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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.”

MEMBERS AS OF AUGUST 31, 2018

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, Regional Presiding Judge, 9th Administrative Justice Region

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

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

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

Honorable Edward J. Spillane, III, Presiding Judge, City of College Station

Honorable Vivian Torres, Medina County Court at Law, Hondo

Citizen Members

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

Ms. Sonia Clayton, Virtual Intelligence Providers LLC, Houston

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

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

Mr. Kenneth S. Saks, Oliva, Saks, Garcia & Curiel, LLP, San Antonio

Mr. Evan Young, Baker Botts, Austin

Executive Director

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

The Texas Judicial Council Met Three Times in FY 2018

September 29, 2017

February 23, 2018

June 29, 2018

In June 2017, the Texas Judicial Council established the Civil Justice Committee to “study the Conference of Chief Justices’ Civil Justice Initiative recommendations and the landscape of Texas civil justice and recommend necessary reforms to improve access to civil justice in the Texas courts.”

The committee appointed an advisory council to assist in its efforts.

The Civil Justice Committee held meetings on September 28, 2017, April 18, 2018, and June 4, 2018, and the Civil Justice Advisory Council met on February 15-16, 2018. The advisory council meeting was supported by a grant from the State Justice Institute.¹ Ultimately, the committee released a [report and recommendations](#) laying out the following recommendations:

1. Ensure that the judiciary is able to attract the best and brightest minds to promote a fair and experienced judiciary by:
 - a. Considering alternatives to the current method of selection of judges by partisan elections;
 - b. Passing a resolution proposing a Constitutional amendment to modify the qualifications of judges to serve as justices/judges as follows:
 - i. Eliminating or increasing the maximum age restrictions as a qualification to serve as a justice/judge and placing greater emphasis on years of experience; or
 - ii. Alternatively:
 1. Raising the age to preside over statutory county courts and statutory probate courts from 25 to 30 years;
 2. Requiring justices of the peace and municipal judges (not a court of record) to be at least 25 years old if the justice/judge is a licensed attorney or 30 years old if the justice/judge is not a licensed attorney; and
 3. Requiring municipal judges (court of record) to have the same qualifications as a district judge.
 - iii. Requiring Justices of the Peace in counties with a population exceeding 500,000 to be licensed attorneys; and
 - iv. Increasing the required number of years of service as a practicing attorney or judge to twelve years to serve as an appellate justice/judge and to eight years for a district judge.
 - c. Increasing judicial compensation to an amount sufficient to “attract the most highly qualified individuals in the state, from a diversity of life and professional experiences, to serve in the judiciary without unreasonable economic hardship and with judicial independence unaffected by financial concerns;”

¹ Points of view expressed herein are those of the Texas Judicial Council and do not necessarily represent the official position of policies of the State Justice Institute.

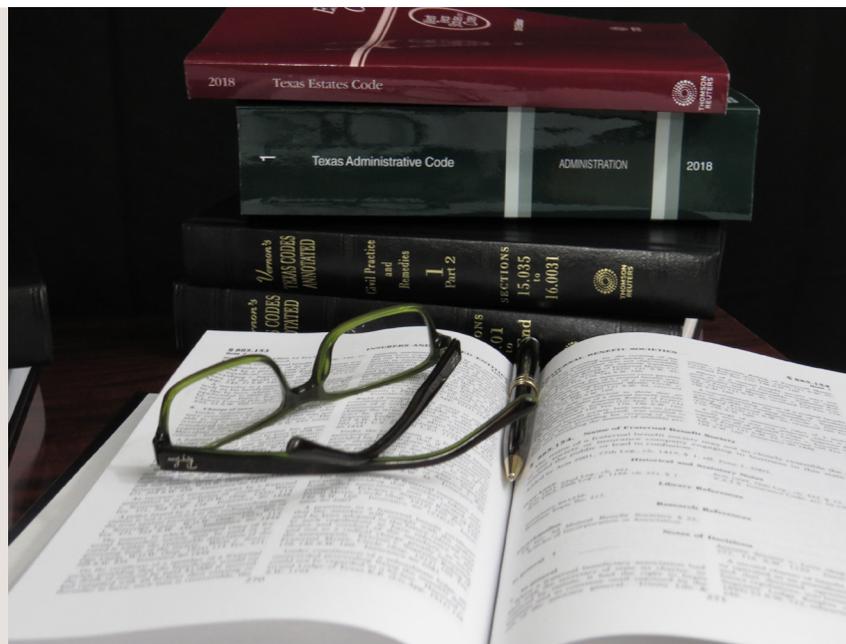
2. Examine the structure and jurisdiction of the courts to increase efficiency by:
 - a. Simplifying the trial court structure by establishing consistent jurisdiction among the various trial courts across the state, as follows:
 - i. Increasing the civil jurisdictional floor for district courts from \$200 to \$10,000;
 - ii. Increasing the civil jurisdictional floor for the statutory county courts in Sec. 25.0003, Tex. Govt. Code, from \$200 to \$5,000;
 - iii. For counties with increased qualifications for justices of the peace to require being a practicing attorney, increasing the maximum civil jurisdiction of the justice courts from \$10,000 to \$20,000; and
 - b. Simplifying the court of appeals' structure in an effort to improve jurisprudence and reduce the need for transfer among the courts of appeals;
3. Clarify the unauthorized practice of law and barratry statutes to differentiate between providing legal information and legal advice and to authorize legal assistance software applications that provide legal information; and
4. Increase the funding for civil legal aid services throughout the state.



*Civil Justice Advisory Council
February 2018*

Civil Justice Committee Members

- Honorable Sherry Radack, Chair
- Honorable Valencia Nash
- Representative John Smithee
- Honorable Vivian Torres
- Senator Judith Zaffirini
- Mr. Carlos Amaral
- Mr. Kenneth Saks
- Mr. Evan Young



In June 2017, the Texas Judicial Council charged the Criminal Justice Committee with:

- Continuing to evaluate and monitor implementations of the recommended pretrial bail reforms.
- Studying the impact of opioid drug use on the Texas judiciary and recommending any reforms necessary to curb the impact of opioid drug use in Texas.
- Working in conjunction with the Governor’s Criminal Justice Division and the Governor’s Specialty Courts Advisory Council, reviewing the need for assistance to the state’s problem-solving courts and recommending any necessary reforms to improve the courts.
- Overseeing the study required by SB 47 regarding the public availability of fine-only criminal offense records and recommending any necessary reforms.

The Texas Judicial Council’s Criminal Justice Committee met September 1, 2017, January 26, 2018, and May 9, 2018. Ultimately, the committee released a [report and recommendations](#) laying out the following recommendations:

Opioid Abuse and Dependency Crisis

The Texas Judicial Council requests that the Legislature establish a statewide Opioid Task Force to promote communication and collaboration between local and state leaders, experts, and advocates in confronting the opioid abuse and dependency epidemic as it crosses Texas.

Pretrial Decisionmaking Practices

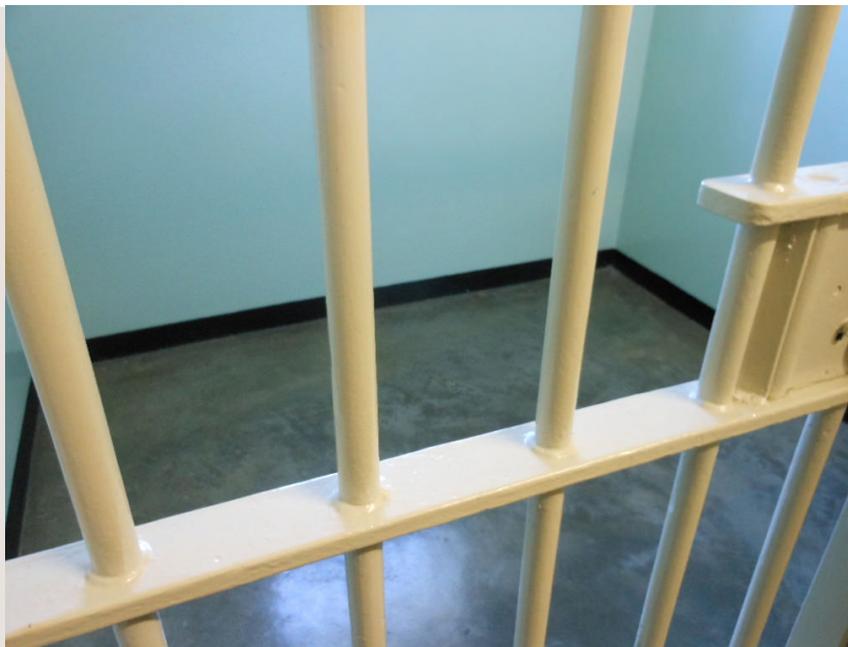
1. Require defendants arrested for jailable misdemeanors and felonies to be assessed using a validated pretrial risk assessment prior to appearance before a magistrate under Article 15.17, Code of Criminal Procedure;
2. Amend the Texas Constitution bail provision and related bail statutes to provide for a presumption of pretrial release through personal bond, leaving discretion with judges to utilize all existing forms of bail;
3. 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;
4. Provide funding to ensure that pretrial supervision is available to defendants released on a pretrial release bond so that those defendants are adequately supervised;
5. Provide funding to ensure that magistrates making pretrial release decisions are adequately trained on evidence-based pretrial decision-making and appropriate supervision levels;
6. Ensure that data on pretrial release decisions is collected and maintained for further review;
7. 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
8. Provide for a sufficient transition period to implement the provisions of these recommendations.

