sunset review; and (d) the Commission to provide the individual whose complaint is dismissed with the reason - in plain, understandable language - why the conduct alleged in the complaint did not constitute judicial misconduct. In addition, on November 5, 2013, voters will decide on a constitutional amendment to add public sanctions to the list of disciplinary actions the commission is authorized to issue following a formal proceeding.



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OFFICE OF COURT ADMINISTRATION  
DAVID SLAYTON, ADMINISTRATIVE DIRECTOR

205 W. 14TH STREET, SUITE 600

POST OFFICE BOX 12066

AUSTIN, TEXAS 78711-2066

(512) 463-1625

FAX: (512) 463-1648

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