



Texas Judicial Council

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DIRECTOR'S REPORT SEPTEMBER 2012



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LEGISLATIVE APPROPRIATIONS REQUEST

The Office of Court Administration (OCA) submitted its 2014-2015 biennial Legislative Appropriations Request (LAR) on August 16. That submission included a baseline request equivalent to the 2012-2013 biennium, as requested by the state leadership. In addition to that request, OCA submitted six exceptional item requests as follows:

Technology Support for Courts and Judicial Agencies

- replace 60% of the computers and related hardware for the appellate courts and judicial agencies – all computers and related hardware will be out of warrant during this biennium
- provide 2.0 FTE programmers to support software systems for the appellate courts, OCA, and trial courts across Texas.
- provide funding for the 5th Court of Appeals in Dallas to offset the cost of its on-site network technician.

Court Administration

- provide 2.0 FTEs to assist with processing over 120,000 report submissions and responding to thousands of phone calls and emails each year.
- restore funding for a Court Services Consultant position that has remained vacant due to budget cuts - provides statutorily-mandated consulting and assistance to the courts to improve the administration of justice.
- restore 1.0 FTE to keep up with an increasing workload in Finance and Operations – 22% increase in workload since 2005 with no additional staff – 1.0 FTE cut last session.

Coordination of Language Access in the Courts

- establish a language access program at OCA (3.0 FTEs) that would provide direct interpreter assistance to the courts in Texas.

Certification Division

- provide funding to organize OCA's certification functions into a single division, including a division director, a permanent program specialist to oversee the process server program, and an administrative support position – statutorily mandated to establish division last session, but funding was not appropriated.
- provide travel funds for the Process Server Review Board – authorized but not funded.
- OCA will collect revenues sufficient to offset the cost of this request.

Specialty Courts

- provide one additional child support court in El Paso to handle an extremely large caseload.
- provide three new child protection courts across the state to handle continually growing caseloads.
- Provide an increase in salaries for court coordinators in both the child support and child protection courts – no raise since 2005-2007 for many coordinators.
- Provide professional development for the child support court coordinators – no training since 2009.

Docket Equalization

Return this appropriation to its funding level for the FY 2010-11 biennium to provide sufficient travel funds for courts to hear cases transferred by the Supreme Court – OCA has denied requests in FY12 and expects the same in FY13.

TECHNOLOGY & DATA

Information Services Division

OCA's Information Services Division (ISD) is instructed by the Legislature to directly provide staff and information technology equipment and services to the following entities:

Supreme Court;
Court of Criminal Appeals;
The 14 courts of appeals;
The State Law Library;
The State Prosecuting Attorney's Office;
The Office of Capital Writs; and
State Commission on Judicial Conduct.

The services provided by ISD to the entities mentioned above include the following:

Routine desktop computer support;
Maintenance of the local networks, wide area network, email, and Internet connections;
Ongoing updates of security safeguards;
Management of the computer servers;
Management of enterprise backups and offsite archiving; and,
Provision of unique court application software.

Projects

Electronic Filing

Last fall, the current statewide electronic filing vendor (NIC USA, Inc.) notified OCA that upon the completion of the current agreement (through 8/31/2012) they would not continue under the same terms.

OCA issued a Request for Offer (RFO) in March 2012 to solicit a new eFiling vendor. Eight responses were received from the RFO. The evaluation team has evaluated the offers made recommendation to the Supreme Court. OCA is currently in final negotiations with a vendor and will announce an award shortly.

OCA, working through the Department of Information Resources (DIR) has secured an extension of 18 months with the current vendor. OCA worked with the vendor to amend the existing Customer Agreements executed with counties and appellate courts to continue eFiling.

The Supreme Court, the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 11th, 12th and 14th Court of Appeals all accept electronic filings from attorneys, clerks, and court reporters. The 13th Court of Appeals will begin later this month and the 9th Court of Appeals will begin in October.

eFiling is now mandatory in the Supreme Court, the 1st, 3rd, 5th, 7th and 14th Courts of Appeals (for civil cases).

Texas Appeals Management and E-filing System (TAMES)

OCA deployed TAMES to the 14th Court of Appeals (Houston) almost a year ago. OCA commends the 14th Court of Appeals for their exceptionally high level of patience and ability to work through system issues.

TAMES was deployed to the 1st Court of Appeals (Houston) in June, the Supreme Court in July and the 5th Court of Appeals (Dallas) in late August.

By the end of this year, OCA will have installed TAMES at the 4th, 6th, 9th and 12th Courts of Appeals. The other courts will be implemented next spring.

In preparation for deployment, OCA staff have deployed a virtual server (or a server within a server) to encapsulate TAMES into all Courts of Appeals. OCA staff completed preliminary data conversions in each of the Courts of Appeals and no major conversion issues have been found.

TAMES integrates several appellate court functions to maximize the efficiency of operations. In preparation for TAMES, all appellate courts are encouraged to begin the process of scanning paper documents and accepting electronic filings from attorneys, clerks and court reporters. Many of the Courts of Appeals scan inbound filings and attach them electronically to their case management system today.

OCA staff continues to work with appellate courts not currently engaged in electronic filing and/or document scanning to ensure a smooth transition once TAMES goes into production in their court.

