



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. WALLACE B. JEFFERSON
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

February 23, 2012
2:00 p.m.

SUPREME COURT OF TEXAS
Supreme Court Building
201 W. 14th Street, Room 104
Austin, Texas

COMMENCEMENT OF MEETING

On February 23, 2012 Chief Justice Wallace B. Jefferson called the meeting of the Texas Judicial Council (Council) to order at approximately 2:00 p.m. in the courtroom of the Supreme Court of Texas (SCOT) in Austin, Texas.

The following members of the Council were present:

Hon. Wallace B. Jefferson, Chief Justice, Supreme Court of Texas
Hon. Sharon Keller, Presiding Judge, Court of Criminal Appeals
Mr. Richard Battle, Key Trak, College Station
Hon. Gary Bellair, Presiding Judge, Ransom Canyon Municipal Court
Hon. Bill Boyce, Justice, 14th Court of Appeals, Houston
Mr. Richard Figueroa, UBS Advisory & Brokerage Services, Houston
Ms. Allyson Ho, Morgan Lewis, Dallas
Hon. Jim Jackson, House of Representatives, District 115, Carrollton
Ms. Ashley Johnson, Gibson Dunn & Crutcher LLP, Dallas
Mr. Virgil Justice, First Insurance Agency, Kerrville
Hon. Kelly Moore, Judge, 121st Judicial District, Terry & Yoakum
Hon. Orlinda Naranjo, Judge, 419th Judicial District, Travis County
Hon. Valencia Nash, Justice of the Peace Pct. 1, Place 2, Dallas County
Mr. Henry Nuss, Welder Leshin, Corpus Christi
Hon. Sherry Radack, Chief Justice, 1st Court of Appeals, Houston
Hon. Polly Jackson Spencer, Judge, Probate Court #1, Bexar County
Hon. Laura A. Weiser, Judge, County Court at Law No. 1, Victoria County

Judge Bellair attended via conference phone.

Members not in attendance were Representative Alonzo, Judge Russell Casey, Senator Duncan, Senator Harris, and Judge Glenn Phillips.

New members recognized were Ashley Johnson and Judge Laura Weiser.

MINUTES

With a quorum present, Chief Justice Jefferson called for a motion to approve the previous meeting minutes. With proper motion and vote, the August 25, 2011 meeting minutes were approved.

REPORTS AND ACTION ITEMS

Shared Solutions Summit

Chief Justice Jefferson recognized Mr. Figueroa for his involvement in the planning of the Shared Solutions Summit (Summit) held January 8-10, 2012. Information on the Summit is available in the February 2012 Director's Report. Mr. Figueroa commented on its success and shared his experiences. Of note was use of a website collaboration tool as a base camp for organizers, facilitators and participants. All meeting information, presentations and materials were uploaded to base camp which allowed for the conference to be nearly paperless. Further, this concept has created a virtual meeting space for continuing dialogue, follow up and next steps. Mr. Reynolds commented on the goal to achieve participation with smaller counties, represented by teams. Team members included judges, prosecutors, district or county clerks, court coordinators, and others involved in the court system. The event was modeled on the Indigent Defense Workshop and Symposium, presented annually by what is now the Texas Indigent Defense Commission and there has been discussion of merging the two events in the future. Another goal was to build collaboration on a statewide and national level. This was achieved through the Office of Court Administration's partnerships with several groups including the Conference of Urban Counties, the Texas Municipal Courts Education Center, and the National Center for State Courts.

Chief Justice Jefferson requested an update at the next meeting on continuing progress.

National Center for State Courts

Chief Justice Jefferson introduced Rob Baldwin, Executive Vice President and General Counsel, National Center for State Courts (Center). Mr. Baldwin presented two issues confronting the courts of this nation. He provided background on a national level of court funding and state budget cuts and described some reengineering strategies that courts are using to address various issues that include technology, centralization and outsourcing. He stated the Center is working with several states on projects of this nature and encouraged Texas participation.

Mr. Baldwin also discussed the matter of providing language access services to those who have limited English proficiency (LEP) and a shift from its reasonable necessity doctrine to more of an absolute requirement. He noted that the American Bar Association had recently adopted standards consistent with efforts of the U.S. Department of Justice and announced that the Center is convening a national summit on this issue in Houston, Texas on October 1-3.

In reference to earlier discussion on the Summit relating to performance measures, Mr. Baldwin advised of an ongoing course on court performance standards: *CourTools*, offered by the Institute of Court Management. Chief Justice Jefferson added that *CourTools* has been a brilliant exercise by the Center and he has seen Lubbock County put those measures into practice.

Regarding LEP, Chief Justice Jefferson reported meeting in Washington, DC with other members of the Conference of Chief Justices where they were able to present their concerns on the DOJ's vigorous approach to LEP directly to U.S. Attorney General, Eric Holder.

