

Legislative Proposals for Judicial Council Consideration – September 7, 2012

The Texas Judicial Council is a statutorily created judicial body responsible for the continuous study of “the organization, rules, procedures and practice, work accomplished, results, and uniformity of the discretionary powers of the state courts and methods for their improvement.”¹ The council is required to “receive and consider advice from judges, public officials, members of the bar, and citizens concerning remedies for faults in the administration of justice.”² To receive this advice, Chief Justice Wallace Jefferson requested that numerous entities provide their legislative proposals to the Council for consideration at its September 7th meeting. While many of the proposals that were received have substantial merit, the Council is asked to consider those with significant policy implications in the administration of justice pursuant to the Council’s charge. The following proposals are forwarded for consideration by the Council (in no particular order):

1. A resolution advocating for adequate funding of the courts.
2. A resolution supporting adequate funding of the court eFiling system.
3. A resolution encouraging full funding by the state of the increased cost of indigent defense since the passage of the Fair Defense Act.
4. A resolution supporting the Children’s Commission and its proposals to better advise indigent parents of their right to counsel and related amendments, as well as support amendments that would strengthen the consideration of educational needs of children in the foster care system.
5. A resolution supporting the clarification of the state’s vexatious litigant statute.
6. A resolution supporting the collection of court costs and fines beyond the period of community supervision.
7. A resolution supporting the simplification of the criminal court cost structure in Texas.
8. A resolution supporting adequate compensation of Texas’ judges.
9. A resolution supporting the Juvenile Justice Committee’s recommendations for addressing school disciplinary actions referred to the juvenile justice court system, parity between criminal and civil juvenile justice courts and probation, identifying criteria for data collection and also that would encourage more use of best practices.
10. A resolution supporting modification of the responsibility of clerks to notify the Attorney General when a state statute is being challenged as unconstitutional.

Each of these proposals will be discussed in detail at the meeting and should the Council support these measures, the Council will consider resolutions to that effect at its next meeting in November.

¹ Texas Government Code 71.031

² Texas Government Code 71.032