CIP Technology (formerly TexDECK)

OCA continues to work with the Permanent Judicial Commission for Children, Youth and Families to improve IT systems for child protection courts.

OCA is working to expand the video conferencing project that allows more children to participate in their hearings despite long distances between the child and the court. Services are now expanding to Dallas, Tarrant, Harris and Bexar county courts as well as group homes that have sufficient Internet connectivity to support video conferencing. The system would ultimately allow a multitude of video conference endpoints (including iPhones, Android phones, Macs and PCs) to conference through an OCA supported video conferencing bridge.

DATA COLLECTION

Judicial Information Program

The Judicial Information Program collects, reports and analyzes court activity statistics, judicial directory information, and other information from the approximately 2,700 courts in the state; produces the Annual Report for the Texas Judiciary, Texas Judicial System Directory, and other publications; and provides information about the judicial branch to the Legislature, state and federal agencies, local governments, private associations and public interest groups, and the media, among others.

Judicial Council Monthly Court Activity Reports

At the direction of the Judicial Council and the Legislature, OCA facilitated workgroups that recommended changes to the Judicial Council Monthly Court Activity Reports, which had not been systematically reviewed in nearly 30 years. New reports for district and county-level courts went into effect September 1, 2010, and new reports for justice and municipal courts went into effect September 1, 2011. As a result of this project, the number of data elements collected on the reports more than quadrupled.

Due to the greatly expanded content and complexity of the Judicial Council Monthly Court Activity Reports and mandate for all trial courts to submit their reports electronically, a significant share of Judicial Information's efforts have been devoted to providing support to the trial courts and clerks and their information technology staff or case management vendors on reporting issues. Staff also made presentations at seminars through the Texas Municipal Courts Education Center and Texas Justice Court Training Center.

In addition, staff have been reviewing certain data elements at the request of the Joint Committee on Human Trafficking and the NICS Improvement Task Force to determine whether reporting is accurate and complete. Staff also began to review the new data from

the justice and municipal courts, found many issues that need to be corrected and addressed, and have been spending much of their time working with the courts to correct these issues.

National Instant Criminal Background Check System (NICS) – Record Improvement

OCA has taken a leading role in providing assistance to district and county clerks with the implementation of HB 3352, which passed in 2009 to comply with and implement the requirements of the federal NICS Improvement Amendments Act of 2007. HB 3352 requires clerks to report information on prohibiting mental health, guardianship, and mental retardation cases to the Criminal Justice Information System (CJIS) site maintained by the Texas Department of Public Safety. This information is used in background checks performed by the FBI to determine whether a person is disqualified from possessing or receiving a firearm.

OCA has engaged in numerous activities to provide assistance to the district and county clerks:

- Continued to provide frequent assistance to clerks by answering questions over the phone and by email;
- Received a federal grant in the amount of \$545,414, under the FY 2011 NICS Act Record Improvement Program, to hire OCA staff to assist the district and county clerks in researching their case files for all eligible historical mental health and other cases required to be entered into NICS through CJIS. The grant project is called the “Texas NICS Record Improvement Project.” The grant period is October 1, 2011 through March 31, 2013. Since February 1, 2012, OCA has:
 - Provided records research assistance to the county clerk and/or district clerk in Bell, Brazos Brown, Caldwell, Cherokee, Fort Bend, Guadalupe, Hale, Hamilton, Hardin, Hidalgo, Hockley, Lubbock, Milam, Nueces, Randall, Smith, Tom Green, Travis, Tyler, Webb, and Wilson counties;
 - Reviewed 135,806 records and identified 14,146 records with sufficient data to be entered into CJIS;
 - Prepared and sent memos to the district and county clerks in 55 counties who have not entered any mental health records into CJIS/NICS, but Texas Department of Health Services records show there have been state hospital commitments from the county;
 - Conducted interviews to replace the NICS clerk assigned to the Tyler Region who resigned;
 - Conducted interviews and hired a NICS clerk for the Del Rio Region;
 - Coordinated and staffed a NICS Record Improvement Task Force meeting, which was held on August 17, 2012;
- Applied for and received approval from the Bureau of Justice Statistics, U.S. Department of Justice (BJS) to extend the end of the grant period for the first year of the grant project, from September 30, 2012 to March 31, 2013; and
- Received notification from BJS that OCA has been recommended for second-year grant funding, in the amount of \$488,841, under the FY 2012 NICS Act

Record Improvement Program, to continue the NICS Record Improvement Project.

RESEARCH

H.B. 79 County Court at Law Study

H.B. 79, a court reorganization bill that was passed during the last legislative session, contained a requirement that a study be undertaken by OCA to determine the feasibility, efficiency and potential cost of converting some or all county courts at law (CCLs) with civil jurisdiction in excess of \$200,000 to district courts. OCA is working in conjunction with the National Center for State Courts (NCSC) on this study. The study will include a survey of attorneys to determine the dollar amount of damages in civil cases filed in district courts and county courts at law.

OCA has engaged in the following activities:

- Worked with NCSC staff on the pilot phase of the study. Parker and Nueces counties are the two pilot counties. Prepared and sent a memo to the district clerk in Nueces County, and the district and county clerks in Parker County, requesting sets of data needed to conduct the attorney survey.