Next, Chief Justice Jefferson asked Jennifer Cafferty, the Supreme Court of Texas General Counsel to report on the Judicial Compensation Commission that had met earlier in the day. She advised that the Commission will submit its third report to the legislature this December but noted the legislature has not take action on previous Commission recommendations submitted in 2008 and 2010. The Commission received a presentation from Mr. Baldwin on judicial salaries nationwide and how salaries in Texas compare to other states. Aware that Texas is behind other states and falling in judicial salaries, the Commission intends to present a resolution to the Council supporting its recommendations to increase judicial salaries before next session. The Commission will hold a public comment forum at some point soliciting feedback on judicial salaries.

Juvenile Justice Committee

Chief Justice Jefferson recalled his last state of the judiciary address in which he talked about juvenile justice as an area that the state needs to look at with more intensity. Very shortly after that the Council for State Governments (CSG) released a comprehensive study, tracking students from seventh grade to two or three years beyond graduation, looking at the relationship between school discipline and juvenile problems. At the last Council meeting Deborah Fowler of Texas Appleseed explored some of those issues and it prompted a good discussion about whether or not the Council ought to begin looking at these issues and making recommendations where appropriate. Chief Justice Jefferson had asked Judge Naranjo to chair the Juvenile Justice Committee (Committee).

Judge Naranjo declared the charge and reported that the Committee had met on February 2. The Committee heard from three individuals; Ryan Turner of the Texas Municipal Courts Education Center who provided a historical perspective on the Texas Family Code and Criminal Code, Dr. Tony Fabelo of the CSG Justice Center who provided an overview of "Breaking School's Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement", and Ms. Fowler presented her report "Ticketing, Arrest & Use of Force in Schools." After a lively discussion, the group identified several speakers and topics to consider at its next meeting scheduled for March 29.

Chief Justice Jefferson reported activity in addition to the Committee work. He delivered the keynote address at the Barbara Jordan Freedom Foundation Symposium on February 20, 2012 that focused on the issues of school discipline and the juvenile justice system. Speakers included Senator John Whitmire, Tony Fabelo and Deborah Fowler. Additionally, he toured the campus at Cesar Chavez High School in Houston, a low income school, and discussed discipline issues with counselors there. He found they have no mental health resources and must rely on local police who have little or no experience handling persons with mental health issues. Also, the referral time after a person is identified as having mental health issues is too long. He recommended going to juvenile court or spending a day at some of these

high schools and hearing what they have to say. Chief Justice Jefferson asked the Committee to consider proposals regarding changes in legislation or additional resources for the Council to consider for recommendation.

Texas Indigent Defense Commission

Presiding Judge Keller made the Council aware that during the last legislative session the appropriation for indigent defense was capped and she advised that the Commission will be requesting restoration of that funding. She reported that the Commission office had moved to the Price Daniel Building adjacent to the Supreme Court Building and that TIDC is unveiling a new format for its public data site. Terri Tuttle, TIDC Executive Assistant gave a demonstration of the new site.

Collection Improvement Program Rule Revisions

Mary Cowherd, OCA Deputy Director and Director of Research and Court Services presented proposed amendments to 1 Texas Administrative Code §§175.1 – 175.6 concerning the Collection Improvement Program. She requested approval from the Council to give notice of its intention to adopt proposed amendments to those rules by filing them with the Secretary of State for publication in the *Texas Register* and to give a 30-day period for comments. Chief Justice Jefferson requested a motion and after proper motion and vote, the proposed amendments were approved for publication for public comment.

83rd TEXAS LEGISLATIVE PROPOSALS

Simplification and Appropriate Use of Criminal Court Costs

Mr. Reynolds introduced this proposal for discussion as being complex and controversial. Ted Wood, OCA Assistant General Counsel presented the proposal relating to the simplification and appropriate use of criminal court costs. Mr. Wood stated that as Executive Director of the Texas Judicial Council, Mr. Reynolds is charged with examining the practices and procedures of the courts and making recommendations for any changes that will improve the administration of justice. He noted that Mr. Reynolds has worked with the Conference of State Court Administrators on many projects and recently co-authored a policy paper on the subject, "*Courts Are Not Revenue Centers.*" Mr. Wood, along with Mr. Reynolds, is of the opinion that there are three problems with the current court cost structure; court costs are too high, too complex and too widely distributed. He briefly presented proposals for each problem.

Representative Jackson responded with partial support. After conveying opposing views on certain funding proposals, he concluded with agreement that a serious study of the funding of the judicial system, including the ancillary and complementary programs, is a great idea as long as all parties work in concert for that goal and that certainly a reexamination of the current fee structure should be included. It should also include the adequacy of the current court fine fees. He stated the study should be established as a legislative initiative and a resolution from the Council recommending such would be appropriate and he would support it with some improvement.

Judge Keller expressed philosophical difficulty with one of the aspects of the resolution such as the concept of using criminal court costs to fund court appointed special advocates for children.

Chief Justice Jefferson recommended interested members speak with Mr. Reynolds, Mr. Wood and Representative Jackson and they will revisit this issue at the next meeting.

NEW BUSINESS

None

NEXT MEETING

Mr. Reynolds will be in contact with members concerning a date for the next meeting.

ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at approximately 4:03 p.m.

Wallace B. Jefferson
Chair

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