

# DIRECTOR'S REPORT

June 2017



## Texas Judicial Council

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## INFORMATION SERVICES DIVISION

### Judicial Access to Court Records (Re:SearchTX)



As part of the eFiling contract, Tyler Technologies

is contracted to provide document access (called Re:SearchTX).

The tool is in use by Texas judges and allows judges to filter eFiled documents down by county, court, case, party or a combination of those criteria. The Judicial Committee on Information Technology (JCIT) has been asked by the Supreme Court and the Court of Criminal Appeals to make recommendations that address policy issues regarding roles, permissions, privacy issues and possible fees. At its January 20th meeting, JCIT recommended to the high courts that the tool be expanded to Clerks and Attorneys on the Case. The Supreme Court ordered

OCA to implement JCIT's recommendations to expand the system to clerks and attorneys on the case. JCIT met again on March 3rd and voted to expand the system to all attorneys once the implementation of the January recommendations is completed.

OCA and Tyler Technologies are currently piloting the tool with several counties to test the integrated model of Re:SearchTX. This model allows clerks to maintain cases in their case management system as they do today, with regard to things like sealing cases/documents, expungements and then Re:SearchTX would automatically remove or seal the document/case as needed. Tyler is also implementing a user interface for clerks to perform these tasks manually as well.

### Criminal e-Filing

Last summer, the Court of Criminal Appeals ordered that criminal eFiling be mandatory for attorneys in district and county courts. The implementation of the mandate will be like the civil mandate, with the top 10 most populous counties becoming mandatory in July 2017 and other counties becoming mandatory every six months per their population. More than 96 counties are currently live on criminal eFiling in a permissive state. Tarrant County, along with the Harris County and Travis County District Clerks requested

OCA's Information Services Division (ISD) is instructed by the Legislature to directly provide staff and information technology equipment and services to the two high courts, the 14 intermediate appellate courts and five judicial branch state agencies – almost 900 users. The division also provides staff to coordinate and facilitate the work of the Judicial Committee on Information Technology (JCIT).

and received an extension from the Court of Criminal Appeals for an extension to January 1, 2018 for their criminal mandate.

### Price of Justice Grant

Texas was one of five states awarded grant money to increase the amount of information that a judge sees when determining a person's ability to pay fines and fees assessed. OCA Information Services has met with all the stakeholder groups to solicit input and feedback on the direction and tools to be provided by the grant. OCA is currently working on a RFO to develop the tools identified during requirements gathering.

### Guardianship Compliance Tool

The contract development team is continuing work on the guardianship compliance tool. The team is currently in the user acceptance test cycle for the initial inventory intake. The goal of the project is to use technology to enable guardians to provide reports to the court electronically and in a timely manner. In the future, the system may also perform a basic review and alert the judge to the potential need for additional review.

### Other Information Services Projects

- Replacing court professional licensing database – OCA's software that manages the licensing provided by the Judicial Branch Certification Commission (JBCC) is outdated and in need of several modern features, including the ability for licensees to review their records and renew/pay for licenses online. OCA procured technology from Aithent (New York) and is currently working to bring the system online. Aithent staff are working with JBCC staff and OCA Information Services to bring the system online in the summer of 2017 as planned.
- RPDO Upgrades – working with TIDC, Lubbock County, and the Regional Public Defender Office for Capital Cases, OCA Information Services is planning on refreshing and upgrading the technology employed at the RPDO. The new technology will enable the RPDO staff to work more efficiently in the mobile environment they normally work.
- Court of Appeals PC Refresh – OCA Information Services is gathering pricing for new PCs at the Supreme Court, Court of Criminal Appeals and the intermediate appellate courts. This is part of the planned refresh cycle that replaces PCs and Laptops every four years.

# RESEARCH & COURT SERVICES DIVISION

## Judicial Information

The Judicial Information Program collects, reports and analyzes court activity statistics, judicial directory information, and other information from the approximately 2,700 courts in the state; produces the Annual Statistical Report for the Texas Judiciary, the Texas Judicial System Directory, and other publications; and provides statistical and other information about the judicial branch to the legislature, state and federal agencies, local governments, private associations and public interest groups, and others. More than 150,000 statistical and other reports were received in FY2016.