COURT SERVICES

Domestic Violence Resources Program

OCA's Domestic Violence Resources Program consists of the Domestic Violence Resource Attorney and the Texas Remote Interpreter Project.

Domestic Violence Resource Attorney (DVRA)

The DVRA engaged in the following activities:

- Trained judges at the Texas Council on Family Violence's (TCFV) Judicial Summit concerning the development of a firearms surrender protocol for courts handling domestic violence cases. The DVRA co-presented with Judge Patricia Macias, 388th District Court in El Paso, and Tracy Grinstead-Everly, TCFV's Public Policy Manager;
- Made a presentation to the staff of the Texas Justice Courts Training Center (TJCTC) about domestic violence issues handled by justices of the peace. This presentation led to TJCTC inviting the DVRA to present on this topic at regional trainings for justices of the peace in fiscal year 2012-2013;
- Made a presentation, along with OCA Staff Interpreter Marco Hanson, about the Texas Remote Interpreter Project to family violence shelter advocates, at SafePlace in Austin. The presentation included a segment on judicial and attorney ethics and court interpreter qualifications;
- Made a presentation on attorney ethics and court interpreter qualifications at the State Bar of Texas Government Lawyers' Boot Camp, in Austin;
- Provided legal support to the Texas Remote Interpreter Project;
- Continued to participate in the Supreme Court Protective Order Task Force's revision of the Protective Order Kit;

- Continued to represent OCA on the State Bar of Texas Protective Order Task Force; and
- Revised order checklists for judges to use in all types of protective order cases.

Remote Interpreter Services in Domestic Violence Cases

In fall 2010, OCA received a three-year, \$300,000 grant from the U.S. Department of Justice’s Office on Violence Against Women (OVW), to hire two licensed Spanish court interpreters to provide interpretation services, via telephone or videoconferencing, to courts handling civil cases involving intimate partner violence. Limited grant funds are also available for non-Spanish language interpretation services from a private vendor. The focus of the grant is to improve access to and the quality of interpretation services in rural counties.

- 369 judges have been setup with online TRIP calendar access, and 19 have returned their signed participation agreements to fully enroll in the program; and
- 9 judges have used the services since the project’s inception, scheduling a total of 14 hearings. Their feedback has been positive.

Despite many and varied efforts to promote the use of TRIP, utilization remains low. In response to numerous inquiries about the availability of TRIP services in criminal cases, OCA prepared a request to broaden the grant’s scope to include criminal cases in counties with a population of less than 50,000. Those counties are not required to provide “licensed” interpreters, only “qualified” interpreters. This request was approved by OVW.

In response to the approval of the expansion of the grant’s scope, OCA:

- Updated project documents, including the participation agreement, *Court Guide to Using the TRIP Services*, TRIP brochure, and benchcard, as well as the TRIP webpages and Appointment Quest, the online appointment scheduling service; and
- Notified the judges and court coordinators in counties with a population of less than 50,000 of the expansion of TRIP services to criminal cases.

In an effort to continue to promote the use of TRIP services statewide, OCA:

- Made presentations on TRIP at a meeting of the Texas Urban Court Administrators and to family violence shelter advocates at SafePlace, in Austin; and
- Contacted the Texas Association of Counties and Aid to Victims of Domestic Abuse to inform them of TRIP.

Also, OCA engaged in the following activities:

- Answered public inquiries about the court interpreting profession and responded to court staff inquiries about technical and ethical issues related to language access in the courts;
- Continued research and preparation of training materials for bilingual court staff who deal with Spanish-speaking members of the public outside of the courtroom; and
- Participated in monthly grantee training sessions sponsored by OVW.

Judicial Compensation Commission

Judicial Information assists the Judicial Compensation Commission by obtaining and analyzing data to enable the Commission to recommend the proper salaries for all justices and judges of the Supreme Court, the Court of Criminal Appeals, the courts of appeals, and the district courts.

Program staff finished the remaining data compilation and analysis for the Data Committee and facilitated its meeting in June.

COLLECTION IMPROVEMENT PROGRAM

Technical Support

OCA continued to assist counties and cities required to implement a collection improvement program (CIP) with either implementing a program or refining the processes of a previously implemented program.

- 77 of the 78 counties and cities required to implement a program, based on the 2000 federal decennial census, have either fully or partially implemented a program. Harris County previously received a waiver; and
- 12 of the 13 counties and cities required to implement a program, based on the 2010 federal decennial census, have either fully or partially implemented a program. The remaining jurisdiction is expected to implement a program by the end of August 2012.

The focus of the assistance provided to counties and cities by OCA's CIP technical support staff is to ensure their compliance with the critical components of the CIP. OCA's goal is to ensure each jurisdiction passes the statutorily-required compliance audit. [The compliance audits were formerly conducted by the Comptroller of Public Accounts (CPA). During the 2011 legislative session, responsibility for conducting the compliance audits was transferred to OCA.] The OCA CIP technical support staff works with each jurisdiction using a format designed to simulate the compliance audit to identify problem areas and recommend corrections prior to the official audit.

- 77 preliminary, simulated audits of the total 90 counties and cities required to implement a program have been completed;
- Of the 77 counties and cities in which a preliminary, simulated audit was conducted: 19 were audited by the CPA, and all of them passed either their initial

or subsequent official compliance audit; 47 are scheduled for an official compliance audit by the new OCA CIP audit section; and 11 are receiving continuing assistance by OCA technical support staff; and

- OCA conducted 31 “spot checks” of counties and cities required to implement a program to ensure continuing compliance with program components.