Specialty Courts

1. Amend Title 2, Subtitle K of the Government Code to provide the Judicial Branch with increased oversight of specialty courts; and
2. Appropriate funds to the Office of Court Administration for the development of a statewide specialty court case management system.

Criminal Justice Committee Members

Honorable Kelly Moore, Chair
Senator Brandon Creighton
Honorable Bill Gravell, Jr.
Honorable Scott Jenkins
Honorable Sharon Keller
Representative Andrew Murr
Mr. Carlos Amaral



In June 2017, the Texas Judicial Council established the Data Committee and charged it with the following:

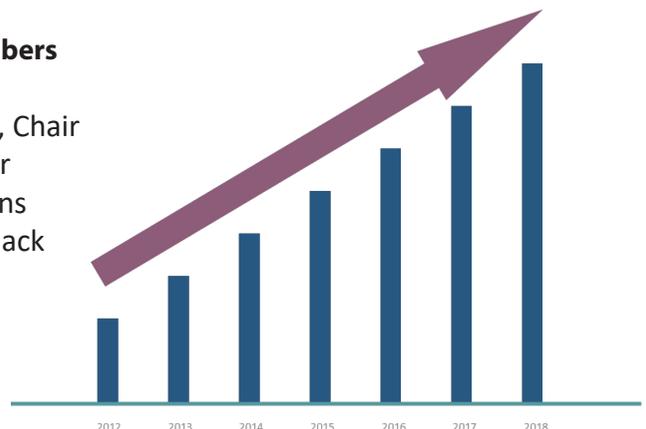
- Continue to work on guiding the revisions of the court activity reporting database to collect case-level statistical data.
- Evaluate and recommend activity reporting components for the Regional Presiding Judges pursuant to the new requirement in SB 1893.
- In conjunction with the Criminal Justice Committee and Mental Health Committee (SB 1326 provisions), evaluate the need to collect activity data from the specialty courts and recommend any data elements for collection.

Committee meetings were held on September 18, 2017, January 29, 2018, May 8, 2018, and June 15, 2018. Ultimately, the committee released a [report and recommendations](#) laying out the following recommendations:

1. Fully fund the collection of relevant case level data by the Council to support policy, planning, management, and budget decisions for the justice system;
2. Direct the Office of Court Administration to develop a single statewide case management system and provide full funding for the system to better facilitate and improve the collection, reporting, and use of court data. The system should:
 - a. assist with transmission of information to the National Instant Criminal Background Check System (NICS);
 - b. include the capability for courts to assign cases to tracks that require differing levels of judicial attention;
 - c. include a dashboard with tools that judges can use to manage cases better; and
 - d. include reporting tools to improve transparency regarding the movement of cases with the trial courts;
3. Once case level reporting has been implemented, repeal the various statutes requiring specific information that can be obtained by case level reporting; and
4. Amend statutes concerning reporting of mental health/intellectual disability assessments and competency evaluation reports to clarify the responsible party.

Data Committee Members

Honorable Bill Gravel, Chair
Honorable Gary Bellair
Honorable Scott Jenkins
Honorable Sherry Radack
Mr. Carlos Amaral
Ms. Sonia Clayton
Ms. Ashley Johnson
Mr. Evan Young



In June 2017, the Texas Judicial Council charged the Guardianship, Mental Health, and Intellectual/Developmental Disabilities Committee with the following tasks:

- Review reforms enacted by the 85th Legislature impacting the judiciary, monitor their implementation, and considering additional reforms to improve the ways that courts interact with individuals with a mental health condition or an intellectual or developmental disability.
- Review guardianship reforms enacted by the 85th Legislature, monitor the implementation of those reforms, and considering additional reforms to improve the ways that courts interact with individuals in need of guardianship.

An Advisory Group was established to assist the committee in its work.

The committee held meetings on September 19, 2017, February 12, 2018, April 10, 2018, and June 8, 2018. Ultimately, the committee released a [report and recommendations](#) laying out the following recommendations:

Guardianship

1. Expand the Office of Court Administration Guardianship Compliance Project statewide;
2. Establish regional specialized guardianship courts; and
3. Establish a statewide public guardianship office.

Mental Health

1. Clarify the meaning of “assessment” under Code of Criminal Procedure 16.22;
2. Amend Health and Safety Code Section 614.0032(b) to authorize the Texas Correctional Office on Offenders with Medical or Mental Impairments to approve and make available an electronic form for use by qualified persons in connection with mental health reporting results under Code of Criminal Procedure Article 16.22, and make this form confidential by law;
3. Amend Code of Criminal Procedure Article 16.22’s monthly reporting requirement to avoid duplicative reporting from magistrates and trial courts;
4. Amend Code of Criminal Procedure Article 42.09, Section 8, to authorize a transfer of mental health-related information when a defendant is moved from county jail to state prison;
5. Amend Government Code Section 54.003(b) (judicial education) to include part-time and full-time magistrates and associate judges appointed under Chapters 54 and 54A of the Government Code;
6. Clarify Health and Safety Code Section 574.034(b)’s standard for court-ordered temporary outpatient mental health services;
7. Create a new provision in Title 7, Subchapter E, of the Health and Safety Code covering transfer from inpatient to outpatient treatment;
8. Ensure that the provision addressing status hearings for noncompliance in Health and Safety Code Section 574.037(c-2) is clear, and move the provision to Title 7, Subchapter E;

9. Amend Chapter 574 of the Health and Safety Code to require publicly funded facilities (including private psychiatric facilities receiving payment with public funding to treat an individual under Chapter 574) to coordinate the admission, treatment plan, and discharge plan with Local Mental Health Authorities, and to pay for medication upon discharge;
10. Modify Article 46B of the Code of Criminal Procedure and Chapter 574 of the Health and Safety Code to create a new civil commitment option for Class B misdemeanor defendants;
11. Provide additional funding for community mental health services, including outpatient mental health services; and
12. Grant courts discretion when initially committing a defendant for competency restoration services if the defendant is charged with an offense listed in Article 17.032(a), Code of Criminal Procedure, or the indictment alleges an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure, rather than mandating that all defendants be sent first to a Maximum Security Unit.

2016-2017 Policy Paper

Decriminalization of Mental Illness: Fixing a Broken System

 COSCA

Conference of State Court Administrators



Guardianship, Mental Health, IDD Committee Members

Honorable Bill Boyce, Chair
Honorable Kelly Moore
Representative Andy Murr
Honorable Polly Spencer
Senator Judith Zaffirini
Ms. Allyson Ho
Mr. Kenneth Saks

In June 2017, the Texas Judicial Council charged the Juvenile Justice Committee with the following:

- Consider best practices and necessary reforms to the juvenile justice system to improve the adjudication of delinquent conduct cases; and
- Oversee the study required by HB 1204 regarding the use of the terms child, minor, and juvenile in statute for fine-only offenses and the adjudication of those offenses; recommend any necessary reforms to improve the adjudication of those offenses.

An Advisory Group was also established to assist the Committee in its work.

The Juvenile Justice Committee held meetings on August 31, 2017, May 16, 2018, and June 12, 2018. The Committee's Advisory Group held meetings on December 18, 2017, and March 28, 2018. Ultimately the committee released a [report and recommendations](#) laying out the following recommendations:

Addressing the Needs of Youth in Class C Matters

1. Amend current law to allow for the handling of youth charged with Class C/fine only non-traffic offenses as a civil matter in the state's justice and municipal courts.
2. Amend the Code of Criminal Procedure to clarify and expand the role and use of juvenile case managers, to include the use of regional juvenile case managers, as needed.

Addressing the Needs of Dually Involved Youth

1. Modify the data-sharing provisions of HB 932 (2017) and HB 1521 (2017) and require the automatic exchange of information between the Texas Juvenile Justice Department and the Department of Family and Protective Services;
2. Revise the Texas Family Code and the Texas Government Code to expand the jurisdiction of Children's Courts to oversee cases involving dually-involved youth; and
3. Revise the Texas Family Code to allow for the transfer of venue of a juvenile case from a court exercising juvenile jurisdiction to the court with venue over a youth's child welfare case.



