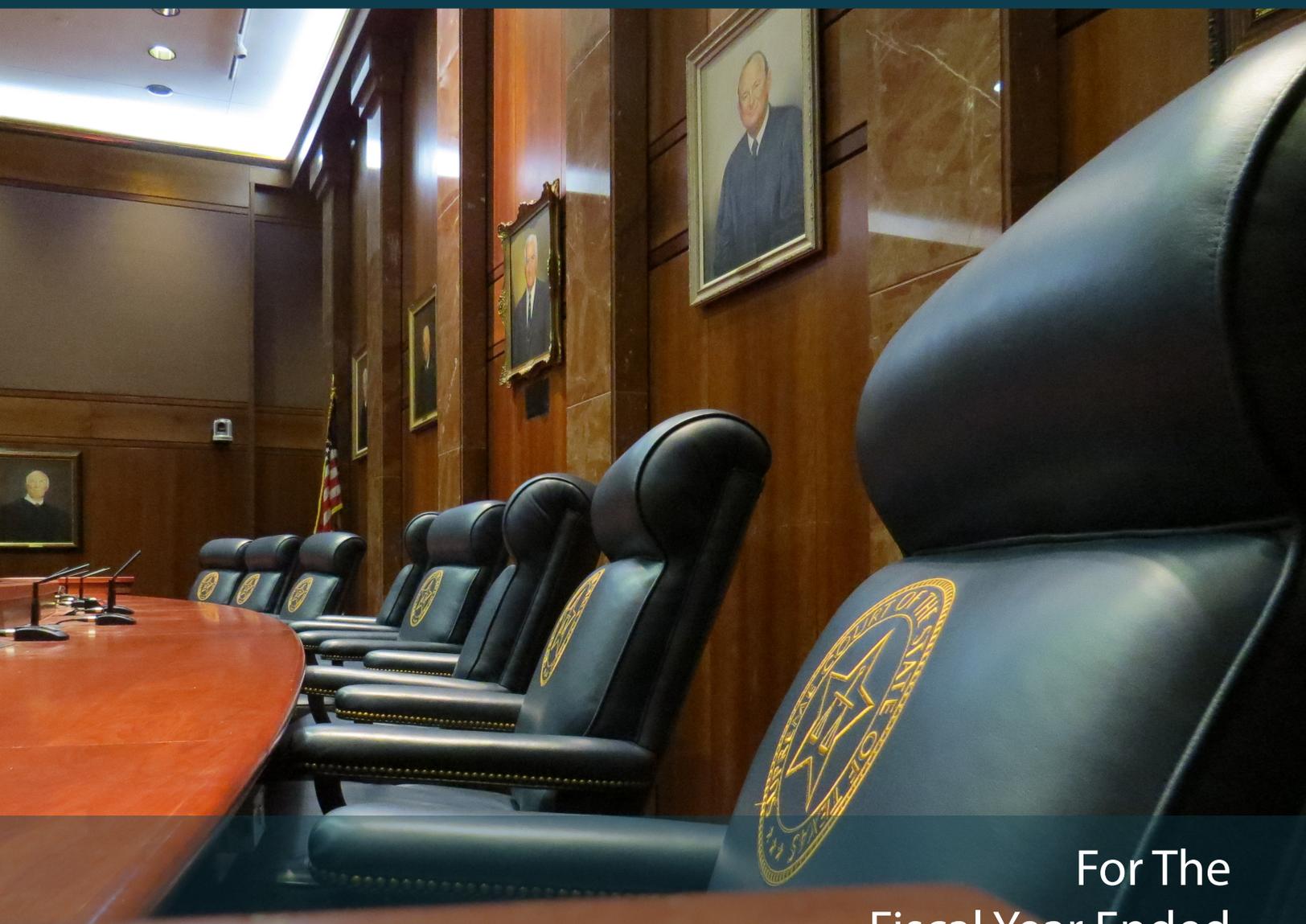




Annual Report of the Judicial Support Agencies, Boards and Commissions



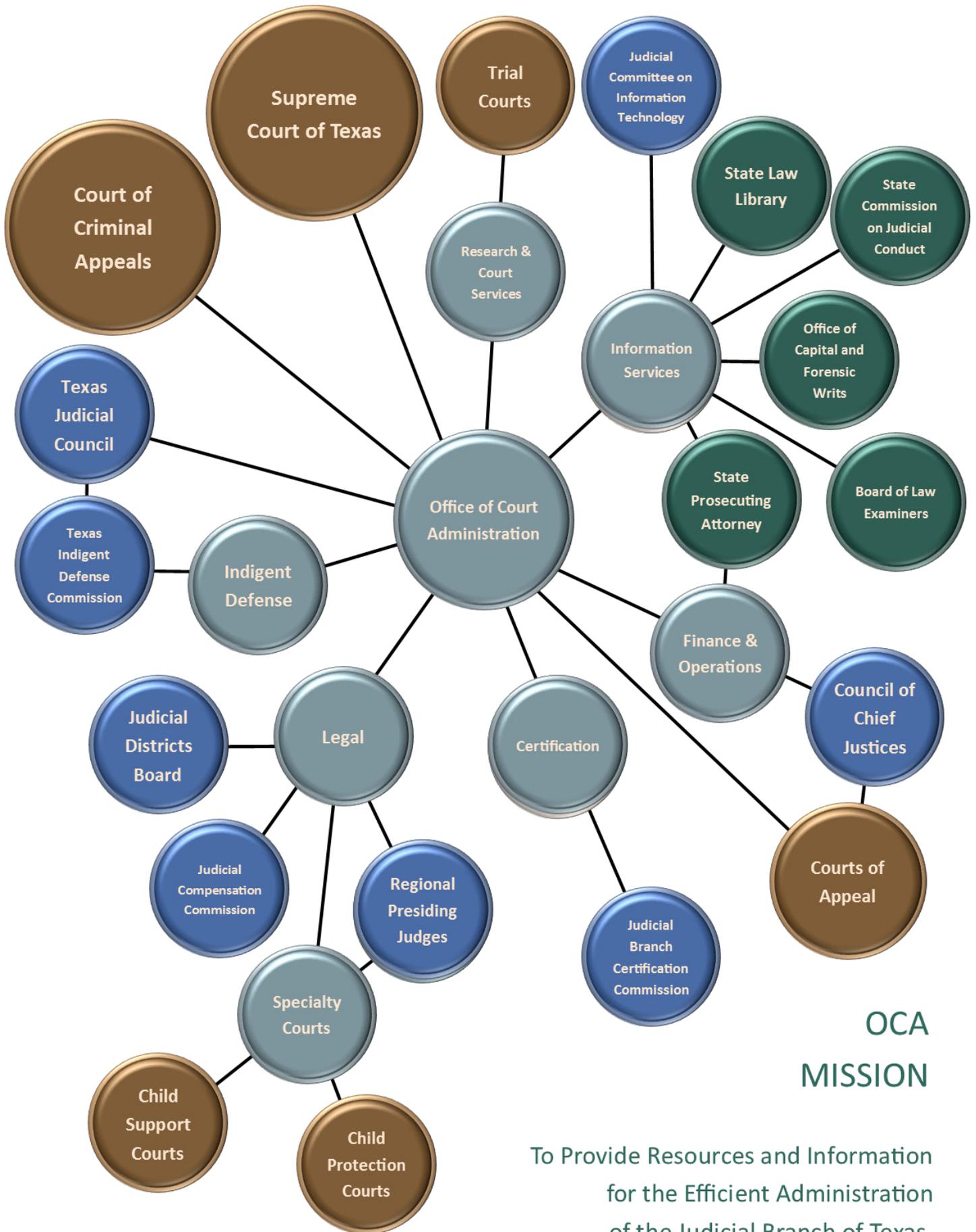
For The
Fiscal Year Ended
August 31, 2016

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The Texas Judicial Council meets in the Supreme Court of Texas courtroom. Meetings are webcast live and archived on the [TexasBarCLE Texas Supreme Court Oral Arguments & Meetings](#) page of their website.

Texas Judicial Council

The [Texas Judicial Council](#) (TJC) was created by the 41st Texas Legislature in 1929 as the policy-making body for the state judiciary. The TJC is responsible for continuously studying and reporting on the “organization, rules, procedures and practice, work accomplished, results, and uniformity of the discretionary powers of the state courts and methods for their improvement.” To accomplish this purpose, the TJC designs “methods for simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in or improving the administration of justice.”

*The Texas Judicial Council Met
Four Times in FY 2016*

- [September 18, 2015](#)
 - [February 26, 2016](#)
 - [June 3, 2016](#)
 - [August 19, 2016](#)
-

MEMBERS AS OF AUGUST 31, 2016

Chair, Honorable Nathan L. Hecht, Chief Justice, Supreme Court of Texas

Vice-Chair, Honorable Sharon Keller, Presiding Judge, Court of Criminal Appeals

Legislative Members

Honorable Brandon Creighton, State Senator, Conroe

Honorable Andrew Murr, State Representative, Junction

Honorable John T. Smithee, State Representative, Amarillo

Honorable Judith Zaffirini, State Senator, Laredo

Judicial Members

Honorable Gary Bellair, Presiding Judge, Ransom Canyon Municipal Court

Honorable Bill Boyce, Justice, 14th Court of Appeals, Houston

Honorable Bill Gravell, Jr., Justice of the Peace Pct. 3, Williamson County

Honorable Scott Jenkins, Judge, 53rd District Court, Travis County

Honorable Kelly Moore, Judge, 121st Judicial District, Terry & Yoakum

Honorable Valencia Nash, Justice of the Peace Pct. 1, Place 2, Dallas County

Honorable Glenn D. Phillips, Presiding Judge, Kilgore Municipal Court

Honorable Sherry Radack, Chief Justice, 1st Court of Appeals, Houston

Honorable Linda A. Rodriguez, Judge (Ret.), County Court at Law No. 2, Hays County

Honorable Polly Spencer, Judge (Ret.), Probate Court No. 1, Bexar County

Citizen Members

Mr. Carlos Amaral, Information Services Group, Inc., Plano

Mr. Richard Battle, Key Trak, College Station

Mr. Richard S. Figueroa, UBS Advisory & Brokerage Services, Houston

Ms. Allyson Ho, Morgan, Lewis & Bockius LLP, Dallas

Ms. Ashley Johnson, Gibson Dunn & Crutcher LLP, Dallas

Mr. Henry Nuss, Welder Leshin, Corpus Christi

Executive Director

Mr. David Slayton, Administrative Director, Office of Court Administration

Criminal Justice Committee Studies Pretrial Bail Practices

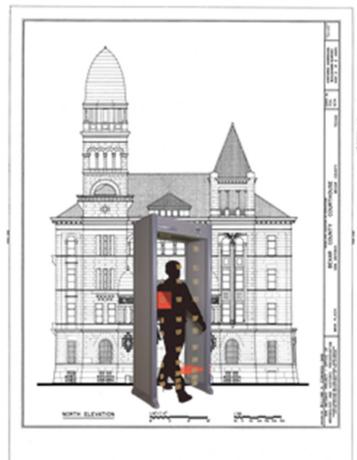


The Judicial Council established a Criminal Justice Committee in June 2015 to “assess the impact of pretrial criminal justice statutes and policies in Texas to determine if there are ways in which Texas courts can enhance public safety and social outcomes when making pretrial confinement decisions, and identify judicial policies or initiatives that could be enacted to further those goals.” The committee, chaired by Judge Kelly Moore, met on September 17, 2015, February 25, June 2, and August 18, 2016. The committee reviewed Texas data and best practices from other states. The committee also worked with the Texas A&M Public Policy Research Institute on an analytical study of pretrial practices in Texas. Ultimately, the committee released a [report and recommendations](#) laying out eight key recommendations:

- Require defendants arrested for jailable misdemeanors and felonies to be assessed using a validated pretrial risk assessment prior to appearance before a magistrate under Article 15.17, Code of Criminal Procedure;
- Amend the Texas Constitution bail provision and related bail statutes to provide for a presumption of pretrial release through personal bond, leaving discretion with judges to utilize all existing forms of bail;
- Amend the Texas Constitution and enact related statutes to provide that defendants posing a high flight risk and/or high risk to community safety may be held in jail without bail pending trial after certain findings are made by a magistrate and a detention hearing is held;
- Provide funding to ensure that pretrial supervision is available to defendants released on a pretrial release bond so that those defendants are adequately supervised;
- Provide funding to ensure that magistrates making pretrial release decisions are adequately trained on evidence-based pretrial decision-making and appropriate supervision levels;
- Ensure that data on pretrial release decisions is collected and maintained for further review;
- Expressly authorize the Court of Criminal Appeals to adopt any necessary rules to implement the provisions enacted by the Legislature pursuant to these recommendations; and
- Provide for a sufficient transition period to implement the provisions of these recommendations.

