

Annual Report of the Judicial Support Agencies, Boards and Commissions



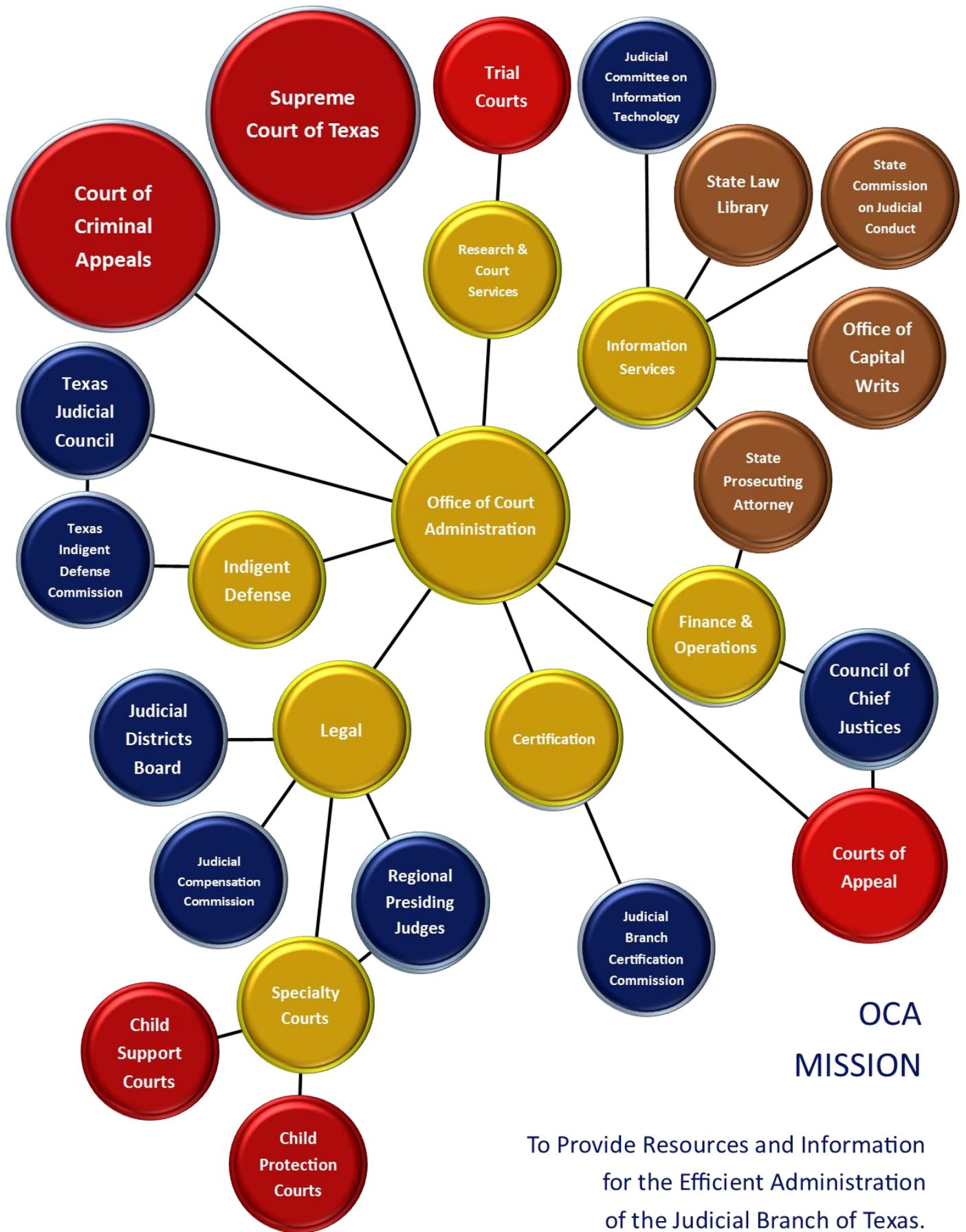
**For The
Fiscal Year Ended
August 31, 2015**



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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.”

*The Texas Judicial Council Met Three Times
in FY 2015*

- ★ November 14, 2014
- ★ February 20, 2015
- ★ June 12, 2015

MEMBERS AS OF AUGUST 31, 2015

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

Vice-Chair, Hon. Sharon Keller, Presiding Judge, Court of Criminal Appeals

Legislative Members

Hon. Robert Duncan, Chancellor, Texas Tech University, Lubbock

Hon. Royce West, State Senator, Dallas

Hon. Andrew Murr, State Representative, Kerrville

Hon. John T. Smithee, State Representative, Amarillo

Judicial Members

Hon. Sherry Radack, Chief Justice, 1st Court of Appeals, Houston

Hon. Bill Boyce, Justice, 14th Court of Appeals, Houston

Hon. Kelly Moore, Judge, 121st Judicial District, Terry & Yoakum

Hon. Scott Jenkins, Judge, 53rd District Court, Travis County

Hon. Linda A. Rodriguez, Judge (Ret.), County Court at Law No. 2, Hays County

Hon. Polly Spencer, Judge (Ret.), Probate Court No. 1, Bexar County

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

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

Hon. Gary Bellair, Presiding Judge, Ransom Canyon Municipal Court

Hon. Glenn D. Phillips, Presiding Judge, Kilgore Municipal Court

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

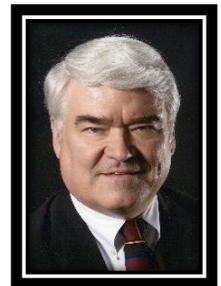
Ms. Ashley Johnson, Gibson Dunn & Crutcher LLP, Dallas

Mr. Henry Nuss, Welder Leshin, Corpus Christi

Executive Director

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

Chief Justice
Nathan L. Hecht
Chair



Presiding Judge
Sharon Keller
Vice-Chair



Juvenile Justice Committee

Building off the success of the TJC's Juvenile Justice Reforms during the 83rd Legislative Session in 2013, the Juvenile Justice Committee was reinstated in FY 2015 to continue to study ways to improve Juvenile Justice in Texas. The Committee held its meeting in September 2014 to approve its legislative recommendations for the full TCJ in November 2014.

Juvenile Justice Committee Recommendations

- 1) Decriminalize failure to attend school;
- 2) Relax statutory provisions that require schools to refer failure to attend and truancy cases to the courts if the schools are engaged in prevention and intervention with students;
- 3) Ensure schools have access to adequate resources and incentives to provide prevention and intervention services to at-risk children engaged in failure to attend school; and
- 4) Equip justice and municipal courts with access to adequate resources to provide prevention and intervention services to children referred to the court for failure to attend school.

Elders Committee

The Elders Committee was formed by the Texas Judicial Council to “assess the ways in which the Texas courts interact with the elderly, including guardianship, probate, elder abuse and other proceedings, and identify judicial policies or initiatives that could be enacted to protect and improve the quality of life for the elderly in Texas.” The Elders Committee worked in conjunction with the Texas Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) to identify strengths and weaknesses in the state’s current system of adult guardianship. In November 2014 the Committee presented a [report](#) to the Judicial Council and made three recommendations:

- ★ The Legislature should strengthen guardianship alternatives and improve guardianships.
- ★ The Legislature should create a statewide guardian of last resort.
- ★ The Legislature should fund OCA’s legislative appropriations request exceptional item entitled “enhance judicial services to the elderly and incapacitated.”

The recommendations from the Elders Committee passed legislation in [HB 39](#).

Elders Committee Recommendations

- 1) Strengthen guardianship alternatives and improve guardianships by:
 - a. recognizing supported decision-making agreements, a less restrictive alternative to guardianship for adults with a disability who need assistance with decisions regarding daily living but who do not wish to delegate authority over those decisions to an agent;
 - b. requiring that a court make a finding that no less restrictive alternatives exist to resolve the need for a guardianship deny the appointment of a guardian if a preexisting guardianship alternative meets the need of an adult who is the subject of
 - c. a guardianship proceeding; and the court shall consider terminating or modifying a guardianship if a guardianship alternative meets the need of the adult;
 - d. requiring that the court find by clear and convincing evidence that alternatives to guardianship that would avoid the need for appointment of a guardian have been explored and determined not to be feasible;
 - e. requiring that the applicant or applicant's attorney certify to the court that the guardianship is necessary and alternatives to guardianship have been explored;
 - f. defining supports and services and considering those resources in determining the need for a guardianship and the limits of power or authority of a guardian over an incapacitated person;
 - g. requiring that the physician examination letter or certificate state whether improvement in the proposed ward's condition is possible and, if so, state the period of time after which the individual should be re-evaluated to determine if the guardianship is necessary;
 - h. requiring that the court consider the ward's right to make personal decisions about residence;
 - i. requiring the court to consider the adult's preference of the person to be appointed guardian by the court;
 - j. requiring that the applicant's attorney be certified by the State Bar of Texas as having successfully completed a course of study in guardianship law and procedure and by increasing the certification from three to four hours, with one hour of that training on alternatives to guardianship and supports and services available to proposed wards; and
 - k. requiring court approval before a guardian places a ward in a more restrictive care facility;
- 2) Create a statewide guardian of last resort; and
- 3) Fund the Office of Court Administration's legislative appropriations request exceptional item entitled "enhance judicial services to the elderly and incapacitated."

