

# ANNUAL REPORT OF THE JUDICIAL SUPPORT AGENCIES, BOARDS AND COMMISSIONS

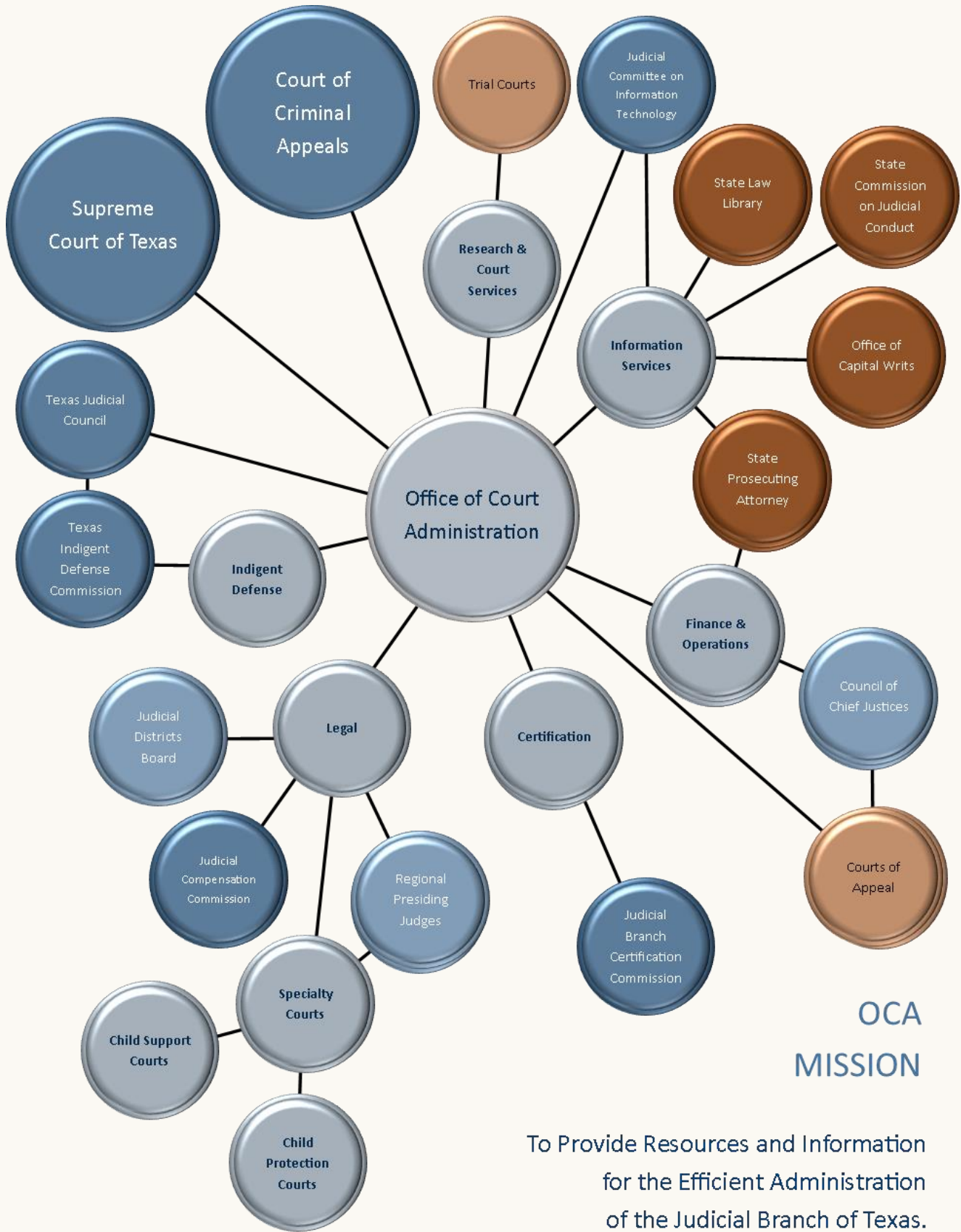


FOR THE  
FISCAL YEAR ENDED  
AUGUST 31, 2014

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**OCA  
MISSION**

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

## 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.”



### Members as of August 31, 2014

**Chair, Honorable Nathan L. Hecht**, Chief Justice, Supreme Court of Texas

**Vice-Chair, Honorable Sharon Keller**, Presiding Judge, Court of Criminal Appeals

#### Legislative Members

**Chancellor Robert Duncan**, Texas Tech University, Lubbock

**Senator Royce West**, Dallas

**Representative Tryon Lewis**, Odessa

**Representative Roberto Alonzo**, Dallas

#### Judicial Members

**Honorable Sherry Radack**, Chief Justice, 1st Court of Appeals, Houston

**Honorable Bill Boyce**, Justice, 14th Court of Appeals, Houston

**Honorable Kelly Moore**, Judge, 121st Judicial District, Terry & Yoakum

**Honorable Linda A. Rodriguez**, Judge, County Court at Law No. 2, Hays County

**Honorable Polly Spencer**, Judge, Probate Court #1, Bexar County

**Honorable Russell B. Casey**, Justice of the Peace Pct. 3, Place 1, Tarrant County

**Honorable Scott Jenkins**, Judge, 53rd District Court, Travis County

**Honorable Valencia Nash**, Justice of the Peace Pct. 1, Place 2, Dallas County

**Honorable Gary Bellair**, Presiding Judge, Ransom Canyon Municipal Court

**Honorable Glenn D. Phillips**, Presiding Judge, City of Kilgore

#### Citizen Members

**Mr. Richard Battle**, Key Trak, College Station

**Mr. Richard S. Figueroa**, UBS Advisory & Brokerage Services, Houston

**Ms. Allyson Ho**, Morgan, Lewis & Bockius LLP, Dallas

**Ms. Ashley Johnson**, Gibson Dunn & Crutcher LLP, Dallas

**Mr. Virgil Justice**, First Insurance Agency, Kerrville

**Mr. Henry Nuss**, Welder Leshin, Corpus Christi

#### Executive Director

**Mr. David Slayton**, Administrative Director, Office of Court Administration

## Shared Solutions

TJC held the 2<sup>nd</sup> Shared Solutions Summit on May 13-14, 2014, at the Texas Association of Counties. The theme of the summit was *Characteristics of an Effective Court System*, developed with the National Center for State Courts.

The Shared Solutions format is designed to help city and county governments and local judiciaries explore potential improvements in the justice system through shared experiences. The following teams participated in the Summit: Bexar County, City of Dallas, Dallas Justices of the Peace, El Paso County, Fort Bend County, City of Fort Worth, Harris County, Lubbock County, Montgomery County, Nolan County, Tarrant County, Travis County, and Uvalde/Medina/Real Counties.

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*The characteristics, and ways of evaluating them, relate to governance, caseload management, procedural fairness, technology, professional development, data-driven management, strategic thinking and planning, access to justice and financial management.*

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## Juvenile Justice Committee

Building off the success of the TJC's Juvenile Justice reforms during the 83<sup>rd</sup> Legislative Session in 2013, the Juvenile Justice Committee was reinstated in FY 2014 to continue to study ways to improve juvenile justice in Texas. The Committee reviewed the following proposals:

- ★ Raising the age of criminal responsibility from 17 to 18
- ★ Addressing clarification related to school ticketing
- ★ Addressing clarification related to culpability in Penal Code statutes
- ★ Decriminalizing and developing a continuum for failure to attend school
- ★ Confidentiality of Juvenile Records

The committee will make its legislative recommendations to the full TJC in November 2014.

## Elders Committee

In 2013, the Supreme Court of Texas and the Office of Court Administration were selected by the National Guardianship Network to establish one of four state pilot WINGS groups. WINGS stands for the Texas Working Interdisciplinary Network of Guardianship Stakeholders and is a collaborative group of stakeholders dedicated to improving guardianship in Texas.

