TEXAS JUDICIAL COUNCIL

205 WEST 14TH STREET, SUITE 600 • TOM C. CLARK BUILDING • (512) 463-1625 • FAX (512) 936-2423
P. O. BOX 12066 • AUSTIN, TEXAS 78711-2066

CHAIR:
HON. NATHAN L. HECHT
Chief Justice, Supreme Court

VICE CHAIR:
HON. SHARON KELLER
Presiding Judge, Court of Criminal Appeals

EXECUTIVE DIRECTOR:
David Slayton

MINUTES OF MEETING

November 15, 2019
10:00 AM

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

COMMENCEMENT OF MEETING

On November 15, 2019, Chief Justice Nathan L. Hecht called the meeting[1] of the Texas Judicial Council ("Council") to order at approximately 10:00 a.m. in the conference room of the Tom C. Clark Building in Austin, Texas.

The following members of the Council were present:

Hon. Nathan L. Hecht, Chief Justice, Supreme Court of Texas
Hon. Sharon Keller, Presiding Judge, Court of Criminal Appeals
Hon. Sherry Radack, Chief Justice, 1st Court of Appeals, Houston
Hon. Bill Boyce (Fmr.), Justice, 14th Court of Appeals, Houston
Hon. Bill Gravell Jr., Constitutional County Judge, Williamson County
Hon. Vivian Torres (Ret.), Medina County Court at Law, Hondo
Hon. Maggie Sawyer, Justice of the Peace, McCulloch County, Brady
Hon. Edward J. Spillane, III, Presiding Judge, City of College Station
Hon. Kathleen Person, Judge, City of Temple Municipal Court, Temple
Hon. Judith Zaffirini, Senator, Laredo
Hon. Andrew Murr, Representative, Junction
Ms. Rachel Racz, Vista Proppants & Logistics, Fort Worth

Members attending by phone were Representative Jeff Leach, District Judge Emily Miskel, Justice of the Peace Valencia Nash, Mr. Ken Saks, and Mr. Evan Young.

Members not in attendance were Senator Brandon Creighton and Ms. Sonia Clayton.

INTRODUCTION OF NEW MEMBERS AND RECOGNITION OF DEPARTING MEMBERS

Chief Justice Hecht acknowledged outgoing members District Judge Scott Jenkins, Statutory Probate Court Judge Polly Spencer, and Municipal Judge Gary Bellair, and introduced new

[1] The meeting may be viewed on the Office of Court Administration YouTube site at https://www.youtube.com/user/TexasCourtAdmin/.

members Jon Gimble, Judge Emily Miskel, Judge Maggie Sawyer, and Judge Kathleen Person. He also noted that members Chief Justice Sherry Radack and Judge Bill Gravell were reappointed.

MINUTES OF PREVIOUS MEETING

The June 28, 2019, meeting minutes were approved as presented.

REPORTS AND ACTION ITEMS

Report on Centers of Excellence and Consideration of Approval of Designation

Mr. Michael Smith, Management Analyst, Research and Court Services Division, Office of Court Administration (OCA), reported on the status of the Centers of Excellence program, noting this is the first full annual year of the program. OCA launched a Centers of Excellence webinar on October 25, 2019, and received tremendous interest in the program from a great number of courts.

Mr. Smith reviewed the criteria to become a Center of Excellence. Comments from Mr. Smith and Senator Zaffirini about Webb County Court-at-Law followed.

The Council then considered approval of the Centers of Excellence designation for Webb County Court-at-Law II, Laredo, Texas, Presiding Judge Victor Villarreal, and Court Administrator Celia Rodriguez.

Judge Villarreal commented and introduced his family and court staff in attendance.

Chief Justice Hecht called for a motion. With a motion made by Senator Zaffirini, second by Chief Justice Radack, the motion was approved unanimously.

Civil Justice Committee Report

Chief Justice Radack reported that the committee met on November 8, 2019. The committee reviewed charges, received presentations, and discussed moving forward.

Texas Indigent Defense Commission (TIDC) Report

Mr. Geoff Burkhart, Executive Director, TIDC, gave the report for TIDC, noting that the TIDC met on August 29, 2019, to approve contracts and discuss the FY20 budget.

Consider Adoption of Proposed Rules Amendments to Judicial Council Reporting Requirements

Mr. Slayton, Administrative Director, OCA, presented the proposed rules amendments to the Judicial Council Reporting Requirements in Chapter 171 of the Texas Administrative Code, noting that no comments were received from publication in Texas Register on August 9, 2019. OCA will publish final notice of approval upon adoption.

Chief Justice Hecht called for a motion. With a motion made by Senator Zaffirini, second by Judge Spillane, the motion was approved unanimously.

Consider Adoption of Repeal of Judicial Council Rules of the Collection Improvement Program
Mr. Slayton, Administrative Director, OCA, presented the repeal of rules of the Collection Improvement Program in Chapter 175 of the Texas Administrative Code, noting that no comments received from publication in the Texas Register August 9, 2019. OCA will publish final notice of repeal upon adoption.

Chief Justice Hecht called for a motion. With a motion made by Judge Gravell, second by Judge Sawyer, the motion was approved unanimously.

Criminal Justice Committee Report
Judge Moore reported that the committee met on November 12, 2019. The committee reviewed charges, received presentations, discussed crossover to other committees, bail practices, and how the committee will organize its work.

Strategic Vision Committee Report
Justice Boyce reported that the committee met November 14, 2019. The committee reviewed charges, discussed judicial strategic planning in other states, and proposed that the TJC create a strategic plan for the Texas Judiciary. Justice Boyce also reported that the committee reviewed judicial budgeting processes and how the committee will organize its work.

NEW BUSINESS
Consider Proposed Judicial Admonishment Rules and Authorize Publication in the Texas Register
Next, Mr. Slayton presented proposed language for a rule requiring admonishment by the court of certain persons ineligible to possess firearms or ammunition that the Criminal Justice Committee had recommended for approval at its meeting. He provided background on the topic relative to both federal and state statutes.

As Criminal Justice Committee Chair, Judge Moore made a motion to approve. No second was required as it was a motion from the committee.

Representative Murr questioned whether the requirement of both oral and written admonishments may raise issues in the prosecution of criminal cases if it is not properly provided by a judge. OCA will have its attorneys prepare briefs for both committee and council consideration at their next meetings.

The motion to publish the propose rule was approved unanimously.

NEXT MEETING
Chief Justice Hecht announced that the next meeting is to be determined based upon schedule availability.

ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at approximately 11:50 a.m.

Nathan L. Hecht
Chair