



**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 29, 2018  
10:00 AM**

**SUPREME COURT OF TEXAS**

**Supreme Court Building 201 W. 14th Street, Room 104  
Austin, Texas**

**COMMENCEMENT OF MEETING**

On June 29, 2018, 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 Supreme Court of Texas Courtroom in Austin, Texas.

The following members of the Council were present:

*Hon. Nathan L. Hecht, Chief Justice, Supreme Court of Texas*  
*Hon. Bill Boyce, Justice, 14th Court of Appeals, Houston*  
*Ms. Sonia Clayton, Virtual Intelligence Providers LLC, Houston*  
*Hon. Bill Gravell, Jr., Justice of the Peace Pct. 3, Williamson County*  
*Ms. Allyson Ho, Morgan, Lewis & Bockius LLP, Dallas*  
*Hon. Scott Jenkins, Judge, 53rd District Court, Travis County*  
*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 State Bar of Texas website <http://www.texasbarcle.com/CLE/TSCSearch2.asp>

Members attending by phone were Mr. Carlos Z. Amaral, Ms. Ashley Johnson, and Presiding Judge Sharon Keller.

Members not in attendance were Judge Gary Bellair, Senator Brandon Creighton, Judge Kelly Moore, and Representative John Smithee.

## MINUTES

The [February 23, 2018](#), meeting minutes were approved by acclamation.

## REPORTS AND ACTION ITEMS

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

Mr. Geoff Burkhart, Executive Director for the Indigent Defense Commission, [reported](#) on the activities of the Commission, including its strategic planning meeting, Commission and Committee meetings. He also announced that former Commission Executive Director Jim Bethke was awarded the 2018 Robert O. Dawson Indigent Defense Distinguished Service Award and staff policy analyst Mr. Scott Ehlers received the 2018 State Bar of Texas Michael Moore Award.

### [Civil Justice Committee](#)

Chief Justice Radack reported on the activities of the Civil Justice Committee. Mr. David Slayton reviewed the committee's [recommendations](#).

Judge Gravell objected to an item within Recommendation 1(b) regarding "Requiring justices of the peace in counties with a population exceeding 500,000 to be licensed attorneys." He also objected to a second item within Recommendation 1(b) regarding "Requiring justices of the peace and municipal judges (not a court of record) to be at least 25 years old if the justice/judge is a licensed attorney or 30 years old if the justice/judge is not a licensed attorney." He also noted unanimous opposition from the Justices of the Peace and Constables Association. After discussion, he moved to amend 1(b) to strike the recommendation regarding the attorney requirement for justices of the peace and amend the age requirement to remove justices of the peace from the recommendation. Representative Murr seconded the motion and discussion ensued.

Representative Murr presented his observations on Recommendation 3 regarding business courts and past difficulties passing through the Legislature. He also thought there may be controversy with Recommendation 4 items regarding use of technology. Regarding Recommendation 6, he noted it could be conceived as an unfunded mandate. Finally, on Recommendation 9 regarding a statewide case management, he stated there may be objection from Clerks.

Discussion continued on Judge Gravell's motion.

Judge Jenkins objected to Recommendation 3 regarding business courts, suggesting that business courts could impact access to justice. He recommended that the Council move Recommendation 15 regarding funding for civil legal aid services to be Recommendation 1.

Judge Jenkins also voiced concern over Recommendation 1(a) regarding judicial selection. He suggested the Council appoint a committee for consideration of selection and other issues and moved to strike the recommendation.

Chief Justice Hecht called for a vote on Judge Gravell's motion. With three in favor to amend the recommendation, (Judge Gravell, Representative Murr, and Judge Nash), and a majority opposed, the motion failed.

Judge Jenkins moved to strike Recommendation 3. Representative Murr seconded the motion. The Council voted with three in favor to strike (Judge Jenkins, Representative Murr, and Judge Gravell). With a majority opposed, the motion failed.

Judge Jenkins then moved to strike 1(a). Motion died for lack of a second. Judge Gravell then moved to amend 1(b) to require justices of the peace in counties with a population exceeding 1.2 million to be licensed attorneys. Motion died for lack of a second.

Without objection, the remainder of the recommendations were approved by acclamation.

#### Criminal Justice Committee

Office of Court Administration ("OCA") Director of Public Affairs/Special Counsel Megan LaVoie reviewed the charges and [recommendations](#) of the Criminal Justice Committee.

Judge Torres moved to amend Recommendation 1 under *Pretrial Decisionmaking Processes* to require the assessment to occur, if possible, within 48 hours prior to appearance before a magistrate to assist smaller counties who do not have staff. Representative Murr seconded the motion. The Council voted with Judge Spencer opposed. With a majority in favor, the motion carried.

Without objection, the remainder of the recommendations were approved by acclamation.

#### Data Committee

Judge Gravell reported on the activities and [recommendations](#) of the committee. OCA Research and Court Services Division Director Scott Griffith and Judicial Information Manager Angela Garcia provided commentary on the report and responded to questions.

Senator Zaffirini suggested that Recommendation 8 regarding the collection of work-related contact information for judges also relate to another recommendation made by the Public Trust & Confidence Committee regarding confidentiality of judges.

Without objection, the recommendations were approved by acclamation.

#### Guardianship Mental Health, and Intellectual/Developmental Disabilities Committee

Justice Boyce reported on the activities and [recommendations](#) of the committee.

Judge Spencer suggested that a presiding probate judge be involved in the appointment process in relation to Recommendation 2 under *New Legislative Proposals*.

Judge Spencer moved to consider adding a recommendation to create statewide Guardianship Program. The motion was seconded by Senator Zaffirini. With all in favor when called to vote, the motion carried.

Without objection, the remainder of the recommendations were approved by acclamation.

#### Juvenile Justice Committee

Judge Nash reported on the activities and recommendations of the committee.

Judge Gravell requested clarifying Recommendation 1 under *Addressing the Needs of Youth in Class C Matters* to specify non-traffic. After discussion, he moved to remove Recommendation 1 and continue discussions on how to make expunction mandatory. Representative Murr seconded the motion. The Council voted with three in favor to strike (Judge Gravell, Allyson Ho, and Representative Murr). With a majority opposed, the motion failed.

Without objection, the remainder of the recommendations were approved by acclamation.

#### Public Trust and Confidence Committee

Judge Spillane reported on the activities and recommendations of the committee.

Senator Zaffirini addressed changes made to the recommendations that were not reflected in the document and had been made after distribution to the Council.

Senator Zaffirini gave a presentation on judicial civic education for students.

Without objection, the recommendations were approved by acclamation.

Chief Justice Hecht noted that resolutions will be prepared for all approved and modified recommendations for consideration at the next meeting.

#### **NEW BUSINESS**

Mr. Griffith reported that there was no public comment on the Council's proposed amendments to the Texas Judicial Council Collections Improvement Program Rules and recommended that the Council adopt the amendments for final approval.


Senator Zaffirini moved to approve and Judge Torres seconded the motion. The Council voted all in favor, and the motion carried.

#### **NEXT MEETING**

Chief Justice Hecht noted that the next meeting of the Council will be September 14, 2018.

**ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at approximately 1:05 p.m.

  
Nathan L. Hecht  
Chair