Legislative Resolutions for the 84th Legislative Session

The Judicial 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.”¹ At its November 2014 meeting, the Texas Judicial Council approved fourteen resolutions urging the Legislature to take action on certain issues. Those resolutions and the legislative outcome are listed below:

| Council Resolution | Status |
|--|------------------|
| 1. Ensuring Adequate Court Funding | Passed |
| 2. Adequate Funding of the Court eFiling System | Passed |
| 3. Additional State Funding for Indigent Defense | Passed |
| 4. Judicial Compensation Commission Recommendations | Partially Passed |
| 5. Assessment of Court Costs in Multiple-Count Criminal Actions | Passed |
| 6. Decriminalizing Failure to Attend School | Passed |
| 7. Elders Committee Recommendations | Passed |
| 8. Eligibility for Specialty Courts | Did Not Pass |
| 9. Revisions of Statutes to Contemplate Court Technology | Passed |
| 10. Supporting Funding for Civil Legal Aid in Texas | Passed |
| 11. Supporting Grant Funding for Legal Services for Veterans | Passed |
| 12. Supporting Texas Family Code Amendments related to case transfers in CPS cases | Passed |
| 13. Supporting Texas Family Code Amendments related to indigent parents involved in child protection services cases | Passed |
| 14. Supporting Texas Family Code Amendments related to indigent parents involved in child protection services cases (Managed Assigned Counsel and Regional Public Defender Programs) | Passed |

The Texas Judicial Council also published [Texas Judiciary Legislative Update Texas Judicial Council 84th Legislature](#) which briefly summarizes new legislation impacting the Texas court system, judges, clerks, and other judicial actors.

David Slayton testifying on Failure to Attend School at Senate Jurisprudence, October 23, 2014.



¹ Texas Government Code 71.032

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.

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 of the Research & Court Services Division and the Legal Division

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.

In January 2015, the Supreme Court of Texas, Court of Criminal Appeals and Office of Court Administration staff coordinated with the National Center for State Courts to welcome the Conference of Chief Justices to San Antonio for its midyear meeting themed *State Court Reforms Using National Initiatives*. Speakers included James A. Baker, III, 61st U.S. Secretary of State, 67th U.S. Secretary of the Treasury and White House Chief of Staff and Kenneth W. Starr, President and Chancellor, Baylor University.



L: National Center for State Courts President Mary McQueen chats with Gregory Mize, Senior Judge at Superior Court of the District of Columbia



R: Texas State Court Administrator David Slayton and Chief Justice Nathan Hecht with retired Chief Justice Tom Phillips.



Presenting the Colors during the Opening Ceremonies. Presentation of the Colors conducted by the U.S. Army North (Fifth Army) Color Guard National Anthem performed by SGT Katherine Bolcar, 323rd Army Band, "Fort Sam's Own".

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 and clerks' offices can receive technical assistance on judicial administration matters ranging from caseflow management and annual statistical reporting to program evaluation and strategic planning. Consulting can take place remotely, over the phone, or through site visits and at trainings.

The following were among the key accomplishments of the Court Services Consulting program in FY 2015:

- ★ Completed work on the report, [*Texas Guardianship Cases: Improving Court Processes and Monitoring Practices in Texas Courts*](#). The report was released in November 2014.
- ★ Assisted the Texas Association of Counties in coordinating OCA's first College for New Clerks at the Texas County and District Clerks Association's Annual Education Conference.
- ★ Provided support and resource material at two judicial educational conference, two court clerk conferences and one court coordinator conference.
- ★ Conducted on-site training for a newly-elected County Court at Law judge and Court Coordinator; continued to engage in remote consultations to three District Courts and two County Court at Law courts.
- ★ Assisted in a review of criminal case processing in Webb County, resulting in a report with recommendations regarding improved case management and court collections practices. The technical assistance report was released in July 2015.
- ★ Provided technical assistance to clerks in Edwards and Maverick counties on Judicial Council reporting issues.
- ★ Continued to support jurisdictions involved in the Judicial Council's [*Shared Solutions*](#) initiative. The initiative is focused on assisting participating jurisdictions in institutionalizing characteristics of effective courts relating to governance, caseflow management, procedural fairness, technology, professional development, data-driven management, strategic thinking and planning, access to justice and financial management.
- ★ Contributed to a comprehensive review of caseflow management practices in Tarrant County's criminal courts.

Language Access Program

OCA's Language Access Program focuses on providing assistance to courts in communicating with individuals with Limited English Proficiency, giving these individuals a meaningful presence in their legal proceeding through audio or video remote interpreting provided by the Texas Court Remote Interpreter Service staff.

RESEARCH AND COURT SERVICES DUTIES AND RESPONSIBILITIES

- ★ Provide resources and information to support the efficient operation of courts in Texas
- ★ Promote judicial data reporting accuracy and compliance
- ★ Provide remote language interpreter services
- ★ Increase collection of court costs, fees, and fines



Court Interpreter Maria de Villiers

During FY 2015, OCA's two remote interpreters provided free Spanish interpretation services in 647 hearings to 75 judges in 81 counties. Additionally, staff completed translation of 11 documents for courts and other agencies and partners. Staff also participated in a review of content of a Multi-State Court Interpreter Orientation Module designed to inform potential interpreters about the interpreter profession. Texas is partnering with several states on this project, which is being led by the New Mexico Center for Language Access.

A statewide Interpreter Locator Listserv for court personnel was established to provide a forum where court staff can turn to find interpreters fluent in exotic

languages. Ninety-two courts have joined the listserv to date. Users have used the listserv to inquire about the following exotic languages: Japanese, Wolof (ethnic language in Senegal), Mam (Mayan language spoken in Guatemala), Fuzhou (Chinese Dialect), Khmer (official language in Cambodia), Oromo (Afro-Asian language mostly spoken in Ethiopia, Kenya and Somalia), Amharic (official language of Ethiopia), Burmese, Farsi, Karen (Lower Myanmar and northern Thailand languages), Mandarin, and Somali.

Judicial Information Program

OCA's Judicial Information section is the repository for an array of information regarding 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.

Texas received a 2015 Reporting Excellence Award from the [Court Statistics Project](#), a joint project of the National Center for State Courts and the Conference of State Court Administrators that publishes caseload data from the courts of the fifty states, the District of Columbia, and the territories. The award recognizes states that have taken the time and applied the resources necessary to improve the quantity or quality of their reported caseload data. Texas was one of only seven states to receive the award this year.



L to R: Judicial Information Manager Angela Garcia and Judicial Information Specialist Lisa Robles

During FY 2015, Judicial Information produced the following publications:

- ★ The [2014 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 review of approximately 163,000 statistical and other reports from local courts, clerks, and others.
- ★ The [2015 Texas Judicial System Directory](#), which contains information for more than 2,800 courts and more than 7,300 court system personnel.

A significant portion of 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 webinars for district and county clerks on reporting issues.

Protective Order Resource Program

OCA's Protective Order Resource Attorney (PORA) continued work on the Protective Order Record Improvement Project. The goal of this project is to increase the number of protective order records made available to the National Instant Criminal Background Check System (NICS) by developing and providing training to address reporting barriers and sharing information regarding reporting practice improvements.

The PORA also testified as a resource witness in front of legislative committees on SB 737, which amended certain requirements for protective order data entry; and HB 2455, which established a task force led by OCA to promote uniformity in the collection and reporting of information relating to family violence, sexual assault, stalking, and human trafficking. The PORA will serve as the Presiding Officer of the HB 2455 Task Force.

During the period, the PORA engaged in the following activities:

- ★ Along with other OCA staff, hosted representatives of the U.S. Department of Justice's Bureau of Justice Statistics on a site visit to review OCA's Mental Health and Protective Order Record Improvement Project.
- ★ Continued to represent OCA on the Texas Council on Family Violence Public Policy Committee.
- ★ Created two additional training modules based on information obtained during OCA's Protective Order Record Improvement Project for posting on the OCA website. The intended audiences for these webinars are victim advocates and criminal justice information users.
- ★ Provided technical assistance to judges, clerks, prosecutors, and law enforcement officers.
- ★ Collaborated with the County and District Clerks Association of Texas, Texas Criminal Justice Information Users Group, Texas Municipal Court Education Center, Texas Victims Services Association, and the Texas Justice Court Training Center, among others, to conduct 18 training sessions around the State to a total of approximately 673 judges, law enforcement officers, prosecutors, and clerks.



L to R: Judge Dean Rucker and Protective Order Resource Attorney Kimberly Piechowiak

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, 2015, 87 of 91 jurisdictions required to implement a program have done so, with the remaining four jurisdictions receiving waivers exempting them from the program implementation requirement. In addition, as of August 31, 2015, local officials in 99 jurisdictions had voluntarily implemented a collections improvement program, either fully or partially. Data maintained by CIP indicate that since the inception of the collections improvement program an average of \$16.27 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 programs. In FY 2015, simulated compliance audits of mandatory programs were conducted to identify deficiencies prior to an official audit by OCA audit staff. Technical support staff also conducted “spot check” reviews of certain programs to ensure continuing compliance with key program components. Support for developing corrective action plans was also provided to jurisdictions found noncompliant during an official audit. Program staff also participated in the drafting of standards that will be used to assess the integrity of the data submitted by counties and cities with mandatory collection improvement programs.