Supporting Reforms Impacting Youth in State Custody

1. Ensure that the Texas Juvenile Justice Department has sufficient flexibility to determine the appropriate placement of and treatment for youth committed to its custody;
2. Clarify that the validated risk and needs assessment juvenile probation departments are required to use must be used before every disposition, including non-judicial dispositions, such as deferred prosecution; and
3. Provide additional funds to local governments for diversionary and other intervention programs designed to ensure youth do not penetrate the juvenile justice system more deeply than risk and need dictate, and for rehabilitation programs for those youth on probation, in post adjudication placement, and committed to the Texas Juvenile Justice Department.

The report required by HB 1204 to be submitted by OCA to the governor, lieutenant governor, and Legislature is due no later than December 1, 2018. Work on this study is ongoing.



Juvenile Justice Committee Members

Honorable Valencia Nash, Chair
Senator Brandon Creighton
Honorable Polly Spencer
Honorable Edward Spillane, III
Honorable Vivian Torres
Ms. Ashley Johnson
Mr. Kenneth Saks

In June 2017, the Texas Judicial Council charged the Public Trust and Confidence Committee with reviewing the 1998 Public Trust and Confidence in the Texas Courts Study and the NCSC State of State Courts reports, to consider updating or replicating the studies, and recommend any necessary reforms to improve public trust and confidence in the Texas judiciary.

The Texas Judicial Council's Public Trust and Confidence Committee met on September 8, 2017, December 15, 2017, and June 11, 2018. In May 2018, the Office of Court Administration contracted with SSRS-AUS., Inc. to conduct a statewide Public Trust and Confidence Survey in the Texas Courts. Highlights from the survey include:

- The survey was comprised of 33 questions and surveyed Texas adults 18 and older.
- 60% of those surveyed said they had an overall positive impression of the Texas Court System, compared to 28% who said their impression was negative.
- 80% agreed that Judges are courteous and respectful to the public.
- Only 33% agreed that the average person can afford court costs and filing fees.
- 87% agreed that the use of technology makes interacting with courts easier.
- 85% of Hispanics surveyed believe courts accommodate their special language needs.
- 30% of those surveyed said they had been in a court because of jury duty, 25% as a defendant in a traffic ticket and 12% for a family law case.
- 80% of those surveyed agreed that judges should assess a defendant's risk factors such as age, prior convictions and current crime to determine the bond for a criminal defendant.

The committee also released a [report and recommendations](#) laying out the following recommendations.

Improving the Judiciary's Response to Disaster Emergencies

1. The Legislature should amend Government Code Sec. 22.0035(b) to permit the Supreme Court the discretion to issue orders modifying or suspending court procedures up to 60 or 90 days for an initial emergency order and/or renewals rather than the 30 day time limit that is currently in statute. The statute should also be amended to allow the Chief Justice to authorize renewals of emergency orders without seeking a full vote of the court for each renewal.
2. The Legislature should amend Local Government Code Sec. 292.001 to assist justice courts in times of disaster and provide them a regional source to turn to, such as the regional presiding judge, when they need the authority to operate in another precinct or county during a time of disaster.
3. The Legislature should amend Government Code Secs. 24.003, 25.0019, and 26.009 to allow the presiding judge of the region to designate an alternate location for proceedings that is outside of the district or county during times of an emergency.

4. The Legislature should explicitly authorize the district courts to hold court outside of the county seat at a facility designated for that purpose by Local Government Code Sec. 292.001 even when there is not an emergency.

Sexual Harassment Training

1. All judges and their staffs should receive training about sexual harassment and other rules and procedures concerning human resources. The training should be provided as part of a judge's initial training requirements and at least every two years thereafter.
2. The Texas Judicial Council should create a task force to study and address the issue of sexual harassment in the Judiciary.

State Commission on Judicial Conduct

1. The Legislature should require the State Commission on Judicial Conduct's annual report to include the number of complaints that have been deferred pending criminal investigation and the number of complaints referred to law enforcement.
2. The Legislature should require the State Commission on Judicial Conduct to include on its website an index of pending cases by case number that includes the current status of each case and the age of each pending case.
3. The Legislature should require the State Commission on Judicial Conduct to post simple directions on its website with instructions about how to file a complaint, map out in clear and concise detail how a complaint makes its ways through the process from filing to resolution, and clarify that confidentiality regarding a complaint applies to the Commission and not to the complainant.

Court Security

1. The Legislature should amend relevant statutes to keep a judge's home address confidential in campaign and ethics filing records.
2. The Legislature should require the Department of Motor Vehicles to maintain the confidentiality of license plate and vehicle information for each judge and judge's spouse.
3. The Legislature should continue to provide resources to the Court Security Division of the Office of Court Administration to maintain and comply with requirements of the Judge Julie Kocurek Judicial and Courthouse Security Act of 2017.

Recusal

The Supreme Court should amend the Texas Rules of Civil Procedure to create a presumption against recusal for contribution reasons as long as a judge has complied with the Judicial Campaign and Fairness Act's contribution levels.

Community Engagement

The Judicial Council and other judicial entities should continue to seek opportunities to improve the judiciary's engagement with the community, which should include hosting summits, developing materials for judges about model judicial outreach in communities, and producing materials about civic education.

Class in the Courtroom



Webb County Court at Law Judge, Victor Villarreal, Sen. Judith Zaffirini, attorneys and staff at a recent mock trial in Laredo, Texas.

Class in the Courtroom Teaches:

- Justice in Action
- Importance of Obeying the Law
- Process of Administering the Law
- Role of Attorneys and Judges in the Courtroom
- Consequences of Violating the Law

Visit <http://classinthecourtroom.txcourts.gov> for more information or email classinthecourt@txcourts.gov.

Courtroom

do, Texas, legal sys- room pro- Villarreal. formed in t officers, al Council Program s.

Bring the mock trial to your Courtroom!

What is available:

- Mock trial handbook
- Mock trial scripts
- Program handout for participants

cripts of the American Bar Association School Partnership Program and of legal scholars who implement it, especially then U.S. Circuit Judge Ed Prado, now U.S. Ambassador to Argentina.

The handbook, written especially for students by Senator Judith Zaffirini, Ph.D, complements the mock trial scripts that she has written to date, with more under development.



Public Trust and Confidence Committee Members

Honorable Edward Spillane, Chair
Honorable Gary Bellair
Honorable Bill Boyce
Honorable Bill Gravell
Representative John Smithee
Senator Judith Zaffirini
Ms. Sonia Clayton
Ms. Allyson Ho



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 June 2018 meeting, the TJC endorsed the following proposals:



1

Improving Data Collection & Transparency



2

Improving the Judiciary's Response to Disasters



3

Enhancing Court Security



4

Improving Transparency from the State Commission on Judicial Conduct



5

Increasing Accountability in the Guardianship System



6

Supporting Specialty Courts



7

Combatting Opioid Abuse



8

Enhancing Public Safety through Modernization



9

Supporting Reforms Impacting Youth in State Custody



10

Addressing the Needs of Dually-Involved Youth



11

Ensuring Adequate Judicial Compensation



12

Supporting Funding for Civil Legal Aid in Texas



13

Ensuring Adequate Court Funding



14

Appropriating All Funds Collected for Improving Indigent Defense



15

Addressing the Needs of those with Mental Health Concerns



16

Improving the Civil Justice System



17

Addressing the Needs of Youth in Class C Misdemeanor Matters

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.