Court Security Committee Seeks to Improve Security for Court Users and Personnel

In the aftermath of the attempted assassination of Travis County District Judge Julie Kocurek in November 2015, the Judicial Council established a Court Security Committee in February 2016 to “assess the status of court security in the state to ensure that the Texas courts remain a safe and open place for individuals to access justice to appropriately resolve their disputes and for judges and court personnel to administer justice, and identify statutes, funding sources, judicial policies or initiatives that could be enacted to further those goals.” The committee, chaired by Judge Scott Jenkins, met on May 5 and August 31, 2016. The committee reviewed the results of an OCA survey of Texas’ judges that revealed significant concerns with the status of court security in the state. Ultimately, the committee released a [report and recommendations](#) laying out seven key recommendations:



- Establish the position of Director of Security and Emergency Preparedness at the Office of Court Administration to assist judges and county officials in addressing court security needs;
- Amend Sections 30.00007 (municipal courts of record) and 74.092 (local administrative district judges) and add a provision to Chapter 29 (municipal courts – not of record) of the Texas Government Code to require Municipal Judges (MJ) and Local Administrative Judges (LADJ) to establish a court security committee chaired by the MJ/LADJ or his or her designee, and require that the committee include both the entity with primary responsibility for providing court security and a representative of the county/city/funding authority;
- Repeal or amend the reporting requirement of Art. 102.017(f), Code of Criminal Procedure, to promote greater reliability and utility of the security-related information reported;
- Require all individuals providing court security to be appropriately certified in specialized court security;
- Increase funding for courthouse security available to counties/cities by appropriating sufficient general revenue funds to cover essential security needs;
- Consider amending statutes impacting a judge’s personal security as follows:
 1. Allow judges to delist addresses to make delisting of personal information, including judge/spouse telephone numbers, from all public records automatic upon qualification for office;
 2. Allow spouses to be included in delisting on appraisal records, including county deed records;
 3. Authorize the retroactive and prospective removal of personal addresses from Texas Ethics Commission online searches;
 4. Provide for penalties, as appropriate, to apply in situations in which a judge’s personal information is released; and
- Consider authorizing and, if necessary, providing resources to DPS to provide personal security to threatened or attacked judges, at the discretion of DPS when a threat or attack is deemed credible.

Mental Health Committee Reviews Intersection of Mental Health and the Justice System

Recognizing that some 7 million Texans suffer from mental illness, 1.5 million of whom has severe mental illnesses, and the intersection of those individuals with the justice system, the Judicial Council established a Mental Health Committee in June 2016 to:



- Gather stakeholder input, and examine best practices in the administration of civil and criminal justice for those suffering from or affected by mental illness;
- Identify and review systemic approaches for diversion of individuals with mental illness from entering the criminal justice system;
- Make recommendations to the Judicial Council on (1) systemic approaches for improving the administration of justice in cases involving mental health issues; (2) strategies to foster meaningful multi-disciplinary collaboration, enhance judicial leadership, develop and implement technology solutions, and explore potential funding sources; and (3) whether a permanent judicial commission on mental health should be created; and
- Recommend legislative changes that will improve the administration of justice for those suffering from or affected by mental illness and recommendations for diversion from the justice system, for consideration by the 85th Texas Legislature commencing in January 2017.

The committee, chaired by Justice Bill Boyce, met on July 1, and August 5, 2016. The committee heard from

various expert stakeholders and reviewed the status of Texas’ mental health and court practices. Ultimately, the committee released a [report and recommendations](#) laying out nine key recommendations:

- Improve transmission of mental health screening information to magistrates under Code of Criminal Procedure Article 16.22;
- Evaluate the effectiveness of Article 16.22 - compliance, timing requirements, the feasibility of standardized forms, the fiscal impact on smaller communities of screening requirements, and the effectiveness of statewide reporting;
- Evaluate amendments to Code of Criminal Procedure Article 17.032 to increase flexibility regarding bond availability and conditions for mentally ill, non-violent defendants;
- Reevaluate whether persons charged with non-violent, misdemeanor offenses should be committed to a state mental health facility for competency restoration;
- Clarify existing law to provide local communities with the authority to offer competency restoration and maintenance in any safe and clinically appropriate setting that meets appropriate standards and broaden judicial discretion in choosing the best use of local competency restoration options, across appropriate settings, to help reduce backlogs in county jails and state hospitals;
- Simplify the procedure for reimbursing counties for a restored inmate’s medication and studying the resources necessary to address this population’s medication needs adequately;
- Address the effects of trial delays after competency restoration has occurred;
- Shift the legal education component of competency restoration to an appropriate non-medical environment after psychiatric stabilization has been achieved; and
- Continue and expand the SB 1185 jail diversion pilot program if it is shown to be effective based upon the upcoming evaluation.

Elders Committee Seeks to Protect and Improve Quality of Life for the Elderly and Incapacitated

In June 2013 the Judicial Council formed the Elders Committee to “assess the ways in which the Texas courts interact with the elderly, including guardianship, probate, elder abuse and other proceedings, and identify judicial policies or initiatives that could be enacted to protect the quality of life” for the elderly and individuals with intellectual disabilities. The Committee plans to meet in September to finalize its report with the following six recommendations:



- Expand the Office of Court Administration Guardianship Compliance Pilot Project statewide;
- Mandate that all guardians not currently required to be certified to register with the Judicial Branch Certification Commission;
- Expand the Judicial Branch Certification Commission’s authority to regulate guardianship programs;
- Authorize the creation of a statewide guardianship registry that is available for query by certain individuals, including law enforcement;
- Establish a statewide public guardianship office; and
- Establish regional specialized guardianship courts.

Judicial Centers of Excellence

The Judicial Council approved OCA’s plans to extend the reach and relevance of its *Shared Solutions* initiative through the use of a Judicial Centers of Excellence project. The proposed project builds on lessons learned during the council’s *Shared Solutions* project and incorporates the court improvement concepts presented in the National Center for State Courts’ paper “[*Herding Lions: Shared Leadership of State Trial Courts.*](#)”

Participants in the Judicial Council’s *Shared Solutions* initiative identified nine areas of court management in which high performance could be achieved in Texas’ courts. These include governance, technology, data-driven management, strategic thinking and planning, financial management, caseload management, procedural fairness, professional development, and access to justice. Performance benchmarks within each of these areas were also developed. These benchmarks will serve as the framework on which participating jurisdictions will mark their progress toward becoming a high performing court—a *Judicial Center of Excellence*.

<i>Individual Court or Court/System Participation</i>	<i>System-Wide Participation</i>
Access to Justice	Governance
Procedural Fairness	Technology Resources
Caseload Management	Financial Management
Professional Development	Data-Driven Management
	Strategic Thinking and Planning

The proposed approach to advancing the Judicial Council’s *Shared Solutions* concepts will involve outreach to court and county leaders throughout the state to invite them to become a *Judicial Center of Excellence*. The proposed model provides for two tiers of recognition:

Pursuing Excellence – Following the completion of a performance improvement readiness self-assessment and submission of an application to the Judicial Council, jurisdictions can receive the Pursuing Excellence designation from the Judicial Council. OCA, as staff to the council, will provide support and technical assistance to jurisdictions that are designated as Pursuing Excellence to help them improve their performance. This designation will be valid for up to two years.

Judicial Center of Excellence – Jurisdictions that are able to show evidence of improved performance can receive the designation of Judicial Center of Excellence from the Judicial Council. A participating jurisdiction will have to show that it has met eight of ten benchmarks in a performance area in order to be recognized as a Judicial Center of Excellence. This designation will be valid for up to three years.

Each participating jurisdiction will determine which of the nine areas of court management on which to focus. Excellence can either be pursued at the individual court or court system (majority of courts in the same level within a jurisdiction) level or for the system as a whole.

A jurisdiction that demonstrates achievement in all nine areas of performance can be recognized as a *Top Texas Court*.

Review of Significant Court Trends

Cases Related to Motor Vehicles

In June, OCA’s Judicial Information staff reported on five-year trends in cases related to motor vehicles, including fine-only misdemeanor traffic cases, DWI cases, and motor vehicle cases involving injury or damage. Highlights of the [report](#) are as follows:

While **traffic and parking cases** have declined nationwide, they have declined at a much more significant rate in Texas. This decline occurred at a greater rate in municipal courts (where the majority of these cases are filed) than in justice courts. Nearly three-quarters of the cities with populations of more than 40,000 saw declines, as did 80 percent of counties with populations greater than 150,000.

Among the possible reasons for the decline include: budget and other resource limitations of law enforcement and an accompanying change in strategies such as a reduction in traffic stops, reduced staffing in patrol sections, a shift from citywide traffic enforcement to a focus on traffic on major highways, a shift to enforcement at top crash locations, the use of warnings rather than tickets, and a shift of DPS resources from traffic enforcement to border security. Other possible reasons include the fact that fewer people (especially younger individuals) are getting driver’s licenses, and fewer young people owning cars.

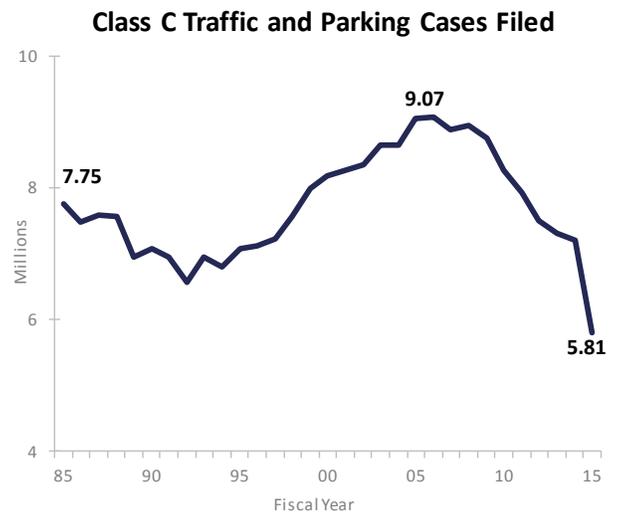
Over the past five years, there was a 15 percent decline in **misdemeanor DWI** cases filed and a 20 percent drop in **felony DWI** cases. Over the past four years, there was also a 45 percent decline in **juvenile/minor DUI** cases filed in the justice and municipal courts. Many of the same potential factors affecting traffic and parking cases may also be impacting the reduction in adult and juvenile **DWI arrests** in recent years. While arrests have declined, however, DWI-related crashes – both fatal and non-fatal – have remained steady.

Contrary to the trends noted above, filings of **motor vehicle related tort** cases increased during the period, to an all-time high. **Crashes** have also increased, both for drivers under age 18, and drivers between 18 and 34.

Collections Improvement Rules Revisions

A significant portion of the Council’s fiscal year activities involved revisions of the Council’s collection improvement program (CIP) rules. The CIP rules apply to counties with populations over 50,000 and municipalities with populations over 100,000. These jurisdictions are required to implement collection improvement programs and to comply with the practices included in the Council’s CIP rules. The CIP rules had not been updated in recent years, and after a preliminary review by staff, a need for revision was identified.

At its February 2016 meeting, the Council adopted some emergency revisions to the rules and published those revisions for public comment. The emergency revisions 1) clarified that the CIP did not apply to cases where the defendant is indigent and 2) struck the time requirements for payment plans that existed in the rules. The Council directed the Office of Court Administration (OCA) to conduct a full review of the rules and to recommend any additional changes to the Council at its June meeting.



In order to assist the Council with its full review of the CIP rules, OCA convened an advisory committee of judges, clerks and local collection program staff to provide input on any proposed revisions. The advisory committee was chaired by Council member Judge Bill Gravell. The advisory committee met on April 14 and May 19 and made a recommendation of a series of changes.

At its June 2016 meeting, the Council withdrew its February 2016 proposed amendments and adopted a full set of proposed amendments for publication and public comment. The primary goal of the June 2016 amendments was to provide procedures that will help defendants comply with court ordered costs, fines and fees without imposing undue hardship on defendants and their dependents.

After receiving many public comments on the proposed rule revisions, at its August 2016 meeting, the Council made revisions meant to address the concerns raised in the public comments and adopted a final revision of the rules, effective January 1, 2017. The final rules revisions were published in the Texas Register and are available [here](#).

Specialty Court Best Practices

The Judicial Council is statutorily charged with adopting best practices for specialty courts in Texas. Specialty courts, including drug courts, DWI courts, veterans courts and others are required to comply with the adopted practices. Working with the Criminal Justice Division of the Office of the Governor and the Governor's Specialty Courts Advisory Council, the Judicial Council considered a set of best practices at its June 2016 meeting. The Council adopted the recommended best practices and with a requirement that all specialty courts must comply with the practices no later than August 31, 2019.

- Adopt the [Adult Drug Court Best Practice Standards](#) (Volumes I & II and the specified Key Components) as the best practice for adult drug court programs in Texas.
- Require implementation of the standards by all such programs no later than August 31, 2019.
- Allow for CJD, with the advice and consent of the SCAC, to waive or allow additional time for compliance with certain practices if, in the opinion of the majority of the membership of the SCAC, there are legitimate obstacles to timely compliance or that the methodology used by a program is functionally equivalent to the practice as stated in the adopted practice. (CJD will provide updates on the waivers or extensions granted upon request by the Judicial Council at any time.)