## WINGS Stakeholders

The Judiciary	Texas Legal Services	AARP	Disability Rights Texas
Alzheimer's Association	Texas Guardianship Association	ARC of Texas	Social Security Administration
Texas Veterans Commission	Department of Aging and Disability Services	Department of Family and Protective Services	State Bar of Texas

The WINGS group worked in conjunction with the Texas Judicial Council's Elders Committee to develop legislative recommendations to improve guardianship. The elder's committee evaluated the following recommendations:

- ★ Recognize a supported decision-making agreement as an alternative to a guardianship for adults with disabilities
- ★ Require that attorneys for applicants be required to complete a State Bar-approved training course for guardians ad litem
- ★ Require evaluating physicians to include a timeline for re-evaluating the individual to determine if the guardianship continues to be appropriate
- ★ Require the applicant to certify that alternatives to guardianship and supports and services have been explored
- ★ Develop model court visitor program guidelines
- ★ Identify existing educational materials, including videos, for family/friend guardians
- ★ Work to increase the number of attorneys accepting pro bono guardianship cases through recognition by the Texas Guardianship Association

The Committee is expected to present its final recommendations to the full TJC in November 2014

### Legislative Priorities

As the policy making body of the Judicial Branch, the TJC regularly recommends to the legislature ways to improve the administration of justice in Texas. At its August 2014 meeting, the TJC advanced the following proposals for consideration at its November 2014 meeting:

- ★ Ensuring adequate funding of the courts
- ★ Supporting adequate resources for counties for electronic filing

- ★ Encourage additional funding by the state for the increased cost of indigent defense since the passage of the Fair Defense Act
- ★ Support adequate funding for legal aid in Texas
- ★ Support the Judicial Compensation Commission recommendations
- ★ Supporting judicial selection reform
- ★ Supporting the Elders Committee recommendations
- ★ Supporting the Juvenile Justice Committee recommendations
- ★ Encouraging revision of the statutes that mandate a pre-technology process in a technology-driven court system
- ★ Support broadening the statutory eligibility requirements of specialty courts and other recommendations related to veterans' courts
- ★ Supporting clarification of the law regarding assessment of court costs on multiple counts
- ★ Encouraging simplification of the court cost and filing fee difference for the same functions/processes within clerks' offices



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<sup>1</sup> Schönberg's map of Texas, <http://www.loc.gov/item/2002622346>, (accessed 12/01/14)



## Office of Court Administration

### Executive Operations

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

The Office of Court Administration 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, a public affairs director and a team of division directors.

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 more than 1,800 stakeholders, and social media via Facebook. It also manages the @TXCourts twitter feed for the Judicial Branch.

### 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.



## 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.

### Court Services Consultant Program

Through OCA's Court Services Consultant Program local courts can receive technical assistance on a variety of matters of judicial administration, ranging from caseload management to annual reporting, strategic planning, and performance evaluations. This assistance can be brief and informal or substantive and can take place during site visits, remotely, or in statewide or regional trainings held throughout the year.

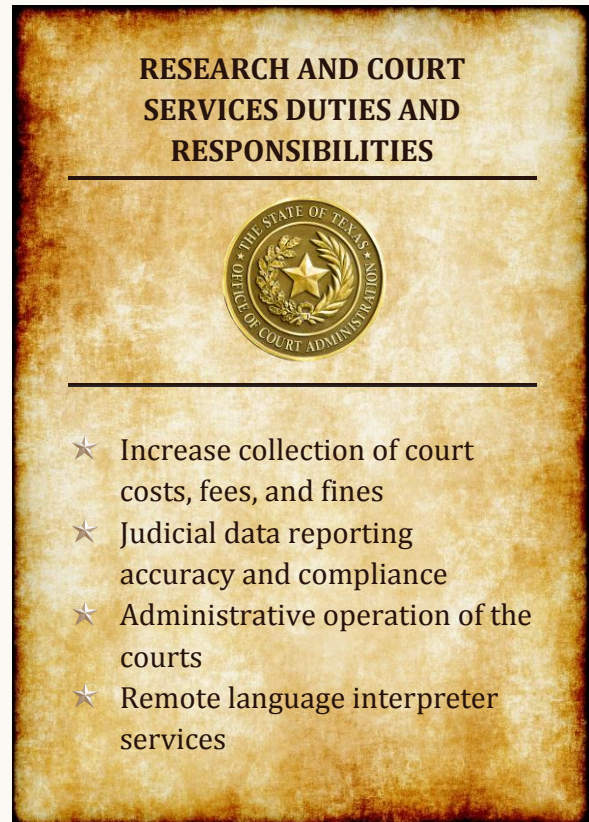
The following were among the key accomplishments of the Court Services Consulting program in FY 2014:

- ★ The completion of a caseload management and space needs review for the Harris County child support courts
- ★ On-site review of and training on case management practices for a newly created district court
- ★ Site visits to child protection courts to assist court coordinators and judges with case management issues
- ★ Site visits to a sample of counties for interviews and file reviews to gather information for a report on guardianship issues in the courts (A report on these issues is expected to be released in early FY 2015)

### Language Access Program

In FY 2013 OCA obtained funding from the Legislature for a new language access program to help courts communicate with people with limited English proficiency. This funding allowed OCA to hire a full-time Language Access Coordinator and a full-time and a part-time interpreter.

The coordinator manages the Texas Court Remote Interpreter Service (TCRIS), which provides language access training and related resources to courts. Two TCRIS interpreters provide Spanish interpretation services at no cost, via telephone or videoconferencing, to any court statewide that requests services. This interpretation is available for proceedings of all case types, as long as the hearing is short (expected to last under 30 minutes) and does not involve the introduction or review of evidence. The program





began operations in January 2014, and as of August 31, TCRIS interpreters have provided interpretation services in 330 hearings to 47 judges in 60 counties. While not interpreting, TCRIS staff translated 26 documents for local courts. During the period, staff also completed the first draft of a 1,500-word bilingual glossary of legal terms used in Texas. The Language Access Coordinator also worked with the Supreme Court of Texas, the Court of Criminal Appeals, and other courts to develop language access plans. The coordinator also made presentations at numerous statewide and regional trainings and conferences and participated in webinars for judges, court coordinators, clerks and interpreters.

## Judicial Information Program

OCA's Judicial Information section is the repository for an array of information regarding the courts in Texas. The Judicial Information section collects and maintains information from courts at all levels, analyzes court data, and produces comprehensive reports regarding the state's courts and the officials who work in them.



During FY 2014, Judicial Information produced the following publications:

- ★ The [2013 Annual Statistical Report for the Texas Judiciary](#), which includes an overview of Texas court structure and jurisdiction; information on judges, including demographics, salaries and turnover; statistics for appellate and trial courts; and analyses of case activity and trends in filings and other measures of court workload. The report is based on the receipt and review of approximately 163,000 statistical and other reports from local courts, clerks, and others.
- ★ The [2014 Texas Judicial System Directory](#), which contains information for more than 2,800 courts and more than 7,300 court system personnel.
- ★ The [Report on Judicial Salaries and Turnover](#) for the 2012-2013 biennium, which details the rate at which appellate and district judges left office and their reasons for doing so. It also compares judicial salaries in Texas to salaries in the five other most populous states.

A significant portion of the Judicial Information staff time is devoted to providing support to the trial courts and clerks and their information technology staff or case management vendors on reporting issues for the purpose of ensuring data quality and reliability. During the year, staff made numerous

statewide and regional presentations and produced recorded webinars for justice courts and municipal courts on reporting issues.

### **Protective Order Resource Program**

In 2013 OCA received a grant from the United States Department of Justice, Office of Justice Programs to fund a full-time Protective Order Resource Attorney (PORA) to conduct a comprehensive review of the protective order reporting process in Texas. The goal of the project is to increase the number of protective order records made available to the National Instant Criminal Background Check System (NICS) by providing training on how to improve reporting.