In addition to providing standard technical assistance to the approximately 2,300 reporting entities in the state, maintaining and updating the vast amount of information mandated by law or traditionally collected, and responding to inquiries from the public, media, and legislative staff, during the period the Judicial Information Section was involved in the following activities:

- Completed the annual update of the [Texas Judicial System Directory](#)
- Provided technical assistance and training related to implementation of [SB 1369](#). This legislation passed in 2015 and provides for the reporting of appointments and fees paid to attorneys ad litem, guardians, guardians ad litem, mediators and competency evaluators. Staff also assessed current level of compliance and executed strategies to improve compliance levels.
- With assistance of the Division's Court Services Consultant, devoted attention to improving the quality of the sentencing information collected for criminal and juvenile cases.
- Conducted five sessions on probate and mental health-related reporting requirements at conferences held by the Texas College of Probate Judges and the Texas Association of Counties' Probate Academy.
- Presented on reporting requirements at the County and District Clerks' Association's Annual Conference, Justices of the Peace and Constables Association's Annual Conference, and at a regional meeting of county and district clerks.
- Worked on improvements to the section's numerous webpages and began development of a few summary-level documents to improve public understanding on how the public can access court activity statistics; judge demographics, judicial salary and turnover data; and other information required to be collected by law.
- Submitted 2016 data for Texas to the National Center for State Courts' [Court Statistics Project](#).

## Court Services

The Court Services Section includes the agency's consulting, language access, research, collection improvement technical support, and grant-funded programs.

### Collection Improvement Program Technical Support

CIP staff continue to develop [resources](#) and provide training to local collections programs to support the implementation of the amended collection improvement program rules adopted by the Judicial Council effective January 1, 2017. Training on the new rules was provided at the Governmental Collectors Association of Texas Conference in San Antonio in May.

Through its Collection Improvement Program (CIP), OCA continues to provide technical assistance counties and cities required by law to have a collection improvement program. This assistance is designed to promote local program compliance with key program components.

### Consulting

The Court Services Consultant provided on-site training to the court coordinator of the Aransas County Court at Law and the Court Coordinator of the 360th District Court in Tarrant County. In addition, the Consultant worked with staff from the Judicial Information Section on a data quality review project.

Language Access Program staff provide Spanish interpreting services via speakerphone or videoconference through the Texas Court Remote Interpreter Service (TCRIS). TCRIS services are available for all case types, for short, non-contested hearings involving limited or no evidence. In addition, OCA's Language Access staff provides training on language access issues and best practices.

### Language Access Services

During the period, Texas Court Remote Interpreter Service staff provided interpreting services in 316 hearings in 43 counties for 53 judges in a variety of criminal and civil cases, including magistrations, plea hearings, sentencing hearings, arraignments and divorce prove-ups.

### Research

Work continued on piloting the Judicial Council's Centers of Excellence program, which assists courts in assessing and improving their performance. The initiative, based on recognized standards of court performance and supportive of

local innovation and priorities, has been refined to focus on four performance areas: governance, data-driven caseload management, court operations, and access and fairness.

### Domestic Violence Resources Program

The Domestic Violence Training Attorney provided training at 13 events across the state for more than 500 judges, prosecutors, and advocates.

### Collection Improvement Program (CIP) Audits

Since the inception of the CIP Audit department at the OCA in 2012, CIP Audit has issued 62 Compliance Audit reports, of which nine were follow-up Audits.

In Fiscal Year 2017, nine Compliance Audit reports have been issued, eight were residual FY2016 projects, and one was a residual FY2015 project.

1. 1-Failed
2. 8-Passed; this includes 2 follow-up audits

In addition, since 2012, CIP Audit has completed and issued 49 Rate Review reports.

- 13 - Pre-Implementation Rate Reviews
- 36 - Post-Implementation Rate Reviews

In Fiscal Year 2017, two Post-Implementation Rate Review reports have been issued, one residual FY2016 project and one FY2017 project.

The FY2017 Audit Plan includes five Compliance Audits and ten Post-Implementation Rate Reviews.

- 1 – New rules pilot test jurisdiction
- 4 – Follow-up audits –these audits will be considered the initial audit for the jurisdiction due to the amended CIP rules that became effective January 1, 2017

Article 103.0033(j) of the Code of Criminal Procedure requires OCA to periodically review mandatory local jurisdictions' compliance with the components of the Collection Improvement Program (CIP).

