



# Texas Judicial Council

205 WEST 14<sup>TH</sup> STREET, SUITE 600 • TOM C. CLARK BUILDING • (512) 463-1625 • FAX (512) 463-1648  
P. O. BOX 12066 • AUSTIN, TEXAS 78711-2066

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

EXECUTIVE DIRECTOR:  
DAVID SLAYTON

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

## **DIRECTOR'S REPORT**

JUNE 2015



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## Legislative Appropriations Request Update

<b>Court/Agency</b>	<b>Item</b>	<b>Exceptional Item Request Amount</b>	<b>Appropriation Amount</b>
<b>Supreme Court</b>	Appellate Court Operations	\$633,300	\$514,300
	Basic Civil Legal Services – Veterans	\$4,000,000	\$3,000,000
	Basic Civil Legal Services – Sexual Assault Victims	\$5,000,000	\$10,000,000
	<b><i>Subtotal, Supreme Court</i></b>	<b><i>\$9,633,300</i></b>	<b><i>\$13,514,300</i></b>
<b>Court of Criminal Appeals</b>	Appellate Court Operations	<b><i>\$1,294,654</i></b>	<b><i>\$1,121,179</i></b>
<b>Courts of Appeals</b>	Similar Funding for Same-Size Courts	\$6,401,618	\$6,401,618
	2 <sup>nd</sup> COA – New FTEs	\$567,710	\$0
	2 <sup>nd</sup> COA – Capital Request	\$110,000	\$0
	3 <sup>rd</sup> COA – Administrative Appeals	\$336,000	\$0
	10 <sup>th</sup> COA – Capital Request	\$100,000	\$100,000
		<b><i>Subtotal, COAs</i></b>	<b><i>\$7,515,328</i></b>
<b>Office of Court Administration</b>	Statewide eFiling Implementation	\$10,788,561	\$0
	Core Services for the Judicial Branch	\$1,729,165	\$0
	Strengthen Judicial Services to Families	\$5,960,200	\$3,810,720
	Provide Judicial Branch Technology Support	\$1,488,994	\$0
	Replace Legacy Judicial Branch Technology	\$2,967,175	\$1,600,000
	Enhance Judicial services to the Elderly and Incapacitated	\$1,106,762	\$515,881
	Implement CAPPs for Judiciary	\$803,438	\$803,438
		<b><i>Subtotal, OCA</i></b>	<b><i>\$24,844,295</i></b>
<b>Texas Indigent Defense Commission</b>	Indigent Defense Funding	<b><i>\$206,000,000</i></b>	<b><i>\$7,500,000</i></b>
<b>State Prosecuting Attorney</b>	Restore Funding	<b><i>\$29,470</i></b>	<b><i>\$29,470</i></b>
<b>Office of Capital Writs</b>	Operations	<b><i>\$813,237</i></b>	<b><i>\$540,563</i></b>
<b>State Commission on Judicial Conduct</b>	Operations	<b><i>\$303,362</i></b>	<b><i>\$296,362</i></b>
<b>State Law Library</b>	Operations	<b><i>\$456,000</i></b>	<b><i>\$8,513</i></b>
<b>Total</b>		<b><i>\$250,889,646</i></b>	<b><i>\$36,242,044</i></b>

## Legislative Activity

OCA submitted 1,027 fiscal notes analyzing the fiscal impact on the judiciary of filed legislation. This is a record for OCA, surpassing the previous session by over 340 submissions.

# Technology & Data

## Information Services Division

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. The division also provides staff to coordinate and facilitate the work of the Judicial Committee on Information Technology (JCIT).

## Electronic Filing

Working with Tyler Technologies, the selected eFiling vendor, OCA is managing the statewide electronic filing program. The project is on-track to meet the Supreme Court mandate that all civil filings be electronic by July 2016.

Tyler Technologies is currently implementing Phase 5 counties, which includes the remaining counties not already eFiling. Tyler expects to have all counties implemented on the system by the end of 2015. This will allow all counties with a July 2016 mandate a full six-month window to explore and revise internal business processes to take full advantage of electronic filing.