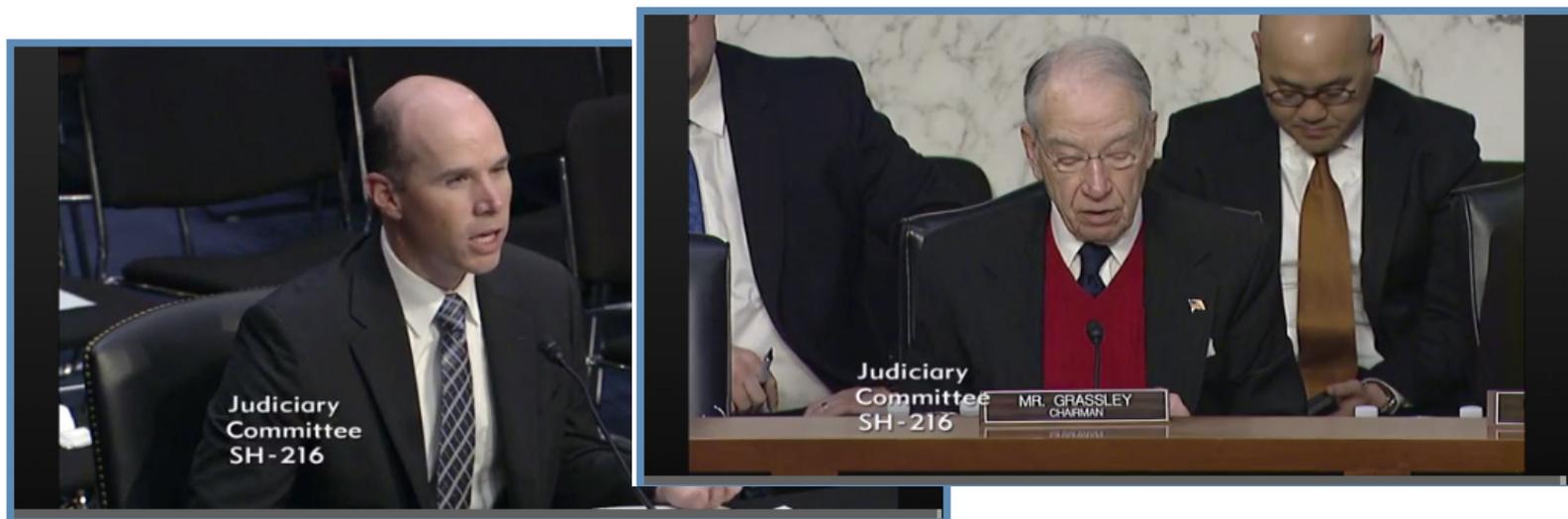
The Office of Court Administration has been led since May 2012 by Mr. David Slayton, the Administrative Director of OCA and the Executive Director of the Texas Judicial Council. Mr. Slayton is supported by an executive assistant, a public affairs director, and a team of division directors.

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.

In FY 2018, Executive staff presented at 26 Board, Commission and Council meetings and gave 29 educational presentations to outside stakeholders. In addition, Executive staff prepared materials for interim legislative hearings and David Slayton presented testimony to the following legislative and congressional committees:

- U.S. Senate Committee on the Judiciary - December 6, 2017
- Texas House General Investigation and Ethics Committee – March 29, 2018
- U.S. Senate Special Committee on Aging – April 18, 2018
- Texas House Judiciary and Civil Jurisprudence – April 27, 2018
- Texas Senate Select Committee on Violence in Schools and School Security – July 24, 2018
- Texas House Select Committee on Opioids and Substance Abuse – August 7, 2018
- Texas House Judiciary and Civil Jurisprudence Committee – August, 14, 2018
- Legislative Budget Board LAR Joint Budget Hearing – August 30, 2018
- Texas House Criminal Jurisprudence Committee - August 30, 2018



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

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, fines, and fees

Collection Improvement Program

Article 103.0033 of the Texas Code of Criminal Procedure requires cities and counties with a population of over 100,000 to implement a collection improvement program based on OCA's Model Court Collection Improvement Program. OCA's Court Services staff provide [training and technical assistance](#) to local collections programs to promote their compliance with program rules, which are promulgated by the Texas Judicial Council.

These rules have changed in recent years. In January 2017, changes to the [rules](#) that govern how jurisdictions should operate their programs went into effect. The goal of these changes 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. In June 2018, the Texas Judicial Council made further [changes](#) to the rules, which became effective in August. These changes address local programs' reporting of collections data to OCA.

OCA's Research and Court Services Division continues to provide technical assistance and support to jurisdictions required by law to operate a collections improvement program — 182 programs across 29 municipalities and 39 counties. This support is designed to assist jurisdictions in adherence with Judicial Council rules, streamlining collections processes, compliance with the collections-related requirements of SB 1913 and HB 351 from the 85th Legislature (which are summarized [here](#) and [here](#)), and collections related reporting to OCA.

Court Consulting

Through OCA's [Court Services Consultant Program](#), local courts and clerks' offices can receive training and technical assistance on judicial administration matters. 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 2018:

- Provided technical assistance to the Constitutional County Court in Bee County;
- Conducted case management training to over 100 attendees at the County Court Assistants Conference;
- Provided training to district and county clerks representing 33 counties attending the Region 8 Spring Conference;
- Provided training to district and county court coordinators attending the Rural Association for Court Administration Conference;
- Developed a five-part webinar-based training series titled "The Roles and Responsibilities of Child Support Coordinators;" and
- Assisted Judicial Information section staff on improving the accuracy and completeness of sentencing information in criminal and juvenile cases and mental health screening reporting in criminal cases.

Language Access Program

OCA's [Language Access Program](#) provides assistance to courts in communicating with individuals with limited English proficiency, giving these individuals meaningful access to their legal proceedings through audio or video remote interpreting provided by the Texas Court Remote Interpreter Service staff.

During FY 2018, OCA's two remote interpreters provided free Spanish interpretation services in 659 hearings. Additionally, staff were involved in the following translation projects:

- Supreme Court Children’s Commission surveys
 - o Parent’s survey
 - o Foster parent’s survey
 - o CASA/GAL survey
 - o Child over twelve years old
 - o Caregiver survey
 - o Relative caregiver survey
 - o Survey flyer for courthouses
- Judicial Branch Certification Commission
 - o Registration form
 - o Bill of Rights for Persons under Guardianship
- Editing and translation assistance on standing orders in family law cases for the 84th District Court (Hansford, Hutchinson, and Ochiltree counties)

Domestic Violence Resource Program

Through its [Domestic Violence Resource Program](#), OCA’s Domestic Violence Training Attorney (DVTA) provides training and technical assistance to courts and others on domestic and family violence related issues. The DVTA is funded by a grant from the Criminal Justice Division of the Office of the Governor. The following were among the activities of the DVTA in FY 2018:

- Conducted a training session on family violence, protective orders, and Texas Crime Information Center reporting for the Texas District and County Attorneys Association in San Antonio;
- Conducted fifteen training sessions on family violence cases in municipal court for training events for judges, clerks, and court administrators sponsored by the Texas Municipal Courts Education Center;
- Conducted a training session on procedural justice in family violence cases for the Texas District and County Attorneys Association in Houston;
- Conducted two training sessions on procedural fairness in family violence cases for the Texas Victim Services Association in San Marcos and South Padre Island;
- Conducted three training sessions in collaboration with Texas RioGrande Legal Aid on dynamics and documentation in family violence cases for multidisciplinary justice personnel audiences in Alpine, Borger, and Uvalde;
- Co-presented a training session on procedural justice in family violence cases at the 2018 Conference on Crimes Against Women in Dallas;
- 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;
- Presented a training session on protective orders and the reporting to the Texas Crime Information Center for the Williamson County Champions for Justice Conference in Georgetown;
- Presented a training session on domestic violence at the 74th Annual Justices of the Peace and Constables Association Education Conference in College Station;
- Presented a training session on domestic violence and Magistrate’s Orders of Emergency Protection for the Texas Justice Court Training Center’s Magistrations Lecture Series in Georgetown;
- Presented a training session on protective orders and misdemeanor crimes of domestic violence for law enforcement and court staff in Texarkana;
- Collaborated with the Center for Court Innovation, the National Council for Juvenile and Family Court Judges, the Battered Women’s Justice Project, and the National Center for State Courts, to develop a comprehensive curriculum on domestic violence fundamentals specifically targeting court staff;
- Participated as a member of the Texas Council on Family Violence Public Policy Committee; and
- Continued working on revisions for the Texas Family Violence bench book.

Judicial Information

OCA's [Judicial Information Section](#) is the repository for a variety of information regarding courts in Texas. The Judicial Information section collects and maintains information from courts at all levels, analyzes court data, and produces or assists in the production of reports regarding the state's courts and the officials who work in them.

In FY 2018 the Judicial Information section was involved in the following activities:

- Implementation of and training on new reporting requirements pursuant to the following changes in law:
 - o [SB 1326](#), as it relates to reporting on mental illness/intellectual disability assessments and competency evaluation reports;
 - o [SB 1893](#), as it relates to the workload of the presiding judges of the state's 11 administrative judicial regions;
 - o [SB 291](#), as it relates to writs of attachment related to criminal cases; and
 - o [SB 1913](#), as it relates to the reporting of show cause hearings held prior to the issuance of a *capias pro fine*.
- Conducted the annual update of the Texas judicial directory database, which contains information for more than 2,800 courts and more than 7,300 court system personnel, and produced the [2018 Texas Judicial System Directory](#).
- Conducted the annual update of the content for the [Annual Statistical Report for the Texas Judiciary](#), which includes statistics for appellate and trial courts and analyses of case activity and trends in filings and other measures of court workload.
- Produced the 2017 Annual Report on [Disposition of Judicial Bypass Cases by Trial Courts](#).
- Supported the work of the Judicial Council's [Data Committee](#).
- Supported the Judicial Compensation Commission with data on judge demographics, salaries and turnover rates.
- With assistance of the Research and Court Services Division's Court Services Consultant, devoted attention to improving the quality of the sentencing information collected for criminal and juvenile cases.

