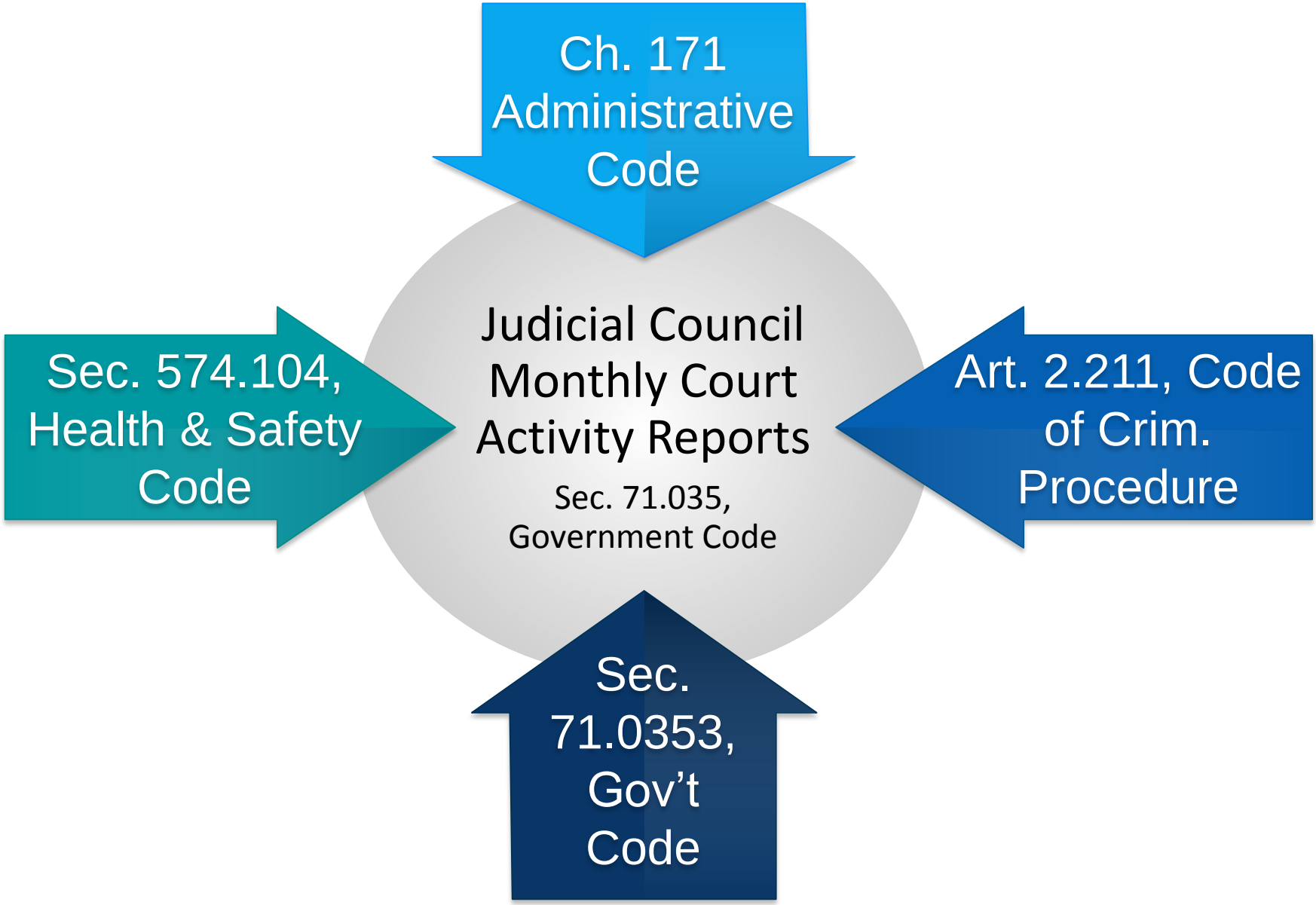
# Reporting to OCA – Civil Cases

# Judicial Council Monthly Court Activity Reports

(aka "The OCA Report")