Working Interdisciplinary Networks of Guardian Stakeholders

The Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) group has continued to coordinate with WINGS groups from other states, the American Bar Association, protection and advocacy groups from Texas and from other states, and the Texas Judicial Council Elders Committee regarding issues and trends in guardianship and alternatives to guardianship. The WINGS group received regular updates on the OCA Guardianship Compliance Project and discussed the information being compiled from this project. The WINGS group monitored and discussed issues arising from legislation related to guardianship which was passed by the 84th Legislature. The WINGS group received regular updates on the Guardianship Registry project. The WINGS group added a new outreach committee and discussed a variety of new outreach activities including online guardianship training and a website devoted to guardianship resources.

The Texas Judicial Council Elders Committee is considering a number of possible recommendations. Included among these recommendations are expanding the OCA Guardianship Compliance Pilot Project statewide, mandating that all guardians not currently required to be certified must register with the Judicial Branch Certification Commission, and requiring the submission of annual reports and annual accountings through the state guardianship reporting portal.

Legislative Priorities

As the policy making body of the Judicial Branch, the TJC regularly recommends to the legislature ways to improve the administration of justice in Texas. At its August 2016 meeting, the TJC advanced the following proposals for consideration at its October 2016 meeting:

Legislative Priorities

- Advocating for adequate funding of the courts, with a special focus on funding for judicial education.
- Encouraging additional funding by the state for the increased cost of indigent defense since the passage of the Fair Defense Act.
- Supporting adequate funding for civil legal aid in Texas.
- Supporting an increase in judicial compensation and the recommendations of the Judicial Compensation Commission.
- Encouraging modification of the procedural statutes governing the assessment and satisfaction of criminal court costs.
- Supporting the recommendations of the Criminal Justice Committee regarding pretrial release.
- Supporting the recommendations of the Mental Health Committee.
- Supporting the recommendations of the Court Security Committee.
- Supporting the recommendations of the Elders Committee.
- Encouraging consolidation of civil filing fees and standardization of certain service fees, along with the standardization of costs for electronic copies of certain court documents.
- Encouraging repeal or modification of statutes requiring sensitive data in court filings.
- Supporting the recommendations of the Timothy Cole Exoneration Review Commission.
- Supporting recommended revisions to the reconstitution of the jury wheel.
- Filing of Oaths and Statements of Officer for Judicial Appointees.

Office of Court Administration

Executive Operations

The [Office of Court Administration](#) (OCA) provides resources and information for the efficient administration of the Judicial Branch of Texas.

The Office of Court Administration has been led since May 2012 by Mr. David Slayton, the Administrative Director of OCA and the Executive Director of the Texas Judicial Council. Mr. Slayton is supported by an executive assistant, a public affairs director and a team of division directors.

In an effort to better communicate with the public and court stakeholders, the Executive Division oversees the distribution of [CourTex](#), a monthly electronic publication to more than 3,500 stakeholders, and social media via Facebook. It also manages the [@TXCourts](#) twitter feed for the Judicial Branch.

OCA holds quarterly agency-wide staff meetings.

DIRECTOR RESPONSIBILITIES

- Leadership and strategic direction
 - Represents the agency to the Legislature, other agencies and interest groups
 - Agency’s performance
 - Staffs the policy-making function of the Judicial Council, with support of the Research & Court Services Division and the Legal Division
-



[Texas Children](#) monument outside the Supreme Court building

Research and Court Services Division

The Research and Court Services Division provides services to improve the operation of courts and increase public accessibility to courts, and provides information about the Judicial Branch. The Division has reorganized into two units: Judicial information and Court Services.

RESEARCH AND COURT SERVICES DUTIES AND RESPONSIBILITIES

- Provide resources, services, and information to support the efficient operation of courts in Texas
- Promote judicial data reporting accuracy and compliance
- Provide remote language interpreter services
- Increase compliance with the satisfaction of assessed court costs, fees, and fines

Judicial Information

OCA's Judicial Information section is the repository for an array of information regarding courts in Texas. The Judicial Information section collects and maintains information from courts at all levels, analyzes court data, and produces comprehensive reports regarding the state's courts and the officials who work in them.

During FY 2016, Judicial Information produced the following publications:

- The [2015 Annual Statistical Report for the Texas Judiciary](#), which includes an overview of Texas court structure and jurisdiction; information on judges, including demographics, salaries and turnover; statistics for appellate and trial courts; and analyses of case activity and trends in filings and other measures of court workload. The report is based on the review of approximately
- The [2016 Texas Judicial System Directory](#), which contains information for more than 2,800 courts and more than 7,300 court system personnel.
- The [Report on Judicial Salaries and Turnover for Fiscal Years 2014 and 2015](#), which documents the rate at which district and appellate judges leave the state judiciary and the reasons for leaving, and compares the salaries of those judges to the benchmarks required by Section 72.030 of the Texas Government Code.

A significant portion of Judicial Information staff time is devoted to providing support to the trial courts and clerks and their information technology staff or case management vendors on reporting issues for the purpose of ensuring data quality and reliability. During the year, staff made numerous statewide and regional presentations and produced webinars for clerks and courts on reporting issues.

Staff also invested a substantial amount of time in implementing two new reporting requirements which became effective January 1, 2016:

- [HB 3994](#) requires the clerk of a court with jurisdiction over judicial bypass cases to report information on these cases to OCA, which is required to produce an annual summary of the information collected.
- [SB 1369](#) requires reporting of all appointments made for attorneys ad litem, competency evaluators, guardians, guardians ad litem, and mediators, as well as any fees approved to be paid to those appointees. While a Supreme Court order had required reporting of fees over \$500 approved for appointees in civil cases by district and county courts since 1994, SB 1369 expanded the reporting requirement to include all cases with an applicable appointment, all courts, and any fees paid, regardless of the amount.

Court Services

Court Services provides resources and information through OCA's collections, consulting, language access, research, and grant-funded programs.

Collections Improvement Program

Article 103.0033 of the Texas Code of Criminal Procedure requires cities with a population of 100,000 or more and counties with a population of 50,000 or more to implement a court cost collection program based on OCA's model Court Collection Improvement Program (CIP). As of August 31, 2016, 87 of 91 jurisdictions required to implement a program have done so, with the remaining four jurisdictions receiving waivers exempting them from the program implementation requirement. In addition, as of August 31, 2016, local officials in 99 jurisdictions had voluntarily implemented a collections improvement program, either fully or partially.

CIP staff assist jurisdictions in the implementation and improvement of their programs. Technical support staff provide assistance through "spot check" reviews to ensure continuing compliance with key program components, and technical assistance to jurisdictions found noncompliant during an official audit. CIP staff also conducts training workshops and made other presentations throughout the state on collection practices.

On August 19, 2016, the Texas Judicial Council approved amendments to the rules that govern the implementation and operation of programs operated by counties and municipalities to improve the collection of court costs, fees, and fines (Title 1, Chapter 175, Texas Administrative Code). The primary goal of the amendments is to provide procedures that will help defendants comply with court ordered costs, fines and fees without imposing undue hardship on defendants and their dependents. The [amended rules](#) go into effect on January 1, 2017. During the period CIP staff began work on revisions to the program's practices and procedures to reflect the rule changes.

Court Consulting

Through OCA's Court Services Consultant Program, local courts and clerks' offices can receive technical assistance on judicial administration matters ranging from caseflow management to strategic planning. Consulting can take place remotely, over the phone, or through site visits and at trainings.

The following were among the activities of the Court Consultant in FY 2016:

- Assisted the 212th District Court, Galveston County, in the development and implementation of a Differentiated Case Management (DCM) policy for all criminal cases and began assisting with the development of a DCM policy for civil cases.
- Provided technical assistance to Maverick and Webb counties on record management issues and improving case management practices related to court costs and collections issues.
- Served as a faculty member for the Texas Center for the Judiciary's Professional Development Program.

Language Access Program

OCA's Language Access Program focuses on providing assistance to courts in communicating with individuals with Limited English Proficiency, giving these individuals a meaningful presence in their legal proceedings through audio or video remote interpreting provided by the Texas Court Remote Interpreter Service staff.

During FY 2016, OCA's two remote interpreters provided free Spanish interpretation services in nearly 800 hearings to 47 judges in 39 counties and 2 cities. Additionally, staff completed translation of the Supreme Court Children's Commission's Parent Resource Guide into Spanish.

Domestic Violence Training Program

OCA's Domestic Violence Training Attorney (DVTA), funded by a grant from the Criminal Justice Division of the Office of the Governor, served as the Presiding Officer of the HB 2455 Task Force, which was established to promote uniformity in the collection and reporting of information relating to family violence, sexual assault, stalking, and human trafficking. The Task Force's [*Recommendations for Collecting and Reporting Data Relating to Family Violence, Sexual Assault, Stalking and Human Trafficking*](#) were published in September 2016.

The following were among the activities of the DVTA in FY 2016:

- Conducted training sessions on family violence, Magistrate's Orders of Emergency Protection, and Texas Crime Information Center reporting for Texas Rio Grande Legal Aid in Eagle Pass; County and District Clerks Association of Texas Education Seminar in Round Rock; Texas Criminal Justice Information Users Group Annual Conference in Galveston; Texas Municipal Courts Education Center's Bailiffs and Warrant Officers Conference in Dallas; Region IV meeting of the County and District Clerks Association of Texas in Sonora, Texas; and the Texas Center for the Judiciary's Annual Judicial Education Conference in Dallas, Texas.
- Conducted training sessions for new judges on Magistrate's Orders for Emergency Protection and OCA's National Instant Criminal Background Check System Protective Order Record Improvement Project for both the Texas Municipal Courts Education Center's New Judges School and the Texas Justice Court Training Center's New Justice of the Peace Stage II School.
- Participated in the Violence Against Women Single Point of Contact Workshop held by the National Center for State Courts in Williamsburg, VA.

Research

OCA research staff worked with researchers at Texas A&M's Public Policy Research Institute on a pretrial release research project, which is being conducted under the charge of the Council's Criminal Justice Committee. The study, which will look at the pretrial release practices in jurisdictions around the state, is expected to inform judges and others about pretrial program planning, design, and operations issues.

OCA research staff completed work with researchers at the National Center for State Courts (NCSC) on the Texas Child Protective Services Judicial Workload assessment project funded by a grant from the Texas Children's Commission. The [final report](#) was published in September 2016. In addition, work with NCSC was completed on a review of the impact of the Rules for Dismissals and Expedited Actions adopted by the Supreme Court of Texas in 2013. The final report is expected to be available in November.

Problem-Solving Courts Consultant

In April, the Problem-Solving Courts consultant attended the 2016 Texas Association of Drug Court Professionals Drug Court (TADCP) Training Conference in San Antonio. Over 500 specialty court staff, including judges, prosecutors, defense counsel, program administrators/coordinators, treatment providers, law enforcement, and representatives from the governor's office and OCA from around the state attended the conference. During the annual business meeting the TADCP membership voted to change the association name to the Texas Association of Specialty Courts to more accurately reflect the various problem-solving court types in operation in Texas and identified in statute (Texas Government Code Chapter 121). These include adult and juvenile drug treatment courts, veteran's treatment courts, mental health courts, family drug treatment courts, and commercially sexually exploited persons' court programs. It was announced at the conference that the National Association of Drug Court Professionals (NADCP) annual conference will be held in Houston, Texas in 2018. This will be the first time the conference will be held in Texas.

In May, OCA staff met with the Governor's Criminal Justice Division (CJD) to discuss coordination between both offices and the Governor's Specialty Courts Advisory Council (SCAC) on the identification and implementation of best practice standards for specialty courts, starting with adult drug courts.

The Problem-Solving Courts Consultant participated as a Merit Reviewer to the SCAC in the scoring of specialty court grant applications submitted to CJD.

Additionally, the Problem-Solving Courts Consultant received an invitation from NADCP to join the newly-formed Standards Implementation Advisory Group at the group's inaugural meeting in Arlington, VA in July. The group is comprised of statewide drug court coordinators and other problem-solving court stakeholders. At the meeting, the advisory group discussed the ways in which NADCP can encourage local problem-solving court program adherence to national best practice standards and evidence-based best practices. The group recommended the application of weights to the different standard components. Next steps include NADCP staff developing an implementation plan guided by the advisory group's recommendations.

Information Services Division

The Information Services Division works to improve information technology at all judicial levels in Texas.

Information Services maintains networks, servers and applications that provide certification management for OCA's regulatory boards and commissions, case management for the child protection and child support children's courts, case management for the State Commission on Judicial Conduct, case management for appellate courts and court activity reporting for trial courts. Information Services also provides staffing and support for the Judicial Committee on Information Technology.