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

| Estimated Additional Revenue Generated | | | | |
|--|---------------|---------------|---------------|--|
| State Fiscal Year | State | Local | Total | |
| 2006 | \$5,271,769 | \$15,815,306 | \$21,087,075 | |
| 2007 | \$17,606,447 | \$52,819,340 | \$70,425,787 | |
| 2008 | \$20,324,278 | \$60,972,834 | \$81,297,112 | |
| 2009 | \$18,395,867 | \$55,187,602 | \$73,583,469 | |
| 2010 | \$16,761,011 | \$50,283,032 | \$67,044,043 | |
| 2011 | \$18,810,764 | \$56,432,292 | \$75,243,056 | |
| 2012 | \$17,998,700 | \$53,996,101 | \$71,994,801 | |
| 2013 | \$25,633,725 | \$76,901,176 | \$102,534,901 | |
| 2014 | \$40,772,175 | \$122,316,524 | \$163,088,699 | |
| Total | \$181,574,736 | \$544,724,207 | \$726,298,943 | |

Problem-Solving Court Coordinator

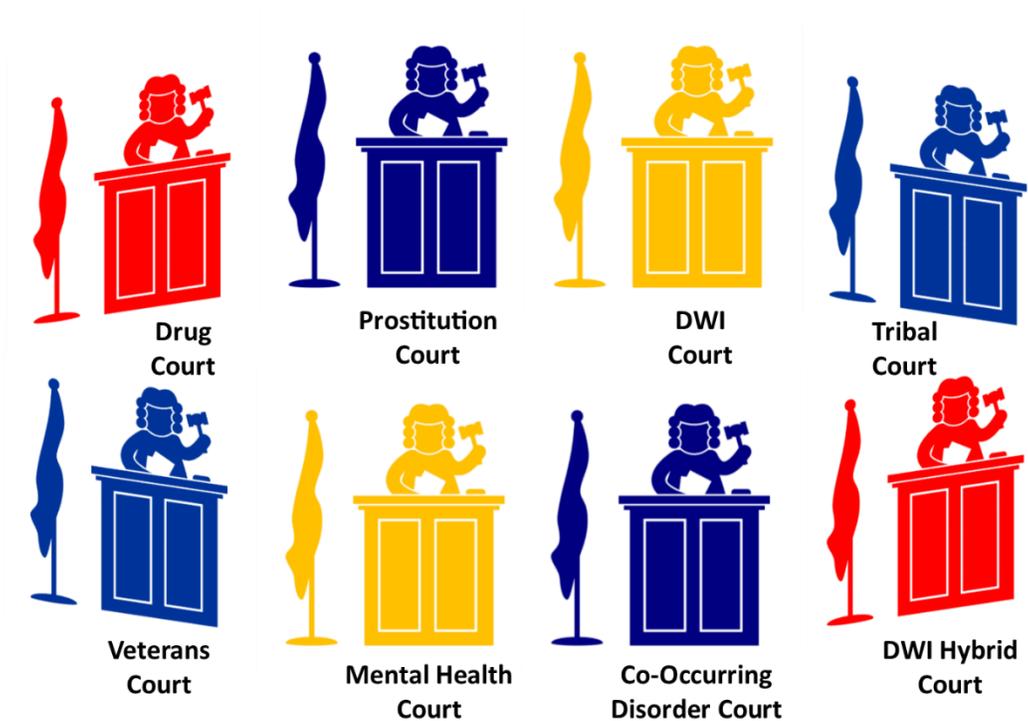
In April 2015, OCA hired its first ever Problem-Solving Court Coordinator through a grant from the Governor’s Criminal Justice Division (CJD). With the creation of the Problem-Solving Court Coordinator position, OCA provides support and technical assistance to problem-solving courts around the state.

OCA’s Problem-Solving Court Coordinator can provide support to existing and start-up problem-solving courts by:

- ★ Promoting inter-branch collaboration and coordination of problem-solving court improvement initiatives.
- ★ Identifying and addressing gaps in service that may exist through the provision of training and technical assistance.
- ★ Maintaining a clearinghouse of information for problem-solving courts facilitating the sharing of that information.
- ★ Acting as liaison between Texas’s problem-solving courts and national organizations devoted to problem-solving court research, advocacy and training.

During FY 2015 the Problem-Solving Court Coordinator engaged in the following activities:

- ★ Reviewed Volumes I and II of the [National Association of Drug Court Professionals Adult Drug Court Best Practice Standards](#), and prepared summaries of the information that can be used in the development of governing documents for Texas’s problem-solving courts.
- ★ Conducted research on other states’ and national research organization’s best practice guidelines for problem-solving courts.



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.

Electronic Filing

Working with Tyler Technologies, OCA assisted in the successful implementation of eFiling statewide. As of August 2015, more than 240 counties have electronic filing available, with 62 counties having mandatory civil eFiling. All counties will have mandated civil eFiling in July 2016.

In FY 2015, OCA also worked with Tyler Technologies to facilitate the implementation of criminal eFiling as well. As of August 2015, Hidalgo County had configured and tested criminal eFiling. Additional counties will implement criminal eFiling in FY 2016.

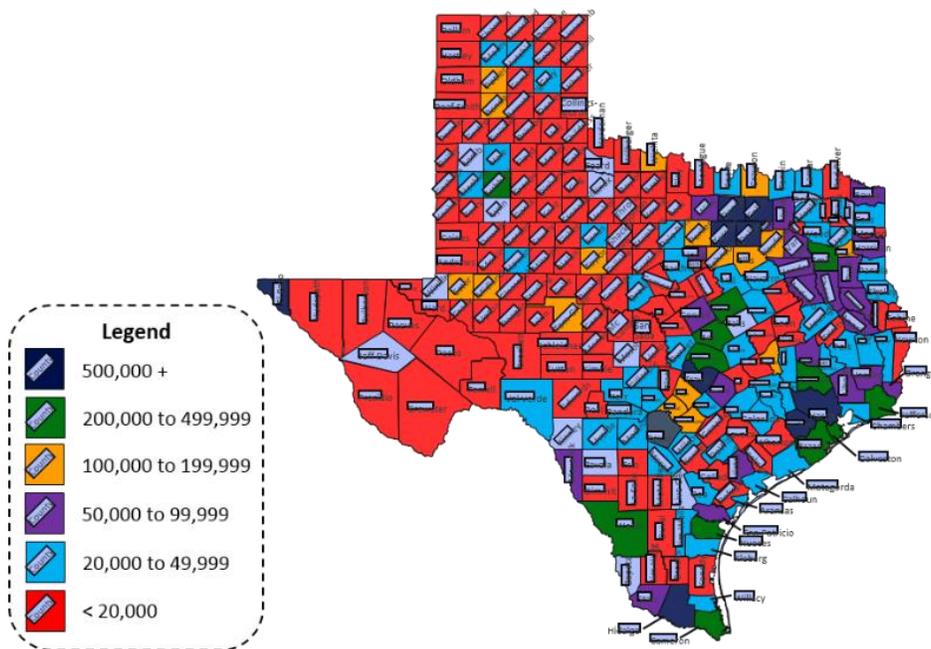
RECIPIENTS OF DIRECT TECHNOLOGY SERVICES

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

ELECTRONIC COURT FILING

DISTRICT COURTS AND COUNTY COURTS

All shaded counties have eFiling as of 8/31/2015.



As of August 2015, all but 12 district/county clerks have implemented eFiling. At the end of FY 2015, the system had more than 113,500 registered users with more than 45,000 unique attorneys registered. Approximately 24,000 documents were filed electronically each day in FY 2015.

Appellate Case Management Improvements

After being inspired by the same capabilities at the 5th U.S. Court of Appeals, OCA developed auto-linking for the appellate case management system, also known as TAMES. This allows attorneys to file briefs and have the system determine where the legal citations exist. From there, the system hyperlinks the citations so that the appellate judges and attorneys have quick access to the case law behind the citations. This functionality is available in all 14 intermediate appellate courts and the two high courts.

Judicial Branch Website

Information Services launched the revamped website (www.txcourts.gov) in October 2014. The website uses the open-source Umbraco content management system and uses responsive design. This enables the website to be viewed on mobile devices in addition to traditional computers. The website received an award from the National Association for Court Management as one of the top ten court websites in 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 2015. In addition to developing the technology standards, JCIT discusses technology issues as they relate to the courts. This year, major topics included expanded eFiling, the need for judicial tools to operate in an electronic environment, self-represented litigant needs and public access to court documents.

Technology Standards

The courts realized the benefits of technology standards in 2015 with the implementation of the JCIT Technology Standards. JCIT's standards subcommittee continued its work in FY 2015 to adopt revisions to the previously adopted technology standards. The subcommittee updates the standards twice annually.