- 10 – Post Implementation Rate Reviews – Based on HB 3167 of the 85th Legislative Session, the legislature enacted a change to Article 103.0033, Code of Criminal Procedure, effective June 1, 2017, regarding the minimum population threshold for a county’s participation in the CIP from 50,000 to 100,000. Five jurisdictions on this list are not required to participate in the CIP based on HB 3167.

### Data Verification Audit Timeline

Since the last update, OCA undertook another review of 1TAC§175.4(c)(1) and (2) rules to identify the appropriate data to include in the audit data verification process as directed by Article 103.0033(j), Code of Criminal Procedure CIP requirements. The OCA identified the items in 1TAC§175.4(c)(1), and the total dollar assessed and total dollar collected elements in 1TAC§175.4(c)(2)(C) as the data components to review.

The proposed data verification review timeline is as follows:

- Conduct a pilot review by December 2017
- Implementation of data verification review audits in Fiscal Year 2019

## SPECIALTY COURTS

### Children’s Courts

The title of the Specialty Courts Program (Child Protection Courts and Child Support Courts) under the direction of the Office of Court Administration (OCA) has been changed to the Children’s Courts Program to provide clarity between those courts and the problem-solving courts (drug courts, DWI courts, veterans courts, etc).

### Child Protection Courts

In its 2018-2019 budget request, OCA requested funding for four new child protection courts. The request was not granted. Therefore, there will be no new child protection courts created during the next biennium.

Planning is underway for the 2017 Child Welfare Judicial Conference and Child Protection Court Judges and Coordinators Annual Meeting and Training. The meeting will be held Monday, November 13, 2017 and training for the coordinators will continue through Tuesday morning, November 14. The Child Welfare Judicial Conference, hosted by the Texas Center for the Judiciary and the Children's Commission of the Supreme Court, will run November 13 - 15.

The Child Protection Court (CPC) Advisory Group met Tuesday, May 30, 2017. The group discussed issues and enhancements concerning the CPC case management system, CPCMS. Discussion ensued about expanding the group focus beyond CPCMS, e.g., securing speakers on statutory and case law and identifying local and national best practices relating to the child protection field.

### Child Support Courts

Anissa Johnson visited the Centex Child Protection Court in Belton on Thursday, April 13, 2017. Anissa observed court and met with presiding associate judge, Hon. Charles Van Orden, and his coordinator, Jessica Jacobi. Anissa was also able to meet with IV-D Court associate judge, Hon. Michael J. Nelson.

Efforts continue to reconvene the advisory group for the child support case management system, CSCMS. All members have expressed an interest in continuing to serve.

Nereida Lopez-Singleterry has been hired as the associate judge for Child Support Court #26 (Hidalgo County) in the Fifth Administrative Judicial Region.

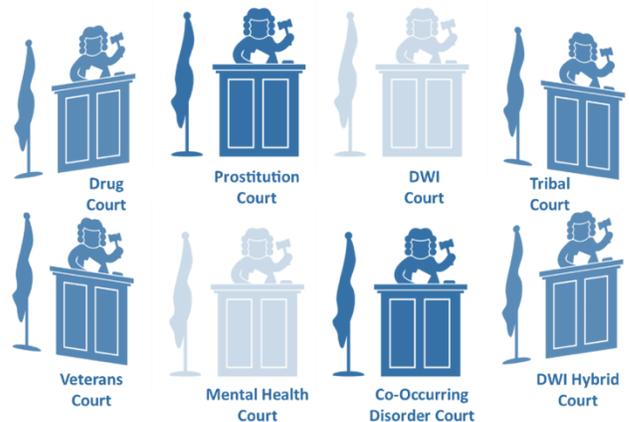
### Problem-Solving Court Coordinator

Since the last quarterly report, OCA's Specialty Court Manager Anissa Johnson and Research and Court Services Division Director Scott Griffith have continued to meet with representatives from the Governor's Criminal Justice Division (CJD) to discuss ongoing collaboration between OCA and CJD on drug court and other problem-solving court programs. As requested by CJD, OCA, in consultation with its Problem-Solving Advisory Committee, has: 1) begun to explore the creation of a statewide specialty court case management system; 2) completed the self-assessment tools based on Volumes I and II of the National Association of Drug Court Professionals' [Adult Best Practice Standards](#), and; 3) agreed to pilot an ombudsman project which will position OCA staff as a resource liaison for specialty court program team members and participants.

