



# TEXAS JUDICIAL COUNCIL

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**CHAIR:**

**HON. NATHAN L. HECHT**  
Chief Justice, Supreme Court

**EXECUTIVE DIRECTOR:**

David Slayton

**VICE CHAIR:**

**HON. SHARON KELLER**  
Presiding Judge, Court of Criminal Appeals

## TEXAS JUDICIAL COUNCIL

### MINUTES OF MEETING

**June 30, 2017**  
**10:00 a.m.**

**Tom C. Clark - 1st Floor Conference Room**  
**205 W. 14th Street**  
**Austin, Texas**

#### COMMENCEMENT OF MEETING

On June 30, 2017, Chief Justice Nathan L. Hecht called the meeting<sup>1</sup> of the [Texas Judicial Council](#) ("Council") to order at approximately 10:00 a.m. in the courtroom of the [Supreme Court of Texas](#) ("SCOT") in Austin, Texas.

The following members of the Council were present:

*Hon. Nathan L. Hecht, Chief Justice, Supreme Court of Texas*  
*Hon. Gary Bellair, Presiding Judge, Ransom Canyon Municipal Court*  
*Hon. Bill Boyce, Justice, 14th Court of Appeals, Houston*  
*Ms. Sonia Clayton, Virtual Intelligence Providers LLC, Houston*  
*Hon. Scott Jenkins, Judge, 53rd District Court, Travis County*  
*Hon. Kelly Moore, Judge, 121st Judicial District, Terry & Yoakum*  
*Hon. Andrew Murr, Representative, Junction*  
*Hon. Valencia Nash, Justice of the Peace Pct. 1, Place 2, Dallas County*  
*Hon. Sherry Radack, Chief Justice, 1st Court of Appeals, Houston*  
*Mr. Kenneth S. Saks, Oliva Saks Garcia & Curiel, LLP, San Antonio*  
*Hon. Polly Spencer, Judge (Ret.), Probate Court #1, Bexar County*  
*Hon. Edward J. Spillane, III, Presiding Judge, City of College Station*  
*Hon. Vivian Torres, Medina County Court at Law, Hondo*  
*Mr. Evan Young, Baker Botts, Austin*  
*Hon. Judith Zaffirini, Senator, Laredo*

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<sup>1</sup> The meeting may be viewed on the [Office of Court Administration YouTube](#) site.

Members attending via phone:

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

Members not in attendance:

*Mr. Carlos Z. Amaral, Information Services Group, Inc., Plano*  
*Hon. Brandon Creighton, Senator, Conroe*  
*Hon. Bill Gravell Jr., Justice of the Peace Pct. 3, Williamson County*  
*Ms. Allyson Ho, Morgan, Lewis & Bockius LLP, Dallas*  
*Ms. Ashley Johnson, Gibson Dunn & Crutcher LLP, Dallas*  
*Hon. John T. Smithee, Representative, Amarillo*

**MINUTES**

With a quorum present, Chief Justice Hecht called for a motion to approve the previous meeting minutes. With proper motion (1<sup>st</sup> by Radack, 2<sup>nd</sup> by Murr) and vote, the [February 19, 2017](#), meeting minutes were approved.

Chief Justice Hecht introduced the following new Council members: Ms. Sonia Clayton, Mr. Kenneth Saks, Judge Edward Spillane, Judge Vivian Torres, and Mr. Evan Young. He then recognized departing Council members for their service: Mr. Richard Battle, Mr. Richard Figueroa, Mr. Hank Nuss, and Judges Glenn Phillips and Linda Rodriguez.

**REPORTS AND ACTION ITEMS**

[Texas Indigent Defense Commission \(TIDC\)](#)

Mr. Jim Bethke, Executive Director, TIDC, provided an overview of the Commission and its work for the benefit of new members. He then discussed the [TIDC report on 85th Legislature](#) reviewing TIDC appropriations, budget riders, an increase in funding revenue from the Fair Defense Account, substantive legislation, and the history of TIDC bills throughout the 85<sup>th</sup> Legislative Session.

**Centers for Excellence:**

Mr. Scott Griffith, Director for Research & Court Services at the Office of Court Administration (OCA), reviewed the [court performance initiative](#), announced pilot jurisdictions, and provided a program overview. Mr. Griffith then discussed next steps and a plan to open the program to all interested jurisdictions in October 2017. Sen. Zaffirini expressed some concerns with the model and requested changes be made prior to implementation.

**Legislative Update:**

Ms. Megan LaVoie, Director Public Affairs/Special Counsel at OCA, provided an overview of Judicial Council bills during the 85th Legislative Session and noted the Judicial Council 85th Legislative Update is complete and ready to publish. She also reported on historical statistics of OCA fiscal notes and an overview Judicial Council legislation that did not pass.