A significant portion of Judicial Information staff time is also devoted to providing support to the trial courts and clerks and their information technology staff or case management vendors on reporting issues to promote data quality and completeness. During the year, staff made 12 presentations to statewide and regional clerk and court organizations.

Court Security Division

[SB 42](#) was passed by the 85th Legislature. Known as the "Judge Julie Kocurek Judicial and Courthouse Security Act of 2017," the Act is designed to improve the security of judges at all levels, both in their courthouses and at their homes. The new law does the following:

- Provides for the suppression of the residence address of a judge and judge's spouse in records maintained by the Texas Ethics Commission, a county registrar, and a county appraisal district. The law also allows a judge and judge's spouse to replace their home address on their driver's license with the address of the courthouse in which the judge serves;
- Requires county clerks, upon the written request of a judge, to omit or redact personal information from an online database that is made public;
- Requires that a courthouse security committee be established by the presiding judge of a municipality or the local administrative district judge in each county, respectively;
- Establishes a \$5.00 filing fee on any civil action or proceeding requiring a filing fee to generate revenue to support judicial and court personnel training;
- Transfers responsibility for reporting security incidents to OCA from the local administrative judge to the law enforcement official responsible for providing court security;
- Requires any person providing security to hold a court security certification issued by a training program approved by the Texas Commission on Law Enforcement; and
- Authorizes any commissioned peace officer in the state to provide personal security to a judge, regardless of the location of the law enforcement agency that employs or commissions the peace officer.

This new law also established a [Court Security Division](#) at OCA and provided for the hiring of a Court Security Director. The purpose of the Court Security Division is to:

- Support the establishment of court security committees through training and technical assistance;
- Assist courts with conducting and reviewing security and emergency preparedness assessments and developing improvement plans;
- Support the implementation of privacy protections for judges by facilitating the restriction of public access to the residence address of a judge or judge's spouse;
- Oversee the collection of court security [incident reporting](#); and
- Serve as a [clearinghouse](#) of information regarding the new law and judicial and court security best practices.

OCA's Court Security Director began work in late 2017 and since then has been travelling around the state providing training to judges, law enforcement representatives, county officials, and others; conducting courthouse security assessments; assisting in the establishment of courthouse security committees and security improvement plans; and assisting judges in addressing their personal security-related concerns.

FY 2018 TEXAS COURT SECURITY INCIDENTS



28

Incidents Resulted in Injury



24

Attempts to Bring in Weapons



123

Incidents Occurred in a Public Area



137

Incidents Involved Criminal Defendants



87

Incidents Resulted in Charges Filed



108

Incidents Involving Disorderly Behavior

Problem-Solving Courts Consultant

In FY 2018, the OCA Problem-Solving Courts Consultant (PSCC) continued representing OCA by attending and participating in specialty court-related meetings and conferences sponsored by a diverse body of stakeholders, including but not limited to, the Texas Veterans Commission (TVC), the National Association of Drug Court Professionals (NADCP), the Texas Association of Specialty Courts (TASC), the Conference of Chief Justices and Conference of State Court Administrators (CCJ-COSCA), the Governor's Criminal Justice Division (CJD) and Specialty Courts Advisory Council (SCAC), the Center for Court Innovation (CCI), and TDCJ Reentry Task Force.

In April 2018, the PSCC began serving as the Specialty Court Ombudsman, at the request of the Office of the Governor, to be a single point-of-contact for specialty court participants and team members to report complaints/concerns about program operations, processes, and individual team members, including the specialty court judge. As Ombudsman, three calls were received, all of which were successfully resolved. Staff continue conversations with CJD on the development of a statewide case management system (CMS) for specialty courts. As part of outreach, the PSCC visited the Bell County Veterans Treatment Court by invitation.

FY 2018 PROBLEM-SOLVING COURTS IN TEXAS



6

Commercially Sexually Exploited Persons Court



89

Drug Court



13

Family Drug Court



23

Juvenile Court



19

Mental Health Court



1

Public Safety Employees Treatment Court



25

Veterans Treatment Court

Source: Criminal Justice Division, Office of the Texas Governor | Greg Abbott

Information Services Division

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 • Regional Public Defender Office

The Information Services Division works to apply appropriate technology to foster innovation and business process improvement with its judicial branch partners and the Texas judiciary.

In addition to deploying and supporting Internet services, networks, servers, workstations, mobile devices, and applications, Information Services also oversees the execution of the statewide electronic filing contract. The contract includes statewide electronic filing, electronic access to court documents, and self-represented litigant forms assembly.

Information Services also staffs and coordinates activities for the Judicial Committee on Information Technology. Re:SearchTX aims to provide a statewide search capability for electronic court documents. The system currently

FY 2018 SUPPORT AT A GLANCE

937 
Users Supported

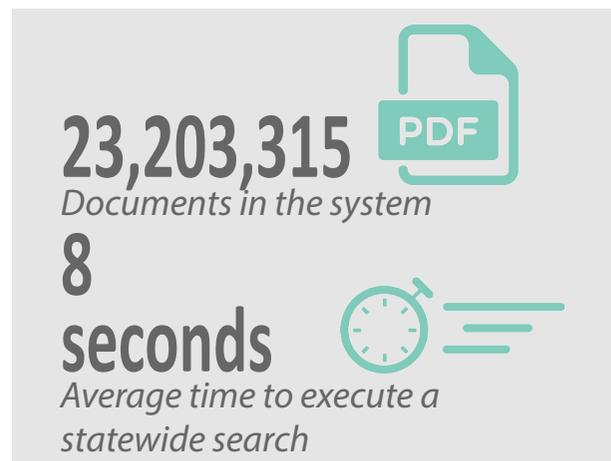
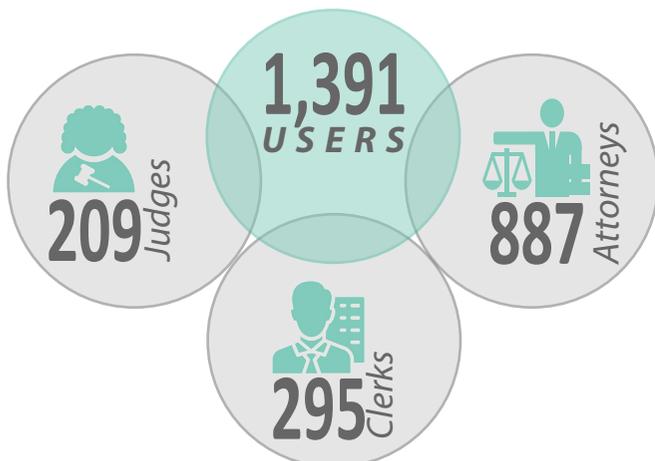
6,736 
Issues Resolved

18 
Custom Apps Supported

re:SearchTX™

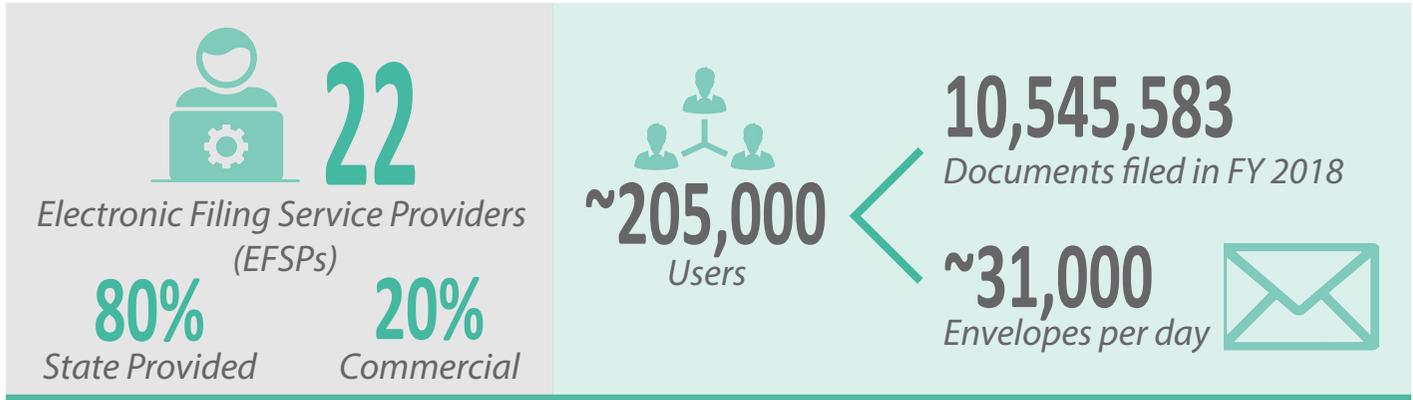
includes civil filings accepted through the eFile system.