Civil Case Activity Report

# Reporting Requirements



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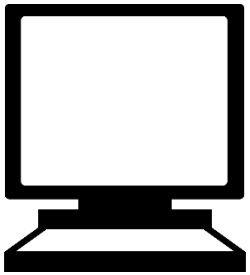
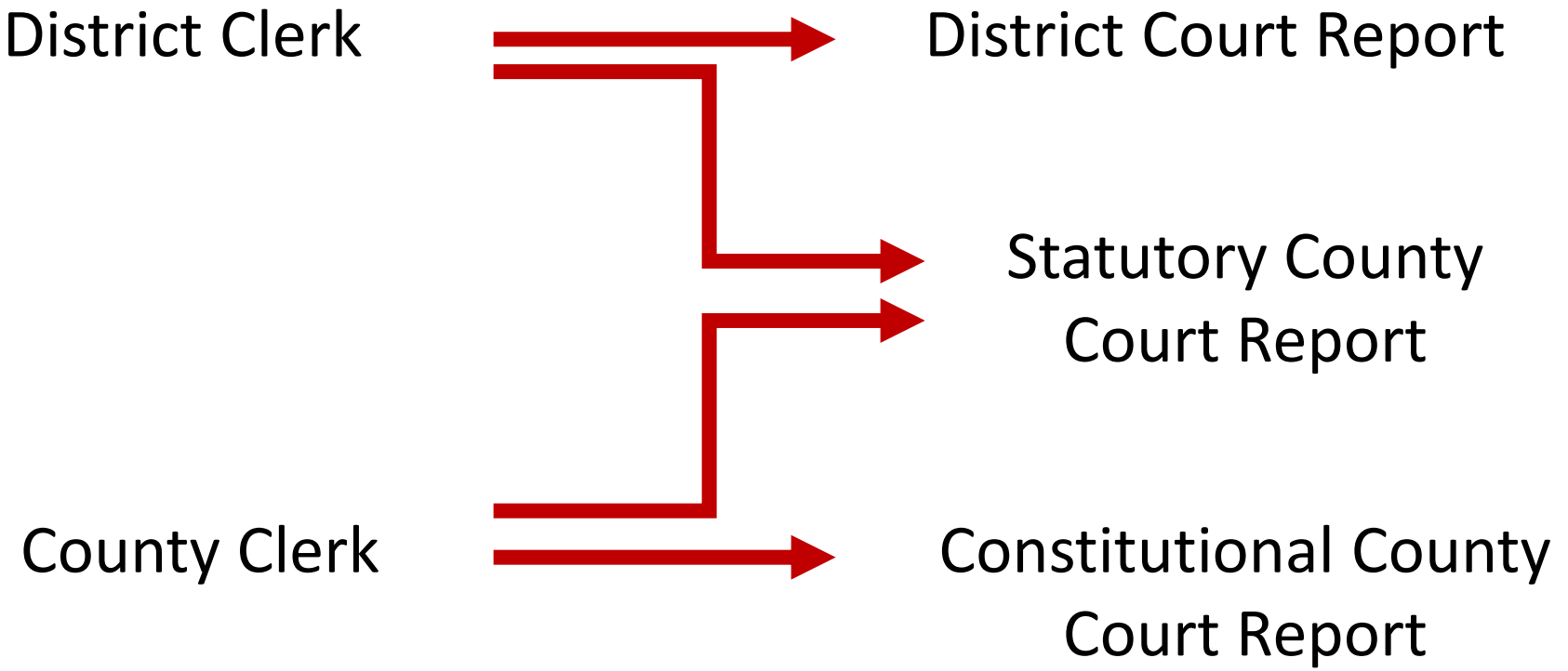


Submit **online** at **card.txcourts.gov** unless have received waiver from OCA

- Enter manually into database OR
- Upload a file (xml)

Report due **20th** of each month

# Reporting Requirements



Reports from 2 different court levels should **not** be combined!

# Reporting Requirements

What sections of report to complete?

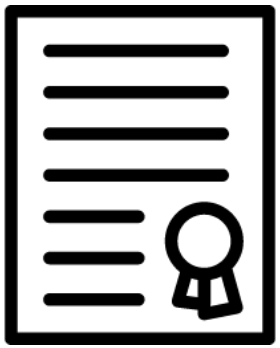
- Be safe, complete them all OR
- Complete all sections over which court has jurisdiction

Even if there was no activity

- a report must be submitted each month
- each section relevant to the court's jurisdiction must be submitted each month

# Reporting Requirements

Grant funds from Texas Indigent Defense Commission **will be withheld** for non-compliance



Grant rules: District Clerk & County Clerk must submit **all reports for fiscal year** for county to be eligible for grant funds