Ms. Jennifer Henry, Chief Financial Officer at OCA, provided a summary of the 85th Legislative Session Appropriation highlighting method of finance and items of significance from the Budget Conference Committee.

**Action Items for Special Session:**

Senator Zaffirini advised she had written a letter to the Governor about vetoed guardianship legislation. Discussion ensued about continuing efforts to work on all Council legislation that did not pass.

**Civil Justice Initiative:**

Mr. Slayton gave two [presentations](#); “The Landscape of Civil Litigation in State Courts,” regarding a publication from the National Center for State Courts and “CALL TO ACTION: Achieving Civil Justice for All,” regarding a publication on the recommendations to the Conference of Chief Justices by the Civil Justice Improvement Committee.

**NEW BUSINESS**

**Appointment and Charge of Committees:**

Chief Justice Hecht presented the [appointments and charges of committees](#). He requested that the work of the committees should be done by June 2018 to prepare legislation for the 86th Legislative Session in 2019. Senator Zaffirini added that Council legislation should be ready to pre-file in November 2018.

**Juvenile Justice Committee**

Chair: Judge Nash. Members: Sen. Creighton, Judge Torres, Judge Spencer, Judge Spillane, Mr. Saks, Ms. Johnson, and Ms. Clayton.

Charge 1: Consider best practices and necessary reforms to the juvenile justice system to improve the adjudication of delinquent conduct cases.

Charge 2: Oversee the study required by HB 1204 regarding the use of the terms child, minor, and juvenile in statute for fine-only offenses and the adjudication of those offenses; recommend any necessary reforms to improve the adjudication of those offenses.

**Criminal Justice Committee**

Chair: Presiding Judge Moore. Members: Presiding Judge Keller, Sen. Creighton, Rep. Murr, Judge Jenkins, Judge Gravell, and Mr. Amaral.

Charge 1: Continue to evaluate and monitor implementations of the recommended pretrial bail reforms.

Charge 2: Study the impact of opioid drug use on the Texas judiciary and recommend any reforms necessary to curb the impact of opioid drug use in Texas.

Charge 3: Working in conjunction with the Governor’s Criminal Justice Division and the Governor’s Specialty Courts Advisory Council, review the need for assistance to the state’s problem-solving courts and recommend any necessary reforms to improve the courts.

Charge 4: Oversee the study required by SB 47 regarding the public availability of fine-only criminal offense records and recommend any necessary reforms.

**Data Committee**

Chair: Judge Bill Gravell. Members: Chief Justice Radack, Judge Jenkins, Judge Bellair, Mr. Young, Ms. Johnson, Mr. Amaral, and Ms. Clayton.

Charge 1: Continue to work on guiding the revisions of the court activity reporting database to collect case-level statistical data.

Charge 2: Evaluate and recommend activity reporting components for the Regional Presiding Judges pursuant to the new requirement in SB 1893.

Charge 3: In conjunction with the Criminal Justice Committee and Mental Health Committee (SB 1326 provisions), evaluate the need to collect activity data from the specialty courts and recommend any data elements for collection.

**Guardianship, Mental Health, IDD Committee**

Chair: Justice Boyce. Members: Sen. Zaffirini, Rep. Murr, Presiding Judge Moore, Judge Spencer, Mr. Saks, and Ms. Ho.

Charge 1: Review reforms enacted by the 85th Legislature impacting the judiciary, monitor their implementation, and consider additional reforms to improve the ways that courts interact with individuals with a mental health condition or an intellectual or developmental disability.

Charge 2: Review guardianship reforms enacted by the 85th Legislature, monitor the implementation of those reforms, and consider additional reforms to improve the ways that courts interact with individuals in need of guardianship.

**Civil Justice Committee**

Chair: Chief Justice Radack. Members: Sen. Zaffirini, Rep. Smithee, Judge Torres, Judge Nash, Mr. Young, Mr. Saks, and Mr. Amaral.

Charge: Study the Conference of Chief Justices' Civil Justice Initiative recommendations and the landscape of Texas civil justice; recommend necessary reforms to improve access to justice to the Texas courts.

**Public Trust and Confidence Committee**

Chair: Judge Spillane. Members: Sen. Zaffirini, Rep. Smithee, Justice Boyce, Judge Gravell, Judge Bellair, Ms. Ho, and Ms. Clayton.

Charge: Review the 1998 Public Trust and Confidence in the Texas Courts Study and the NCSC State of State Courts reports, consider updating or replicating the studies, and recommend any necessary reforms to improve public trust and confidence in the Texas judiciary.

Sen. Zaffirini suggested that the committee also review the impact of open meetings and open records laws on the judiciary.

**NEXT MEETING**

Justice Hecht and Mr. Slayton will be in touch to schedule a meeting in early fall.

**ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at approximately 12:17 p.m.

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Nathan L. Hecht  
Chair

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