Ms. Johnson partnered with CJD staff to present on the National [Association of Drug Court Professional's](#) Adult Drug Court Best Practice Standards, whose adoption for Texas specialty courts was recommended by the Governor's Specialty Courts Advisory Council and approved by the Judicial Council in 2016. The presentation was held as part of the Texas Association of Specialty Courts Annual Conference and was attended by over 500 people.

Ms. Johnson was one of three keynote speakers at a celebration honoring the El Paso DWI Drug Court Intervention and Treatment Program held on May 3, 2017 at the El Paso County Courthouse. El Paso County Judge Veronica Escobar and the County Commissioners specially recognized the court program and hosted the event. The ceremony was attended by state district and federal judges, a representative from CJD, community stakeholders, and program graduates. Judge Robert Anchondo, County Criminal Court at Law #2, and his team accepted the recognition award from James Eberspacher, [National Center for DWI Courts](#) Director, as an Academy Court.

Academy Courts serve as model courts and mentor specialty court staff from programs around the country. Several DWI Drug Court teams from around the country have already begun visiting the El Paso DWI Drug Court for guidance on either implementing a DWI Drug court or enhancing their existing programs. The event can be viewed at <https://www.youtube.com/watch?v=vBmUnaG4p94>.



## REGULATORY SERVICES

### Judicial Branch Certification Commission (JBCC)

#### JBCC Certifications, Registrations, and Licenses

Profession	Number of Certifications, Registrations, Licenses
Court Reporters	2,176 individuals and 312 firms
Guardians	447 individuals
Process Servers	3,462 individuals
Court Interpreters	436 individuals
<b>TOTAL</b>	<b>6,833 individuals and firms</b>

On September 1, 2014, the Judicial Branch Certification Commission (JBCC) was established by the Texas Legislature, during the 83rd Regular Session, to promote government efficiency and create consistency across the regulated judicial professions. The core responsibility of the JBCC is the oversight of the certification, registration, and licensing of over 7,000 court reporters and court reporting firms, guardians, process servers, and licensed court interpreters. The nine-member commission is appointed by the Supreme Court of Texas.

#### Recent Meeting of the JBCC and Advisory Boards

- The last meeting of the full commission was May 5, 2017. The next meeting will be held on August 4, 2017.
- The Court Reporters Certification Advisory Board met on April 21, 2017.

#### Compliance Section Complaint Investigation and Resolution

- Process Server Certification Complaint Review Committee meeting – March 23, 2017. The next meeting is scheduled for June 22, 2017.
- Court Reporter Certification Complaint Review Committee meeting – March 24, 2017. The next meeting is scheduled for June 23, 2017.
- Guardianship Certification Complaint Review Committee meeting – A meeting is scheduled for July 7, 2017.

In FY 2017, the JBCC compliance team has opened 73 complaints that were filed with the Commission. There are currently 56 complaints open in various stages of the complaint process:

- 22 court reporter, 26 process server, 6 guardian, and 2 licensed court interpreter complaints.

## Development of the new Codes of Ethics and Standards

- The Court Reporter Certification Advisory Board completed revisions to the Court Reporter Code of Professional Conduct that was posted for Public Comment ending June 11, 2017.
- The Licensed Court Interpreters Advisory Board will meet soon to review and finalize the standards of practice guidelines for interpreters for recommendation to the Commission.

## Examinations for the JBCC

The JBCC certification staff administers the examinations for the Guardianship Certification written examination and the Licensed Court Interpreter written and oral examinations. A vendor administers the written and skills examination for the Court Reporters Certification.

- In FY2017, JBCC staff has administered 92 interpreter certification oral exams. 10 were in languages other than Spanish.
- The guardian written examination was administered on April 26, 2017, to 24 candidates for certification.

## Additional Projects for the JBCC

- JBCC and OCA staff continue to work with the vendor on the configuration and development of the new certification and compliance database. We expect the system to be in use by August 2017.
- In June 2017, an RFP for a vendor to administer the court reporter examination beginning September 1, 2017, was issued.
- In June 2017, the contract with the LCI rater to score the interpreter oral examinations was renewed.