Working with Tyler Technologies, OCA implemented the [Supreme Court order](#), opening re:SearchTX to judges, clerks, and attorneys of record. Tyler Technologies also readied the system for further implementation to additional roles including licensed attorneys (not of record) and registered users. This includes the addition of security for the various roles as well as both manual and automated methods for courts to restrict access appropriately. Clerks have the option to interact with re:SearchTX in a manual (repository) or integrated model. The integrated model allows clerks to perform functions as they normally do through case management. The case management system will then update re:SearchTX with the new information.



eFiling

Working with Tyler Technologies, OCA continued to bring on additional clerk's offices to criminal eFiling in order to support the Court of Criminal Appeals mandate. At the end of FY 2018, 148 counties were live on criminal eFiling, with 39 of them implementing mandatory eFiling of criminal documents. The counties that have not yet been mandated can enable criminal eFiling in a permissive mode. This gives the clerks' offices and attorneys the ability to try out the process and work out any issues ahead of the mandatory date. The criminal mandate will be statewide in January 2020.



Price of Justice (Fines and Fees)

Information Services, partnering with Research and Court Services, began working on the development of a system to reduce the number of people jailed for the inability to pay court costs and fines. The first phase of the system will provide an ability to pay calculator to provide judges needed data to make a recommendation on alternatives to payments.

PRAISTX

Also partnering with Research and Court Services, Information Services completed the initial development of a risk assessment tool for use in pre-trial bail determination. The tool is designed to provide magistrate judges with information to make a better decision on the types and level of bonds for individuals accused of a crime.

Technology Upgrades

Information Services performed several technology upgrades in FY 2018.

- Moving to Voice Over IP (VOIP) – this change required OCA to add power modules to the existing switch environments to support power over ethernet (PoE). The new phone system allows users to be more mobile, allowing the phone to ring both the desk phone as well as a person's mobile phone.
- Network Security Upgrades – OCA replaced the adaptive security appliances (ASAs) at all our remote locations. The change out combines two appliances (private network providers) and our intrusion prevention into a single box. The change also expands the ability for court staff in the non-Austin locations to work remotely if needed.
- Workstation Replacement – OCA completed workstation replacements for our customers. This included switching most workstations to Windows 10 and upgrading Office and Adobe for all users.
- Server and Storage Retirement - With equipment at end of life, Information Services moved all virtual servers to the new equipment purchased during the last fiscal year. This resulted in the removal and shrinkage of the datacenter from managing 64 physical servers down to 20.
- County Equipment Donations – the workstations being replaced were factory reset and made available to counties and municipalities for use in the court system. Equipment came with the chassis (main box) a keyboard, mouse, and power cord.



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 2018. In addition to the regular updates to the technology standards, JCIT focused on providing recommendations to the Supreme Court on the expansion of re:SearchTX. The committee submitted its recommendations to the Court in August 2018.

Voting Members

Chair - Honorable Rebecca Simmons, Former Justice, Fourth Court of Appeals, San Antonio

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

Honorable David Escamilla, County Attorney, Travis 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

Cynthia Orr, Attorney, San Antonio

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

Todd Smith, Smith Law Group LLP, Austin

Carlos Soltero, McGinnis Lochridge, Austin

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 Sheri Woodfin, District Clerk, Tom Green County

Non-Voting Members

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 Sarah Davis, State Representative, District 134, Houston

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
Honorable Velva Price, District Clerk, Travis County
Honorable Nancy E. Rister, County Clerk, Williamson County
Sian Schilhab, General Counsel, Court of Criminal Appeals, Austin
David Slayton, Administrative Director, Office of Court Administration, Austin
Michelle Spencer, Senior Trainer, Bracewell & Giuliani LLP, Austin
Mark Unger, The Unger Law Firm, San Antonio
Honorable Royce West, Senator, District 23, Dallas
Honorable Kevin Yeary, Judge, Court of Criminal Appeals, Austin

Technology Standards

The Technology Standards subcommittee of JCIT receives feedback from clerks and filers with regards to eFiling codes and additional services offered through the eFiling system. In FY 2018, the subcommittee collapsed the district/county and justice court codes into a single set. After JCIT made recommendations to the Supreme Court, the subcommittee also added the role definitions, permissions and security matrix to the [standards](#).

Re:SearchTX Recommendations

With the Supreme Court's adoption of its recommendations, JCIT focused on additional recommendations to further expand re:SearchTX. In its May 2018 meeting and June 2018 work session, JCIT finalized its recommendations to the Supreme Court to expand access to re:SearchTX to all licensed attorneys and registered users (the general public). JCIT also recommended a security matrix that shows what meta data and documents would be available to registered users based on the case type.

STANDARDS CONFIGURATIONS

- ✓ System data exchange standards
- ✓ Digital media standards
- ✓ Efiling filing configurations
- ✓ Document access configurations

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

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 eleven administrative judicial regions.

Rule 12 Appeals

The Division 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) of the Rules of Judicial Administration. In FY 2018, 18 public access [opinions](#) were issued.

Children's Courts Program

The Children's Courts Program encompasses both Child Protection and Child Support Courts throughout the State. Currently, there are 24 Child Protection Courts (CPCs) and 43 Child Support Courts (CSCs). The 85th Legislature passed legislation creating two additional Administrative Judicial Regions (AJRs) bringing the total from 9 to 11 AJRs. There was a shift of some counties covered by CPCs and CSCs resulting in a realignment of several courts. Additionally, a review of caseloads justified the need for further realignment and restructuring of a few courts to balance the workload among the courts. CPCs and CSCs in the 1st, 2nd, 3rd, 4th, 10th, and 11th regions were affected by the changes. The number of Children's Courts remains unchanged, but increased CPS caseloads throughout the State warrant the need for additional CPCs. OCA is asking the legislature for funding for an additional nine CPCs to address the growing need. In FY 2017, OCA received a grant from the Children's Commission to fund the use of former CPC associate judges to sit as visiting associate judges to ensure judges experienced in CPS matters are available to hear cases in an associate judge's absence from the bench. Also, in FY 2017, OCA hosted the 2017 CPC Judges and Coordinators Meeting, an annual pre-conference meeting to the Child Welfare Judicial Conference, hosted by the Texas Center for the Judiciary and the Children's Commission, and a stand-alone CPC court coordinator training in Bastrop, Texas. As part of outreach, Anissa Johnson, Children's Courts Program Manager, conducted a site visit at Child Support Court #19, Hon. Mary Morton, in the 3rd AJR with OCA's Court Consultant, Aurora Zamora, to discuss streamlining court operations. Additionally, Ms. Johnson assisted Ms. Zamora in the development of a five-part Child Support Court Coordinator webinar training series. The first segment, Parts I and II, will be aired October 11, 2018 (FY 2019).



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 facilities functions of the SPA and human resources functions for SPA and the Office of Capital and Forensic Writs.

During FY 2018 Finance & Operations processed 880 purchase requisitions, 970 purchase orders, 1,441 travel vouchers, 2,951 purchase vouchers, and 1,057 journal/budget vouchers and 58 payroll vouchers - a total of 7,357 documents. Division staff also processed 76 reimbursement requests for grants and contracts totaling \$6.74 million and deposited over \$653,314 in fees from licensees. Property and Inventory has processed over 115 surplus items. The Human Resources staff screened 1,378 applications for 32 job postings, and processed 30 new hires and 23 separations.

Legislative Appropriations Request for 2020-2021

In August 2018, the Office of Court Administration submitted its Legislative Appropriations Request. Agencies were authorized to submit a budget request at 2018-2019 baseline levels. The total baseline budget request for 2020-2021 totaled \$153.7 million. Exceptional Item requests totaled \$96.5 million. The baseline budget request included \$66.4 million for Texas Indigent Defense Commission (TIDC), plus TIDC Exceptional Item requests totaling \$56.4 million.

OCA's Exceptional Items include seven funding requests that stem not just from recommendations of the Texas Judicial Council but also priorities identified in the Governor's School Safety Initiatives. OCA's Exceptional Items (and the biennial cost) include the following:

- *Prevent Fraud and Abuse Committed Against the Elderly and Incapacitated* - \$5 million. This project will continue the guardianship compliance program on a larger, more effective scale. Following the review of approximately 28,000 guardianship files, audits have revealed significant issues with guardians complying with statutory requirements and indications of financial exploitation, with 41% of cases being out of compliance. This funding, which includes 28.0 FTE's, will allow the program to expand statewide to assist the courts with monitoring cases to combat fraud and exploitation. Last session, SB667 was overwhelmingly approved by the Senate and House, but the legislation and associated funding was vetoed by the governor.
- *Protecting Texas Children: Create Additional Courts for Growing CPS Caseloads* - \$4.3 million. The Regional Presiding Judges have identified the need for 9 additional child protection courts based on requests received from trial court judges and increases in the CPS filings and caseloads. This item would fund nine new child protection courts including 18.0 FTEs.