The standards committee ensured that eFiling 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 all 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, during years in which the Texas Legislature is in session, the Legal Division plays a key role in processing and completing fiscal notes that are referred to the agency by the Legislative Budget Board. During the 84th Legislature, 1,100 fiscal notes were completed by OCA.

The Legal Division also assists with the implementation of new laws passed by the Legislature. Following the 84th Legislature, the Legal Division spearheaded training regarding the changes made to the laws regarding truancy. The Division prepared training materials that are available at <http://www.txcourts.gov/publications-training/trainingmaterials/truancy-reform.aspx>, and conducted four training sessions for municipal court judges, justices of the peace, and juvenile probation officers in July and August of 2015. The Division also updated the model jury summons and questionnaire to comply with the new legislative changes and developed a model grand jury summons and questionnaire. Lastly, the Division also started updating the County and District Clerk Manuals to reflect the changes in law enacted by the 84th Legislature.

Rule 12 and Judicial Branch Certification Commission 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 the Rules of the Judicial Branch Certification Commission (appeal of Judicial Branch Certification Commission decisions).

In FY 2015, nine public access opinions were issued. 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>.

One appeal from a decision of the Judicial Branch Certification Commission was filed during FY 2015 and the decision was issued after end of report.

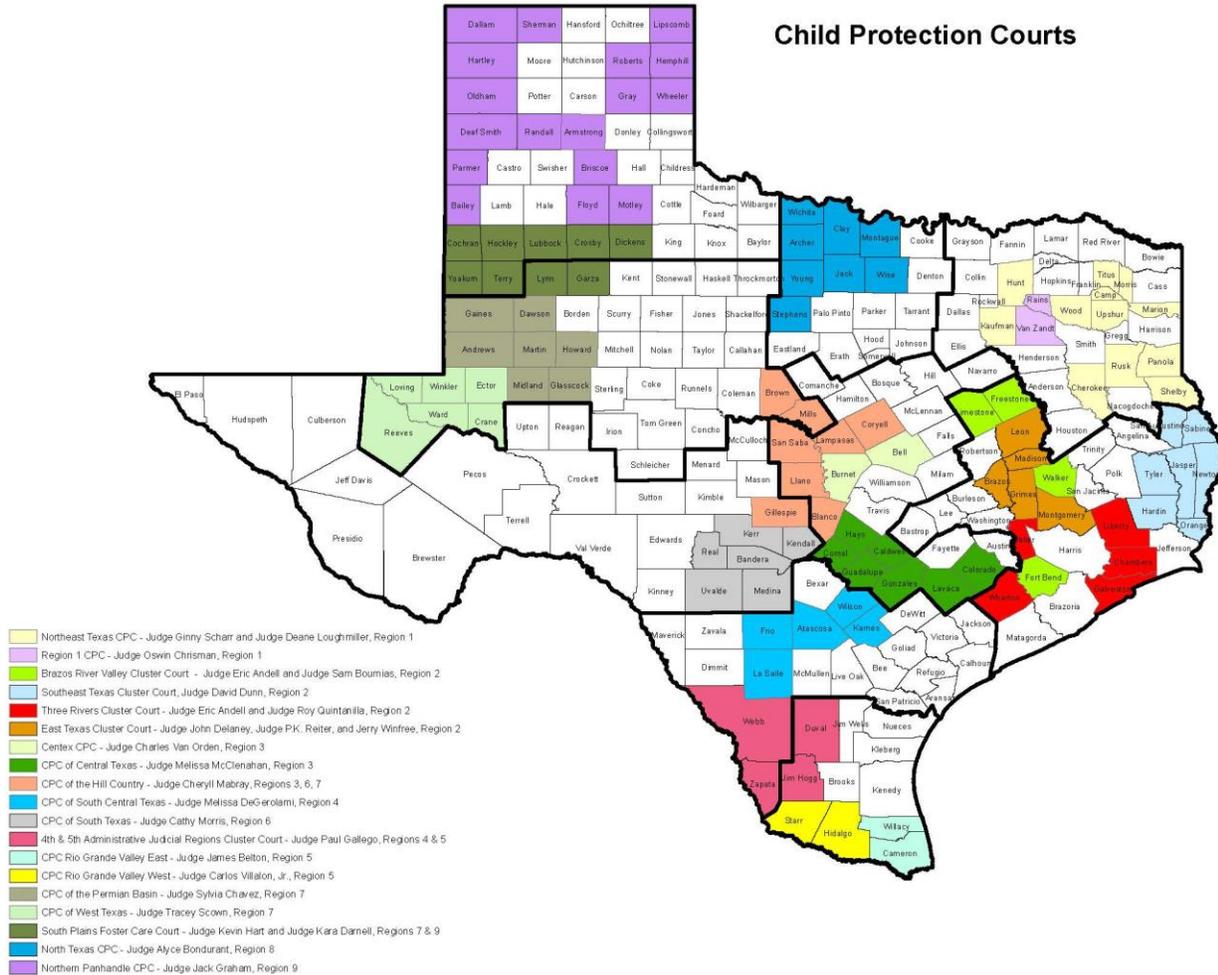
Specialty Courts Program

The specialty courts program includes the child support courts and the child protection courts operated by OCA. The 84th Legislature amended the process in which the associate judges for these courts are appointed. Under the new law the associate judges are appointed for a four-year term. The law also requires input from the referring courts and other relevant persons during the associate judges' evaluation. The 84th Legislature also authorized the implementation of four new child protection courts and funded a position for a specialty courts program coordinator.

LEGAL STAFF LIAISON SUPPORT

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

The Legal Division assisted the regional presiding judges in adopting procedures to implement the new appointment/reappointment and evaluation requirements for the associate judges and with the establishment of the four new child protection courts.



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 2015, Finance & Operations processed 741 purchase requisitions, 928 purchase orders, 1,337 travel vouchers, 2,603 purchase vouchers, and 203 journal/budget vouchers - a total of over 5,812 documents. Division staff also processed 71 reimbursement requests for grants and contracts totaling \$6.285 million and deposited over \$637,000 in fees from licensees. Property and Inventory has processed out over 700 surplus items.

The Human Resources staff screened 1,007 applications for 34 job postings, and processed 20 new hires (including job postings carried over from FY 2014) and 26 separations.

FISCAL AND OPERATIONS SUPPORT ACTIVITIES

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



OCA along with TXDMV, GLO, TEA, TFC, TWC, and THC held their 3rd Annual HUB Vendor Fair at the J.J. Pickle Commons Center Thursday, April 2nd. Veronica M. Strong has been coordinating this event since November and was a great success with over 300 attendees. Tina Washington Deputy CFO (2nd from right) provided a great speech to the vendors on how to "Take Care of Business" with the State.

Collection Improvement Audit Program

In addition to its finance and operational support activities, the division includes the Collection Improvement Program (CIP) Audit section. During FY 2015, CIP Audit issued compliance reports for 11 counties, as well as post-implementation rate reviews for five (5) cities and five (5) counties.

Compliance Reports

Counties: Cameron, Collin, El Paso, Galveston, Hays, Johnson, McLennan, Montgomery, Smith, Victoria, Webb