OCA also engaged in the following assistance activities:

- Conducted regional collections training workshops in Silsbee and Waco, and made presentations at the Texas Municipal Court Education Center’s Clerk Schools held in Austin and Houston;
- In an effort to ensure that the information on collection activity reported to OCA is accurate and uniform throughout the State, conducted special regional training sessions on CIP reporting in Corpus Christi, El Paso, McAllen, and Plainview; and
- Assisted four jurisdictions (the counties of Fannin and Panola and the cities of Brookshire and Woodville) interested in implementing partial voluntary CIPs.

Audit

In August, the Collection Improvement Program (CIP) Audit division completed compliance engagements (aka, audits) of the City of Garland and the City of Plano. Both cities were found in full compliance with the Collection Improvement Program components. Audit staff are currently working on compliance engagements for the cities of McAllen, Arlington, and Laredo, and they have completed field work for the post-implementation collection rate review for the City of Houston. The Audit division is also working on a risk assessment to determine which cities and counties will be audited in FY 2013.

SPECIALTY COURTS PROGRAM

Child Protection Courts

The child protection courts program has had grant funding for the last 3 years for a full-time attorney position. Next fiscal year, the Children’s Justice Act will fund one-half of the position. The funding is for the streamlining of current reporting and the development of new reports that will draw information from the child protection courts and from data maintained by the Department of Family and Protective Services. The Children’s Commission has approved funding the other one-half position. The main goal under this grant is a short-term and long-term strategic plan for the Child Protection Courts program.

Child Support Courts Program

The regional presiding judges have appointed a committee of nine child support associate

judges to work with the Office of the Attorney General to discuss issues that have been raised regarding polices for handling cases that have been identified as cases involving family violence by the OAG. Judge Dean Rucker, presiding judges of the 7th Administrative Judicial Region has been assigned to chair the workgroup.

REGULATORY SERVICES

The Office of Court Administration currently 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. All three share the mission to protect and serve the public.

Board	Regulated Population (as of August 15, 2012)
CRCB	2513 individuals and 358 firms
GCB	360 individuals
PSRB	3457 individuals

All Certification Division staff members for the three boards continue to meet monthly to review and discuss regulatory practices, to share information on each program’s processes, and to streamline and standardize procedures and day-to-day operations.

The three boards are working towards assigning tasks to each staff member by function, rather than by board. However, because each board's complaint process and appeal procedures are unique, the current focus in cross-training is on matters of administrative procedures for intake, review, and input of applications and fees. Last year, all related administrative duties were consolidated to one person; the Judicial Regulatory Assistant. At this time, staff is working to consolidate input and reconciliation of fees to one individual and to consolidate application processing to two licensing specialists. The current PSRB fee specialist has already begun training on reconciliation of fees for all boards. When the vacant position of PSRB licensing specialist is filled, that person will be cross-trained to process applications for all three boards. Plans to integrate further re-alignment are slated to begin in February of next year, after the court reporters renewal period has closed.

Process Server Review Board

In 2005, 1,265 people who had already been authorized to serve civil process in Dallas, Denton and Harris counties were grandfathered for statewide authorization to serve civil process under the order issued in June 2005. By November 2011, this population peaked at 6,427.

After April 2, 2012, when the complete list of persons certified to serve civil process statewide was updated to only include persons who have paid the fees mandated last session, the population dropped to 3,275. The Board has since issued 303 new licenses, reinstated another 101, and 137 have renewed their certification.

The PSRB has the authority to reject applicants for certification and to discipline certificate holders who have criminal convictions. However, applicants and certificate holders must self-report their criminal histories because the PSRB does not have the authority to receive this information directly from the Department of Public Safety (DPS). Both the GCB and the CRCB have this authority. Next session, the PSRB will seek similar access to improve its ability to protect the public by ensuring that it does not grant certificates to individuals who have been convicted of crimes related to the duties of certified process servers.

Guardianship Certification Board

Amendments to the Rules Governing Guardianship Certification were adopted by the Supreme Court of Texas in October 2011. The GCB considered, posted for public comment and approved further changes to the Rules during FY 2012. Submission to the Supreme Court of Texas for approval is pending.

The contract with the vendor who administers the guardianship certification exam expires at the end of FY 2012. At its August meeting, the GCB chair appointed an Exam Committee to assist the director in determining how exams will be given for FY 2013. The Exam Committee met in August. The Committee reached consensus that no change to the exam fee will be sought at this time, and advised the director to move forward with utilizing proctoring centers at various University of Texas, and possibly other public university, campuses. The Committee will meet again when the exams and question pool are returned to the OCA after the conclusion of the contract.

A total of 71 guardians were re-certified this fiscal year. A total of 28 new certifications, including 23 guardians who moved from provisional certification, and 49 new provisional certifications were issued.

The GCB received an unusually high number of complaints this fiscal year. A total of 14 complaints involving nine certified guardians were filed; two additional complaints were filed against individuals who were not certified. Two complaints resulted in disciplinary action and one complaint is still pending. The GCB used its Alternative Dispute Resolution process for the first time this fiscal year. The parties held a settlement conference, agreed on terms, and the complaint was dismissed following the certified guardian's compliance with the agreed conditions.