During FY 2014, the PORA engaged in the following activities:

- ★ 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
- ★ Represented OCA on the Texas Council on Family Violence Public Policy Committee
- ★ Provided technical assistance to judges, clerks, prosecutors, and law enforcement officers
- ★ Facilitated three meetings of OCA's NICS Protective Order Record Improvement Project in which activities such as site study results and statewide survey results were reviewed and training topics were identified
- ★ Conducted site visits to eight counties across the State to interview local stakeholders about reporting practices and to share information regarding reporting best practices
- ★ Developed content for training modules
- ★ Collaborated with several organizations in conducting numerous statewide and regional training sessions
- ★ Reached over 600 judges, law enforcement officers, prosecutors and clerks in trainings

### **Collections Improvement Program**

Article 103.0033 of the Texas Code of Criminal Procedure requires cities with a population of 100,000 or more and counties with a population of 50,000 or more to implement a court cost collection program based on OCA's model Court Collection Improvement Program (CIP). As of August 31, 2014, 87 of the 91 jurisdictions required to implement a program have done so, either fully or partially, with the remaining four jurisdictions receiving waivers exempting them from the requirement to implement a program. In addition, as of August 31, 2014, local officials in 96 jurisdictions had voluntarily implemented a collections improvement program, either fully or partially. Data maintained by CIP indicates that since the inception of the collections improvement program an average of \$18.40 was received by local jurisdictions for every \$1.00 they spent on their program.

CIP staff assist jurisdictions in the implementation and improvement of their program. In FY 2014, simulated compliance audits of mandatory programs were conducted to identify deficiencies prior to their being audited by the OCA audit staff. Technical support staff also conducted "spot check" reviews of certain programs to ensure continuing compliance with key program components. Reviews were also conducted to assist jurisdictions found non-compliant during an official audit in the development of

corrective action plans. Program staff also participated in the development of standards that will be used to assess the integrity of the data submitted by counties and cities required to implement a collection improvement program.

CIP staff conducted training workshops and made other presentations throughout the state and throughout the year on collections best practices.

<b>Estimated Additional Revenue Generated</b>			
<b>State Fiscal Year</b>	<b>State</b>	<b>Local</b>	<b>Total</b>
<b>2006</b>	\$5,271,769	\$15,815,306	\$21,087,075
<b>2007</b>	\$17,606,447	\$52,819,340	\$70,425,787
<b>2008</b>	\$20,324,278	\$60,972,834	\$81,297,112
<b>2009</b>	\$18,395,867	\$55,187,602	\$73,583,469
<b>2010</b>	\$16,761,011	\$50,283,032	\$67,044,043
<b>2011</b>	\$19,687,897	\$59,063,692	\$78,751,589
<b>2012</b>	\$11,174,946	\$33,524,837	\$44,699,782
<b>2013</b>	\$14,425,704	\$43,277,112	\$57,702,816
<b>Total</b>	<b>\$123,647,918</b>	<b>\$370,943,754</b>	<b>\$494,591,672</b>

## Information Services Division

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

Information Services maintains networks, servers and applications that provide certification management for OCA's regulatory boards and commissions, case management for the child protection and child support specialty courts, case management for the State Commission on Judicial Conduct, 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.

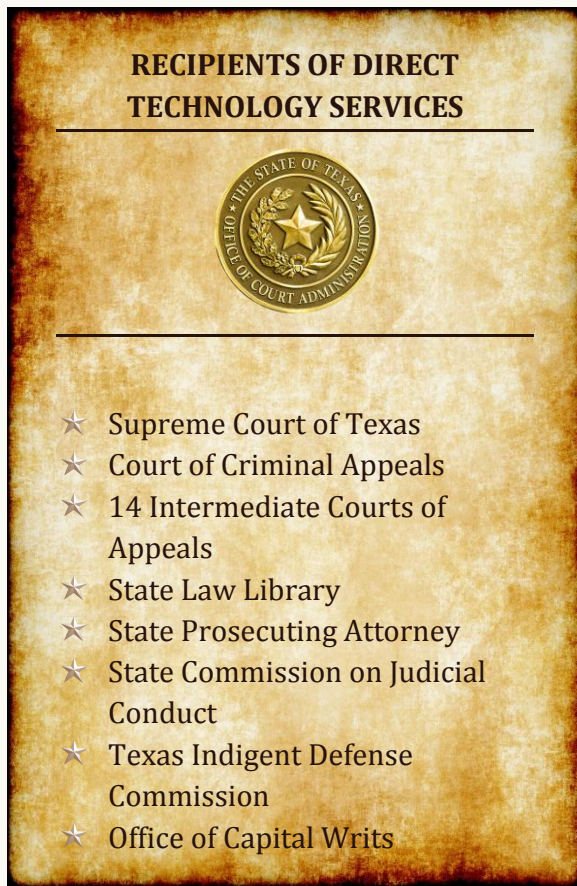
### **Texas Appeals Management and E-filing System**

Information Services completed the implementation of Texas Appeals Management and E-filing System (TAMES) in FY 2014. The Supreme Court, Court of Criminal Appeals and all 14 intermediate appellate courts are now effectively using the system. Combined with electronic filing, cases can be adjudicated through the appeals process without ever being reduced to paper. Two of the largest courts, the 5<sup>th</sup> Court of Appeals and 14<sup>th</sup> Court of Appeals have also implemented the circulation functions. This allows judges to collaborate electronically on opinions and also allows them to vote electronically. All of the appellate courts have experienced the savings of reduced space needed to store case files as well as a decrease in counter traffic now that a majority of the documents submitted to the court are electronic.

Information Services also instituted a strong governance model with TAMES. A group of appellate court clerks, chosen by their peers, control the prioritization of TAMES development activities. This allows the end users of the systems to guide Information Services' efforts to deliver the best value for the courts.

### **Electronic Filing**

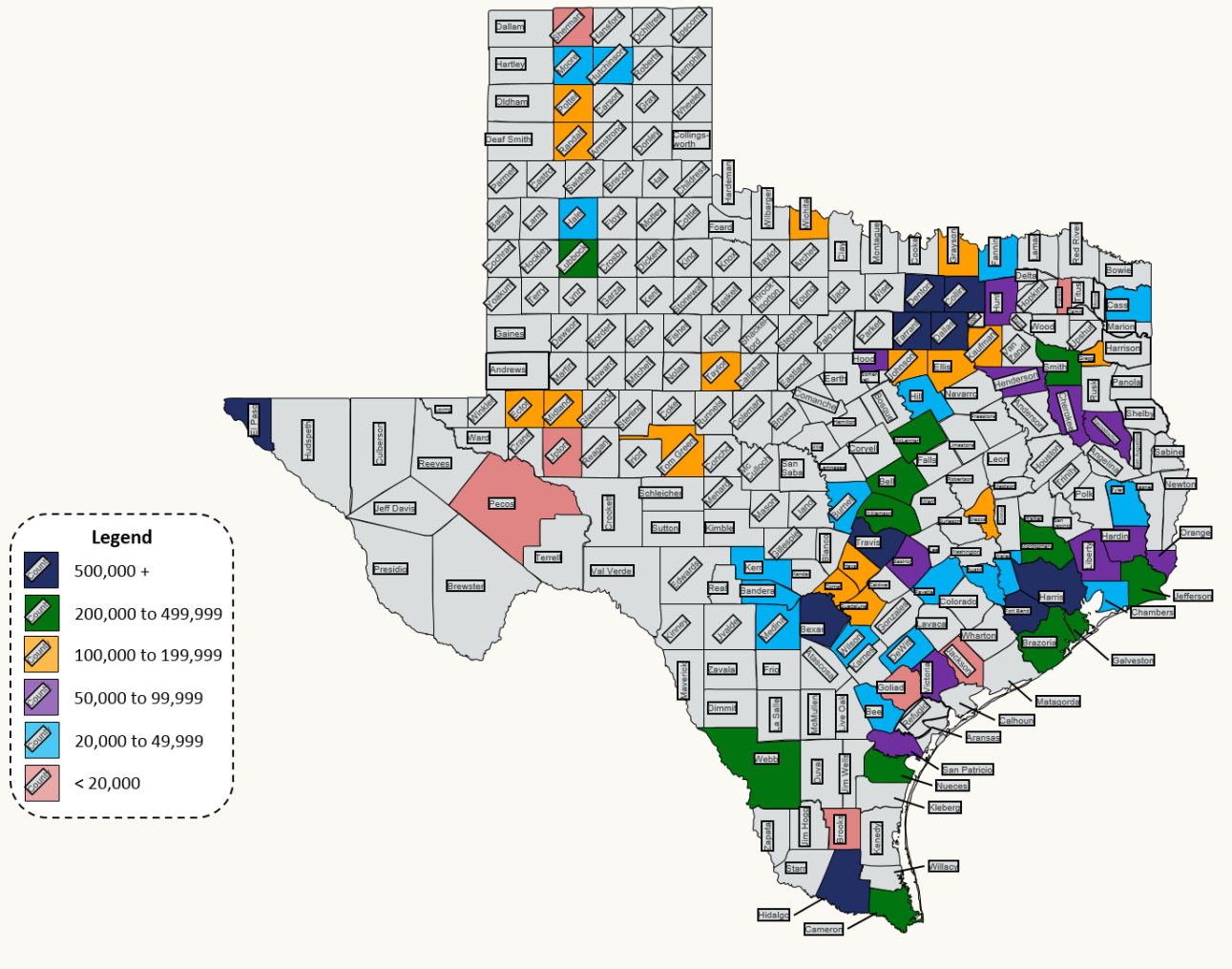
Working with Tyler Technologies, OCA assisted in the successful transition of all counties with the old provider (Texas.gov) to the new E-filing system ahead of schedule. Electronic filing is now mandated for attorneys filing in civil cases in counties with a population greater than 200,000 (22 counties). All 254 counties will have mandatory electronic filing by the end of FY 2016.