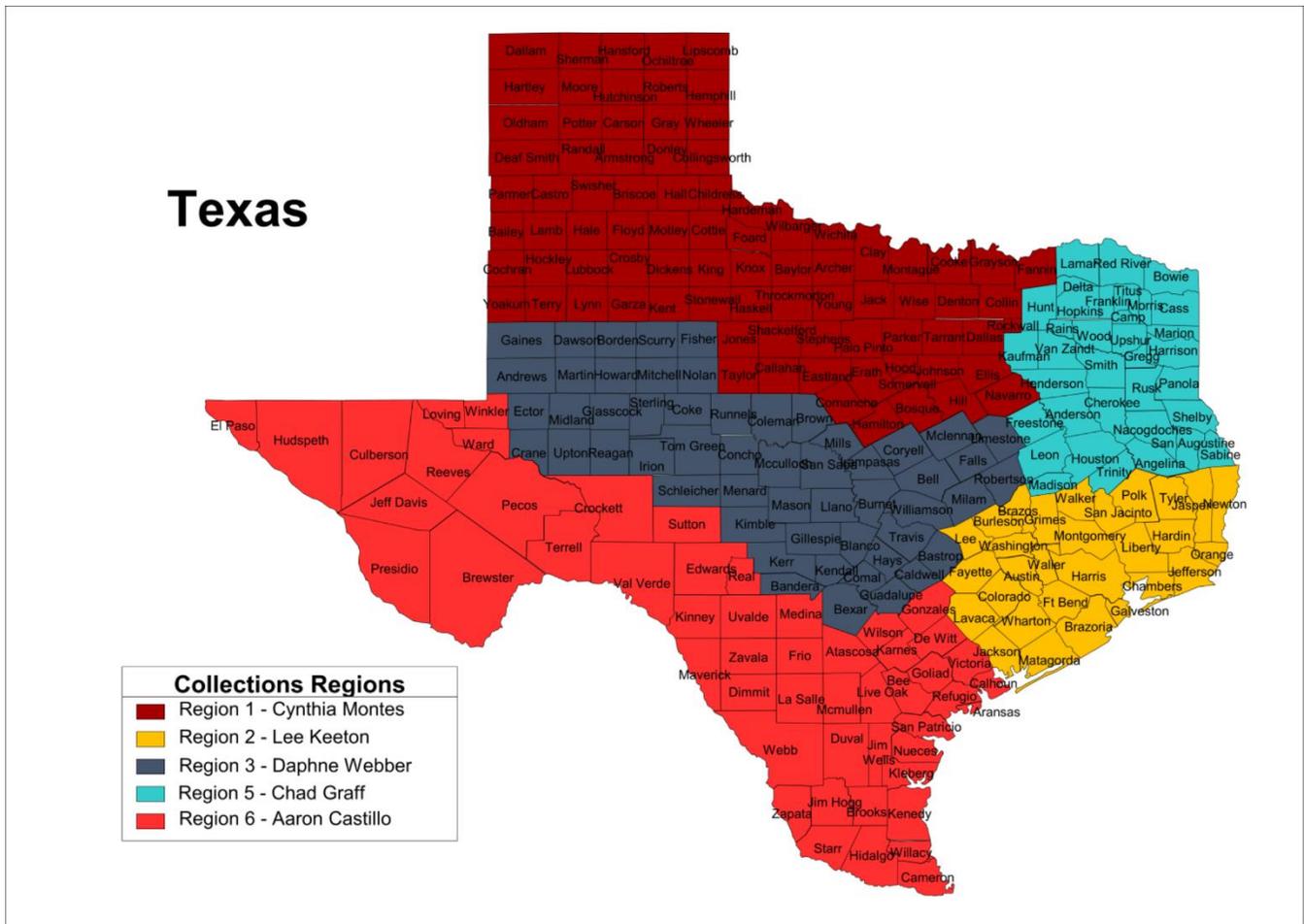
Rate Reviews

Cities: Arlington, Beaumont, Lubbock, McAllen, Plano

Counties: Brazos, Denton, Gregg, Harrison, Taylor

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(j) of the Texas Code of Criminal Procedure. OCA agreed and began to develop criteria by which reported data can be verified. With proposed criteria established, the Audit section is developing procedures to verify the data. Currently, the Audit section is working with the City of Austin in conducting a pilot audit to ensure the methodology is sound and accurately measures the reliability of the data submitted by the city. The Audit section plans to conduct an additional pilot with a county before implementing the data verification 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.

Legislative Appropriations Requests – Key Exceptional Items

- ★ **SUPPORT STATEWIDE E-FILING IMPLEMENTATION** The majority of this exceptional item (\$8.5 million) would have simply increased appropriations from the Statewide E-Filing Fund (a GR-Dedicated Account) to equal projected revenues for FY16-17. Revenues come from an E-Filing fee assessed upon users of the court system and are dedicated to the support of the E-Filing system.
- ★ **PROVIDE JUDICIAL BRANCH TECHNOLOGY SUPPORT** OCA provides technology for the Judicial Branch, including all Texas appellate courts, the child protection courts, the administrative judicial regions, and five state judicial agencies (including OCA). Hardware support to the child support courts is provided by the Office of the Attorney General (AG), who is a party to the cases heard. This conflict of interest is a concern to both the courts and the AG. This exceptional item sought to address this concern and provide enhanced technology support to the other Judicial Branch judges and employees across the state.
- ★ **SUPPORT CORE SERVICES FOR THE JUDICIAL BRANCH** Over the years, OCA has been given increased responsibilities for programs with a far-reaching impact on Texas courts and the public. OCA supports every court and Judicial Branch agency to some degree. Therefore, OCA must maintain its core services and administrative backbone to ensure its efforts continue to fully serve Texans. This exceptional item would have allowed OCA to provide permanent merit increases to staff, as appropriate, and increase funding to the administrative judicial regions to pay their administrative staff.
- ★ **ENHANCE JUDICIAL SERVICES TO THE ELDERLY AND INCAPACITATED** The number of Texans over age 65 is expected to increase by 50% by 2020. Based upon this dramatic increase and the potential impact on the courts, in 2013 the Texas Judicial Council established the Elders Committee to “assess the ways in which the Texas courts interact with the elderly and identify judicial policies or initiatives that could be enacted to protect and improve the quality of life for the elderly in Texas.”

Judicial Branch Certification Commission (JBCC)

The JBCC was established by the Texas Legislature, 83rd Regular Session, in S.B. 966. On September 1, 2015, the nine member JBCC began oversight of the certification, registration, and licensing of court reporters and court reporting firms, guardians, process servers, and licensed court interpreters.

JUDICIAL BRANCH CERTIFICATION COMMISSION MEMBERS

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

CERTIFICATION DUTIES

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



Left to Right: Don Ford, III; Judge Polly Spencer; Velma Arellano; Judge Ben Woodward; Chairman Lee Hamilton; Judge Migdalia Lopez; Judge Sid Harle; Ann Murray Moore; and Mark Blenden

JBCC ADVISORY BOARDS APPOINTED

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
Chris Wilmoth, 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

Certification Division End of Year Highlights:

The JBCC Certification Division team members worked on numerous JBCC transitional projects with the goal of creating efficiency and consistency across the regulated judicial professions. August 31, 2015, marked the end of the first year of operation for the JBCC. Below are some of the highlights and accomplishments from our first year.

- ★ 35 total meetings set for the JBCC
 - 5 Commission Meetings
 - 21 Advisory Boards & Committee Meetings
 - 9 Complaint Review Committee Meetings
 - 102 Rule 12 requests processed
- ★ JBCC compliance staff members have been refining the new compliance complaint and resolution processes for all the JBCC professions.
- ★ 90 complaints filed with the JBCC

NUMBER OF CERTIFIED/LICENSED PROFESSIONALS AS OF 8/31/15

| | |
|------------------------|-------|
| Court Reporters: | 2,320 |
| Court Reporting Firms: | 352 |
| Guardianship: | 437 |
| Process Servers: | 3,524 |
| Court Interpreters: | 479 |

- 19 Guardianship Certification
- 29 Process Server Certification
- 42 Court Reporter Certification
- 48 complaints resolved
- ★ Developed new Licensed Court Interpreter Code of Ethics and Professional Responsibility to be sent to the Supreme Court for Adoption.
- ★ Developed Guardianship Certification Code of Ethics and Professional Standards to be sent to the Supreme Court for adoption.
- ★ Developed a new 7-hour pre-certification process service course curriculum recommended by the Process Server Certification Advisory Board, implemented by November 1, 2015.
- ★ Developing new certification examination for the process servers.
- ★ Developed new rule for military application and examination fees relating to SB807 out for a 30-day public comment period.
- ★ Review and approve all criminal histories.
- ★ Review and approve all continuing education courses.
- ★ Functionally aligned our team structure into separate licensing and compliance sections.
- ★ Finalized new performance measures to meet the needs for the JBCC.
- ★ Created new JBCC forms.
- ★ Developed JBCC Criminal Conviction Guidelines.
- ★ Developed JBCC Administrative Dismissal Policy.
- ★ Developed JBCC Access to Commission Records Policy.
- ★ Developed JBCC Public Meetings Policy.
- ★ In the process of updating Court Reporters Certification Code of Professional Conduct.
- ★ Developed new investigation procedures manual.
- ★ Developed new certification card for all professions.
- ★ Sending renewal notices and certification cards to all professions.
- ★ Renewed the Court Reporter exam contract 2-year extension.
- ★ Developing a penalty matrix to streamline complaint penalties and sanctions.
- ★ Licensing staff currently processing all certifications within an average of 14 days.
- ★ Developed and continue to update new JBCC website <http://www.txcourts.gov/jbcc.aspx>

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 thirteen-member governing board and is administratively attached to the Office of Court Administration (OCA). The TIDC programs are implemented by eleven full-time staff members.

FY 2015 COMMISSION

Officers

Hon. Sharon Keller, Chair – Presiding Judge, Court of Criminal Appeals

Hon. Olen Underwood, Vice-Chair – Presiding Judge, 2nd Administrative Judicial Region of Texas

Ex Officio Members

Hon. Sharon Keller, Austin, Presiding Judge, Court of Criminal Appeals

Hon. Nathan Hecht, Austin, Chief Justice, Supreme Court of Texas

Hon. John Whitmire, Houston, State Senator

Hon. Royce West, Dallas, State Senator

Hon. Roberto Alonzo, Dallas, State Representative

Hon. Abel Herrero, Robstown, State Representative

Members Appointed By Governor

Hon. Olen Underwood, Conroe, Presiding Judge, 2nd Administrative Judicial Region of Texas

Hon. Sherry Radack, Houston, Chief Justice, First Court of Appeals

Hon. Jon Burrows, Temple, Bell County Judge

Hon. B. Glen Whitley, Hurst, Tarrant County Judge

Hon. Linda Rodriguez, Hays County

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

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

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 15 TIDC disbursed over \$23.9 million in formula grants to 253 Texas counties to help them ensure that all Texans can access constitutionally required legal defense services.

TEXAS INDIGENT DEFENSE COMMISSION

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

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 15 TIDC awarded \$6.9 million in new and continuing discretionary grants to eighteen counties.