RECIPIENTS OF DIRECT TECHNOLOGY SERVICES

- Supreme Court of Texas
- Court of Criminal Appeals
- 14 Intermediate Courts of Appeals
- State Law Library
- State Prosecuting Attorney
- State Commission on Judicial Conduct
- Texas Indigent Defense Commission
- Office of Capital and Forensic Writs
- Board of Law Examiners

CRIMINAL eFiling IMPLEMENTATION SCHEDULE



Electronic Filing

Working with Tyler Technologies, OCA assisted in the successful implementation of eFiling statewide nine months ahead of schedule and on budget. As of August 2016, civil eFiling was mandatory statewide. In July 2016, the Court of Criminal Appeals issued a mandate for criminal eFiling, starting with the ten most populous counties in 2017, becoming statewide in 2019. Texas is the first state in the U.S. to mandate both civil and criminal eFiling statewide.

At the end of FY 2016, the system had more than 147,000 registered users with more than 45,000 unique attorneys registered. Approximately 26,000 documents were filed electronically each weekday in FY 2016.

To support mandatory eFiling, OCA also provided resources to the state's less populous counties. The support came in the form of new computers and servers to counties with a population of less than 20,000 who indicated that there was a need for the equipment. The equipment was delivered over the summer.

Re:SearchTX

In late FY 2016, OCA worked with Tyler Technologies to develop a statewide electronic court record document access portal. This portal allows judges to view electronically filed documents from within their jurisdiction. The tool was made available to all judges in Texas in June of 2016. The Judicial Committee on Information Technology has created a sub-committee to look at the major issues, such as roles/permissions, privacy, and cost structure that will make recommendations to the Supreme Court in order to facilitate the expansion of the portal to the registered general public.



New Attorney Portal for Appellate Courts Released

In addition to regular maintenance releases, OCA developed a new attorney portal for the appellate courts in FY 2016. This portal allows attorneys on a case to gain secure electronic access to documents that would otherwise require a trip to the court in person. The portal helps to reduce the amount of time that attorneys need to prepare briefs by giving immediate access to clerk and court reporter records.

Technology Upgrades

OCA completed technology upgrades to the appellate courts in FY 2016. In 2011, the legislature cut the budget for technology upgrades, leaving the courts with equipment that was in some cases more than eight years old. The refresh in FY 2016 brings the courts back into the normal replacement schedule for equipment, with the average piece of computing equipment being approximately three years old.

Judicial Committee on Information Technology

The mission of the Judicial Committee on Information Technology (JCIT) is to establish standards and guidelines for the systematic implementation and integration of information technology into the trial and appellate courts in Texas. JCIT held four meetings during FY 2016. In addition to updating the technology standards, JCIT discusses technology issues as they relate to the courts. This year, major topics included expanded eFiling, the need for judicial tools to operate in an electronic environment, self-represented litigant needs and public access to court documents.

VOTING MEMBERS

Chair - Honorable Rebecca Simmons, Associate General Counsel, Acelity, San Antonio

Vice-Chair - Bob Wessels, Former Criminal Courts Administrator, Harris County

Honorable Sarah Davis, State Representative, District 134, Houston

Honorable David Escamilla, County Attorney, Travis County

Honorable David Field, County Judge, Dallam County

Honorable Woody Gossom Jr., County Judge, Wichita County

Honorable Dan Hinde, Judge, 269th District Court, Harris County

Roland K. Johnson, Harris, Finley & Bogle, P.C., Fort Worth

Honorable Brian Quinn, Chief Justice, Seventh Court of Appeals, Amarillo

Dean Stanzione, Director of Court Administration, Lubbock County

Dennis Van Metre, Chief Technology Officer, Vinson & Elkins, Houston

Honorable John Warren, County Clerk, Dallas County

Ed Wells, Court Administrator, Harris County

Honorable Royce West, Senator, District 23, Dallas

Honorable Sheri Woodfin, District Clerk, Tom Green County

NON-VOTING LIAISON MEMBERS

Honorable Abel Acosta, Clerk, Court of Criminal Appeals, Austin
Honorable Scott Becker, Judge, 219th District Court, Collin County
Honorable Jeffrey S. Boyd, Justice, Supreme Court of Texas, Austin
Miles Brissette, Attorney, Fort Worth
Honorable David Canales, Judge, 73rd District Court, Bexar County
Honorable Anne Marie Carruth, Justice of the Peace, Lubbock County
Randy Chapman, Executive Director, Texas Legal Services Center, Austin
Honorable Judy Crawford, District/County Clerk, Crane County
Honorable Hilda Cuthbertson, Municipal Court Judge, Snook
Honorable Annie Elliott, District Clerk, Fort Bend County
Honorable Roy Ferguson, Judge, 394th District Court, Brewster County
Laura Garcia, Texas Association of Counties, Austin
Doug Gowin, Operations Manager, Tarrant County
Honorable Blake Hawthorne, Clerk, Supreme Court of Texas, Austin
Honorable Laura Hinojosa, District Clerk, Hidalgo County
Tracy Hopper, Assistant Director, Applications Development, Harris County District Clerk's Office
Gary Hutton, Civil District Court Administrator, Bexar County
Honorable Sasha Kelton, County Clerk, Clay County
Honorable Steve M. King, Judge, Probate Court # 1, Tarrant County
Steve Mills, CTO, iHeartMedia, San Antonio
Cynthia Orr, Attorney, San Antonio
Honorable Velva Price, District Clerk, Travis County
Honorable Nancy E. Rister, County Clerk, Williamson County
Sian Schilhab, General Counsel, Court of Criminal Appeals, Austin
Michelle Spencer, Senior Trainer, Bracewell & Giuliani LLP, Austin
David Slayton, Administrative Director, Office of Court Administration, Austin
Mark Unger, The Unger Law Firm, San Antonio
Peter Vogel, Partner, Gardere Sewell Wynne LLP, Dallas
Honorable Kevin Yeary, Judge, Court of Criminal Appeals, Austin

Technology Standards

The courts realized the benefits of technology standards in 2014 with the implementation of the JCIT Technology Standards. JCIT's standards subcommittee continued its work in FY 2016 to adopt revisions to the previously adopted technology standards. The subcommittee updates the standards twice annually.

The standards committee ensured that eFiling codes provided to the clerks were backed by either Texas Judicial Council monthly activity reporting or by a fee in statute. The technology standards adopted by JCIT are now in place in all counties.

Legal Division

The Legal Division provides legal support for the agency and numerous entities within the judiciary and oversees the administration of the children’s courts programs on behalf of the presiding judges of the nine administrative judicial regions.

Legislative Work

Between legislative sessions, the Legal Division assists with the implementation of new laws that affect the judiciary. In fiscal year 2016, the Legal Division provided training regarding the changes made to the laws regarding truancy. The Division prepared training materials that are available at <http://www.txcourts.gov/publications-training/training-materials/truancy-reform/>.

The division also prepared articles regarding new requirements regarding the use of a “wheel” for the appointment of attorneys ad litem, guardians ad litem, guardians and mediators under Chapter 37 of the Government Code and the new reporting requirements regarding court appointments and payments to court appointees under Chapter 36 of the Government Code.

Rules

The Legal Division also assisted the Texas Judicial Council with drafting amendments to the Council’s rules to address the new reporting requirements under Chapter 36 of the Government Code and to the rules that govern implementation and operation of collections improvement programs mandated under Art. 103.0033 of the Code of Criminal Procedure.

Rule 12 and Judicial Branch Certification Commission Appeals

The Division also provides support to the special committees composed of regional presiding judges who issue decisions in appeals filed pursuant to Rule 12 (denial of access to judicial records) and the Rules of the Judicial Branch Certification Commission (appeal of Judicial Branch Certification Commission decisions).

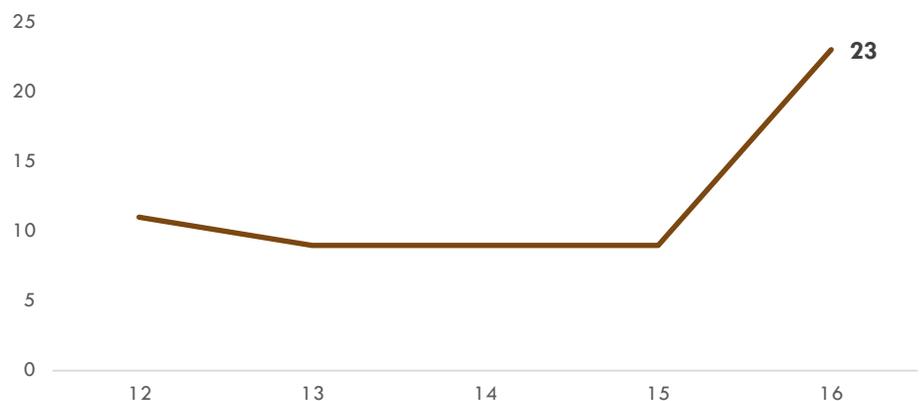
In FY 2016, 23 public access opinions were issued. Rule 12 of the RJAs and the decisions issued by the special committees can be found on the Texas Judicial Branch’s website:

<http://www.txcourts.gov/open-records-policy/>.

LEGAL STAFF LIAISON SUPPORT

- Texas Judicial Council
- Conference of Regional Presiding Judges
- Council of Presiding Judges
- Board of Regional Judges for Title IV-D Account
- Judicial Districts Board
- Judicial Compensation Commission
- Judicial Branch Certification Commission

Rule 12 Opinions Issued by Fiscal Year



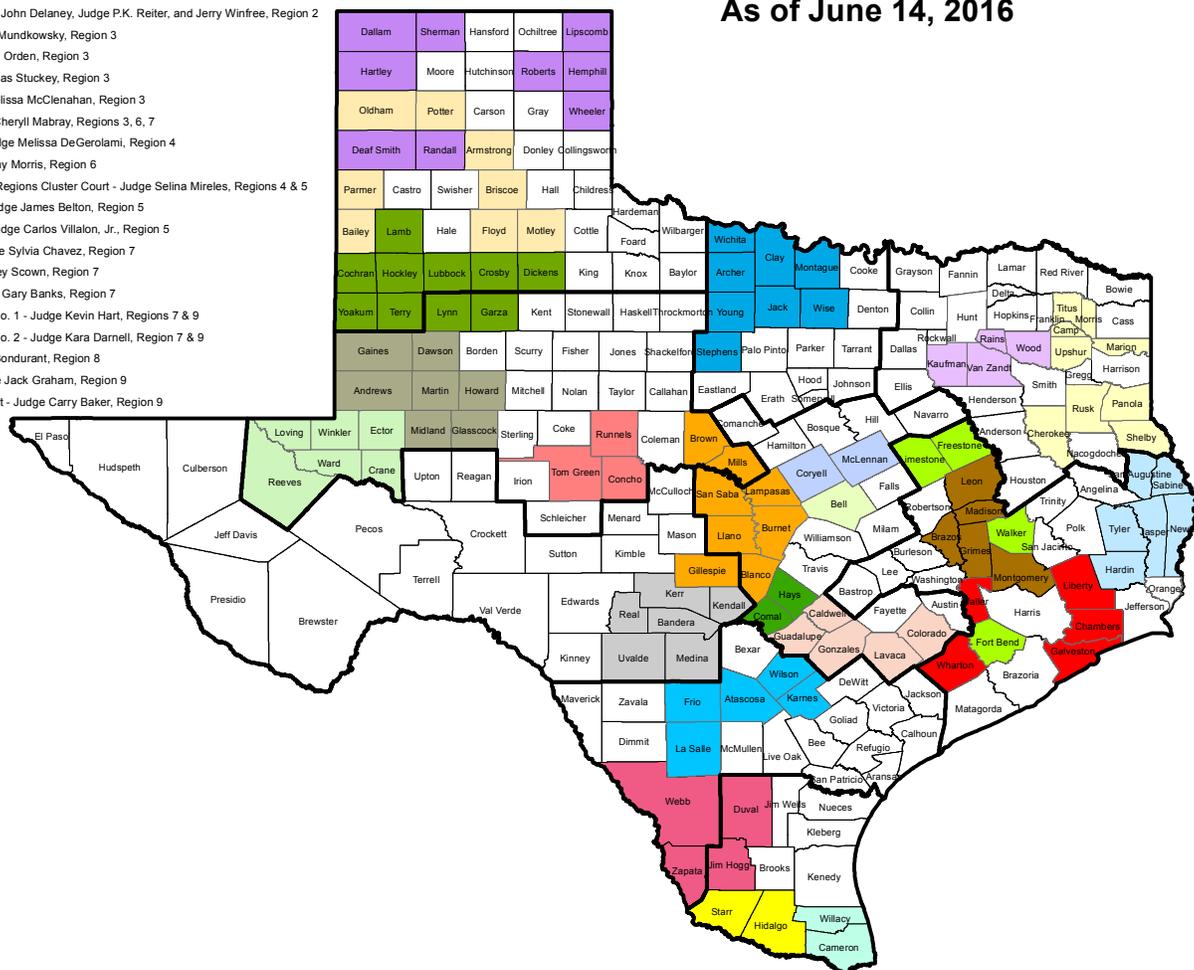
Children’s Courts Program

The program name for the child support courts and the child protection courts operated by OCA has been changed from Specialty Courts Program to Children’s Courts Program. The 84th Legislature amended the process in which the associate judges for these courts are appointed. Under the new law the associate judges are appointed for a four-year term. The law also requires input from the referring courts and other relevant persons during the associate judges’ evaluation. The Legal Division assisted the regional presiding judges in adopting procedures to implement the new appointment/reappointment and evaluation requirements for the associate judges. The procedures to implement the evaluation requirements were amended stating OCA would reach out to those identified as “other relevant persons” to secure input and feedback on the performance of the child support and child protection court associate judges.