Court Reporters Certification Board

Effective September 1, 2011, the CRCB requires fingerprint submissions from court reporter renewal applicants to obtain state and national criminal histories electronically from DPS and the FBI. Staff attended DPS criminal history secure site training in April and August 2012 relating to management and maintenance of criminal history record information obtained from the DPS secure site via fingerprint submissions by applicants. The GCB program director attended this training as well.

A total of 1,043 court reporter certifications were renewed in FY 2012 and 44 new certifications issued following successful completion of the court reporters exam, which was administered four times during the year. In FY 2012, the CRCB conducted eight formal hearings resulting in 38 complaints being resolved with four disciplinary actions taken.

The revisions to the Figures section of the Uniform Format Manual (UFM) are scheduled to be submitted to the Supreme Court for approval in FY 2013.

The Senate Committee on Business and Commerce is charged with studying the state's approach to licensing and regulation of occupations. The purpose of the study is to ensure protection of the public and eliminate overly restrictive or non-competitive regulations and thereby improve the Texas regulatory system. A public meeting was held in April 2012. One of the comments concerned accepting national certification in lieu of state certification in the court reporting profession.

NATIONAL ISSUES

The National Summit on Language Access in the Courts will be held October 1-3, 2012, in Houston and will call attention to the problem of access to justice for people with limited English proficiency. We will be sending a team to the summit where we hope to gain information on successful strategies and evidence-based practices as we formulate our state plan for system improvement.

At the recent Conference of Chief Justices and Conference of State Court Administrators Annual Meeting in July, the groups adopted a number of resolutions. Those resolutions are attached.

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 1

In Support of Continued Federal Funding for the Legal Services Corporation

WHEREAS, equal justice and the fair administration of justice are cornerstones of our democracy and core functions of our national and state governments; and

WHEREAS, the Preamble to our national Constitution declares it to be an express purpose of the federal government “to establish justice” and we are a nation dedicated to “liberty and justice for all”; and

WHEREAS, as a nation grounded in the rule of law, equal justice and the fair administration of justice, these functions have long transcended partisan differences with all Americans standing together in common commitment to these ideals; and

WHEREAS, the promise of equal justice and our commitment to the rule of law are so fundamental to our way of life, that it has long been the policy of the United States of America to promote these ideals beyond our national borders; and

WHEREAS, for more than four decades, the Legal Services Corporation has been the vehicle through which the federal interest in civil equal justice is realized; and

WHEREAS, bipartisan congressional action in the late 1990s formed the foundation for an enduring national consensus regarding the focus and value of the work underwritten by the Legal Services Corporation and ensured that the work of federally funded legal aid providers is focused on the individual needs of low income people facing the most significant civil legal problems that affect basic human needs such as: family preservation; safety and economic security; protection of housing and other essential property rights; and ensuring governmental accountability in disputes involving essential benefits and services to which low income people have a legal claim; and

WHEREAS, ensuring equal justice is a joint federal and state responsibility, and in recent years many states have invested substantially in the core civil legal aid infrastructure funded through the Legal Services Corporation, and reduction and/or withdrawal of federal funding would fundamentally undermine the vitality and effectiveness of state-based legal aid delivery systems and adversely affect civil judicial operations; and

WHEREAS, there are now more than 44 million Americans living at or near the poverty level and the legal problems faced by low income and vulnerable people have dramatically increased during this period of economic crisis with conclusive, objective documentation that between 50% and 75% of low income households experience one or more civil legal problems that affect basic human needs every year, and according to the same studies, less than 50% of such households are able to secure the legal assistance that they need; and

WHEREAS, equal access to justice contributes to healthy communities and a vibrant economy; and

WHEREAS, when large segments of the American population are denied effective access to the justice system and are unable to assert and defend effectively important civil legal rights and prerogatives, public trust and confidence in the justice system itself is placed in jeopardy; and

WHEREAS, the civil legal aid system in every state is a model public-private partnership and that investments in programs funded through the Legal Services Corporation effectively leverage complementary legal assistance through the efforts of volunteer attorneys; and

WHEREAS, during times of fiscal crisis, it is necessary that government focus on core functions with the establishment and administration of justice being a core function of the federal government and this core function is furthered by ensuring the availability of civil legal aid for those otherwise unable to assert and defend important rights meaningfully within the justice system; and

WHEREAS, the Conference of Chief Justices and State Court Administrators have repeatedly affirmed the importance of and the need for continued federal funding for the Legal Services Corporation to meet the demand for critically needed services by low-income and vulnerable Americans and ensure access to justice for all in prior resolutions (Res. No. 9, January 24, 2002; Res. No. 11, August 2009; Res. No. 9; August 3, 2011; and Res.1, February 1, 2012); and

WHEREAS, the Legal Services Corporation suffered a \$56 million (14%) cut to its budget for FY 2012 which has caused additional cuts to legal aid staff and, as a consequence, the reduction of legal services to low income persons facing mortgage foreclosures, domestic violence, income security reductions and other effects from the deep economic recession; and