Also, as required by HB349 (83rd Legislature), OCA will be implementing criminal eFiling over the next few months.

The Judicial Committee on Information Technology (JCIT) has adopted draft statewide criminal eFiling rules and has submitted them to the Court of Criminal Appeals for consideration. JCIT has also adopted revisions to the technology standards in support as well. More than 20 counties have already configured and tested the criminal eFiling codes and are standing by for statewide rules adoption.

### Fast Facts

171 Counties Live

39 Counties Mandatory

104,000 Users

23,000 Documents per Weekday

## Texas Appeals Management and Efiling System (TAMES)

The TAMES governance committee, comprised of appellate clerks, meets regularly to review and prioritize outstanding enhancement requests to the appellate case management system.

The development group has completed and deployed the Auto-Linking for appellate courts that use Westlaw. This feature allows attorneys to submit briefs as usual and then the program generates links based on legal cites to save time for judges and staff attorneys. In

the future, this functionality can allow for an automatic link generation to the clerk record as well as the reporter record.

The next major enhancement prioritized by the governance group is the Attorney access portal. This enhancement would provide a secure, access controlled portal for appellate attorneys to be able to review all case documents (including the clerk and reporter records) for any case where they are the attorney of record. This feature is currently under development and will more than likely be tied to enhancements to the Report Submission Portal (RSP) due out late this year.

### **CIP Technology**

OCA completed work on the hearing reminder email system. This system allows interested entities (case workers, CASA volunteers, guardians and foster parents) to receive an email reminder of an upcoming hearing. This system is available to all OCA child protection courts. To date, it has more than 225 registrations, reminding users of almost 400 hearings that were upcoming.

OCA also continues the expansion of remote video conferencing. OCA has deployed video conferencing capabilities to 69 facilities (residential treatment centers, general residential operations, emergency shelters) and 26 courts. To date, in FY2015, more than 290 hearings involving more than 200 kids have been conducted using the video conferencing capabilities installed through this project. OCA working to bring the total of connected courts to 28 by the end of FY 2015.

OCA continues to work with the Permanent Judicial Commission for Children, Youth and Families to improve IT systems for child protection courts. The team continues to improve the Child Protection Case Management System by adding the ability of role-based security. This will allow each court to provide access to the certain parts of the system for approved outside entities (such as case workers, attorneys and others).

## **Data Collection**

### **Judicial Information Program**

The Judicial Information Program collects, analyzes, and reports on court activity statistics, maintains judicial directory and other information on the approximately 2,700 courts in the state; participates in the production of the Annual Statistical Report for the Texas Judiciary, Texas Judicial System Directory, and other publications; and provides information about the judicial branch to the Legislature, state and federal agencies, local governments, private

associations and public interest groups, among others. More than 150,000 statistical and other reports were received in FY 2014.

A significant amount of Judicial Information's time is devoted on an ongoing basis to providing support to the trial courts, clerks and information technology staff or case management vendors on reporting issues.

### **Judicial Council Monthly Court Activity Reports**

Staff made presentations at meetings held by Region 8 of the County and District Clerks' Association and by Cardinal Tracking case management software.

Staff also make ongoing efforts to improve reporting completeness and data quality by working with clerks, courts, case management system vendors, and local information technology staff to address reporting errors.

### **Supreme Court Appointments and Fees Reports**

In May, a memo was sent to all district and county clerks notifying them that a report on appointments and fees is required each month for each court in the county, whether or not the court has any activity or handles civil cases relevant to the [Supreme Court Order Regarding Mandatory Reports of Judicial Appointments and Fees](#). In addition, updated XML specifications were released that will allow clerks to upload "No Activity" reports, which previously had to be entered manually. As a result of these changes, staff spent considerable time assisting clerks and case management system vendors with reporting issues.

### **Dispute Resolution Center Reporting**

The Judicial Information Manager met with the Directors of the Texas Dispute Resolution Centers to discuss dispute resolution center case activity reporting and how it might be improved.