The 84th Legislature also authorized the implementation of four new child protection courts and funded a position for a specialty courts program coordinator, who was hired September 1, 2015. The Legal Division assisted the regional presiding judges with the establishment of the four new child protection courts. OCA is requesting the addition of four more new child protection courts in the 85th Legislative Session.

- Northeast Texas CPC No. 1 - Judge Ginny Scharr, Region 1
- Northeast Texas CPC No. 2 - Judge Deane Loughmiller, Region 1
- Brazos River Valley Cluster Court - Judge Eric Andell and Judge Sam Bourmias, Region 2
- Southeast Texas Cluster Court, Judge Don Taylor, Region 2
- Three Rivers Cluster Court - Judge Eric Andell and Judge Roy Quintanilla, Region 2
- East Texas Cluster Court - Judge John Delaney, Judge P.K. Reiter, and Jerry Winfree, Region 2
- Centex CPC North - Judge Nikki Mundkowsky, Region 3
- Centex CPC - Judge Charles Van Orden, Region 3
- Centex CPC South - Judge Thomas Stuckey, Region 3
- CPC of Central Texas - Judge Melissa McClenahan, Region 3
- CPC of the Hill Country - Judge Cheryl Mabray, Regions 3, 6, 7
- CPC of South Central Texas - Judge Melissa DeGerolami, Region 4
- CPC of South Texas - Judge Cathy Morris, Region 6
- 4th & 5th Administrative Judicial Regions Cluster Court - Judge Selina Mireles, Regions 4 & 5
- CPC Rio Grande Valley East - Judge James Belton, Region 5
- CPC Rio Grande Valley West - Judge Carlos Villalon, Jr., Region 5
- CPC of the Permian Basin - Judge Sylvia Chavez, Region 7
- CPC of West Texas - Judge Tracey Scown, Region 7
- CPC of the Concho Valley, Judge Gary Banks, Region 7
- South Plains Foster Care Court No. 1 - Judge Kevin Hart, Regions 7 & 9
- South Plains Foster Care Court No. 2 - Judge Kara Darnell, Region 7 & 9
- North Texas CPC - Judge Alyce Boudurant, Region 8
- Northern Panhandle CPC - Judge Jack Graham, Region 9
- High Plains Child Protection Court - Judge Carry Baker, Region 9

**Texas Office of Court Administration
Child Protection Courts
As of June 14, 2016**



Finance and Operations Division

The Finance and Operations Division manages the fiscal and operational support activities of OCA and administers the Collection Improvement Program (CIP) Audit Department.

Division staff members consult with OCA program managers on a variety of financial and contractual issues, and answer questions from the Legislature, the public, and other interested parties on judicial funding and state appropriations to the courts and judicial agencies. The division coordinates preparation of the agency’s legislative appropriations request and quarterly performance measures.

Finance and Operations staff work with the clerks of the appellate courts on issues related to accounting, purchasing, financial reporting, and human resources. The division also provides support to the chief justices of the appellate courts and the presiding judges of the administrative judicial regions regarding legislative, budgetary, and human resources issues.

The division provides administrative support to the Office of State Prosecuting Attorney (SPA) via an interagency contract. OCA provides 100% of the processing for SPA’s purchases, payments, budgeting and other accounting functions. OCA also provides support for human resources and facilities functions of the SPA.

During FY 2016, Finance & Operations processed 909 purchase requisitions, 978 purchase orders, 1,439 travel vouchers, 2,555 purchase vouchers, and 224 journal/budget vouchers - a total of over 6,105 documents. Division staff also processed 70 reimbursement requests for grants and contracts totaling \$6.03 million and deposited over \$621,026 in fees from licensees. Property and Inventory has processed over 200 surplus items.

The Human Resources staff screened 707 applications for 34 job postings, and processed 38 new hires and 19 separations.

Collection Improvement Audit Program

In addition to its finance and operational support activities, the division includes the Collection Improvement Program (CIP) Audit section. During FY 2016, CIP Audit issued compliance reports for 15 counties, as well as post-implementation rate reviews for six (6) cities and two (2) counties.

In November 2013, the State Auditor’s Office issued an audit report on the Collection Improvement Program, including both the technical assistance and audit functions. Prior to the State Auditor’s recommendation in their report, OCA compliance audits focused on eleven collection improvement components promulgated in Title 1, §175.3. The State Auditor’s report however, noted that OCA should strengthen its processes by

FISCAL AND OPERATIONS SUPPORT ACTIVITIES

- Purchasing
- Accounting
- Payroll
- Budgeting
- Financial Reporting
- Human Resources
- Property Inventory
- Facilities Management

Compliance Reports

Counties: Bastrop, Bowie, Brazoria, Coryell, Dallas, El Paso, Ellis, Hunt, Kaufman, Maverick, Midland, Orange, Tarrant, Victoria

Cities: Wichita Falls

Rate Reviews

Cities: Carrollton, Mesquite, Dallas, Laredo, Irving, Grand Prairie

Counties: Ector, Bell

conducting a new audit to substantiate the data that counties and cities submit to the OCA, as required by Article 103.0033(j) of the Texas Code of Criminal Procedure. OCA began to develop criteria by which reported data can be verified, including the number of cases adjudicated, cost, fees, and fines assessed, collected, waived, and jail or community service credit given to defendants. With the proposed criteria established, the Audit section developed procedures to verify the data and is reviewing the pilot test work conducted at the City of Austin with the OCA's technical assistance group to ensure the methodology was sound and accurately measured the reliability of the data submitted by the city. The 2013 State Auditor's report noted that OCA should also strengthen audit procedures on the eleven collection improvement components enumerated in Title 1, §175.3 to help ensure that its auditors have a complete population of cases from each county and city that they audit. OCA has begun to develop policy and procedures to help its auditors determine if a complete population of cases were received from each county and city they audited. Furthermore, additional policy and procedures are in development to document the audit steps that will be used to determine a jurisdiction's compliance with the new collection improvement rules that go into effect on January 1, 2017, in Title 1, §175.3.

Legislative Appropriations Request for 2018-2019

In August 2016, OCA submitted its Legislative Appropriations Request (LAR) to the Legislative Budget Board and Governor's Office of Budget and Policy. As directed by the state's leadership, OCA reduced the FY 2018-2019 baseline request to 96 percent of the FY 2016-2017 levels for General Revenue (GR) and GR-Dedicated Accounts. OCA conducted a thorough review of expenditures across programs to identify places that could be cut while minimizing the impact on OCA's internal and external customers. While it was impossible to fully mitigate the impact on customers due to the reduction impacting major budget programs within the agency, OCA believes that this plan is the most responsible use of limited state funds. In addition, OCA requested several exceptional items to assist with staffing and guardianship proposals and children's courts. OCA's full LAR request can be viewed at http://www.txcourts.gov/media/1436064/lar_pdf_final-revised-9-14-16.pdf.

Legislative Appropriations Request for 2018-2019

- SUPPORT CORE SERVICES FOR THE JUDICIAL BRANCH** Over the years, OCA has been given increased responsibilities for programs with a far-reaching impact on Texas courts and the public. OCA supports every court and judicial branch agency to some degree. Therefore, OCA must maintain its core services and administrative backbone to ensure its efforts continue to fully serve Texans. This task is made challenging by the agency's difficulty in attracting and retaining the employee talent needed. This exceptional item would allow OCA to provide targeted permanent merit increases to key staff, as appropriate. In addition, this exceptional item would allow OCA to fund a new position dedicated to leading the state in court security best practices and emergency preparedness. As a result of increasing danger to our court staff, the Texas Judicial Council and Supreme Court support the creation of a resource dedicated to keeping our courtrooms and court staff safe.
- ENHANCE JUDICIAL SERVICES TO THE ELDERLY AND INCAPACITATED** The number of Texans over age 65 is expected to double in size by 2030 to almost 6 million. Based upon this dramatic increase and the potential impact on the courts and after study of the issue by the Texas Judicial Council, OCA created the Guardianship Compliance Pilot Project to assist courts with reviewing and auditing guardianship filings for the elderly and incapacitated. The goals are to determine if guardians are following statutorily-required procedures, to review annual accounting reports filed by guardians, and ensure that exploitation and/or neglect of persons under guardianship (wards) is not occurring. Statutory probate courts in Texas have access to a court-appointed court monitor/investigator to review guardianship filings for potential exploitation and/or neglect. However, most judges hearing guardianship cases (primarily the constitutional county courts and some statutory county courts) do not have access to these resources. The Judicial Council has identified a need for resources to monitor cases for the non- statutory probate courts hearing guardianship cases. The pilot, initiated in November 2015, has provided sufficient information to suggest a need to expand the pilot project statewide. With over 54,000 active guardianships in the state, 20,000 of which are in courts without sufficient resources to review guardianship reports, and an estimated \$5 billion in assets under court and guardian control, there is a high risk of exploitation and neglect. Preliminary findings in six counties where the pilot has operated have revealed significant issues in guardians complying with statutory requirements and indications of financial exploitation. This exceptional item will allow OCA to expand the pilot project to a statewide program to assist the courts in this function by adding 25 guardianship compliance specialists, 2 managers to oversee and assist in the project, and an additional 9 related operational staff to implement the project.
- STRENGTHEN JUDICIAL SERVICES TO FAMILIES** OCA operates the 24 child protection courts that handle a large percentage of the child protection cases filed in the state. These specialized judges work to ensure the safety and stability of children impacted by child abuse and neglect. The Regional Presiding Judges have identified a need for four additional child protection courts (CPC) based on requests received from trial court judges and increases in the child protection caseload. This item would fund four new CPCs (8.0 FTEs) to handle continually growing caseloads. OCA provides technology for the judicial branch, including all appellate courts, the child protection courts, and five state judicial agencies (including OCA). Hardware and general software support to the child support courts (CSC) is provided by the Office of the Attorney General (OAG), who is a party to the cases heard by the CSCs. This potential conflict of interest is a concern to both the courts and the OAG. This exceptional item seeks to address this concern and provide enhanced technology support to the other judicial branch judges and employees across the state. The exceptional item would provide regional technology support staff (7.0 FTEs) for OCA's 44 child support courts, 24 child protection courts, the intermediate appellate courts, the administrative judicial regions and regional OCA staff. These FTEs would provide direct Page 5 technology support outside of Austin and would complement support available at the larger courts of appeals. Without these staff, judges and employees will continue to experience extended wait times for support.

Judicial Branch Certification Commission

The Judicial Branch Certification Commission (JBCC) was established by the Texas Legislature, 83rd Regular Session, in [SB 966](#). On September 1, 2014, the nine member JBCC began oversight of the certification, registration, and licensing of court reporters and court reporting firms, guardians, process servers, and licensed court interpreters.

CERTIFICATION DUTIES

- Protect and serve the public
- Share information on each program's processes
- Streamline and standardize procedures and day-to-day operations



JUDICIAL BRANCH CERTIFICATION COMMISSION MEMBERS

The Supreme Court of Texas appointed members to serve staggered terms on the Judicial Branch Certification Commission:

- Chair, Honorable Lee Hamilton**, 104th District Court, Taylor County, Abilene
- Honorable Garland (Ben) Woodward**, 119th District Court, Tom Green, Runnels and Concho Counties, San Angelo
- Honorable Migdalia Lopez**, 197th District Court, Cameron County, Brownsville
- Honorable Sid L. Harle**, 226th District Court, Bexar County, San Antonio
- Honorable Polly Spencer**, (Retired), San Antonio
- Velma Arellano**, Official Court Reporter, Corpus Christi
- Don D. Ford**, Attorney, Houston
- Mark Blenden**, Attorney, Bedford
- Ann Murray Moore**, Attorney, Edinburg

JBCC ADVISORY BOARDS APPOINTED

The Supreme Court of Texas appointed the JBCC Advisory Boards for each profession to serve staggered terms:

Court Reporters Certification Advisory Board

- Presiding Officer, Honorable William C. Sowder**, 99th District Court, Lubbock County, Lubbock
- Robin Cooksey**, Conroe
- Janie Eidd-Meadows**, Tyler
- Whitney Alden Riley**, Boerne
- Molly Pela**, Houston
- Deborah K. Hamon**, Rockwall
- Kim Tindall**, San Antonio

Guardianship Certification Advisory Board

- Presiding Officer, Jamie MacLean**, Austin,
- Chris Wilmoth**, Dallas
- Jason S. Armstrong**, Lufkin
- Honorable Gladys Burwell**, (Retired), Friendswood
- Toni Rhodes Glover**, Ft. Worth

Number of certified/licensed professionals as of 8/31/16

Court Reporters:	2,287
Court Reporting Firms:	350
Guardianship:	450
Process Servers:	3,494
Court Interpreters:	450
TOTAL	7,031

Process Servers Certification Advisory Board

Presiding Officer, Patrick J. Dyer, Missouri City

Eric Johnson, Rosharon

Honorable Rhonda Hughey, District Clerk, Kaufman County, Kaufman

Justiss Rasberry, El Paso

Mark Vojvodich, Constable Precint 3, Bexar County, San Antonio

Licensed Court Interpreters Advisory Board

Presiding Officer, Melissa B. Fischer, San Antonio

Luis Garcia, Melissa

Robert Richter, Jr., Houston

Melissa Wallace, Ph. D., San Antonio

Cynthia de Pena, McAllen

Certification Division End of Year Highlights

The JBCC Certification Division team members worked on numerous JBCC projects with the goal of creating efficiency and consistency across the regulated judicial professions. Below are some of the highlights and accomplishments FY 2016.