Grant Project Highlights

The Regional Public Defender Office for Capital Cases

The Regional Public Defender Office for Capital Cases (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. Of the 240 counties eligible to participate in FY 15, the RPDO served 128 at a total cost savings to the counties of \$1,607,163. New funding awarded to TIDC by the 84th Legislature for capital indigent defense includes \$2.6 million of General Revenue for continued sustainability of the RPDO and \$500,000 for capital public defender services in Cameron and Hidalgo Counties for the biennium.



Regional Public Defender Office for Capital Cases staff

Indigent Defense Technology Grants

TIDC has made several discretionary grants for indigent defense technology projects that enhance transparency, streamline processes, and encourage compliance with the requirements of the Fair Defense Act.

TechShare Indigent Defense is an online indigent defense process management system that helps streamline the appointment and payment of attorneys representing poor defendants. The project is operated by the Texas Conference of Urban Counties TechShare program. Once a defendant's financial information is entered into the system it is analyzed with reference to the county's indigence standard and a recommendation is issued on defendant eligibility for an appointed attorney. The system then automates the appointment of the next qualified attorney from the county's appointment list based on the charged offense. Any exceptions must document the reason for the judicial override. Attorneys submit electronic fee vouchers, which are routed to judges for review and approval. The judge's reason for any variances in amount billed and amount approved are also documented. Approved vouchers are then sent electronically to the county auditor for payment. This system was originally developed in Bell County through a TIDC grant. It is now operational in eleven counties: Bell, Coryell, Tarrant, Anderson, Montgomery, Medina, Real, Uvalde, Brown, Mills, and Victoria. In addition to streamlining processes, TechShare Indigent Defense captures comprehensive data regarding compliance with Fair Defense Act requirements, enhances transparency in indigent defense practices, reduces the risk of unfair appointment practices, and encourages uniform and fair procedures.

Collin County is using a grant from TIDC to work with other Texas counties using Tyler Technologies' Odyssey system to identify and enhance its indigent defense functionality. The new functionality will be available to all counties using Odyssey through a version update. Finally, Harris County is developing a new voucher processing system with the help of a TIDC grant that automates and streamlines indigent defense appointments and payments and integrates court and financial data systems to facilitate accurate indigent defense data tracking and reporting. While the diversity of systems among Texas counties is significant, TIDC has funded these distinct technology strategies to best address the different needs and circumstances of the counties.

Rural Regional Programs

The Caprock Regional Public Defender Office (CRPDO)

In the past many rural counties in the Panhandle were making very few misdemeanor appointments, and some were making no appointments at all. In response, TIDC coordinated with local counties, the Texas Association of Counties, and the Texas Tech University (TTU) School of Law to make needed legal services more accessible to these underserved areas through a regional public defender office. Faculty at TTU School of Law supervise third-year students to provide representation to defendants in misdemeanor and juvenile cases. Special thanks is owed to Dean Darby Dickerson for her ongoing support and leadership of this innovative approach of involving law students and faculty in support of the right to counsel in Texas. In addition, Judge Lesa Arnold of Dickens County was instrumental in the partnership between the county and TTU School of Law that created the CRPDO and received the Texas Tech University School of Law Outstanding Service Award for her achievements.



L to R: Donnie Yandell, CRPDO Chief
Public Defender, with Judge Lesa Arnold,
and Jim Bethke

Bee County Regional Public Defender Office

The Bee County Regional Public Defender Office (BPD) serves the south Texas counties of Bee, Live Oak, McMullen, and Willacy. The BPD, operated through a contract with Texas RioGrande Legal Aid (TRLA), assists the counties with timely and fair appointment of counsel for the indigent in criminal cases. Screeners from the BPD identify arrestees in jail who may qualify for appointed counsel and help ensure appointments are made within statutory timelines. The counties have seen a dramatic increase in appointments for qualified defendants, which has resulted in far fewer uncounseled pleas. BPD staff is available for every court setting, ensuring docket efficiency and quality representation. The office is also the only local resource for representation during juvenile detention hearings. The public defender also provides clients with services relating to the collateral consequences of their criminal cases, such as immigration consultations, and provides referrals to social services and veteran benefits.

Capital Area Private Defender Service (CAPDS)

TIDC awarded a discretionary grant 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, is operated by the non-profit Capital Area Private Defender Service (CAPDS) under a contract with Travis County. The program has introduced new oversight, quality control, and professional development systems for private attorneys representing poor defendants and includes mentoring for new lawyers. The office qualifies and provides administrative oversight to a roster of approximately 250 criminal defense attorneys, and the overall program is overseen by a committee composed of judges, court and county administrators, and leaders of the county's two specialized public defender offices. In addition to more effectively ensuring the quality of legal services provided, the program also enhances the independence of indigent defense appointments, a key indigent defense principle of the American Bar Association.



Capital Area Private Defender Service staff

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.

On-Site Policy Monitoring

TIDC staff performed policy monitoring site visits in nineteen counties in FY 15. Monitoring reviews examine whether jurisdictions meet the requirements of the Fair Defense Act.

One recent monitoring review was in El Paso County. In FY 14 El Paso County Commissioner Vincent Perez requested that TIDC staff conduct a full monitoring review of El Paso County. Staff reviewed clerk, court, auditor, and public defender records and interviewed relevant stakeholders. Staff made two on-site visits during FY 14 and issued the report early in FY 15. The report made recommendations concerning the following: local methods for taking requests for counsel and ruling upon them in a timely fashion; methods for determining indigence; methods for ensuring attorneys were appointed in a fair, neutral, and nondiscriminatory manner; and methods for tracking data reported to TIDC. After the report was issued El Paso County criminal justice stakeholders met regularly to formulate detailed plans to address the recommendations. The county's response was very detailed and set clear methods for addressing each recommendation. TIDC supported the changes by awarding El Paso County \$1.48 million over two years to cover some of the implementation costs, including additional staffing at the public defender office.

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 monitor provides technical assistance to ensure that reported data is accurate and complete. In FY 15 TIDC staff conducted fiscal monitoring and technical assistance visits for fourteen counties.

Reporting

Indigent Defense Expenditures Review

Each county is required to report annually by November 1st on the number of indigent cases in each court and their associated expenses. Staff conducts a thorough desk review of these reports, which provide the basis for eligibility in all of TIDC's grant programs, both formula and discretionary. Preliminary results for FY 15 indicate that indigent defense spending continues to increase statewide. Results are published each year in TIDC's [Annual and Expenditure Report](#).

Attorney Practice-Time Reporting

Beginning in 2014, each attorney who accepts appointments in adult criminal and juvenile delinquency cases is required to annually submit to each county a statement that describes the percentage of the attorney's practice time that is dedicated to work on those appointed cases. As of November 10, 2015, 3491 attorneys had completed reports for FY 15 in the TIDC online portal. Preliminary results show that the median percentage of practice time devoted to appointed criminal and juvenile cases across all counties was about 59 percent.

Legislation

New General Revenue funds for the upcoming biennium made available by the 84th Legislature include \$4.4 million towards closing the Fair Defense Act funding gap. This appropriation represents a significant step to the state sharing more of the costs of indigent defense in Texas.

TIDC is grateful to report that all four bills it endorsed were passed by the 84th Legislature and signed by Governor Greg Abbott:

[HB 3633](#) authored by **Reps. Herrero** and **Collier** and sponsored by **Sen. West** requires 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. It also limits the amount to be repaid to counties to the actual cost of the legal services provided.

[SB 1353](#) authored by **Sen. Hinojosa** and sponsored by **Rep. Coleman** permits TIDC to directly participate with the Conference of Urban Counties (CUC)-TechShare Indigent Defense Technology program.

[SB 662](#) authored by Sen. Rodriguez and sponsored by Rep. Alonzo will expedite post-conviction relief to defendants who are not guilty, guilty of only a lesser offense, or convicted and/or sentenced under a statute found to be unconstitutional.

[SB 1057](#) authored by **Sen. Hinojosa** and sponsored by **Rep. Herrero** provides statutory authority for the TIDC to provide continuing state funding at up to fifty percent of the cost for regional public defender programs and permits TIDC to provide the funds directly to such defender programs rather than via a grant to a county. The TIDC board used this authority to provide funding directly to the Caprock Regional Public Defender Office at Texas Tech University, rather than via a pass-through grant to Dickens County.

Other significant indigent defense bills include:

[HB 48](#) authored by **Reps. McClendon, Leach, Herrero, Moody, and Simpson** and sponsored by **Reps. Alvarado, Farney, Farrar, Susan King, and Rose** created the **Timothy Cole Exoneration Review Commission** under the auspices of the Texas Judicial Council and administratively attached to the Office of Court Administration. Timothy Cole was a student at Texas Tech University in 1985 when he was expelled after a student accused him of rape. He was convicted and died in prison in 1999, but another man's confession coupled with DNA evidence ten years later showed that Cole was innocent. Timothy Cole was the first Texan to be posthumously exonerated of a crime through DNA testing and was pardoned in 2010. The new commission named for him is charged with reviewing proven wrongful convictions where the exoneration occurred since January 1, 2010 and identifying the main causes of those convictions and making recommendations to prevent such tragedies from reoccurring in the future. A report of the findings is anticipated for December 2016.