Fiscal and Organizational Support Activities

- Accounting • Budgeting • CIP Audit • Facilities • Financial Reporting • Human Resources • Management • Payroll Property & Surplus • Purchasing • Time & Leave

- *Securing Texas Courthouses and Providing Safety for Texas Judges* - \$380,000. SB42 required OCA to create the Court Security and Emergency Preparedness division. The 85th Legislature provided funding for one FTE and associated operating expenses. The Court Security Director has been widely utilized by judges, county officials, and law enforcement to facilitate judges' efforts to have their personal information removed from public databases, review court security protocols, provide technical assistance in court security matters, and to connect counties and judges with security resources. The demand for assistance statewide exceeds the ability of one person to cover. This request would expand the division by 2.0 FTEs.
- *School Safety Initiative: A Statewide Case Management System for Immediate Access to Critical Information* - \$29.7 million. In May 2018, the governor issued the School and Firearm Safety Action Plan, which included a recommendation that the OCA create a statewide case management system, focused primarily towards counties with a population less than 20,000, to provide magistrates immediate access to critical information, and to speed the timely reporting of court records for federal background checks. The inability to collect data weakens the state's ability to ensure accurate data, to share data with other state agencies such as DPS, and to provide for interaction with state supported technology systems. The funding would provide one-time upfront and maintenance costs of a CMS, and 2.0 FTEs to manage the large project.
- *Data Backed Policy Making through Judicial Council Resources* - \$712,480. The Texas Judicial Council is the policy making body of the judiciary, 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 improvement. Requests for studies continues to increase, yet the TJC has never been appropriated funding. The most recent Judicial Workload Study is over 10 years old and needs to be updated to determine the need for new district courts. In addition, since most trial judges lack access to staff attorneys to assist them in their work, this funding request includes 2.0 FTEs for staff attorneys to assist trial judges in analyzing difficult legal issues.
- *Appropriation of Forensic Science Commission Operating Account No. 5173* - \$191,800. Senate Bill 298 created the Forensic Science Commission (FSC) Operating Account. The FSC is required to license all forensic analysts by January 1, 2019, and deposit all fees into this account. This funding request appropriates to the FSC, all revenues received into the account. The request also seeks to provide the Forensic Science Commission Operating Account with estimated appropriation authority.
- *Restoration of Estimated Appropriation Authority for the Fair Defense Account No. 5073* - \$56.4 million. The Texas Indigent Defense Commission sees to restore estimated appropriation authority, which was removed for the 2018-2019 biennium. Estimated authority would give TIDC access to account balances that exist as a result of the passage of SB2053, which reallocated a portion of court costs to the Fair Defense Account. In addition, the TIDC is requesting 4.0 FTEs, including three policy analysts to enhance TIDC's ability to monitor counties' constitutional, statutory, and financial compliance, and one senior staff member dedicated to working with counties to improve indigent defense by planning and developing public defender and other managed systems that improve quality, data, efficiency, and accountability.

OCA's full LAR request can be viewed here: http://www.txcourts.gov/media/1442068/lar_final.pdf.

Collection Improvement Audit Program

In addition to its finance and operational support activities, the division includes the Collection Improvement Program (CIP) Audit section. The program's purpose is to improve the collection of court costs, fees, and fines imposed in criminal cases.

Article 103.0033 of the Code of Criminal Procedure requires the OCA to determine if cities and counties required to maintain a program are in compliance with the Texas Administrative Code (TAC) §175.3 requirements. During FY 2018, CIP Audit issued compliance reports for two counties and two cities. The OCA is further required to calculate the collection rate of cities and counties within one year of the program implementation in mandatory jurisdictions, and during FY 2018, the Audit section issued post-implementation rate reviews for four counties. In FY 2018, the OCA's Research and Court Services Division assumed the responsibility to perform projects to calculate the collection rate for new mandatory jurisdictions prior to implementation and again after implementation in compliance with Article 103.0033. These collection rates are gathered for analysis to help measure the effectiveness of collection improvement programs over time.

Initially, Article 103.0033 required cities with a population of 100,000 or more, and counties with a population of 50,000 or more, to implement a collection improvement program. When the program was implemented in FY2005, 78 cities and counties were identified that met this criteria. As a result of the 2010 Census, another 13 cities and counties were added to the CIP, resulting in a total of 91 jurisdictions required to establish and maintain a collection program (62 counties and 29 municipalities). However, in HB 3167 of the 85th Legislative Session, the legislature enacted a change to the statute, effective June 1, 2017, to increase the minimum population threshold for a county's participation in the CIP from 50,000 to 100,000. Based on that legislative change, 23 counties are no longer required to participate in the CIP, resulting in a total of 68 jurisdictions (39 counties and 29 municipalities) now required to establish and maintain a collection program.

The Audit section developed a new audit model that is better suited to Texas' local government structure in which collection programs are under the direction of several elected judges or county officials. As a result, audit staff revised audit procedures to determine if a jurisdiction is in compliance with Article 103.0033 of the Code of Criminal Procedure and 1 TAC §175.3. The audit procedures are performed in accordance with government auditing standards known as Generally Accepted Government Auditing Standards (GAGAS).

In response to the State Auditor's Office (SAO) audit findings and to meet the legislative directive in Article 103.0033(j) of the Code of Criminal Procedure, the Audit section developed a review methodology to verify CIP program data submitted to the OCA from mandated programs. The data review process will test the accuracy of the Total Dollars Assessed and Total Dollars Collected on court costs, fees, and fines reported to the OCA as required in 1 TAC §175.4(c) (2)(C) and (D).

Judicial Branch Certification Commission

Certification Duties

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

The Judicial Branch Certification Commission (JBCC) was established by the Texas Legislature, 83rd Regular Session, in Senate Bill 966. The nine-member Commission oversees the certification, registration, and licensing of court reporters and court reporting firms, guardians, process servers, and licensed court interpreters, and began operations on September 1, 2014. On that date, the Court Reporters Certification Board, Guardianship Certification Board, and Process Server Review Board were combined, and the Licensed Court Interpreter program at the Texas Department of Licensing and Regulation (TDLR) was transferred to the JBCC and Office of Court Administration (OCA). On June 1, 2018, the JBCC implemented SB1096 requiring all guardians register with the state, have a criminal background check conducted for all potential newly-appointed guardians, and provide online training for all potential newly-appointed guardians. JBCC has also registered all pre-existing guardianships appointed prior to June 1st. On September 1, 2018, the JBCC initiated SB36 requiring the registration of guardianship programs throughout the state. JBCC has authority to regulate guardianship programs similar to JBCC's oversight of court reporting firms.

Profession	Number of Certifications, Registrations, Licenses
Court Reporters	2,217 individuals and 332 firms
Guardians	444 individuals
Process Servers	3,853 individuals
Court Interpreters	451 individuals
TOTAL	7,297 individuals and firms

Judicial Branch Certification Commission Members

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

Chair, Honorable Lee Hamilton, 104th District Court, Taylor County, Abilene

Honorable William C. Sowder, 99th District, Lubbock County, Lubbock

Honorable Sid L. Harle, 226th District Court, Bexar County,

Honorable Migdalia Lopez, 197th District Court, Cameron County, Brownsville

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 Members

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

Court Reporters Certification Advisory Board

Presiding Officer, Honorable Lori Valenzuela, 437th District Court, Bexar County

Robin Cooksey, Conroe

Janie Eid-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

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

Melissa Perez, Waxahachie

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

This year the JBCC team 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 in FY 2018.