- The Judicial Branch Certification Commission, its Advisory Boards and Committees, and the Complaint Review Committee held a total of 29 meetings.
- Certification staff processed 103 requests for Public Access to Judicial Records (Rule 12 of the Rules of Judicial Administration).
- Certification compliance staff members have been refining the new compliance complaint and resolution processes for all JBCC professions.
- 78 complaints were filed and 52 were resolved.
- The Licensed Court Interpreter Code of Ethics and Professional Responsibility and the Guardianship Certification Code of Ethics and Professional Standards were both adopted by the Supreme Court of Texas.
- The Court Reporters Certification Code of Professional Conduct is under review for updates.
- A Request for Proposal (RFP) to replace the current certification licensing database was posted with a submission deadline of June 16, 2016.
- Performance measures for JBCC were reviewed and revised as part of the Strategic Plan to accurately reflect the workload of JBCC (e.g. adding non-jurisdictional complaints that were previously excluded).
- Staff continue to review and approve all applicant criminal histories, continuing education courses and maintain the JBCC website <http://www.txcourts.gov/jbcc.aspx>.

The JBCC certification staff administers and proctors the examinations for the Guardianship Certification written examination and the Licensed Court Interpreter (LCI) written and oral examinations. A vendor administers the written and skills examination for the Court Reporters Certification. An examination for process servers is being developed.

EXAMS ADMINISTERED

Fiscal Year	Written - Guardianship/Passage Rate	Written - Licensed Court Interpreters/Passage Rate	Oral - Licensed Court Interpreters/Passage Rate
FY16	97 (67%)	124 (62%)	87 (29%)
FY15	111 (68%)	121 (61%)	76 (30%)

Guardianship Compliance Pilot Project

Pursuant to the Judicial Council recommendation from the Elders Committee, OCA obtained funding from the legislature (Rider 20 to OCA in the GAA) to establish a pilot program to improve guardianship compliance. OCA launched the Guardianship Compliance Project to provide additional resources to courts handling guardianship cases. The goal of this project is to help courts protect our most vulnerable citizens and their assets. Assistance is available to counties that have a significant number of guardianship cases reported at no cost to the county. OCA is also developing an on-line guardianship reporting application to monitor guardianship filings of initial inventory and annual accountings and annual reports.

Through this project, the guardianship compliance specialists are available to review adult guardianship cases to identify reporting deficiencies by the guardian, audit annual accountings and report findings back to the court, and work with courts to develop best practices in managing guardianship cases.

The Office of Court Administration will report on the performance of the Guardianship Compliance Project in a study to the Legislature no later than January 1, 2017. The report will include at least the following:

- The number of courts involved in the guardianship compliance project;
- The number of guardianship cases reviewed by the guardianship compliance project;
- The number of reviewed guardianship cases found to be out of compliance with statutorily required reporting;
- The number of cases reported to the court for ward well-being or financial exploitation concerns; and
- The status of technology developed to monitor guardianship filings.

Guardianship Compliance Personnel

The project team has three guardianship compliance specialists reviewing the guardianship case files. In May, the Guardianship Compliance team attended the Guardianship and Elder Law CLE in Austin. The team also attended trainings with the Department of Assistance and Disability Services and Travis County Probate Court.

Guardianship Compliance Participating Counties

Anderson, Bexar, Comal, Guadalupe, Hays, Montgomery, Orange, and Webb Counties have participated since the project began. The Guardianship Compliance team has met with judges, court staff, and county clerks on details of project. Counties have all been extremely cooperative with the project.

Participating Counties	In Process	Completed
Total Case Files Reviewed (as of August 15)	890	2,994
<i>Closures: Recommended for Inactive Status (deceased ward, temporary guardianship, minor emancipated)</i>		1,615
Total Active Cases	Unknown	1,379
Total Guardianships of the Person		676
Total Guardian of the Estate		58
Total Guardianships of Both Person & Estate		645
<i>Average Missing Annual Reports of the Person</i>		32% 428/1,321
<i>Average Missing Annual Accountings</i>		47% 331/703
<i>Average Missing Initial Inventories</i>		45% 316/703
<i>Average Guardianships with Bonds Waived</i>		25% 338/1,379
Total estate value from inventories under guardianship	In process	\$72,968,261
Average estate value per case (from available inventories)		\$188,548

Conservatorship Accountability Project

Texas has also received an implementation award to receive technical assistance to implement the Conservatorship Accountability Project (CAP). Indiana, Iowa, and Texas were selected to receive implementation awards; New Mexico and Nevada were provided planning awards. This project will use the extensive expertise and experience of the National Center for State Courts to support Texas' efforts in adapting the Minnesota "MyMNConservator" software, which allows conservators (known as guardians of the estate in Texas) to file their inventory and annual accountings electronically, integrating the software with our statewide electronic filing system. The red flag validation and implementation, standardized reports and alerts, and judicial response protocols in the system will greatly improve Texas judges' ability to protect assets and modernize and improve guardianship accounting with limited resources. This project coincides with the Office of Court Administration's [Guardianship Compliance Pilot Project](#).

Part of the funding provided to OCA by the 84th Legislature was for the development of an automated, electronic tool to process the filing of required reports and other documents in guardianship cases. This system will provide an automated method to notify courts when required reports are delinquent. It will also provide an automated method to review annual accounting reports for potential fraudulent activities. The OCA IT staff is currently evaluating and developing an on-line reporting application for guardians. The goal will be to work with the courts to safeguard the assets of protected persons through the oversight of guardians by conducting professional compliance audits. OCA expects that this online tool will be piloted in several counties prior to the end of the calendar year.



Texas Indigent Defense Commission

The Texas Indigent Defense Commission (TIDC) provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law. TIDC operates under the authority of a thirteen-member governing board and is administratively attached to the Office of Court Administration (OCA). The TIDC programs are implemented by eleven full-time staff members.

TEXAS INDIGENT DEFENSE COMMISSION

- Sets statewide policies and standards for the provision and improvement of indigent defense
 - Grants state funds to counties for indigent defense
 - Monitors counties' compliance with policies and standards
-

FY 2016 COMMISSION

Officers

Chair, Honorable Sharon Keller,

Presiding Judge, Court of Criminal Appeals

Vice-Chair, Honorable Olen Underwood,

Presiding Judge, 2nd Administrative Judicial Region of Texas

Ex Officio Members

Honorable Sharon Keller, Presiding Judge, Court of Criminal Appeals, Austin

Honorable Nathan Hecht, Chief Justice, Supreme Court of Texas, Austin

Honorable Sherry Radack, Chief Justice, First Court of Appeals, Houston

Honorable Brandon Creighton, State Senator, Conroe

Honorable John Whitmire, State Senator, Houston

Honorable Abel Herrero, State Representative, Robstown

Honorable Andrew Murr, State Representative, Kerrville

Honorable Linda Rodriguez, Hays County

Members Appointed By Governor

Honorable Olen Underwood, Presiding Judge, 2nd Administrative Judicial Region of Texas, Conroe

Honorable Jon Burrows, Bell County Judge, Temple

Anthony Odiorne, Assistant Public Defender, Regional Public Defender Office for Capital Cases, Burnet

Don Hase, Attorney, Ball & Hase, Arlington

Funding for Texas Counties

TIDC grants promote compliance with key standards and encourage more effective indigent defense programs.

Grant Types

Formula Grants

The Commission awarded \$24 million in formula grants to 254 Texas counties in FY 2016 to help them ensure that all Texans can access constitutionally required legal defense services. Formula Grants are awarded annually to all qualifying counties. Award amounts are determined by the county's population and indigent defense spending.

Discretionary Grants

Discretionary grants encourage innovation, remedy non-compliance with the Fair Defense Act, or help counties facing extraordinary indigent defense costs. In FY 2016 the Commission awarded \$8.7 million in new and continuing discretionary grants to eighteen counties with a few highlighted below.

Fort Bend: Expanded Public Defender Ensures Quality & Effectiveness

In 2010 the Texas Indigent Defense Commission provided Fort Bend County with a grant to implement a small, specialized public defender office for defendants with mental illness. In addition to high levels of client satisfaction with the quality of services, that program was also able to achieve cost savings through a significant reduction in pre-disposition jail days, particularly for misdemeanor clients. Based on the success of their mental health program, in 2016 Fort Bend County sought and was awarded a new TIDC grant to expand the program to handle a portion of the county's regular felony and misdemeanor indigent cases.

Mental Health Defender Programs

In FY 2016, the Commission funded several mental health programs. In an attempt to provide services to mentally ill individuals at the earliest possible stage, Bexar County has implemented a pilot program to provide representation to persons suffering mental illness at Article 15.17 magistration hearings. This new section of the Bexar County Public Defender's Office is based in the Central Magistration and Detention Facility where all arrestees in the county are taken and where the hearings are held.

Equipping Lawyers to Deliver Quality Representation: Travis County Mentoring

In 2015, TIDC was awarded a grant from the Criminal Justice Division of the Office of the Governor to develop a new resource for local stakeholders to improve the professional skills of attorneys providing public defense services. In partnership with the National Legal Aid and Defender Association, TIDC published a comprehensive guide adaptable for different Texas counties: [*Indigent Defense Attorney Mentoring in Texas: A Guide to Establishing a Mentoring Program*](#). TIDC awarded a grant to Travis County to put this new resource into action through implementation of a pilot mentoring program through the Capital Area Private Defender Service, the county's managed assigned counsel program.

Recommendations to the 85th Legislature

Legislative Appropriations Request for FY18/19

Pursuant to Section 79.033, Government Code, the Commission submitted its [*Legislative Appropriations Request*](#) (LAR) separate and apart from the Office of Court Administration. The LAR includes the following four exceptional items:

1. Restoration of 4 Percent Reduction in Funding -- \$2.87 million -- required by LAR instructions.
2. Support 50/50 State-County Funding for Statewide Regional Public Defender Office for Capital Cases -- \$2.9 million
3. Support Statewide Funding for Early Identification and Representation of Defendants with Mental Illness -- \$10 million
4. Provide Local Property Tax Relief to Texas Counties by Fully Funding Criminal Indigent Defense phased in over the next three biennia-- \$212.2 million

Legislative Proposals to Improve Indigent Defense

The Commission is charged in Section 79.035, Texas Government Code, with recommending to the legislature ways to improve Texas' indigent defense system. After careful review of each proposal, the Commission approved the following three for legislative consideration: 1) Create a statutory framework for the operation of the Regional Public Defender Office for Capital Cases (RPDO); 2) Repeal the requirement that public defender attorneys must inform the court of the results of any investigation into a defendant's financial circumstances; and, 3) Change the terms of Commission board members to six years from two years.

Reporting

Indigent Defense Expenditures Review

Each county is required to report annually by November 1st on the number of indigent cases in each court and their associated expenses. Staff conducts a thorough desk review of these reports, which provide the basis for eligibility in all of TIDC's grant programs, both formula and discretionary. Preliminary results for FY 16 indicate that indigent defense spending continues to increase statewide. Results are published each year in [TIDC's Annual and Expenditure Report](#).

Attorney Practice-Time Reporting

Beginning in 2014, each attorney who accepts appointments in adult criminal and juvenile delinquency cases is required to annually submit to each county a statement that describes the percentage of the attorney's practice time that is dedicated to work on those appointed cases. As of November 3, 2016, 3,541 attorneys had completed reports for FY 16 in the TIDC online portal. Preliminary results show that the median percentage of practice time devoted to appointed criminal and juvenile cases across all counties was about 60 percent.

Monitoring Program

Policy Monitoring

Policy monitoring reviews seek to promote local compliance and accountability with the requirements of the Texas Fair Defense Act (FDA) and to provide technical assistance to improve county indigent defense processes where needed. A county is selected for an on-site monitoring review based on a combination of objective risk assessment scores and geographical distribution. A monitoring review may also be conducted at the request of an elected state or local official. On-site policy reviews measure a jurisdiction's compliance with the six core requirements of the FDA:

- Article 15.17 hearings are held within forty-eight hours of arrest and defendants are able to request counsel at the hearing;
- The county's indigent defense plan sets a financial standard of indigence in compliance with Article 26.04 of the Code of Criminal Procedure;
- The jurisdiction has a method for tracking continuing legal education (CLE) hours of attorneys on the appointment list;
- Counsel is appointed within statutorily required times;
- Appointments are distributed in a fair, neutral, and non-discriminatory manner; and
- Attorneys are paid according to a standard payment process. The review may examine caseloads and usage of support services such as investigators and expert witnesses.