# ELECTRONIC COURT FILING

## DISTRICT COURTS AND COUNTY COURTS

*All shaded counties have eFiling as of 8/31/2014.*



As of August 2014, 74 counties and more than 100 district/county clerks have implemented E-filing. These jurisdictions cover approximately 87 percent of the state’s population.

At the end of FY 2014, the system had more than 79,000 registered users with more than 45,000 unique attorneys registered. Approximately 16,000 documents were filed electronically each day in FY 2014.

### **Judicial Branch Website**

The Judicial Branch made steps to launch a brand new website in FY 2014. To accomplish this, Information Services implemented the Umbraco content management system. Existing website content was categorized and content owners identified. Information Services trained content owners from OCA and the appellate courts on the processes and procedures to update content on the web without having to engage Information Services. The templates were developed using responsive design – a method that allows a website to grow and shrink properly on various devices, including mobile devices. Collaborating with other divisions, OCA worked toward implementing a more user centric website.

Information Services implemented the Texas Indigent Defense Commission website in August 2014 and expects to launch the main judicial branch website and a revamped website for the appellate courts, OCA and the State Commission on Judicial Conduct in FY 2015.

### **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 four meetings during FY 2014. JCIT worked with the Supreme Court and the Court of Criminal Appeals on promulgating E-filing rule amendments to the Texas Rules of Civil Procedure and the Texas Rules of Appellate Procedure in December 2013. These rules were in support of the first mandatory E-filing deadline on January 1, 2014.



JCIT continues to work with clerks and other partners to promote the electronic filing mandates as they progress.

### **Technology Standards**

Standardization in the court system is critical, especially in the Texas judiciary's decentralized environment. JCIT worked extensively on new technology standards in FY 2014, particularly on standards related to E-filing. JCIT's standards subcommittee worked in FY 2014 to adopt revisions to the previously adopted technology standards. The standards already included document and transmission standards but lacked E-filing standards for use by the clerks. This resulted in each county determining processes and filing types locally, causing frustration from the E-filing community. The standards committee adopted a revision to the standards that streamlined the E-filing code options.



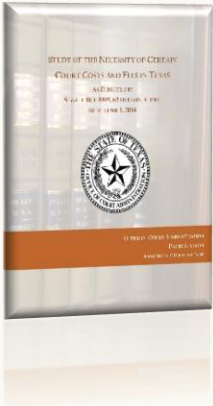
The standards committee ensured that E-filing codes provided to the clerks were backed by either Texas Judicial Council monthly activity reporting or by a fee in statute. The technology standards adopted by JCIT are now in place in 72 of the 74 counties that file.



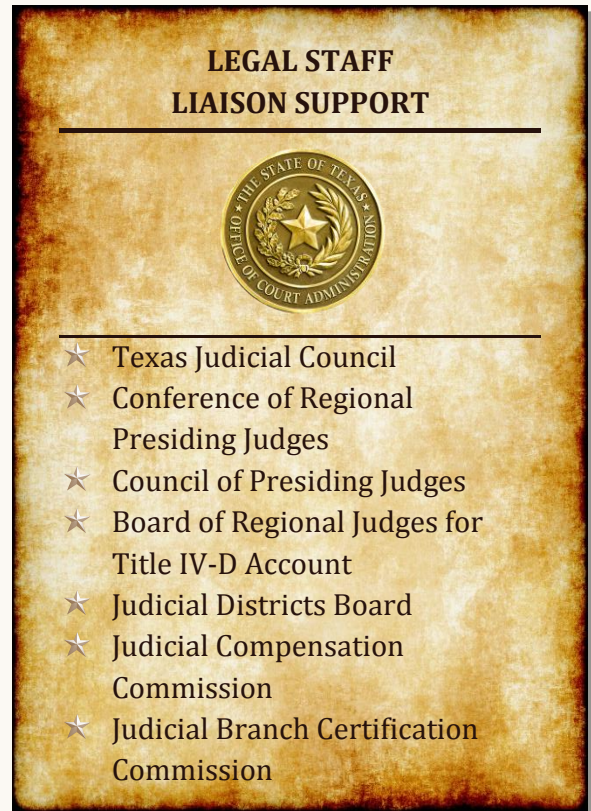
## Legal Division

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.

## Legislative Work



In addition to its regular duties, the Legal Division is often required to assist with special reports and studies requested by the Texas Legislature. In FY 2014, the Legal Division spearheaded a study on court costs in civil and criminal cases. The division also held several stakeholder meetings to review and update the model felony judgment forms OCA is required to publish.



In FY 2014, the Legal Division was also involved in implementation of Senate Bill 966, which abolished the Court Reporters Certification Board, the Guardianship Certification Board and the Process Server Review Board and established the Judicial Branch Certification Commission (JBCC) to regulate court reporters and court reporting firms, professional guardians, process servers, and court language interpreters effective September 1, 2014. The Legal Division worked with staff of the Certification Division and a task force comprised of representatives of the four regulated professions to develop proposed rules for the new JBCC, which were ultimately approved by the Supreme Court.

## 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 (PSRB) decisions) of the Rules of Judicial Administration (RJA).

In FY 2014, nine public access opinions were issued and three appeals were dismissed. Rule 12 of the RJAs and the decisions issued by the special committees can be found on the Texas Judicial Branch's website: <http://www.txcourts.gov/open-records-policy.aspx>.

No Rule 14 decisions were issued in FY 2014. As a result of S.B. 966, with the abolishing of the PSRB, the special committee will no longer hear appeals from the PSRB. Instead, the special committees will hear appeals from the decisions of the JBCC.

### **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 programs. The child support courts operate in all but 33 counties. Approximately 150,000 cases are filed with the child support courts annually, and they dispose of ninety-eight percent of these cases within one year of service on all parties. The child protection courts serve 117 counties. In FY 2014, these courts held 30,507 hearings and issued 5,547 final orders.



## Finance and Operations Division

The Finance and Operations Division manages the fiscal and operational support activities of OCA and administers the Collection Improvement Program (CIP) Audit Department.

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 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.

During FY 2014, division staff processed 785 purchase requisitions, 1,467 travel vouchers, 2,778 purchase vouchers, and 181 journal/budget vouchers – a total of over 5,200 documents. Division staff also processed 94 reimbursement requests for grants and contracts totaling \$6.9 million and deposited over \$630,000 in fees from licensees. The Human Resources staff screened 554 applications for 23 job postings, and processed 33 new hires (including job postings carried over from FY 2013) and 12 separations.

On August 18, 2014, the State Comptroller's Office issued a Post-Payment Audit report for the OCA. The audit looked at purchase, travel, grant, and fixed asset transactions processed by OCA. The audit produced no issues or errors identified in any of these areas.



## Collection Improvement Program 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 2014, CIP Audit issued compliance reports for three cities and eight counties, as well as pre-implementation and post-implementation rate reviews for three cities and two counties.