If reports not complete, must submit Reporting Action Plan acceptable to OCA

# Resources

www.txcourts.gov

Home | Courts | Rules & Forms | Organizations | Publications & Training | Programs & Services | Judicial Data | eFile Texas | Media

Judicial Data | eFile Te

- Judicial Directory
- Open Records Policy
- Reporting to OCA
- Statistics & Other Data
- Vexatious Litigants

**REPORTING TO OCA HOME**

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**JUDICIAL COUNCIL REPORTS HOME**

- District & County
- Justice & Municipal
- Old Reports

## Enter or Run Reports

Enter or Run Reports

## Forms and Instructions

Civil Case Information Sheet

**District Court Report**:

Form | Instructions

**Statutory County Courts Report (County Courts at Law/Statutory Probate Courts)**:

Form | Instructions

**Constitutional County Court Report**:

Form | Instructions

## Resources

DPS Offense Codes Categorized by OCA Case Category (Version 14 - updated 10/27/14)

Frequently Asked Questions

Webinars/Online Training

## XML Specifications and Tester

District Court XML Specifications

Statutory County Court XML Specifications

Constitutional County Court XML Specifications

XML Tester: Validate XML file format

Frequently Asked Questions

# Resources/Assistance – Not Available from OCA

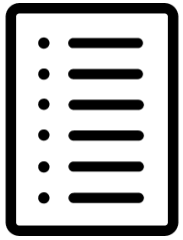
Codes used to track information in your case management system

Programming your case management system, development of reports from your case management system, creation of an XML file to report to OCA

**Contact your vendor/local IT staff for assistance**

# Private Professional Guardians

# Reporting Requirements



Sec. 1104.306, Estates Code

- Each year, County Clerk must submit list of names & addresses of private professional guardians who satisfied registration requirements for **calendar year**
- Must submit report even if no private professional guardians registered during year

Clerk must submit list no later than **January 31 each year**

# Reporting Requirements

Download form from
http://www.txcourts.gov/jbcc/guardianship-certification.aspx

Email to guardians@txcourts.gov

OR

Mail to OCA's Certification Division

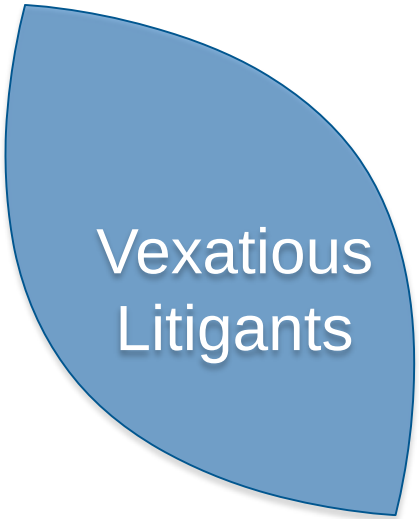
**Certification Division**

Office of Court Administration
P.O. Box 12066
Austin, TX
78711-2066

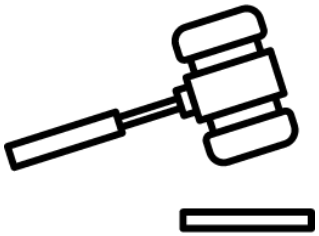
## Certification Division

Lesley Ondrechen
Licensing Manager
(512) 475-2873
Lesley.Ondrechen@txcourts.gov

# Vexatious Litigants List



# Reporting Requirements



Ch. 11, Civil Practice & Remedies Code

- Prefiling order issued under Sec. 11.101 prohibits self-represented person from filing new litigation in any state court in Texas
- Must obtain permission from local administrative district or county court at law judge

Clerk must send copy of prefiling order to Judicial Information section at OCA within **30 days** of date order issued

JudInfo@txcourts.gov

(512) 463-1865 fax

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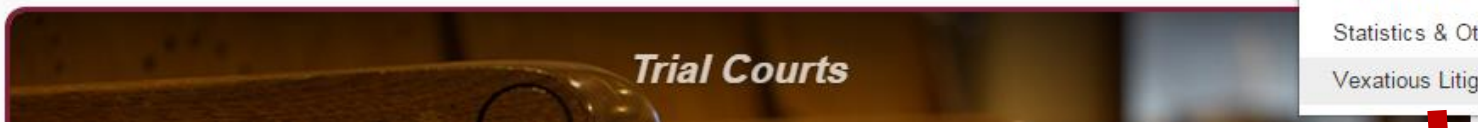
## Welcome to the Texas Judicial Branch

Case Search Sites | Search

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## LIST OF VEXATIOUS LITIGANTS SUBJECT TO A PREFILING ORDER

Chapter 11 of the Civil Practice and Remedies Code establishes the definition and procedures for declaring a plaintiff vexatious.