Fiscal Monitoring

Fiscal monitoring reviews are conducted to ensure that all payments to counties are made in compliance with state law. An on-site fiscal monitoring review includes interviews with local officials and staff and an examination of financial documents. In addition to full fiscal reviews, the fiscal monitor provides technical assistance to ensure that reported data is accurate and complete. In FY16 TIDC staff conducted fiscal monitoring and technical assistance visits for six counties and completed desk reviews of six counties.

Resources, Publications, and Education

The Commission makes available indigent defense information that enhances understanding of the Fair Defense Act and provides tools and resources that can help improve indigent defense in Texas. The Commission serves this function in a number of ways, including through its website, trainings, presentations, site visits, studies, e-newsletters, and other outreach described below.

Resources

The Commission's website provides access to the data that drives its work, as well as information about indigent defense. Local data is available via the website at <http://tidc.tamu.edu/public.net>. The [FY 2016 Annual Report](#) provides information on the Commission's activities and accomplishments in fiscal year 2016.

Model Forms

<http://tidc.texas.gov/policies-standards/model-forms-procedures.aspx>

In September 2016, TIDC finalized six new or revised model forms as a resource to assist counties in implementing the front end processes necessary for an effective appointment of counsel system. The Magistrate's Warning Form, Adult and Juvenile Affidavits of Indigence, and the Juvenile Intake Form replace prior forms and are intended to streamline and simplify procedures for counties. The Appointment of Counsel for Out-of-County Warrant Arrestees, Waiver of Counsel to Speak with the Prosecutor, and Waiver of Counsel to Plea or Proceed to Trial are new forms based on changes to the law and issues encountered during policy monitoring.

Effective Indigence Screening

<http://www.tidc.texas.gov/resources/publications/reports/special-reports/effective-indigence-screening.aspx>

In September 2015, TIDC published Effective Indigence Screening, the second edition of a 2007 report issued by the Commission. The report is intended to serve as a resource for courts and counties to utilize in developing and improving the processes used to determine whether defendants are eligible for appointed counsel.

Training

In FY 2016 Commission staff and members trained more than 1,000 judges, county officials, and attorneys at 15 training events.

Innocence Program

In 2005, the Texas Legislature directed the Commission to contract with four public law schools to operate innocence projects: The University of Texas School of Law, Texas Tech University School of Law, the Thurgood Marshall School of Law at Texas Southern University, and the University of Houston Law Center. In 2015, the 84th Legislature expanded funding for innocence projects to include two new public law schools at the University of North Texas Dallas College of Law and the Texas A&M University School of Law in Fort Worth. These projects organize law students who work with attorneys to review claims of actual innocence from Texas inmates. The annual reports filed by the participating innocence projects, as well as previously filed Exoneration Reports and other information on the innocence program, are available on the Commission's website at Innocence Program Overview.



TIDC members, staff and indigent defense stakeholders that have been involved with the agency since its inception.

Judicial Compensation Commission

The [Judicial Compensation Commission](#) was created by the 80th Legislature, effective September 1, 2007.¹ It is composed of nine members who are appointed by the Governor with the advice and consent of the Senate to serve six-year terms. No more than three members serving on the Commission may be licensed to practice law.

The Commission is responsible for making a report to the Texas Legislature no later than December 1 of each even-numbered year recommending the proper salaries to be paid by the state for all justices and judges of the Supreme Court of Texas, the Court of Criminal Appeals of Texas, the courts of appeals and the district courts. In recommending the proper salaries for the justices and judges, the Commission is required to consider the factors listed in Section 35.102(b) of the Texas Government Code.

COMMISSION MEMBERS

Mr. William Strawn, Chair, Austin

Mr. Bill Brod, Jr., Pasadena

Mr. Conrith Warren Davis, Sugar Land

Mr. Cruz G. Hernandez, Burlleson

Mr. Robert E. Lindsey, III, Goldthwaite

Mr. Patrick Mizell, Houston

Mr. P. Bane Phillippi, Cedar Creek

Ms. Linda Russell, Houston

Mr. Michael Slack, Austin

Recommendations

The commission held its first meeting of the biennium on September 9, 2016 and reviewed data relating to the factors to be considered in setting judicial compensation. The commission took public comment on issues related to judicial compensation on the morning of October 13, 2016. In the afternoon, the commission met again and made the following recommendations:

1. Increase judicial compensation of the justices and judges of the Supreme Court, Court of Criminal Appeals, Courts of Appeals, and District Judges by 10.2 percent;
2. Enact legislation requiring the Commission's salary recommendations be listed in the introduced versions of the General Appropriations Acts filed in the House and Senate;
3. Reduce the number of years required to receive judicial longevity pay from sixteen years of service to two years of service and to provide the judge or justice 0.2 percent of their current monthly state salary for every two years of judicial service;
4. Fund an increase in the salaries of the Children's Court Associate Judges at 90 percent of a district judge's salary; and
5. Delink the pension benefits of state officers and employees currently linked to the salary of a district judge.

¹ Acts 2007, 80th Legislature, Regular Session, Ch. 1090, September 1, 2007. Texas Government Code, Chapter 35.

RECOMMENDATIONS

Judge	State Salary	Additional Compensation ²	Total	% Increase Above Current Total Compensation	Adjusted National Ranking
Supreme Court Chief Justice/Court of Criminal Appeals Presiding Judge	\$187,636	n/a	\$187,636	---	---
Supreme Court Justice/Court of Criminal Appeals Judge	\$185,136	n/a	\$185,136	10.2%	12
Court of Appeals Chief Justice	\$172,208	up to \$10,428	\$182,636	---	---
Court of Appeals Justice	\$169,708	up to \$10,428	\$180,136	10.2%	13
District Court Judge	\$154,280	up to \$20,856	\$175,136	10.2%	20

² If the Commission's recommended salary increases are adopted, county supplements could increase to the amounts shown in the chart. (See Tex. Gov't Code 659.012.) The current maximum county supplement for courts of appeals justices is \$9,000 and for district court judges it is \$18,000.

The State Law Library

The [State Law Library](#) (SLL) was established as the law library for the Supreme Court in 1854 and was expanded to include direct service to the public in 1971. In addition to providing research support to the courts and the public, the State Law Library offers a centralized, cost-effective research facility staffed by legal research experts for the Office of the Attorney General and all other state agencies.

The SLL's primary responsibility is to make legal information accessible to all researchers. In the

last several years, the library has focused on making legal resources available to all Texans throughout the state via our website. Our website is a legal research portal that gathers primary law resources and additionally provides access to secondary sources that assist in understanding the law and putting it to practical use. Our staff of professional librarians enhances the value of these resources by identifying pertinent information and presenting it in an accessible form for our patrons. Using our print collection and these online resources, we provide responses to patrons in the library or via phone, email, or mail.

Since FY 2014, the library has continued to increase the digital resources we make available via our portal. Because our mission is to make legal information accessible to all and to be a partner in the access to justice movement, we offer a wide variety of resources. Some of our resources are geared to legal professionals, who may be able to provide low cost or pro bono services because they have access to the legal treatises beyond what they regularly use in their practice. The National Consumer Law Center treatises, the immigration materials from the American Immigration Lawyers Association, and the Texas-specific Matthew Bender treatises are examples of this category of resource. For our patrons with no legal experience, the Legal Information Reference Collection provides consumers with plain language explanations of the law and practical solutions to everyday problems. Everyone, from high school students to judges, can find valuable information in the Hein Online law library journal databases and our hornbooks and "nutshell" series.

Public response to the library's new digital offerings has been enthusiastic and widespread. Within the first three years of offering remote access, over 5,800 patrons have registered to use the service, representing over 650 cities and 198 counties throughout Texas. Library staff have made several presentations on the new services to legal groups, court staff and public librarians throughout the state.

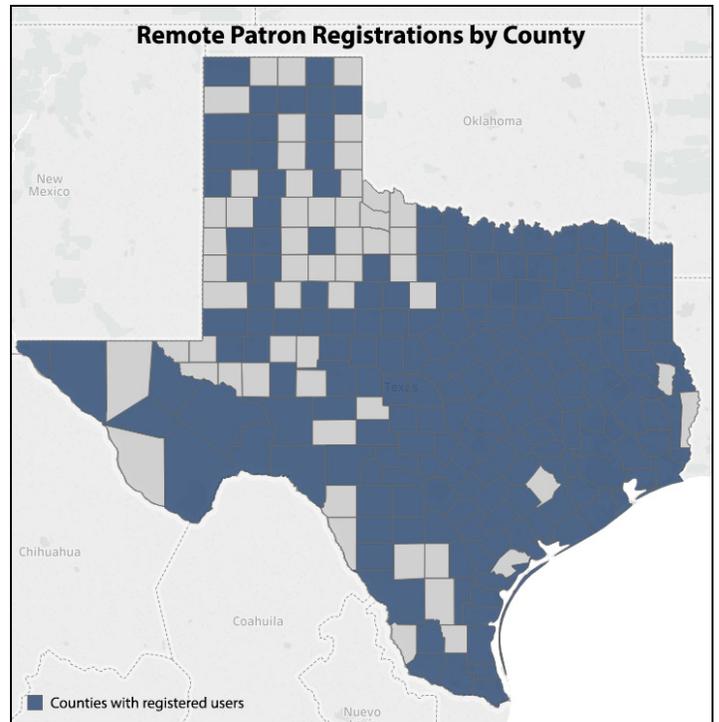
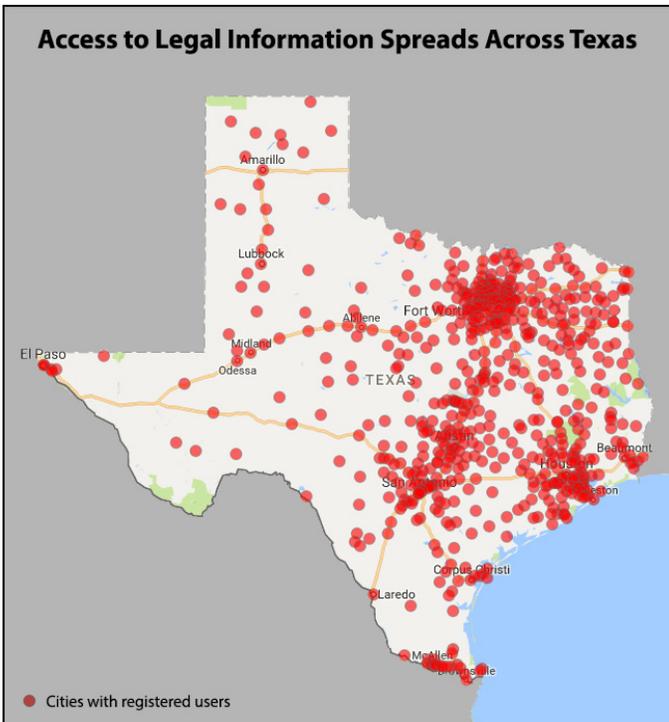
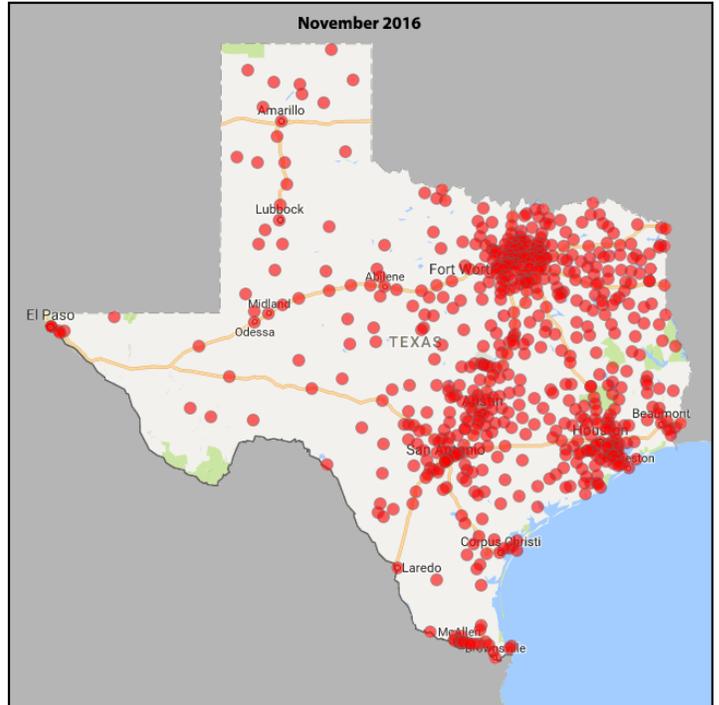
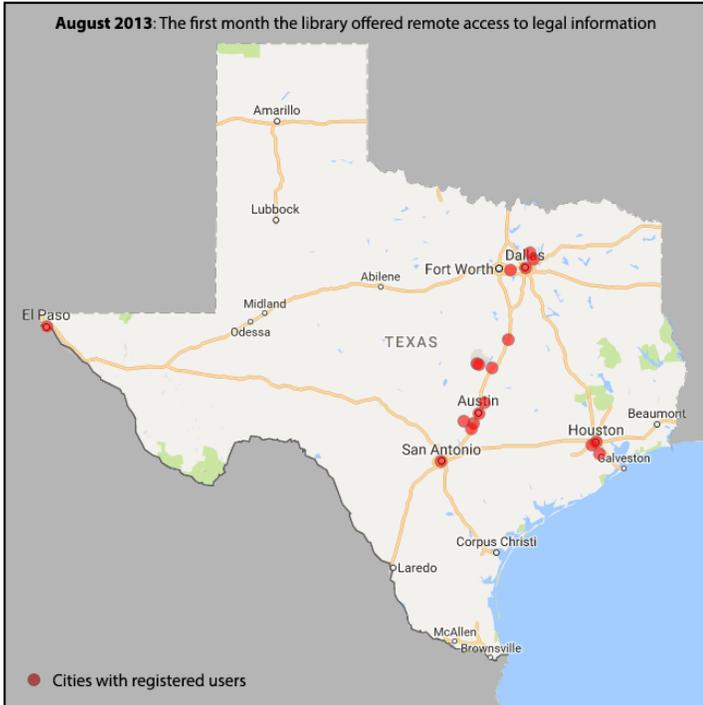
To browse our digital collection, visit: <https://www.sll.texas.gov/library-resources/collections/digital-collection/>