### Compliance Reports

**Cities:** Carrollton, Grand Prairie, Laredo

**Counties:** Angelina, Hidalgo, Kaufman, McLennan, Bastrop, Fort Bend, San Patricio, Walker

### Rate Reviews

**Cities:** Longview, Amarillo, Garland

**Counties:** Liberty, Travis

In November 2013, the State Auditor’s Office issued an audit report on the Collection Improvement Program, including both the technical assistance and audit functions. The report noted that OCA should strengthen its processes by conducting audits to verify the program information that counties and cities submit to the OCA, as required by Article 103.0033 of the Texas Code of Criminal Procedure. OCA agrees and has begun to develop criteria by which “integrity” of reported data can be measured. Once the criteria is established, the Audit department will develop procedures to test data integrity, and conduct one or more pilot audits to ensure the methodology is sound and accurately measures the accuracy of data submitted by counties and cities, before implementing the data integrity audits across the state.

## Legislative Appropriations Request for 2016-2017

In August 2014, OCA submitted its Legislative Appropriations Request (LAR) to the Legislative Budget Board and Governor’s Office of Budget, Planning and Policy. As directed by the state’s leadership, the appropriations request maintains the baseline budget for OCA programs at FY 2014-15 levels for General Revenue (GR) and GR-Dedicated Accounts. In addition, OCA requested several exceptional items to assist with e-filing, technology, staffing and guardianship proposals. OCA’s full LAR request can be viewed at [http://www.txcourts.gov/media/208121/ocalar\\_2016-17.pdf](http://www.txcourts.gov/media/208121/ocalar_2016-17.pdf).

## Judicial Branch Certification Division

There are three regulatory boards supported by OCA: Court Reporters Certification Board, Process Server Review Board and the Guardianship Certification Board.

The three regulatory boards, along with Licensed Court Interpreter Program (Texas Department of Licensing and Regulation) will be abolished on September 1, 2014 and become the Judicial Branch Certification Commission (JBCC). The JBCC was established by the Texas Legislature, 83<sup>rd</sup> Regular Session, in S.B. 966. The nine member JBCC will oversee certification, registration, and licensing of court reporters and court reporting firms, guardians, process servers, and licensed court interpreters.



In FY 2014, the Certification Division staff members worked on numerous JBCC transitional projects with the goal of creating efficiency and consistency across the regulated judicial professions.

### NUMBER OF CERTIFIED/LICENSED PROFESSIONALS AS OF 8/31/14

Court Reporters:	<b>2,392</b>
Court Reporting Firms:	<b>368</b>
Guardianship:	<b>424</b>
Process Servers:	<b>3,649</b>
Court Interpreters:	<b>516</b>

### Court Reporters Certification Board (CRCB)

Pursuant to Chapter 52 of the Government Code, the Court Reporters Certification Board (CRCB) of Texas certifies official and freelance court reporters, registers court reporting firms, and regulates the profession.

Effective September 1, 2003, the CRCB was administratively attached to the OCA. The Court Reporters Certification Board is appointed by the Supreme Court and includes membership, as specified in Chapter 52 of the Government Code.

### Process Server Review Board (PSRB)

The OCA provides administrative assistance to the Process Server Review Board. The Texas Supreme Court approved amendments to Rules 103 and 536(a) of the Texas Rules of Civil Procedure, effective July 1, 2005, governing statewide certification of process servers.

In FY 2007, the Supreme Court promulgated Rule 14 of the Rules of Judicial Administration (RJA), 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.

## **Guardianship Certification Board**

In 2005, the 79<sup>th</sup> Texas Legislature passed S.B. 6 which created the Guardianship Certification Board to establish a certification process for certain individuals who provide guardianship services. The board certifies and regulates private professional guardians, guardians who provide guardianship services to wards of the Texas Department of Aging and Disability Services, and guardians, other than volunteers, who provide guardianship services to wards of guardianship programs. The board is administratively attached to the OCA.

The board has adopted, and periodically revises, minimum standards for the provision of guardianship services and policies which govern the board's operation. The initial rules governing guardianship services were adopted by the Supreme Court in December 2006; the board makes periodic recommendations for changes to the rules to the Supreme Court.

The Guardianship Certification Board is comprised of 11 members appointed by the Supreme Court and four public members appointed by the Supreme Court from a list of nominees submitted by the governor's office. The members serve staggered six year terms, with one third of the terms expiring in February of each odd-numbered year.

## **Judicial Branch Certification Commission**

### *Members Appointed to the JBCC*

On June 23, 2014, the Supreme Court of Texas appointed members to serve staggered terms on the Judicial Branch Certification Commission:

**Chair, Hon. Lee Hamilton**, 104th District Court, Taylor County, Abilene

**Hon. Garland (Ben) Woodward**, 119th District Court, Tom Green, Runnels and Concho Counties, San Angelo

**Hon. Migdalia Lopez**, 197th District Court, Cameron County, Brownsville

**Hon. Sid L. Harle**, 226th District Court, Bexar County, San Antonio

**Hon. Polly Spencer**, Probate Court No. 1, Bexar County, San Antonio

**Velma Arellano**, Official Court Reporter, Corpus Christi

**Don D. Ford**, Attorney, Houston

**Mark Blenden**, Attorney, Bedford

**Ann Murray Moore**, Attorney, Edinburg

### *JBCC Rules Approved*

On August 19, 2014, the rules for the Judicial Branch Certification Commission were approved by the Supreme Court of Texas. To access these rules, please refer to the JBCC website located at <http://www.jbcc.txcourts.gov/jbcc.aspx>.

### *JBCC Advisory Boards Appointed*

On August 25, 2014, the Supreme Court of Texas appointed the JBCC Advisory Boards for each profession to serve staggered terms:

#### **Court Reporters Certification Advisory Board**

**Presiding Officer, Hon. William C. Sowder**, 99th District Court, Lubbock County, Lubbock  
**Robin Cooksey**, Conroe  
**Janie Eidd-Meadows**, Tyler  
**Whitney Alden Riley**, Boerne  
**Molly Pela**, Houston  
**Deborah K. Hamon**, Rockwall,  
**Kim Tindall**, San Antonio

#### **Guardianship Certification Advisory Board**

**Presiding Officer, Jamie MacLean**, Austin,  
**Hon. Chris Wilmoth**, Probate Court No. 2, Dallas  
**Jason S. Armstrong**, Lufkin  
**Hon. Gladys Burwell**, Friendswood  
**Toni Rhodes Glover**, Ft. Worth

#### **Process Servers Certification Advisory Board**

**Presiding Officer, Patrick J. Dyer**, Missouri City  
**Eric Johnson**, Rosharon  
**Hon. Rhonda Hughey**, District Clerk, Kaufman County, Kaufman  
**Justiss Rasberry**, El Paso  
**Mark Vojvodich**, Constable Precint 3, Bexar County, San Antonio

#### **Licensed Court Interpreters Advisory Board**

**Presiding Officer, Melissa B. Fischer**, San Antonio  
**Luis Garcia**, Melissa  
**Robert Richter, Jr.**, Houston  
**Melissa Wallace, Ph. D.**, San Antonio  
**Cynthia de Pena**, McAllen

### *JBCC Transition Projects*

- ★ Successfully worked with TDLR to transfer the Licensed Court Interpreters program from TDLR to the JBCC
- ★ Developed new JBCC uniform digital fingerprinting requirements through the Texas Department of Public Safety (DPS) and the Fingerprint Applicant Services of Texas (FAST) which provides consistent and convenient applicant fingerprinting services throughout Texas
- ★ Re-organized the OCA's Certification Division structure
  - Established a new licensing section to efficiently process qualified applicants for certification, registration and licensure
  - Established a new compliance section to investigate complaints for all four professions
- ★ Developed uniform program applications and forms for all four JBCC professions



- ★ Developed new certification and licensing cards for the guardians, process servers and interpreters
- ★ Finalized the new complaint investigation and resolution procedures, and a uniform complaint form for all the JBCC professions
- ★ Selected a new investigator to investigate complaints for all four JBCC professions
- ★ Developed ten new JBCC performance measures which were approved by the Legislative Budget Board
- ★ Created a new JBCC webpage for all four professions containing all the updated forms and information for all four professions. <http://www.jbcc.txcourts.gov/>
- ★ Developed specifications for a new licensing database to replace the existing database



## 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 that meet the needs of local communities and the requirements of the Constitution and state law.

TIDC operates under the authority of a 13 member governing board and is administratively attached to the OCA. The Commission's programs are implemented by eleven full-time staff members.