Governor Greg Abbott signing HB 48

[SB 316](#) authored by **Sen. Hinojosa** and sponsored by **Rep. Leach** requires courts to prioritize the appointment of an available public defender's office to make efficient use of such offices.

[SB 1517](#) authored by **Sen. Seliger** and **Sen. West** and sponsored by Rep. Coleman clarifies the procedures for appointment of counsel for a person arrested and jailed in a county based on a warrant issued by a different county, which has been confusing under previous law. TIDC published [flowchart and bill summary](#) to assist in its implementation.

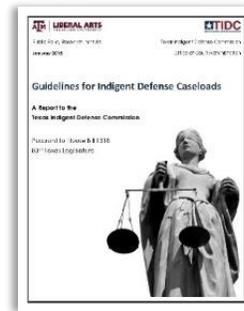
[SB 1743](#) authored by **Sen. Hinojosa** and sponsored by **Rep. Herrero** expands the powers and duties of the Office of Capital Writs to include representing a defendant in cases involving a forensic science issue and changing the name of the agency to the Office of Capital and Forensic Writs.

Publications, Research, and Training

TIDC 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.

Weighted Caseload Study

TIDC partnered with Texas A&M University's Public Policy Research Institute (PPRI) to conduct the legislatively mandated study on criminal defense attorney caseloads. The final report, [Guidelines for Indigent Defense Caseloads](#), was published in January of 2015. The evidenced-based report recommends that for the delivery of reasonably effective representation, criminal defense attorneys should carry an annual full-time equivalent caseload of no more than 226 misdemeanor cases or 128 felony cases. Local jurisdictions can use these Texas-specific parameters to better manage the number of cases assigned to attorneys. TIDC has also begun work with Dr. Dottie Carmichael and the PPRI team on two additional caseload studies on representation in criminal appeals and juvenile delinquency cases.



The Fair Defense Act and the Role of the Magistrate

TIDC Executive Director Jim Bethke and Dr. Dottie Carmichael of the Public Policy Research Institute co-authored [The Fair Defense Act and the Role of the Magistrate](#) that was published in the February 2015 edition of The Recorder, The Journal of Texas Municipal Courts. The article is a refresher on the Fair Defense Act (FDA) passed in 2001 and highlights key changes to the FDA since the last publication.

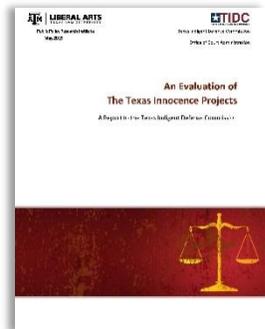
Training

In FY 15 TIDC staff gave twenty educational trainings and presentations around the state totaling over twenty-five hours of training to more than 1,400 judges, county officials, and attorneys.

Innocence Program

In 2005 the Texas Legislature directed TIDC 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 2015 the 84th Legislature expanded funding for innocence projects to include two new public law schools at the University of North Texas Dallas College of Law and the Texas A&M University School of Law in Fort Worth. The funding now consists of \$100,000 per school per year for the six public universities with law schools. Strategies for building effective programs at the new schools will build on the work done by the Public Policy Research Institute's study released in May 2015, [An Evaluation of The Texas Innocence Projects](#).



For More Information

Every year TIDC publishes a comprehensive [Annual and Expenditure Report](#) that includes program details. For more information about the Texas Indigent Defense Commission visit the [TIDC website](#).

Judicial Compensation Commission

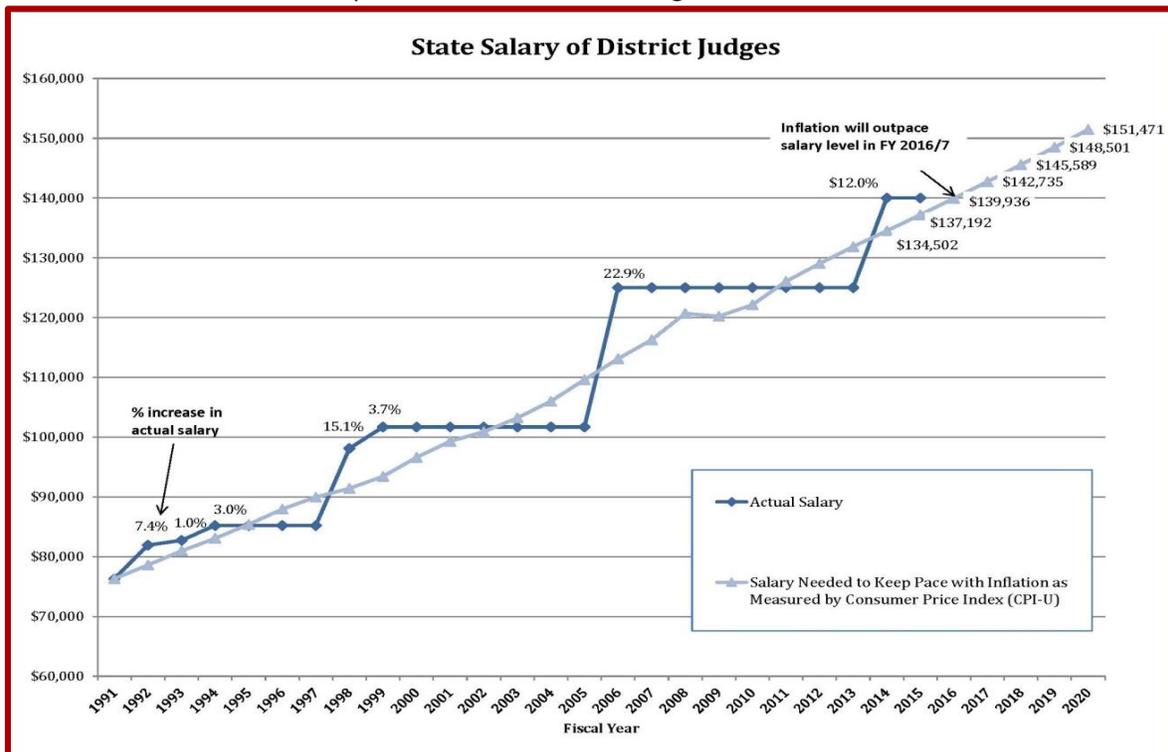
Texas is the second largest state in our nation, in both area and population, and it continues to grow in both population and commerce and industry. A basic requirement to ensuring that citizens and businesses can manage their affairs effectively is a stable and predictable judiciary.² Therefore, to effectively and efficiently address the needs of the State of Texas and its citizens, it is essential to have and support a competent judiciary. Adequate judicial compensation is one of the many factors that contribute to the support of the judiciary.

In 2007, the Texas Legislature formed the Judicial Compensation Commission (the “Commission”) specifically to look at this factor and, each biennium, recommend the proper salaries to be paid by the state for all justices and judges of the Supreme Court, the Court of Criminal Appeals, the courts of appeals, and the district courts.

FINDINGS

Based on the information it has gathered and reviewed, the Commission makes the following findings:

- ★ In order to maintain a strong, qualified and independent judiciary, and in order to attract qualified candidates and retain experienced judges, appropriate judicial compensation is essential.
- ★ The last judicial salary increase effective September 1, 2014, increased the salaries of the state’s judges by 12% and brought them to a level that at that time was consistent with the pace of inflation based on the judicial salaries in effect in 1991.
- ★ By the end of the 2014-15 biennium, judicial salaries again began to lag behind the rate of inflation and are now lower than salaries paid in 1991 when factoring inflation.



- ★ While maintaining a 1991 level of compensation should be a goal so that real compensation does not decrease with inflation, the 1991 level of compensation in the 2016-2017 biennium is inadequate to recruit and retain the best judges for Texas.

- ★ The age of judges serving in the Texas judiciary is increasing, and it is anticipated that many may retire in the near future making it more important than ever to set compensation at a level adequate to recruit a future generation of judges to the bench.
- ★ Regular, systematic increases make judicial compensation more predictable and are essential to ensure that judicial compensation remains at a level that is sufficient to attract a competent and well-qualified judiciary.
- ★ The state-paid associate judges for child protection courts and child support courts, who hear a significant portion of the cases that would otherwise be heard by additional district judges, perform a critical state service, had not received a merit-based increase in compensation in over 15 years, and were inadequately compensated for their service.
- ★ The ability of the Commission to ensure its recommendations are brought before the Legislature is hampered by the fact that there is no formal mechanism for legislators to consider the recommendation.