To register for a library account to access these digital resources from home, visit our Get a Library Card page: <https://www.sll.texas.gov/about-us/get-a-library-card/>

STATE LAW LIBRARY ORGANIZATION

- 12.5 FTEs
 - Administered by the State Law Library Board
 - Board members designated by:
 - The Supreme Court
 - Presiding Judge of Court of Criminal Appeals
 - Attorney General
-

Access to Legal Information Spreads Across Texas



Office of the State Prosecuting Attorney

The [Office of the State Prosecuting Attorney](#) represents the State of Texas in all proceedings before the Court of Criminal Appeals, either alone or with the assistance of local district or county attorneys, and may also represent the State in selected criminal cases before the fourteen courts of appeals.

In carrying out these duties, the State Prosecuting Attorney and two assistant State Prosecuting Attorneys review opinions from Texas appellate courts; submit petitions, briefs, and oral argument in the cases of greatest importance to the State's criminal jurisprudence; review all State's petitions for discretionary review and all briefs filed in the Court of Criminal Appeals; attend all oral arguments in the Court of Criminal Appeals; and work closely with local district and county attorneys across the State on emerging criminal law issues that arise at trial and on appeal.

To keep prosecutors and the public abreast of the latest criminal law issues, the office's attorneys prepare summaries of all the issues currently pending before the Court of Criminal Appeals on discretionary review. These summaries, as well as recent CLE and law journal publications the attorneys have authored can be found on the office's website. www.spa.texas.gov

During FY 2016, the office's three attorneys:

- Filed 16 petitions for discretionary review, 16 briefs, and 2 motions for rehearing.
- Attended all oral arguments in the Court of Criminal Appeals and presented oral argument in 4 cases.
- Reviewed over 250 opinions from the courts of appeals and Court of Criminal Appeals.
- Answered hundreds of phone calls and emails from prosecutors around the State.
- Spoke to police officers, attorneys, and judges at training programs and continuing legal and judicial education courses around the State.
- Served on the publications committee for Texas District and County Attorneys Association, the planning committee for the State Bar of Texas Advanced Criminal Law Course, and the State Bar Criminal Justice Section Council.

STATE PROSECUTING ATTORNEY DUTIES

- Attend oral arguments in the CCA
 - Read CCA opinions
 - Read briefs on discretionary review
 - Read opinions decided against the state in courts of appeals
-

State Commission on Judicial Conduct

The [State Commission on Judicial Conduct](#) reviews every allegation of misconduct made against a Texas judge.

Organization

The State Commission on Judicial Conduct was created in 1965 by an amendment to Article V of the Texas Constitution. The Commission is the independent judicial branch agency responsible for investigating allegations of judicial misconduct or permanent disability, and for disciplining judges.

The Commission's jurisdiction includes all sitting Texas judges, including municipal judges, justices of the peace, criminal magistrates, county judges, county courts-at-law judges, statutory probate judges, district judges, appellate judges, masters, associate judges, referees, retired and former judges who consent to sit by assignment and judges pro tempore. The Commission has no jurisdiction over federal judges and magistrates, administrative hearing officers for state agencies or the State Office of Administrative Hearings, or private mediators or arbitrators. Although judicial candidates are required to comply with the Texas Code of Judicial Conduct, the Commission does not have the authority to sanction anyone who was not a sitting judge at the time an offense occurred. Therefore, violations of the canons by candidates for judicial office who were not judges at the time of the alleged misconduct are subject to review and appropriate action by other authorities such as the State Bar, the Attorney General, the Secretary of State, or the local District Attorney.

Disciplinary Actions

In FY 2016, according to OCA records, approximately 3,741 judges were under the jurisdiction of the Commission.

During Fiscal Year 2016, the SCJC:

- Opened 1,191 cases;
- Issued 66 disciplinary actions against Texas judges (including 3 interim suspensions);
- Disposed of 52 cases through public sanction, private sanction, orders of additional education or a combination of a sanction with an order of additional education;
- Disposed of 11 cases through voluntary agreements to resign in lieu of disciplinary action;
- Disposed of 983 cases as follows: 919 dismissals, 44 dismissals with letters of caution, 7 dismissals based on the judge's corrective action, 8 dismissals as moot, 2 dismissals because of the judge's criminal conviction, and 3 dismissals because the judge passed away.
- Of 1,049 dispositions: 642 cases were disposed after initial review as not containing an allegation that, if true, would violate the Texas Code of Judicial Conduct; 211 cases were disposed after a preliminary investigation; 196 were disposed after a full investigation (requiring a response from the judge).

STATE COMMISSION ON JUDICIAL CONDUCT DUTIES

- Issues discipline when necessary
 - Dismisses cases when appropriate
 - Provides informal ethics advice to judges, court clerks, staff attorneys, interns and others at judicial training programs across the State of Texas
-

Office of Capital and Forensic Writs

The Office of Capital Writs was established by the 81st Legislative Session to provide representation to capital defendants in post-conviction proceedings. Senate Bill 1743 of the 84th Legislative Session expanded the mandate of the Office of Capital Writs to include the representation of some defendants in post-conviction litigation of forensic science issues, and changed the name of the agency to reflect the expanded mandate.

The [Office of Capital and Forensic Writs](#) (OCFW) represents a large majority of death-sentenced persons in initial state post-conviction proceedings and related proceedings through appointments made by the trial court. Consistent with the professional guidelines promulgated by the Texas Bar, the OCFW performs its own independent investigation of each case, delving in every possible

aspect of a client's life story, medical and mental health history, and the facts of the crime itself. The OCFW presents these findings to the convicting trial court in an application for writ of habeas corpus raising constitutional claims, which it then litigates in that court and before the Court of Criminal Appeals.

With the passage of SB 1743, the mandate of the OCFW also includes the representation of convicted persons in post-conviction litigation related to forensic science, pursuant to referrals from the Forensic Science Commission. Such referrals may include an investigation into professional misconduct or negligence affecting the forensic analysis. The OCFW also provides litigation support to appointed counsel representing clients in cases involving challenged forensic science.

During Fiscal Year 2016, the OCFW:

- Represented clients in 53 different matters over the course of the year;
- Filed 14 writ applications and other motions for relief, including seven 11.071 applications before Texas courts;
- Represented clients from 21 different county jurisdictions, before the convicting court and the Court of Criminal Appeals;
- Presented evidence in support of our post-conviction applications before numerous trial courts in evidentiary hearings, and litigated constitutional issues before the Court of Criminal Appeals.

CAPITAL AND FORENSIC WRITS ESSENTIAL DUTIES

- Investigate and identify all facts necessary to preserve potential claims of constitutional error.
 - Gather, review, and digest all available materials from the client's capital trial, including from the trial defense team, the state, and the official court records.
 - File motions, briefing, and applications for writs of habeas corpus with state courts, paying particular attention to all mandatory deadlines, in order to preserve all potential claims of constitutional error.
 - Appear in state courts to represent the legal interest of all OCFW clients.
-

Timothy Cole Exoneration Review Commission

The [Timothy Cole Exoneration Review Commission](#), was created in 2015 by House Bill 48 of the 84th Legislature. The Commission was created under, but independent from, the Texas Judicial Council and is administratively attached to the Office of Court Administration. The Commission is formed of 11 members who include four legislators, a gubernatorial appointee, representatives of various criminal justice government bodies and stakeholder organizations, and an appointment from the chair of the Texas Judicial Council. The Commission also has the support and assistance of a four-member Advisory Board of representatives of Texas innocence projects.

*Timothy Cole Exoneration
Review Commission met four
times during FY 16*

- [October 29, 2015](#)
 - [December 10, 2016](#)
 - [March 22, 2016](#)
 - [June 28, 2016](#)
-

COMMISSION MEMBERS

Presiding Officer, Honorable John T. Smithee, State Representative Amarillo
Honorable Sharon Keller, Chair, Texas Indigent Defense Commission
Honorable Joan Huffman, State Senator, Houston
Honorable John Whitmire, State Senator, Houston
Honorable Abel Herrero, State Representative, Corpus Christi
Sam Bassett, President, Texas Criminal Defense Lawyers Association
John Beauchamp, General Counsel, Texas Commission on Law Enforcement
Dr. Vincent Di Maio, Presiding Officer, Texas Forensic Science Commission
Charles Eskridge, Quinn Emanuel Urquhart & Sullivan, LLP, Houston
J. Staley Heatly, Chairman, Texas District and County Attorneys Association
Carol Vance, Retired, Houston

Advisory Members

Tiffany J. Dowling, Director, Texas Center for Actual Innocence at The University of Texas School of Law
Anthony S. Houghton, Executive Director, Innocence Project at The Thurgood Marshall School of Law at Texas Southern University
Cassandra Jeu, Director, Texas Innocence Network, University of Houston Law Center
Mike Ware, Executive Director, The Innocence Project of Texas

The Commission's charge is to 1) review cases in the State of Texas in which an innocent defendant was convicted of a crime and then, on or after January 1, 2010, was exonerated; 2) recommend procedures, programs, and training designed to eliminate or minimize the identified causes of wrongful convictions; 3) consider potential implementation plans, costs, cost savings, and the impact on the criminal justice system for each potential solution identified through the work of the commission; and 4) to review and update the research, report, and recommendations of the Timothy Cole Advisory Panel (TCAP) on Wrongful Convictions established by the 81st Legislature.



Exoneree Christopher Ochoa addresses the Commission at its March 2016 meeting.

The Commission gathered data and information on Texas exonerations since January 1, 2010 in order to determine the areas that were in most need of further research and new reform proposals. The Commission then identified the following five research topic areas: electronic recording of interrogations, false accusations, jailhouse informant regulations, faulty eyewitness identification, and forensic practices. The following are the recommendations proposed by the Commission based on its research, each of which received majority support from Commission members:

ELECTRONIC RECORDING OF INTERROGATIONS

1. Require electronic recording of interrogations by law enforcement agencies.
2. Require recording when investigating all felony cases.
3. Require recording to begin when the suspect enters the interrogation room.
4. Require electronic recording in all custodial and non-custodial interviews of suspects.
5. Require either audio or audiovisual recording of interrogations.
6. Enforce compliance with new recording requirements by permitting the admission of unrecorded statements only if the judge finds good cause for the failure to electronically record the statement. If the judge finds that no good cause exception applies, there will be a presumption that the unrecorded statement is inadmissible as evidence.

FALSE ACCUSATION/INFORMANT REGULATION

1. Require prosecutor offices to have written policies on tracking and disclosure of impeaching information on jailhouse informants.
2. Permit the admissibility of jailhouse informants' complete criminal history, including criminal charges that were dismissed or reduced as part of a plea bargain.
3. Require prosecutor offices to establish an internal system to track the use of jailhouse informants including cases in which the jailhouse informant offered testimony and the benefits provided in those cases.

FAULTY EYEWITNESS IDENTIFICATION

1. Require training for law enforcement officers on eyewitness identification procedures.
2. Require making juries aware of prior identifications of the suspect by the witness when an in-court identification is made.
3. Require law enforcement agencies to adopt the Bill Blackwood Law Enforcement Management Institute of Texas Model Policy.

FORENSIC SCIENCE PRACTICES

1. Encourage the Texas Forensic Science Commission to investigate the use of drug field tests used by law enforcement agencies.
2. Encourage the Texas Forensic Science Commission to investigate the process of crime scene investigations.
3. Recommend that crime labs complete testing of substances in all drug cases regardless of the results of a drug field test. This includes going back through previous cases in which the collected substance was not confirmed by lab testing and in all cases moving forward.



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