### **Problem Solving Courts**

In May, with funding from a grant received from the Governor's Criminal Justice Division, a Problem-Solving Court Coordinator began work at OCA. The Problem-Solving Court Coordinator will help develop strategies to support the work of existing problem-solving courts and assist developing protocols for problem-solving court start-up, operation, and evaluation. The Coordinator will be the agency's lead point of contact for problem-solving court-related issues and will manage a clearinghouse of information, provide training and

technical assistance, and assist in the design of training content and the drafting of best practices.

## Collection Improvement Program

### Technical Support

OCA's Collection Improvement Program (CIP) continued to assist counties and cities required to implement a collection improvement program with program implementation and refinement. The statewide program profile is as follows:

- 87 of the 87 counties and cities required to implement a program have done so either fully or partially. Under previous law, 91 counties and cities were required to implement the program. Senate Bill 387 passed by the 83rd Legislature, Regular Session (2013), requires OCA to grant a waiver to a county with a population of 50,000 or more when the population of the county is at least 50,000 only because of the TDCJ inmate population within the county. The three counties – Anderson, Cherokee, and Rusk – eligible for a waiver under this new law have requested and received a waiver. However, it should be noted that while Anderson and Rusk Counties requested waivers, they have also acknowledged the success of the program and affirmed their intent to continue it on a voluntary basis; and
- Harris County previously received a waiver and is therefore not required to implement a program.

The primary focus of the assistance provided to counties and cities by OCA's CIP technical support staff has been to ensure their compliance with the program's critical components. OCA's goal is to assist jurisdictions in preparing for statutorily-required compliance audits. OCA's CIP technical support staff works with each jurisdiction using a review format designed to identify problem areas and recommend corrections prior to the official audit.

- Preliminary reviews of all 87 counties and cities required to implement a program have been completed. Of the total, 19 were audited by the CPA with all either passing their initial or subsequent official compliance audit; 29 were audited by OCA's CIP audit staff, with 22 passing (including the City of Laredo and the City of Grand Prairie which failed their initial audits but passed their follow-up audits) and 3 failing their initial audit. The 3 failing jurisdictions (Bastrop, Kaufman, and McLennan Counties) are expected to pass their follow-up audit.

During the period, OCA:

- Conducted 30 “spot checks” of counties and cities required to implement a program to promote compliance with program components;
- Began compiling data for the 2014 Return on Expenditure reports.
- Continued drafting policies and establishing procedures for managing temporary waivers of the CIP reporting requirement in certain situations.
- Continued drafting policies and establishing procedures for training and managing compliance with data verification audits tentatively scheduled to begin in FY 2015.

During the period CIP staff also:

- Gave a presentation on the Collections Improvement Program at the District & County Clerks Region V meeting in Rockwall.
- Gave a presentation on the Collections Improvement Program at the District & County Clerks School in San Marcos.
- Gave a presentation on the Collections Improvement Program at the Texas Justice Court Training Center’s new judge’s school in San Marcos.
- Gave multiple training sessions at the Governmental Collectors Association of Texas.
- Staffed a Collections Improvement Program resource table at the Texas Justice Court Training Center judges and court staff schools in Galveston, San Antonio, and Rockwall.
- Conducted a two day workshop and training for the Collections Improvement Program Regional Collections Specialist in Austin.

### **CIP Audit**

Since the beginning of Fiscal Year 2015, the Collection Improvement Program – Audit Section has issued reports for seven (7) Compliance Audits. Of the seven (7) jurisdictions audited, four (4) passed the audit. Of the three (3) jurisdictions that failed, two (2) have declared that they have re-established compliance and are awaiting a follow-up audit, and one (1) jurisdiction is working within the statutory 180-day grace period to re-establish compliance before further action is taken. In addition, seven (7) reports were issued for Post-implementation Rate Reviews. Audit staff are currently working on nine (9) Compliance Audits and three (3) Post-implementation Rate Reviews.