RECOMMENDATIONS

As a result of its findings, the Commission recommended that salaries of the justices and judges of the Supreme Court, the Court of Criminal Appeals, the 14 courts of appeals, and the district courts be established as shown in the table below for the 2016-2017 biennium:

Recommended Judicial Compensation

| Judge | State Salary | Additional Compensation ³ | Total | % Increase Above Current Total Compensation | Adjusted National Ranking ^{4, 5} |
|--|--------------|--------------------------------------|-----------|---|---|
| Supreme Court Chief Justice/ Court of Criminal Appeals Presiding Judge | \$178,900 | n/a | \$178,900 | 5% | --- |
| Supreme Court Justice/ Court of Criminal Appeals Judge | \$176,400 | n/a | \$176,400 | 5% | 12 |
| Court of Appeals Chief Justice | \$164,200 | up to \$9,700 | \$173,900 | 5% | --- |
| Court of Appeals Justice | \$161,700 | up to \$9,700 | \$171,400 | 5% | 12 |
| District Court Judge | \$147,000 | up to \$19,400 | \$166,400 | 5% | 19 |

² Eskridge, William N. Jr. and Philip P. Frickey, eds. 1994, Hart and Sack's The Legal Process: Basic Problems in the Making and Application of Law. Westbury, N.Y.: Foundation Press.

³ If the Commission's recommended salary increases are adopted, county supplements could increase to the amounts shown in the chart. (See Tex. Gov't Code 659.012.) The current maximum county supplement for courts of appeals justices is \$9,000 and for district court judges it is \$18,000.

⁴ National Center for State Courts. (2014). *Survey of Judicial Salaries, Vol. 39, No. 1 (As of January 1, 2014)*. Williamsburg, VA.

⁵ National rankings are not adjusted for cost of living differences and do not take into account potential salary supplements paid by counties.

COST

The state fiscal impact of the judicial salary increases recommended by the Commission is estimated to be approximately \$19,056,512 million per year for fiscal years 2016 and 2017.⁶ To view the full report, visit the Judicial Compensation Commission website at <http://www.txcourts.gov/jcc.aspx>.

ADDITIONAL RECOMMENDATIONS

- ★ The Commission also recommended that the Legislature make regular adjustments to judicial salaries in order to avoid lengthy periods between pay increases which make judicial salaries unpredictable and are a barrier to attracting and maintaining a strong, qualified and independent judiciary.
- ★ The Commission also recommended that legislation be passed requiring the Commission's salary recommendations for the appellate courts and district courts published in its report to the Legislature be listed as the salary for the judges in the appellate courts' and the Comptroller Judiciary Section's appropriation patterns in the introduced versions of the General Appropriations Acts filed in the House and Senate.
- ★ The Commission also recommended that the salaries of the child protection court and child support court associate judges appointed by the regional presiding judges under Sec. 201.101 and Sec. 201.201 of the Texas Family Code be set to the statutory maximum of 90% of a district judge's state salary.

The Legislature only addressed the last recommendation by providing funding to increase the average salary of administrative judges to 80% of a district judge's salary.

⁶ This cost includes state-paid judicial salaries, longevity pay increases, increases in pay for state and county prosecutors, increases in funding provided for statutory county court salaries, and impacts on the Judicial Retirement System (JRS) Plan I and Plan II for the same time period.

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 other state agencies.

The SLL's primary responsibility is to make legal information accessible. Library staff uses the print collection and online resources to locate information and provide responses to patron queries via phone, email, mail, and fax. Staff also provide training in the use of legal resources (paper and electronic). Demand for library services continues to grow as the library expands what it can offer 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. New features on the library's website include 37 consumer guides to the law, annotated topical bibliographies of key legal treatises, and CLEs.

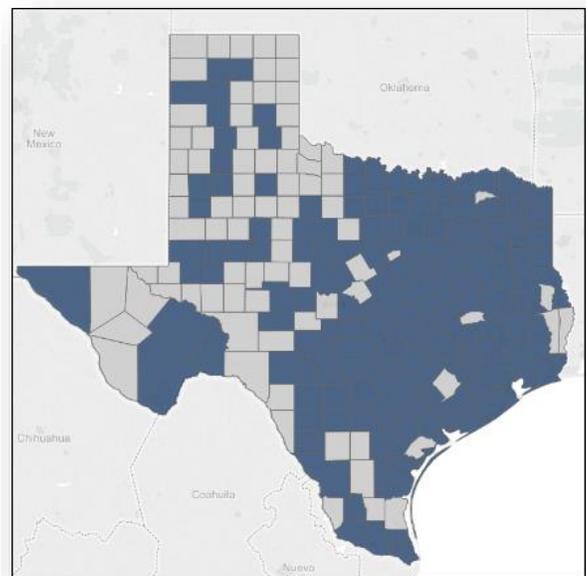
In FY 2014 the library continued enhancing its website by adding remote access to more legal databases, including Stevenson's Legal Forms, Loislaw, immigration materials from the American Immigration Lawyers Association, and the Aspen Treatise Libraries. These databases can now be accessed from anywhere in the state by citizens and government employees who have registered with the library. In FY 2015, the library expanded its digital collection even further by adding an ebook collection that includes prominent treatises by Mathew Bender, Wolters Kluwer, and James Publishing. The library now also offers remote access to HeinOnline, popular legal materials from the National Consumer Law Center and Nolo Press, and "Nutshells" from West Academic Press as part of its extensive e-resource collection.

Public response to the library's new digital offerings has been enthusiastic and widespread. Within the first two years of offering remote access, over 2,500 patrons have registered to use the service, representing over 543 cities and 163 counties throughout Texas. Library staff have made several presentations on the new services to legal groups, court staff and public librarians throughout the state.

To browse our ebook collection, visit <http://overdrive.sll.texas.gov/>. To register for a library account to access these digital resources from home, visit our [Get a Library Card page](#).

STATE LAW LIBRARY ORGANIZATION

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



State Law Library County Map

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.

During FY 2015, the office's three attorneys:

- ★ Filed 33 petitions for discretionary review, 15 briefs, and 4 motions for rehearing.
- ★ Attended all oral arguments in the Court of Criminal Appeals and presented oral argument in 4 cases.
- ★ Reviewed over 350 opinions from the courts of appeals and court of criminal appeals.
- ★ Answered hundreds of phone calls and emails from prosecutors around the State.
- ★ Spoke at continuing legal and judicial education courses around the State.
- ★ Served on various committees related to criminal law issues.

STATE PROSECUTING ATTORNEY DUTIES

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

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 2015, according to OCA records, approximately 3,677 judges were under the jurisdiction of the Commission.

During Fiscal Year 2015, the SCJC:

- ★ Opened 1,066 cases;
- ★ Issued 96 disciplinary actions against Texas judges (including 5 interim suspensions);
- ★ Disposed of 77 cases through public sanction, private sanction, orders of additional education or a combination of a sanction with an order of additional education; and
- ★ Disposed of 14 cases through Voluntary Agreements to Resign in Lieu of Disciplinary Action.

STATE COMMISSION ON JUDICIAL CONDUCT DUTIES

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

Office of Capital Writs

On September 1, 2015, the Office of Capital Writs was renamed the Office of Capital and Forensic Writs (OCFW). S.B. 1743, 84th Leg., Reg. Sess. (Tex. 2015). The Office of Capital Writs began operation five years prior as a capital post-conviction state agency charged with representing death sentenced persons in state post-conviction habeas corpus and related proceedings. Senate Bill 1743, however, expanded the scope of the agency to include a limited number of applications made under Article 11.073, Code of Criminal Procedure, and related litigation, upon written referral by the Forensic Science Commission under Article 38.01, Code of Criminal Procedure. Over the coming year, the OCFW looks forward to partnering with the Forensic Science Commission, the judiciary and other institutions to develop this new area of practice.

The primary mission of the OCFW remains the representation of indigent persons sentenced to death in Texas. The Office works within the judicial system to safeguard the Constitutional rights of the individual clients through high-quality legal representation, undertaken by a diverse staff of post-conviction attorneys and investigators. The OCFW is appointed to represent death sentenced clients shortly after sentence is pronounced. In situations where there is a lack of resources to provide adequate representation for a client, a potential conflict of interest, or other good cause, the OCFW is prohibited from representing a particular client. See TEX. GOV'T CODE ANN. § 78.054(a).

From appointment, the OCFW collects and reviews all materials from the capital trial to determine whether any errors rising to the level of a constitutional violation have occurred. Consistent with the Guidelines and Standards for Texas Capital Counsel (2006) and the Supplementary Guidelines and Standards for the Mitigation Function of Defense Teams in Texas Death Penalty Cases (2015) promulgated by the Texas Bar, the OCFW 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 OCFW presents these findings to the convicting trial court in the form of an application for writ of habeas corpus raising constitutional claims, which it then litigates in that court and before the Court of Criminal Appeals.

During Fiscal Year 2015, the OCFW:

- ★ Represented 44 clients;
- ★ Filed 11 initial applications in Texas trial courts;
- ★ Represented clients from 17 different county jurisdictions, before the convicting court and the
- ★ Court of Criminal Appeals.

CAPITAL WRITS ESSENTIAL DUTIES

- ★ Investigate and identify all facts necessary to preserve potential claims of constitutional error.
 - ★ Gather, review, and store all available materials from the client's capital trial, including from the trial defense team, the state, and the official court records.
 - ★ File motions, briefing, and applications for writs of habeas corpus with state courts, paying particular attention to all mandatory deadlines, in order to preserve all potential claims of constitutional error.
 - ★ Appear in state courts to represent the legal interest of all OCW clients.
-

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