WHEREAS, in March, 2012, the Conferences prepared a position paper, *The Importance of Funding for the Legal Services Corporation from the Perspective of the Conference of Chief Justices and the Conference of State Court Administrators*, documenting the impact of the recent reductions in funding for the Legal Services Corporation and shared it with members of Congress; and

WHEREAS, the Conferences appreciate the attention that Congress has given to the findings of the position paper and its request for increased funding as demonstrated by the recommendations of the Senate and House Appropriations Committees for FY 2013 funding for the Legal Services Corporation;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators reaffirm the importance of the Legal Services Corporation and call upon all members of Congress to fulfill our nation's promise of "Equal Justice Under Law," by restoring funding for the federal Legal Services Corporation to at least \$404 million for Fiscal Year 2013, which would return Legal Services Corporation to the funding level it was at in Fiscal Year 2011 and establish an essential funding base that can be built upon as the nation's economy improves.

Adopted as proposed by the CCJ/COSCA Access, Fairness and Public Trust Committee at the 2012 Annual Meeting on July 25, 2012.

Conference of Chief Justices

Conference of State Court Administrators

Resolution 2

In Support of Expanding Rule 2.2 of the ABA Model Code of Judicial Conduct to Reference Cases Involving Self-Represented Litigants

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators have long recognized the importance of access to justice for all; and

WHEREAS, access to courts extends both to lawyer-represented and self-represented litigants; and

WHEREAS, judges would benefit from additional guidance regarding their role in cases involving self-represented litigants; and

WHEREAS, Rule 2.2 of the 2007 ABA Model Code of Judicial Conduct on impartiality and fairness addresses a judge's role in cases involving self-represented litigants only in the "comments" section; and

WHEREAS, the Conferences agree that Rule 2.2 should specifically address cases involving self-represented litigants;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators recommend that states consider adopting Rule 2.2 with the inclusion of the following emphasized wording:

(A) A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

(B) A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of all litigants, *including self-represented litigants*, to be fairly heard; and

BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators suggest states modify the comments to Rule 2.2 to reflect local rules and practices regarding specific actions judges can take to exercise their discretion in cases involving self-represented litigants.

Adopted as proposed by the Access, Fairness and Public Trust Committee at the 2012 Annual Meeting on July 25, 2012.

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 3

In Support of the Families for Foster Youth Stamp Act

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize the importance of securing safe, stable, and permanent homes and positive outcomes for children in the foster care system; and

WHEREAS, in recognition of the effect of federal mandates on the state judicial systems and the critical oversight role that state courts play, Congress created and reauthorized the Court Improvement Program; and

WHEREAS, state courts have completed comprehensive assessments, developed and implemented innovative solutions for improving court processes and procedures, and evaluated the effectiveness of reform efforts. Children across the country have benefited from this funding, as courts have been able to improve and expedite the processing of child abuse and neglect cases with the goals of placing children in safe, stable, and permanent homes and improving outcomes for these children; and

WHEREAS, state courts have been able to leverage the federal dollars to accomplish reforms, but additional enhancements and reforms are needed and the Court Improvement Program funds continue to be a critical factor for achieving these enhancements and reforms; and

WHEREAS, Senators John F. Kerry and Charles E. Grassley introduced the Families for Foster Youth Stamp Act (S. 3231) in the 112th Congress, which would create a semipostal stamp to support the Court Improvement Program and the Adoption Opportunities Program that improve outcomes for children in the foster care system; and

WHEREAS, funds secured through the stamp sales that would go to the Court Improvement Program will be used to support efforts to improve the child welfare court programs, which may include efforts for improved quality of legal representation for the children, reduced caseloads, updating systems to be more efficient, and overall steps to improve the court's role in achieving safe, stable and permanent homes for children;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators strongly urge Congress to enact the Families for Foster Youth Stamp Act and other similar legislation.

Adopted as proposed by the CCJ/COSCA Courts, Children and Families Committee at the 2012 Annual Meeting on July 25, 2012.

CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 4

In Support of the Principles for Judicial Administration

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators for more than fifty years have worked to promote effective judicial governance and accountability, as well as responsive judicial branch institutions that provide the highest quality of services to the public; and

WHEREAS, as a separate branch of government, courts have the duty to protect citizens' constitutional rights, to provide procedural due process and to preserve the rule of law; and

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators have adopted ***Resolution 23 In Support of Principles of Effective Judicial Governance and Accountability*** (January 21, 2004) which identifies the core elements of judicial governance and accountability for state court systems; and

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators have adopted ***Resolution 22 State Judicial Branch Budgets in Times of Fiscal Crisis*** (January 21, 2004) which identifies the measures courts should take in managing budgets during tight financial times; and

WHEREAS, the American Bar Association has adopted ***Resolution 302*** (August 9, 2011) which urges state, territorial, and local governments to recognize their constitutional responsibilities to fund their justice systems adequately, provide that funding as a governmental priority, and develop principles that would provide for stable and predictable levels of funding of those justice systems; and

WHEREAS, judicial leaders have the responsibility to demonstrate what funding level is necessary for the courts to operate effectively and establish administrative structures and management processes that demonstrate that they are using the taxpayers' money wisely; and

WHEREAS, changing socioeconomic factors and shifting demands on our judicial institutions require courts to develop solutions that look beyond the short-term; and