Section 11.104 of the Civil Practice and Remedies Code requires the clerk of a court to send OCA, within 30 days a copy of any prefiling order issued under Section 11.101, an order prohibiting a person from filing new litigation in a court in the state if the court finds, after notice and a hearing, that the person is a vexatious litigant.

To file further litigation, the person must obtain permission from the appropriate local administrative judge. [Refer to the Judicial Directory for the list of local administrative judges.] The judge may grant permission only if it appears that the proposed litigation has merit and has not been filed for the purposes of harassment or delay.

OCA is required to maintain a list of vexatious litigants subject to prefiling orders under Section 11.101 of the Civil Practice and Remedies Code. OCA has no discretion in maintaining the list, nor does it have the authority to remove a name from the list. In order to remove a name from the vexatious litigant list, OCA must receive an order directly from the issuing court vacating the prefiling order or from an appellate court reversing the order.

**List of Vexatious Litigants** **Updated 11/23/2015** Excel PDF

Click on the link under Cause # to view/print the prefiling order. Click on the appropriate header to sort the table.

**List of Vexatious Litigants Subject to a Prefiling Order**

| Last Name | Suf-fix | First Name | Middle Name | Other Known Names Used | Date | Cause # | Court | County | Style |
|---|---|---|---|---|---|---|---|---|---|
| Miller | | Thomas | V. | | 3/27/1998 | 98-0233 | 336th | Grayson | Thomas V. Miller v. First National Bank of Van Alstyne and President and CEO Robert H. Hynds NOTE: Prefiling order applies only to litigation filed against the First National Bank of Val Alstyne, its present or former officers, |

# Other Clerk Responsibilities

- Clerk may not file any litigation presented by person on list unless permission from local administrative judge obtained
- Check prefiling order for special conditions (applied only to certain parties or in certain county)

- Check for updates to list on regular basis

As of Nov. 30

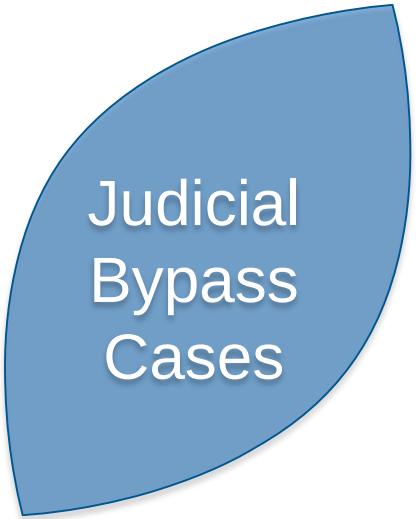
## Legal

Judy Speer
Assistant General Counsel
(512) 936-7061
Judy.Speer@txcourts.gov

## Reporting

Angela Garcia
Judicial Information Manager
(512) 936-1358
Angela.Garcia@txcourts.gov

# Judicial Bypass Cases



# Reporting Requirements

Created by Aha-Soft
from Noun Project

House Bill 3994, 84th Legislative Session

- Applies to district courts, county courts at law & courts with probate jurisdiction
- Effective January 1, 2016

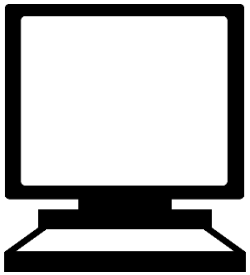
# Reporting Requirements

Clerks must report

- ✓ **Case number & style**
- ✓ **Applicant's county of residence**
- ✓ **Date of filing**
- ✓ **Date of disposition**
- ✓ **Disposition of case**

*Denied*
*Dismissed*
*Granted*
*Withdrawn/non-suited*
*Other?* → Notify OCA

# Reporting Requirements



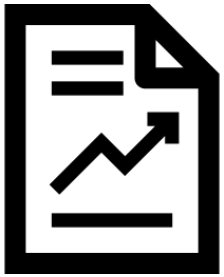
Submit **online** at **card.txcourts.gov**

- Enter manually into database
- Cannot upload XML file
- OCA staff do not have ability to enter reports

Report due **20th** of each month

No activity? No need to report!