### Officers

**Chair, Honorable Sharon Keller**, Presiding Judge, Court of Criminal Appeals

**Vice Chair, Honorable Olen Underwood**, Presiding Judge, 2<sup>nd</sup> Administrative Judicial Region of Texas

### Ex Officio Members

**Honorable Sharon Keller**, Presiding Judge, Court of Criminal Appeals, Austin

**Honorable Nathan Hecht**, Chief Justice, Supreme Court, Austin

**Honorable John Whitmire**, State Senator, Houston

**Honorable Royce West**, State Senator, Dallas

**Honorable Roberto Alonzo**, State Representative, Dallas

**Honorable Abel Herrero**, State Representative, Robstown

### Members Appointed by Governor

**Honorable Olen Underwood**, Presiding Judge, 2<sup>nd</sup> Administrative Judicial Region of Texas, Conroe

**Honorable Sherry Radack**, Chief Justice, First Court of Appeals, Houston

**Honorable Jon Burrows**, Bell County Judge, Temple

**Honorable B. Glen Whitley**, Tarrant County Judge, Hurst

**Honorable Linda Rodriguez**, Hays County Court at Law #2, San Marcos

**Mr. Anthony Odiorne**, Assistant Public Defender, Regional Public Defender Office for Capital Cases, Burnet

**Mr. Don Hase**, Attorney, Ball & Hase, Arlington

## Funding for Texas Counties

TIDC grants promote compliance with key standards and encourage more effective indigent defense programs.

### Formula Grants

TIDC provides formula grants based on county population and indigent defense expenditures. Counties are eligible to receive formula grants based on their compliance with the central requirements of the Fair Defense Act. In FY 2014 TIDC disbursed \$37 million in formula grants to 253 Texas counties to help



- ★ 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

them ensure that all Texans can access constitutionally required legal defense services. In addition to the regular budgeted payments totaling \$22 million, most counties received a special one-time formula grant payment in FY 2014 disbursing the \$15 million that had accumulated in the Fair Defense Account in the previous biennium, but which the legislature had not appropriated in the 2012-2013 budget.

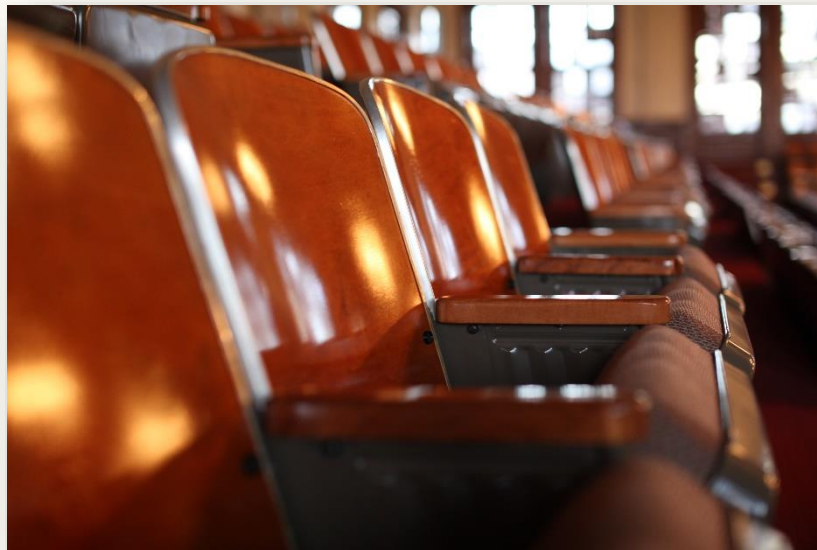
### **Discretionary Grants**

TIDC awards discretionary grants to support the development of new programs such as public defender offices, specialized programs for mentally ill defendants, regional programs to provide services in rural areas, and technology projects. In FY 2014 TIDC awarded \$10.6 million in new and continuing discretionary grants to 20 counties.

### **Grant Project Highlights**

#### ***The Regional Public Defender Office for Capital Cases (RPDO)***

The RPDO provides capital defense services to participating counties that pay an annual membership fee. Costs associated with defending a capital murder case have the potential to decimate the budgets of smaller counties. The RPDO provides greater budget predictability and mitigates the dramatic impact a capital case can have on counties, while also ensuring the availability of constitutionally required representation in underserved areas. Currently 240 counties are eligible to participate, and the RPDO currently serves 159 counties.



#### ***Multi-County Technology Project***

TIDC is funding the development and implementation of indigent defense process management software in nine counties through the Conference of Urban Counties TechShare program. The project extends the solution developed through an earlier grant to Bell County, helps monitor key compliance

data, provides faster processing of requests for counsel and attorney appointments, and includes an all-electronic attorney fee voucher payment process.

### ***The Caprock Regional Public Defender***

Many rural counties in the Panhandle were making very few misdemeanor appointments, and some were making no appointments at all. In response, the Commission coordinated with local counties, the Texas Association of Counties, and the Texas Tech University Law School to make needed legal services more accessible to these underserved areas through a regional public defender office. Faculty at Texas Tech Law School supervise 3<sup>rd</sup> year students to provide representation to defendants in misdemeanor and juvenile cases.

### ***Comal County Client Choice Pilot Project***



Comal County is implementing a pilot project testing an innovative approach to indigent defense based on the concept of client choice. In a traditional assigned counsel system, judges or court administrators assign attorneys to represent indigent clients. In the Comal County project, indigent defendants will be given the option to choose their attorney from the lawyers who have been qualified by the courts to handle indigent cases. By providing indigent defendants with the option to choose their attorney, independence from the judiciary is enhanced and incentives for attorney performance will be realigned to make lawyers more directly accountable to the interests of their clients, rather than judges or court administrators. These market-based incentives introduce a new dimension of accountability that is expected to improve

representation and enhance attorney-client relationships. To ensure that indigent defendants have ample choices of well qualified attorneys, the project also includes a new training and paid mentoring program for the private bar that will enhance the organizational structure of the local defense community and provide new opportunities for professional development not typically available to court appointed lawyers.

### ***Capital Area Private Defender Service***

The Commission's most significant new grant awarded during FY 2014 (implementation will be FY 2015) was awarded to Travis County to implement a new program for managing the appointment of private attorneys assigned to protect the rights of indigent defendants. The program, known as managed assigned counsel, or MAC, will introduce new oversight, quality control, and professional development for private attorneys representing poor defendants. In addition to more effectively ensuring the quality

of legal services provided, the program also enhances the independence of indigent defense appointments from judges, a key recommendation of the American Bar Association.

### **Monitoring Program**

In order to promote county compliance with indigent defense standards, TIDC employs a multi-layered monitoring program to identify and correct issues of non-compliance and provides technical assistance to counties to correct issues identified.

#### ***County Indigent Defense Plan Review***

All counties are required by statute to adopt and file their indigent defense plans which must meet certain requirements. TIDC staff conducted a comprehensive desk review of all county indigent defense plans to ensure that the plans meet all relevant standards. All indigent defense plans are available to the public on the Commission's website at <http://tidc.tamu.edu/Public>.

#### ***On-Site Policy Monitoring***

A county is selected for an on-site monitoring review based on a combination of objective risk assessment scores and geographical distribution. Policy monitoring reviews examine whether indigent defense policies and practices are in compliance with state law. Commission staff performed policy monitoring site visits in 15 counties in FY 2014.

#### ***Indigent Defense Expenditures Review***

Each county is required to report annually on the number of indigent cases in each court and their associated expenses. Staff conducted a thorough desk review of these reports, which provide the basis for eligibility in all of the Commission's grant programs, both formula and discretionary.

#### ***On-Site Fiscal Monitoring***

Fiscal monitoring reviews are conducted to ensure that all payments to counties are made in compliance with state law. An on-site fiscal monitoring review includes interviews with local officials and staff and an examination of financial documents. In addition to full fiscal reviews, the fiscal monitors provide technical assistance to ensure that reported data is accurate and complete. In FY 2014 TIDC staff conducted fiscal monitoring and technical assistance visits for 13 counties.