## Guardianship Compliance Project (GCP)

Pursuant to the Judicial Council recommendation from the Elders Committee, OCA obtained funding from the Texas Legislature (Rider 20 to OCA in the 2016-2017 GAA) to establish a pilot program to improve guardianship compliance. The Office of Court Administration launched the Guardianship Compliance Project in November 2015 to provide additional resources to courts handling guardianship cases. The goal of this project is to help courts protect our most vulnerable citizens and their assets. Assistance is available

to counties that have a significant number of guardianship cases reported at no cost to the county. OCA is also developing an on-line guardianship reporting application to monitor guardianship filings of initial inventory and annual accountings and annual reports.

Through this project, our guardianship compliance specialists are available to:

- Review adult guardianship cases to identify reporting deficiencies by the guardian.
- Audit annual accountings and report findings back to the court.
- Work with courts to develop best practices in managing guardianship cases.
  - Since the project began in November 2015, Guardianship Compliance staff have worked with 29 courts in 18 counties (Anderson, Bexar, Comal, Grimes, Guadalupe, Hale, Hays, Hill, Kaufman, Jefferson, Lubbock, Montgomery, Orange, Potter, Tom Green, Washington, and Webb). The following performance measures summarize the work of the GCP:
    - 17,188 guardianship cases were reviewed;
    - 12,134 guardianship cases recommended for closure; 2,307 deceased persons under guardianship;
    - 5,069 active guardianship cases were identified;
    - 1,572 guardianship cases were found to be out of compliance with statutorily required reporting;
    - 34 percent of cases were found to be missing reports of the person;\*
    - 40 percent of cases were found to be missing initial inventories; and\*
    - 46 percent of cases were found to be missing annual accountings.\*
  - The following counties have requested assistance of the project: Cameron, Jackson, Titus, Upshur and Waller.
  - Unfortunately, Governor Abbott vetoed funding in the OCA budget to continue and expand the GCP. Therefore, there are no funds in the OCA budget dedicated to support the continuation of the GCP. OCA is exploring options to continue the project, if feasible.

\*Note: These statistics are reported for the 16 counties in which the initial review process has been completed. The number of active guardianships in those 16 counties totaled 4,036. With 1,572 cases out of compliance with required reporting, the overall percentage of cases out of compliance is 39%.

## Conservatorship Accountability Project (CAP)

Texas has also received an implementation award to receive technical assistance to implement the Conservatorship Accountability Project (CAP). Indiana, Iowa, and Texas were selected to receive implementation awards; New Mexico and Nevada were provided planning awards. This project will use the extensive expertise and experience of the National Center for State Courts to support Texas' efforts in adapting the Minnesota "MyMNConservator" software, which allows conservators (known as guardians of the estate in Texas) to file their inventory and annual accountings electronically, integrating the software with our statewide electronic filing system. The red flag validation and implementation, standardized reports and alerts, and judicial response protocols in the system will greatly improve Texas judges' ability to protect assets and modernize and improve guardianship accounting with limited resources. This project coincides with the Office of Court Administration's [Guardianship Compliance Pilot Project](#).

- Part of the funding provided to OCA by the 84th Legislature was for the development of an automated, electronic tool to process the filing of required reports and other documents in guardianship cases.
- This system will provide an automated method to notify courts when required reports are delinquent. It will also provide an automated method to review annual accounting reports for potential fraudulent activities.
- The goal will be to work with the courts to safeguard the assets of protected persons through the oversight of guardians by conducting professional compliance audits.
- OCA expects that this online tool will be piloted in several counties prior to the end of the year.

## Recent Guardianship Compliance Training

Guardianship Compliance Project (GCP) staff have provided or participated in the following training sessions:

- Texas Guardianship Association (TGA) conference in San Antonio, Texas;
- In December and January 2017, GCP and JBCC staff attended HHSC guardianship training;
- On May 26 and 27, 2016, the GCP team attended the Guardianship and Elder Law CLE in Austin;
- In March, the Office of Court Administration was notified that it had received a grant from the State Justice Institute for the development of a Texas guardianship online training application

targeted to family/friend guardians. We have started meeting and will use a selected advisory council to assist in the development of this training and implementation of the captive training module project with the National Center for State Courts.