## **National Instant Criminal Background Check System (NICS) – Record Improvement**

### **Protective Order Resource Attorney (PORA)**

In April, the Protective Order Resource Attorney (PORA) represented OCA at the Bexar County’s Crime Victims Rights’ Week wreath-laying ceremony which took place at the Bexar County Courthouse. The PORA also testified as a resource witness in front of various legislative committees on SB 737, which amends certain requirements for protective order data entry; and HB 2455, which establishes a task force to promote uniformity in the collection and reporting of information relating to family violence, sexual assault, stalking, and human trafficking.

In addition, the PORA:

- Made presentations to judges on magistrate’s orders for emergency protection and OCA’s NICS Protective Order Record Improvement Project at the Texas Municipal Courts Education Center’s Regional Judges Seminars and Clerks Seminar in Galveston, Houston, Amarillo, and South Padre Island.
- Made a presentation to the Texas Criminal Justice Information Users Group in Corpus Christi on Magistrate’s Orders of Emergency Protection, TCIC reporting, and OCA’s NICS Protective Order Record Improvement Project.
- Made a presentation to the Texas Victim Services Association in South Padre Island on Magistrate’s Orders of Emergency Protection, TCIC reporting, and OCA’s NICS Protective Order Record Improvement Project.
- Created and recorded content for two training modules based on the information obtained during OCA’s NICS Protective Order Record Improvement Project for posting on the OCA website.

### **Language Access Program/Texas Court Remote Interpreter Service (TCRIS)**

During the period, Language Access Program and TCRIS staff:

- Attended the 2015 County and District Clerks’ Association of Texas Conference, and presented on language access services available to courts.
- Managed the newly created Interpreter Locator Listserv. The listserv allows court personnel from around the state to search for interpreters fluent in exotic and rare languages. Since its inception, 85 Texas courts have joined the Interpreter Locator



## **Court Services Consultant**

During the period, the Court Services Consultant promoted OCA services, provided consulting services, and engaged in skills-building activities as follows:

### ***Promoting OCA Services***

During the period, the Court Services Consultant provided material at the 2015 County and District Clerks Legal Education Program regarding the full range of OCA services. A total of 325 clerks attended the conference, and 75 clerks met personally with the Court Services Consultant and/or other OCA staff. These individuals were able to receive one-on-one assistance on key issues impacting their courts.

The Court Services Consultant also assisted the Collection Improvement Program in providing OCA resource material to over 100 collections compliance officers attending training hosted by the Government Collections Association of Texas.

### ***Consulting Services***

#### **Review of Criminal Case Processes**

The Court Services Consultant, as part of a team which included members of the Collections Improvement Program, completed a draft report on criminal caseflow issues in Webb County. The report is expected to provide Webb County officials with information about how to improve collections practices.

#### **Assessing Case Management Procedures**

Work is nearing completion on an assessment of case management practices in Tarrant County's criminal courts. The final report is intended to provide Tarrant County court officials with the tools necessary to update their differentiated case management plan.

#### **Judicial Information Reporting**

The Court Services Consultant has begun work with Maverick County officials to address reporting compliance issues.

## Specialty Courts Program

### Child Protection Courts/Child Support Courts Program

The 84th Legislature provided funding for salary increases to the associate judges and staff of the Child Protection and Child Support Courts Program. Additionally, the 84th Legislature provided funding for four additional Child Protection Courts and related court and headquarters staff.

Provisions of the Family Code regarding the appointment of Child Protection and Child Support Court Associate Judges were amended by Senate Bill 1139. If the bill becomes law, effective September 1, 2015, associate judges for these courts will serve four-year terms and their appointment and reappointment will require input from the judges of the courts whose cases are referred to them. Not later than October 1, 2015, the presiding judges must either reappoint the current associate judges or appoint new associate judges under the new provisions of the law.

Training for the Child Protection Court judges will be provided during the annual Child Welfare Conference sponsored by the Texas Center for the Judiciary and the Children's Commission in August. The Child Support Associate Judges will receive additional training at the Advanced Family Law Conference in August. A training for court coordinators will also be held in August in conjunction with the Child Welfare Conference.