### **Legislative Implementation and Policy Development**

#### ***Implementation of New Reporting Requirements***

House Bill 1318 requires all attorneys who accept appointments in adult criminal and juvenile delinquency cases to submit to each county an annual statement that describes the percentage of their practice time that is dedicated to work on those appointed cases. The Commission worked with partners to develop an online portal for attorneys to report the required information directly. The legislation also requires each county to report the number of cases handled by each attorney for the preceding fiscal

year. These reports will provide policy makers information on caseloads handled by lawyers representing indigent defendants.

### ***Weighted Caseload Study***

H.B. 1318 also directed TIDC to conduct a study on criminal defense attorney caseloads “for the purpose of determining guidelines for establishing a maximum allowable caseload for a criminal defense attorney that . . . allows the attorney to give each indigent defendant the time and effort necessary to ensure effective representation.” TIDC partnered with Texas A&M University’s Public Policy Research Institute to conduct the study. The final report is due by January 1, 2015, and will include evidence-based recommendations on attorney time needed for various types of cases.



### ***Development of Legislative Proposals***

TIDC is charged in Section 79.035, Texas Government Code, with recommending to the legislature ways to improve Texas’ indigent defense system. The Commission approved the following three proposals for legislative consideration:

- ★ **Repayment of Attorney’s Fees:** Require that attorney fee repayment orders issued as a condition of community supervision be subject to an “ability to pay” requirement as exists when they are ordered as court costs elsewhere in the Code of Criminal Procedure. Limit the amount to be repaid to counties to the actual cost of the legal services provided. Clarify the appropriate amount for attorney fee repayment orders in those cases where the defendant is represented by a public defender’s office.
- ★ **Expediting Post-Conviction Relief to Defendants Who Are Either Actually Innocent or Convicted and/or Sentenced Under a Void Statute:** Amend Texas Code of Criminal Procedure Articles 11.07 and 11.072 to require the court to appoint counsel for applicants for habeas corpus relief when the state agrees to relief on the grounds that the defendant/applicant either is actually innocent or the law under which the person was convicted has been declared void.
- ★ **Super-Regional Public Defender Program for Rural Counties:** Provide continuing state funding and statutory authority for super-regional public defender programs for rural counties.

## **Publications, Research and Training**

The Commission serves as a clearinghouse for indigent defense information that enhances understanding of the Fair Defense Act and makes available tools and resources that can help improve indigent defense in Texas.

### ***Training***

The Commission hosted an **Indigent Defense Workshop** for Texas counties on October 28 and 29, 2013 to review recent developments and consider opportunities to improve the state's indigent defense system. More than 100 county officials, members of the judiciary, legislative staff, and attorneys attended the day and half presentations and workgroups. In addition to this TIDC sponsored training, staff gave 25 other educational presentations around the state totaling close to 45 hours of training to more than 1,500 judges, county officials, and attorneys.

### ***Publication of Juvenile Indigent Defense Resource***

TIDC collaborated with the Texas Juvenile Justice Department Commission to complete an extensive revision of [Indigent Defense in the Texas Juvenile Justice System](#). The publication has information on juvenile indigent defense law for practitioners, as well as information for parents and youth covering topics such as who has the right to an attorney, how a judge decides who can receive an appointed attorney, and when counsel should be appointed. The report covers recent changes in the law regarding the time limits for appointing counsel and new county reporting requirements.

### ***Research and Program Evaluation***

Six program evaluations were conducted in FY 2014. These reports help build the knowledge base available for informing county decision makers on effective practices.

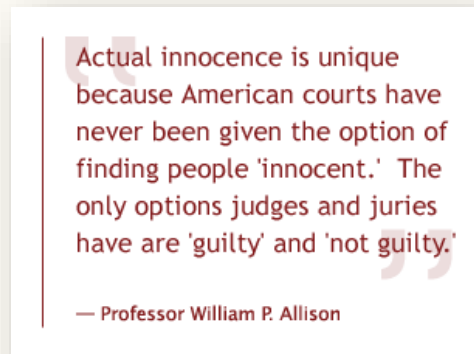
- ★ **Bowie & Red River Public Defender Evaluation**—The program provided earlier access to counsel for indigent defendants, contributed to an improvement in case processing time, and reduced indigent defense costs.
- ★ **Harris County Public Defender Evaluation**—The program is providing high-quality services that yield outcomes for indigent clients that compare favorably with those in indigent cases appointed counsel outside of the HCPD.
- ★ **Bell County Indigent Defense System Evaluation**—The report documented compliance with key statutory timelines regarding access to counsel using data drawn from the indigent defense management software.
- ★ **Fort Bend County Mental Health Public Defender Evaluation**—The report documented a decreasing trend in pre-disposition jail days for program clients, yielding substantial savings for the county.
- ★ **Williamson County Indigent Defense System Evaluation**—The report identified several areas of opportunity for indigent defense improvements, including the utilization of technology to provide better visibility of system performance, centralization of indigent defense process

management, and consideration of a misdemeanor public defender as a more cost-effective method for handling growing misdemeanor caseloads.

- ★ **Montgomery County Mental Health Managed Assigned Counsel Program Evaluation**—The report documented favorable attorney assessments of the program’s support services for mentally ill defendants and reviewed recidivism data.

### **Innocence Program**

In 2005 the Texas Legislature directed the Commission to contract with four public law schools to operate innocence projects: the University of Texas School of Law, Texas Tech University School of Law, the Thurgood Marshall School of Law at Texas Southern University, and the University of Houston Law Center. These projects organize law students who work with attorneys to review claims of actual innocence from Texas inmates. The complete annual reports filed by the participating innocence projects, as well as previously filed Exoneration Reports and other information on the innocence program, are available on the TIDC website at [Innocence Program Overview](#).



In FY 2014 the Commission contracted with the Public Policy Research Institute at Texas A&M University to conduct a program evaluation report that describes the innocence program’s operations and assesses the impact of state funding. An assessment is timely because Texas has recently added two new public law schools, and requests for additional funding for these schools as well as existing programs are anticipated. Additionally, the operational models developed by the various program vary widely from using university employees to contracting with independent non-profits. The final report will be provided in December 2014.

### **For More Information**

Every year TIDC publishes a comprehensive [Annual Report and Expenditure Report](#) with full details on all programs.



## The State Law Library

The State Law Library (SLL) was established as the law library for the Supreme Court in 1854, and was 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, ichtat, and fax. Staff also provide training in the use of legal resources (paper and electronic). Demand for library services continues to grow as the library expands service through technology and digital resources.



In the last several years, the library has focused on making legal resources available to citizens and state employees throughout the state through a redesigned website. Included are 36 consumer guide to the law, annotated topical bibliographies of key legal treatises and CLEs.



In FY 2014 the library continued enhancing its website by adding remote access to more legal databases, including Stevenson's Legal Forms, Loislaw, and the Aspen Treatise Libraries. These databases can now be accessed from anywhere in the state by citizens and government employees who have registered with the library. Within the first year of offering remote access, over 1,200 patrons had registered to use the service, representing over 350 cities throughout Texas. In FY 2015, the library expanded its digital collection even further by adding an ebook collection that includes legal treatises and related materials such as Texas Courtroom Evidence, Texas Criminal

Practice Guide, Texas Civil Trial and Appellate Procedure, and more. Select titles, such as the Texas Litigation Guide, the Texas Transaction Guide, and Moore's Federal Practice, are available exclusively to government employees. To browse our ebook collection, visit <http://overdrive.sll.texas.gov/>. To register for a Tex Law ID to access these digital resources from home, visit our [Get a Library Card page](#).

## Office of the State Prosecuting Attorney

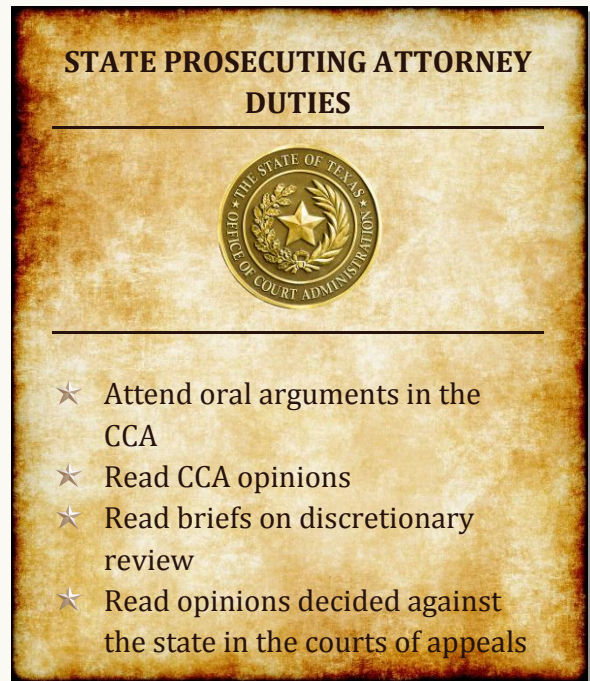
The Office of the State Prosecuting Attorney represents the State of Texas in all proceedings before the Court of Criminal Appeals, either alone or with the assistance of local district or county attorneys, and may also represent the State in selected criminal cases before the fourteen courts of appeals.