WHEREAS, court leadership has expressed a strong need for a set of principles to guide them as they seek to restructure court services and secure adequate funding; and

WHEREAS, under the guidance of the Conference of State Court Administrators the National Center for State Courts has developed the *Principles for Judicial Administration* which provide a unified, comprehensive and succinct set of principles that serve as operational guides to assist courts as they face the challenges of the twenty-first century;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators endorse the *Principles for Judicial Administration* and urge:

- Court leaders to take steps to operate their court systems in accordance with these Principles; and
- Court leaders to use these Principles to critique how their court systems match up to the principles of governance, decision-making and case administration, and court funding; and
- Court leaders to use these Principles to help members of legislative bodies and their staffs understand the difficult structural and fiscal decisions required to enable courts to enhance the quality of justice while facing increased caseloads with fewer resources; and
- Court leaders to use these Principles to educate the legal community on the operational requirements and fiscal needs of their court systems; and
- The National Center for State Courts to establish a clearinghouse and to serve as a resource center for courts as they gain experience from the use of various principles; and
- The National Center for State Courts to continue to review these Principles with the court community and the legal community and, over time, ensure and maintain their relevance, usefulness and appropriate application.

Adopted as proposed by the CCJ/COSCA Court Management Committee at the 2012 Annual Meeting on July 25, 2012.

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 5

In Support of the Court Statistics Project

WHEREAS, for over 30 years the Conference of Chief Justices and the Conference of State Court Administrators and the National Center for State Courts have collaborated through the Court Statistics Project to collect and publish state court caseload statistics; and

WHEREAS, these statistics are used in the management and administration of justice in the state courts; and

WHEREAS, federal funding for the Court Statistics Project has been abruptly withdrawn in 2012 due to fiscal constraints of the U.S. Department of Justice; and

WHEREAS, the National Center for State Courts is the national repository and clearinghouse for essential reference information on the work of the state courts;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators reaffirm their support for the Court Statistics Project as a core activity conducted on behalf of the Conference of Chief Justices and the Conference of State Court Administrators; and

BE IT FURTHER RESOLVED that the Conferences reaffirm the necessity for continuing the national repository of state court caseload statistics and urge the National Center for State Courts to seek permanent funding for the Court Statistics Project.

Adopted as proposed by the CCJ/COSCA Court Management Committee and the COSCA Statistics Advisory Committee at the 2012 Annual Meeting on July 25, 2012.

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 6

Encouraging Consideration of the Standards and Recommendations from the Third National Guardianship Summit

WHEREAS, the National Center for State Courts has estimated that there are at least 1.5 million guardianships and conservatorships in the United States; and

WHEREAS, the number of vulnerable elderly persons will increase rapidly over the next twenty years; and

WHEREAS, this demographic trend is likely to result in a substantial increase in the number of cases, including guardianship and conservatorship proceedings, intended to protect vulnerable elderly persons; and

WHEREAS, the September 2010 report from the Government Accountability Office and research by the National Center for State Courts point out alarming instances of elder abuse and exploitation and the unique opportunities afforded to the courts to intervene in a variety of court settings to ensure justice for older Americans; and

WHEREAS, the highest courts of the several states and territories have established task forces, commissions, or committees to recommend policies, procedures, and services to strengthen the prevention, identification, response to, and redress of neglect, abuse, and exploitation of elders; and

WHEREAS, the ten national organizations, including the National Center for State Courts, that comprise the National Guardianship Network convened the Third National Guardianship Summit on October 13-15, 2011 in Salt Lake City, Utah to develop standards for guardians and conservators and recommendations regarding the oversight, training, compensation of guardians and conservators; and

WHEREAS, invited participants to this Summit included representatives of the Conference of Chief Justices and Conference of State Court Administrators; and

WHEREAS, the standards, recommendations, and background papers from the Summit will be published in the Utah Law Review; and

WHEREAS, many of the recommendations from the Summit specifically address best practices that courts should follow in conducting guardianship/conservatorship proceedings and monitoring guardianships/conservatorships, and call upon the courts to adopt standards for guardians and conservators by court rule or administrative order;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge each state court system to review and consider implementation of the standards and recommendations adopted at the Third National Guardianship Summit.

Adopted as proposed by the CCJ/COSCA Elders and the Courts Committee at the 2012 Annual Meeting on July 25, 2012.

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution

8

Urging a Greater Collaborative Process in the Allocation of Byrne JAG Criminal Justice Funding

WHEREAS, the Byrne Justice Assistance Grant (Byrne JAG) was authorized by Congress to provide state courts, local governments, states and tribes with critical funding necessary to support a range of program areas including courts, law enforcement, prosecution, crime prevention/education, corrections, drug courts/treatment, planning, evaluation, technology improvement, and victims initiatives; and

WHEREAS, grants awarded through Byrne JAG provide valuable assistance in ensuring the administration of justice in all the states; and

WHEREAS, the Conference of Chief Justices and Conference of State Court Administrators are supporters of Byrne JAG and were part of a state and local coalition to restore funding to the Byrne JAG program when it was cut by 67 percent in FY 2007; and

WHEREAS, the primary responsibility for the distribution of Byrne JAG funds lies with the governors and their statewide criminal justice commissions; and