## Regulatory Services

### Judicial Branch Certification Commission (JBCC)

On September 1, 2014, the Judicial Branch Certification Commission (JBCC) began operation. The Judicial Branch Certification Commission (JBCC) was established by the Texas Legislature, 83rd Regular Session, in [Senate Bill 966](#). The nine member Commission oversees certification, registration, licensing, and regulation of Court Reporters and Court Reporting Firms, Guardians, Process Servers, and Licensed Court Interpreters.

### JBCC Certifications, Registrations, and Licenses

- 7,245 Total Certifications, Registrations and Licenses

Court Reporters	2,396 individuals and 344 firms
Guardians	436 individuals

Process Servers	3,584 individuals
Court Interpreters	485 individuals

**Fiscal Year 2015 revenue amounts collected for all four of the programs:**

- \$529,689.00

**Fiscal Year 2015 revenue amounts collected by program:**

- Court Reporters Certification - \$298,512.00
- Process Server Certification - \$184,990.00
- Licensed Court Interpreters - \$28,297.00
- Guardianship Certification - \$17,890.00

**Recent Meeting of the JBCC**

On May 1, 2015, the JBCC held the fourth meeting of the Commission. The Commission agenda may be found at <http://www.txcourts.gov/media/944946/JBCC-Agenda-FINAL-May-1-2015.pdf>. During the meeting the JBCC approved the agenda items below.

- Proposed Process Server Certification Code of Conduct to be submitted to the Supreme Court for adoption.
- Proposed standardized 7-hour pre-certification process service course curriculum recommended by the Process Server Certification Advisory Board.
- Proposed Licensed Court Interpreter Code of Ethics and Professional Responsibility for a 30-day public comment period ending on June 5, 2015.
- Proposed Guardianship Certification Code of Ethics and Professional Standards for a 30-day public comment period ending on June 5, 2015.
- The development and implementation of a JBCC Process Server Certification examination.

**Certification Division Licensing Section Activity**

The licensing section team members continue to refine the new licensing section certification processes for all the JBCC professions.

- Licensing staff sent notices to county clerks, guardianship programs, and private professional guardians for annual reporting due January 31, 2015.

- Created statistical report on the reporting results, submitted to the JBCC at the May 1, 2015 meeting.
- On May 6, 2015, certification staff administered the guardianship examination to 33 applicants at Texas Guardianship Association (TGA) annual conference in Waco, Texas.
- Certification staff attended the TGA “nuts and bolts” guardianship training class.
- Certification staff also participated in a presentation to the TGA covering an overview of the JBCC complaint process.
- Licensing section staff are now updating the recently certified process server list on the website weekly.
- Licensing staff currently processing all certifications within an average of 14 days.

### **Certification Division Compliance Section Activity**

Since the consolidation of the JBCC, the compliance staff members have been refining the new compliance complaint and resolution processes for all the JBCC professions.

- Compliance staff have opened 57 complaints investigation for fiscal year 2015.
- 28 pending open complaints - 3 administrative dismissals.
- 29 complaints have been resolved this fiscal year.
- Since the last commission meeting, complaint review committee meetings have been held for the Court Reporters and Process Servers.
- Compliance staff are in the process of coordinating additional complaint review committee meetings as the complaint investigations are completed.

### **Additional Certification Division Activity**

- Jilian Stengle began her position at the compliance investigator on May 11, 2015.
- Chris Nelson began his position as the licensing specialist on March 16, 2015.
- Scott Gibson began his position at the JBCC General Counsel on February 23, 2015.
- Since the last JBCC meeting the Certification staff met with all four advisory boards.
- Updating the court reporters certification code of professional conduct.
- Renewing the Court Reporter exam contract 2-year extension by September 1, 2015.
- Renewing agreement with UT for Guardianship examination by September 1, 2015.
- New vendor for court interpreter written and oral examinations by September 1, 2015.

- Developing a penalty matrix to streamline complaint penalties and sanctions.
- Exploring options to add a photograph to the certification card for process servers.
- Information about the JBCC can be found at <http://www.txcourts.gov/jbcc>.