In carrying out these duties, the State Prosecuting Attorney and two assistant State Prosecuting Attorneys review opinions from Texas appellate courts; submit petitions, briefs, and oral argument in the cases of greatest importance to the State's criminal jurisprudence; and work closely with local district and county attorneys across the State on emerging criminal law issues that arise at trial and on appeal.

To keep prosecutors and the public abreast of the latest criminal law issues, the office's attorneys prepare summaries of all the issues currently pending before the Court of Criminal Appeals on discretionary review. These summaries, as well as recent CLE and law journal publications the attorneys have authored can be found on the office's website. [www.spa.texas.gov](http://www.spa.texas.gov)

During FY 2014, the office's three attorneys:

- ★ Filed 28 petitions for discretionary review, 21 briefs, and 8 motions for rehearing.
- ★ Reviewed over 450 opinions from the courts of appeals and court of criminal appeals.
- ★ Answered over 200 phone calls and emails from prosecutors around the State.
- ★ Directed or spoke at continuing legal education courses in Austin, Houston, and Plano.
- ★ Served on various committees related to criminal law issues.



## State Commission on Judicial Conduct

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

### Organization

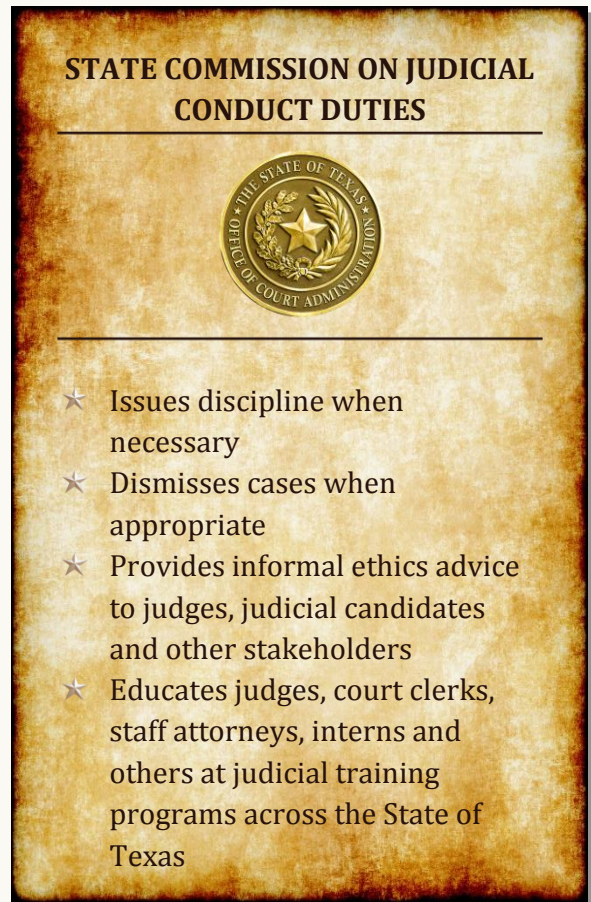
The State Commission on Judicial Conduct was created in 1965 by an amendment to Article V of the Texas Constitution. The Commission is the independent judicial branch agency responsible for investigating allegations of judicial misconduct or permanent disability, and for disciplining judges.

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.

### Disciplinary Actions

In FY 2014, according to OCA records, approximately 3,677 judges were under the jurisdiction of the Commission. During Fiscal Year 2014, the SCJC:

- ★ Opened 1,136 cases;
- ★ Issued 61 disciplinary actions against Texas judges; and
- ★ Disposed of 52 cases through public sanction, private sanction, orders of additional education or a combination of a sanction with an order of additional education.



## Office of Capital Writs

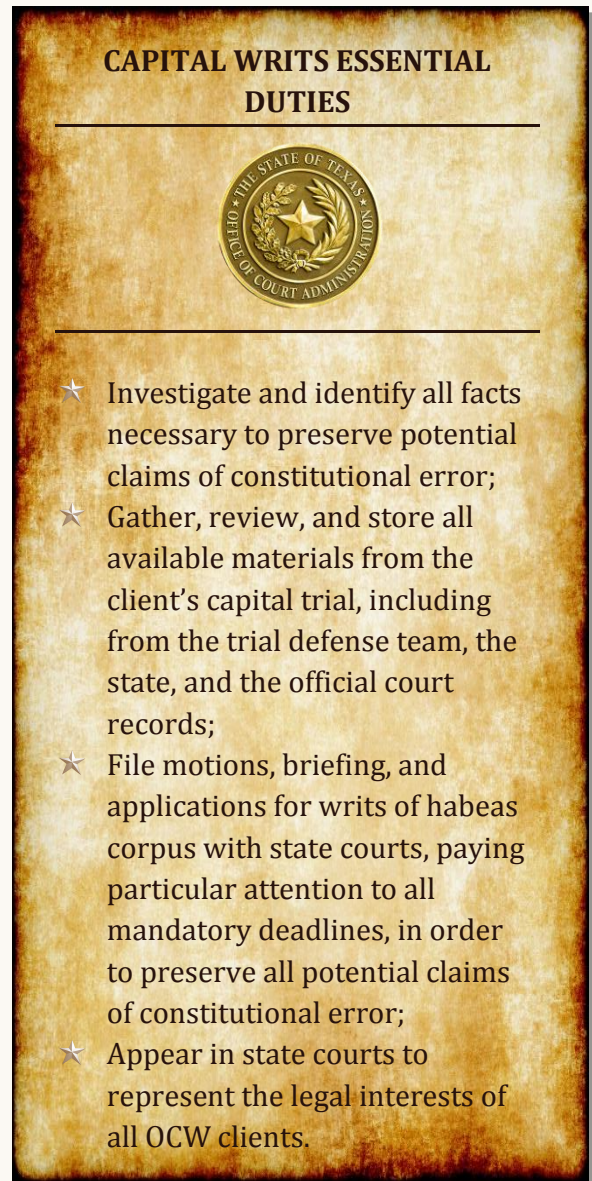
The Office of Capital Writs is entrusted with advocating on behalf of indigent individuals sentenced to death in Texas. The Office works within the judicial system to safeguard the Constitutional rights of the individual through high quality legal representation, undertaken by a diverse staff.

The Office of Capital Writs (OCW), which began operation on September 1, 2010, is a capital post-conviction state agency charged with representing death sentenced persons in state post-conviction habeas corpus and related proceedings. Unless unable to represent an individual because of potential conflict of interest or lack of resources, the OCW is appointed to every capital case in Texas shortly after a death sentence is handed down.

From appointment, the OCW collects and reviews all materials from the capital trial to determine whether any errors rising to the level of a constitutional violation have occurred. In addition, the OCW performs its own independent investigation of each case, delving in every possible aspect of a client's life story, medical and mental health history, and the facts of the crime itself. The OCW presents these findings to the convicting trial court in the form of an application for writ of habeas corpus, which it then litigates in that court and before the Court of Criminal Appeals.

During Fiscal Year 2014, the OCW:

- ★ Accepted 11 new cases bringing the office's total current case load to 36 cases;
- ★ Filed 7 initial applications in Texas trial courts;
- ★ Presented evidence at 5 evidentiary hearings on behalf of current clients;
- ★ Represented clients in 16 county jurisdictions as well as the Court of Criminal Appeals;
- ★ Added 2 full time attorney positions, as well as a one-year law fellow, bringing the total full-time staff to 9 attorneys, 3 investigators, and 2 support members.



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