# Reporting Requirements



OCA must publish annual report summarizing

- Number cases disposed by court of appeals district
- Number cases disposed by disposition type

# Resources

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REPORTING TO OCA HOME

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# Appointments and Fees Report – Current & Future

Appointments & Fees

# Current Reporting Requirements

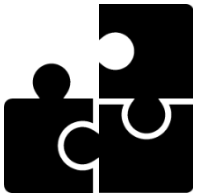
Created by lucas butt
from Noun Project

Supreme Court Order in effect since 1993

- Report each fee of $500 or more approved for appointees in civil cases (incl. family, probate, guardianship)
- Not just ad litems!

| | | |
|---|---|---|
| Ad litem | Court Visitor | Master in Chancery |
| Amicus attorney | Doctor | Mediator |
| Attorney ad litem | Executor | Personal Representative |
| Guardian ad litem | Friend of the Court | Physician |
| Administrator | Guardian | Receiver |
| Appraiser | Permanent or Temporary Guardian | Referee |
| Arbitrator | Hearing Officer | Social Worker |
| Attorney | Interpreter | Trustee |
| Certified Public Accountant | Investigator | Trustee Bank |
| Commissioner | Master | Trustee Friend |

# Current Reporting Requirements

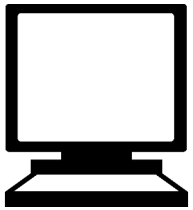


Even if there was no activity

- a report must be submitted **each month**
- a report must be submitted for **each court**

Clerk must make report available for public inspection and retain each report for at least **2 years**

# Current Reporting Requirements



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- Enter manually into database OR
- Upload a file (xml)

Report due **20th** of each month

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## Reporting Instructions

- Reporting Instructions
- Webinar and Handout

20-minute webinar explaining reporting
report to the online reporting database.

- XML File Instructions
- XML File Example

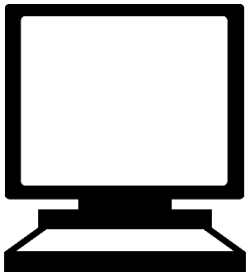
# Senate Bill 1369

- Effective September 1, 2016
- Attorney ad litem, guardian ad litem, guardian, mediator and competency evaluator appointments
- All appointments even if $0 paid
- If payment greater than $1,000 report number hours billed & billed expenses
- Applies to all case types – including juvenile, child protection & criminal

# Exclusions

- ✗ Mediation conducted by an **alternative dispute resolution system**
- ✗ Appointment under **program for volunteer advocates** in child protection cases
- ✗ Appointment under **domestic relations office**
- ✗ Any information made confidential under state or federal law, including applicable rules (e.g., **parental notification** cases)

# Reporting Requirements



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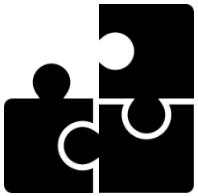
Report due **15th** of each month

Must also post in courthouse and on internet by 15th of the month

# 2 Reports Required for Each Court Each Month



Reports must be submitted for

each court

each month

on

all appointments and all payments made

relating to SB 1369

**EVEN IF THERE WAS NO ACTIVITY**

# Penalty

$

Any court failing to provide clerk information required for the report is ineligible for grant money awarded by the state or a state agency for the next fiscal biennium

- beginning September 1, 2017

# Supreme Court Order & SB 1369

- Supreme Court interested in continuing collection of current information
- Order likely to be amended in accordance with SB 1369
- Result: Most of report will remain the same

# What changes?

- SB 1369 applies to all cases, including criminal & juvenile…<u>but</u> most jurisdictions will not have activity in criminal & juvenile cases to report
- Report relevant appointments even if no fee approved/ payment made
- Report all relevant payments – no minimum $ amount
- If payment over $1,000
  *Number hours billed &*
  *Billed expenses*

- Due date
- Mandated reporting for <u>each court</u>, even if no activity to report
- Penalty for noncompliance with provisions of SB 1369

## Collecting Required Information

Supreme Court Order:

- Each appointment must be made by written order
- Each approval of payment must be done by separate written order
- Orders must be sufficiently specific to enable clerks to prepare required reports

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## Senate Bill 1369

Information on changes to reporting requirements

## Resources

- Senate Bill 1369
- Information on Current Reporting of Appointments and Fees
- Frequently Asked Questions
- Mockup of Changes to Data Entry Screen

## Judicial Information Section

JudInfo@txcourts.gov

(512) 463-1625 OCA main phone

(512) 463-1865 fax