WHEREAS, the mission of these statewide criminal justice commissions is to ensure that the various components of the justice system work together to develop plans to reduce crime and substance abuse within the state; and

WHEREAS, we have received reports from state courts that many statewide criminal justice commissions do not involve all stakeholders in the justice system, such as state courts, when developing statewide strategies to address the crime and substance abuse problem; and

WHEREAS, in many cases, these state plans fail to take into account the needs of the state court system because of the lack of state court involvement or representation in the strategic planning process; and

WHEREAS, Judiciary Committee Chairman, Senator Patrick Leahy, has introduced S. 250, the Justice for All Act, which primarily devotes resources to exonerate those wrongfully convicted, but would reinstate a mandatory consultation provision for the distribution of Byrne JAG funding by the state criminal justice commissions; and

WHEREAS, these commissions would be required to involve all stakeholders of the criminal justice system in the planning process before a statewide criminal justice plan is approved and resources from the Byrne JAG program are allocated to the states;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators reaffirm their strong support for Byrne JAG, which has helped address judicial public safety challenges throughout its history; and

BE IT FURTHER RESOLVED that the Conferences support the provision of S. 250, which calls for reinstatement of the requirement for mandatory consultation with all stakeholders of the state's criminal justice system, before Byrne JAG funding is disbursed.

Adopted as proposed by the CCJ/COSCA Government Affairs Committee at the 2012 Annual Meeting on July 25, 2012.

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 10

Strengthening the Relationship between the Conference of Chief Justices and the Conference of State Court Administrators and Problem-Solving Court Coordinators

WHEREAS, in recent years, the informal group of State Drug Court Coordinators has provided input to the Conference of Chief Justices and the Conference of State Court Administrators (CCJ/COSCA) Problem-Solving Courts Committee. This input has been valuable and the Committee believes that a more formal and strengthened relationship would provide even greater benefit to state courts; and

WHEREAS, the CCJ and COSCA have long recognized the importance of problem-solving courts with the creation of a joint standing committee following the development of the 1999 COSCA White Paper, *Position Paper on Therapeutic Courts*; and

WHEREAS, the informal group of State Drug Court Coordinators has provided a forum for sharing knowledge, experiences, and resources and has undertaken projects, such as assisting in the development of drug court standards. Periodic meetings of this group have been funded through Department of Justice technical assistance funds; and

WHEREAS, the informal group has been instrumental in expanding and improving drug and other problem-solving courts across the country through the sharing of information and developing resources;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators approve the following recommendations:

1. Three Drug Court (or Problem-Solving Court) Coordinators with statewide responsibility will be invited to participate as technical advisors with the CCJ/COSCA Problem-Solving Courts Committee with ex officio status and without voting rights.¹
2. Participation of the technical advisors will include the same duties and activities of the CCJ and COSCA members of the Committee, including the presentation for approval of policy and resolution recommendations.

¹ Section 7.1 of Article Vii of the CCJ by-laws states “Committee chairs, with the approval of the President, may call for assistance upon persons not eligible for committee membership”.

3. The term of participation of individual technical advisors will be limited to one year, as the participation requires approval of the CCJ President. An individual, however, may be invited to participate with the Committee for up to three consecutive years.
4. The co-chairs of the CCJ/COSCA Problem-Solving Courts Committee, in consultation with the Committee members and the co-chairs of the informal group of State Drug Court Coordinators, will recommend to the CCJ and COSCA Presidents-elect the names of three individuals at the appropriate time to ensure that appointments of the technical advisors to the Committee can be made in a timely manner.

Adopted as proposed by the CCJ/COSCA Problem Solving Courts Committee at the 2012 Annual Meeting on July 25, 2012.

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 11

In Support of Practice Rules Enabling In-house Counsel to Provide Pro Bono Legal Services

WHEREAS, representation of individuals who cannot afford counsel is essential to the efficient operation of state court systems; and

WHEREAS, in every state and territory, current levels of civil legal assistance are inadequate to meet the civil legal needs of individuals who cannot afford counsel; and

WHEREAS, all members of the legal community are needed in addressing this access to justice problem in the United States, including providing pro bono legal services; and

WHEREAS, attorneys who practice law for their organization or company employers (“in-house counsel”) are a growing source of such pro bono legal services; and

WHEREAS, the number of legal departments with formal pro bono programs has increased from a handful a decade ago to hundreds today and the general counsel at more than 110 legal departments have signed the Corporate Pro Bono ChallengeSM, pledging to use their best efforts to encourage their staff, including at least one-half of their legal staff, to support and participate in pro bono legal service; and

WHEREAS, some in-house counsel interested in providing pro bono legal services are hampered by current practice rules; and

WHEREAS, state supreme courts have the authority to promulgate rules with the potential to increase in-house pro bono legal services; and

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators have long been committed to the fundamental principle of access to justice for all in civil matters;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators encourage their members to consider promoting the expansion of pro bono legal services, including by amending the practice rules to allow non-locally licensed in-house counsel who are permitted to work for their employer to also provide pro bono legal services subject to the local rules of professional conduct.

Adopted as proposed by the CCJ Professionalism and Competence of the Bar Committee and the CCJ/COSCA Access, Fairness and Public Trust Committee at the 2012 Annual Meeting on July 25, 2012.