- On August 3, 2018, the Commission welcomed Judge William Sowder as the newest member. Judge Sowder previously served as presiding officer of the Court Reporters Advisory Board and is replacing Judge Ben Woodward who resigned in April 2018.
- The Commission also welcomed Judge Lori Valenzuela as the new presiding officer of the Court Reporter Certification Advisory Board, replacing Judge William Sowder who was appointed to the Commission.
- The JBCC team implemented Senate Bill 43, 85th Legislative Session, which provided a comprehensive legislative review of the Commission's statutes resulting in the Supreme Court Adoption of updated and revised JBCC rules for the regulated professions.
- The JBCC team implemented SB 1096 which requires that a statewide guardianship registration system be established, that all guardians (including family guardians) complete an online training course before being appointed, and that criminal background checks be run on all individual guardians. Even though the registration requirement just began on June 1, 2018, over 12,566(+) guardians have entered the online registration information with OCA and 3100 (+) individuals or "learners" have completed the online training program. OCA will soon implement the connection with DPS so that law enforcement can have access to the registry information in the case that law enforcement encounters an individual who is under guardianship. JBCC staff is also working with the National Center for State Courts (NCSC) to translate the guardianship training into Spanish.
- On September 1, 2018, the JBCC team initiated the registration of guardianship programs throughout the state.
- JBCC Rules were developed for the guardianship registration and registration of guardianship programs after approval of the advisory boards and interested stakeholders and the JBCC. On April 12, 2018, [JBCC Rules](#) were adopted by the Supreme Court of Texas.
- The JBCC team transitioned to a new on-line certification, registration and licensing system.
- In FY 2018, the JBCC team administered 162 court interpreter written exams and 128 court interpreter oral examinations. The team also administered the guardian written examination to 68 candidates for certification.
- On June 2018, extended a contract with the LCI rater to score the interpreter oral examinations.
- In FY 2018, the JBCC compliance team opened and investigated 80 complaints against the regulated professions: 28 court reporters, 37 process servers, 11 guardians, and 4 licensed court interpreter complaints.
- The agendas for all JBCC meetings can be found at <http://www.txcourts.gov/jbcc/meetings-agendas/>.



Guardianship Compliance Pilot Project

The Office of Court Administration (OCA) manages the Guardianship Compliance Project (GCP) to provide additional resources to courts handling guardianship cases. Guardianship Compliance Specialists (GCS) review guardianship cases to identify reporting deficiencies by the guardian, review annual reports and accountings, and report findings to the court. The GCSs work with the courts to implement best practices in managing guardianship cases, identify active and closed cases, and assist with additional services. Assistance is available to courts with probate jurisdiction to provide oversight of guardianships at no cost to the county. The mission of the Guardianship Compliance Program is to assist the courts in protecting our most vulnerable citizens and their assets.

Guardianship Compliance Project as of August 31, 2018	
46/32	Courts and Counties involved in the guardianship compliance project
28,782	Guardianship cases reviewed by the guardianship compliance project
18,232	Guardianship cases recommended for closure with 3,320 deceased
10,550	Active guardianship cases
2780*	Guardianship cases found to be out of compliance with statutorily required reporting
35%*	Percentage of cases with missing reports of the person
44%*	Percentage of cases with missing initial inventories
48%*	Percentage of cases with missing annual accountings

* Note: These statistics are reported for the 29 counties in which the initial review process has been completed. The number of active guardianships in those 29 counties totaled 6498. With 2,780 cases out of compliance with required reporting, the percentage of cases out of compliance is 43%.

Guardianship Compliance Training and Outreach

- On August 22-24, 2018, Jeff Rinard was invited to the Texas College of Probate Judges for a presentation and overview of the new guardianship registration requirements.
- On July 20, 2018, Jeff Rinard presented to the Catholic Charities in Bexar County giving an overview of the new guardianship registration requirements.
- On June 22, 2018, Jeff Rinard made a presentation to the Bexar County Elders Committee, Judges and Attorneys, at Broadway Bank in San Antonio.
- On June 8, 2018, Jeff Rinard made a presentation to the Bexar County Probate Courts, Clerk staff and attorneys on the JBCC, GCP, and new guardianship registration requirements.

Guardianship Compliance Participating Counties

Hays, Guadalupe, Webb, Comal, Anderson, Montgomery, Tyler, Orange, Tom Green, Kaufman, Lubbock, Bexar, Washington, Jefferson, Hale, Potter, Hill, Grimes, Waller, Lynn, Cameron, Burnet, Lampasas, Williamson, Titus, El Paso, Caldwell, Liberty, Bell, Polk, Milam and San Jacinto counties have participated in the GCP. Bee, Dickens, Palo Pinto, Wilson, Cochran, Gaines, San Patricio and Ector have requested assistance. The GCP team is conducting follow up reviews in Webb and Lubbock Counties.

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 direction and supervision of a governing board consisting of eight ex officio members and five members who are appointed by the Governor of Texas. The TIDC programs are implemented by eleven full-time staff members.

FY 2018 COMMISSION

Officers

Ex Officio Members

Hon. Sharon Keller, Chair, Austin, Presiding Judge, Court of Criminal Appeals

Hon. Nathan Hecht, Austin, Chief Justice, Supreme Court of Texas

Hon. John Whitmire, Houston, State Senator

Hon. Brandon Creighton, Conroe, State Senator

Hon. Joseph “Joe” Moody, El Paso, State Representative

Hon. Andrew Murr, Junction, State Representative

Hon. Sherry Radack, Houston, Chief Justice, First Court of Appeals

Hon. Vivian Torres, Rio Medina, Judge, Medina County Court at Law

Members Appointed by Governor

Mr. Alex Bunin, Houston, Chief Public Defender, Harris County Public Defender Office

Hon. Jon Burrows, Temple, Bell County Judge

Hon. Richard Evans, Bandera, Bandera County Judge

Mr. Don Hase, Arlington, Attorney, Ball & Hase

Hon. Missy Medary, Corpus Christi, Presiding Judge, 5th Administrative Judicial Region of Texas

New Executive Director

In December 2017, Mr. Geoffrey T. Burkhart began his service as TIDC’s next Executive Director after being appointed by the Board in late September. Mr. Burkhart comes to TIDC from the American Bar Association (ABA), where he served as the first Deputy Director and Counsel to the ABA Center for Innovation. He also helped lead the ABA’s indigent defense reform efforts as Project Director and Counsel to the ABA Standing Committee on Legal Aid and Indigent Defendants. Mr. Burkhart previously worked as an Assistant Appellate Defender at the Illinois Office of the State Appellate Defender. He replaced Mr. James Bethke who led the organization since its creation in 2002. Mr. Bethke retired from state service to become Executive Director of the Lubbock Private Defender Office, Texas’s first managed assigned counsel program.

Funding for Texas Counties

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



Indigent Defense Commission Duties

- 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

Formula Grants

TIDC awarded \$22.3 million in formula grants to 254 Texas counties in FY 2018 to help 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 county population and indigent defense spending.

Discretionary/Program Grants

Program grants encourage innovation, develop and support effective programs, remedy noncompliance with the Fair Defense Act, or help counties facing extraordinary indigent defense costs. In FY 2018, TIDC awarded 26 new or continuing program grants totaling \$8.1 million. Formula and discretionary grant disbursements will be detailed in TIDC's forthcoming Annual Report. A summary is included below:

TIDC FY 2018 Program Grant Awards		
Statewide/Regional Capital Defense Program		
Lubbock	Regional Public Defender for Capital Cases (183 counties)	\$3,000,000
Rural Regional Public Defender		
Bee	Regional Public Defender (5 counties)	\$592,771
Culberson	Far West Texas Regional Public Defender (5 counties)	\$289,005
Starr	Regional Public Defender (3 counties)	\$479,205
Texas Tech University	Caprock Regional Public Defender Office (8 counties)	\$185,000
Public Defender Programs		
Fort Bend	Public Defender Office	\$331,728
Managed Assigned Counsel Programs (MAC)		
Travis	Capital Area Public Defender Service	\$180,440
Specialized Defender Programs		
Bexar	Representation of Mentally Ill Defendants at Magistration	\$116,254
Dallas	Criminal Law/Immigration Program (Padilla Compliance)	\$22,034
El Paso	Public Defender Mental Health Advocacy and Litigation Unit	\$840,273
Smith	Smith County Misdemeanor Mental Health Defender Program	\$68,800
Travis	Interdisciplinary Defense Program (Mental Health & Padilla Compliance)	\$177,230
Technical Support & Process Improvement Programs		
Atascosa	Atascosa/Wilson County TechShare Indigent Defense Software Implementation	\$7,250
Dallas	Dallas County TechShare Indigent Defense Software Implementation	\$146,975
El Paso County	Program Research Evaluation, Public Defender	\$70,000
Harris	Statewide Appellate Review and Support Resources for Texas Indigent Defendants Affected by Protocol Change for DNA Mixture Analysis	\$329,400
Harris	Statewide Indigent Defense Mentoring Program	\$585,125
Henderson	Henderson County TechShare Indigent Defense Software Implementation	\$10,750
Kaufman	Kaufman County TechShare Indigent Defense Software Implementation	\$11,275
Lubbock	Indigent Defense Attorney Mentoring Program	\$6,780
Lubbock	Program Research Evaluation, LPDO	\$45,000
Nueces	Pre-Trial Assessment Initiative	\$159,628
Taylor	Taylor County County Videoconference Technology Program	\$50,000
Travis	Postconviction DNA Mixture Case Review	\$109,527
Extraordinary Grants		
Nueces	Extraordinary Capital Defense Expenses	\$180,115
Atascosa	Extraordinary Capital Defense Expenses	\$60,610
		Total \$8,055,174

Reporting

Attorney Practice-Time Reporting

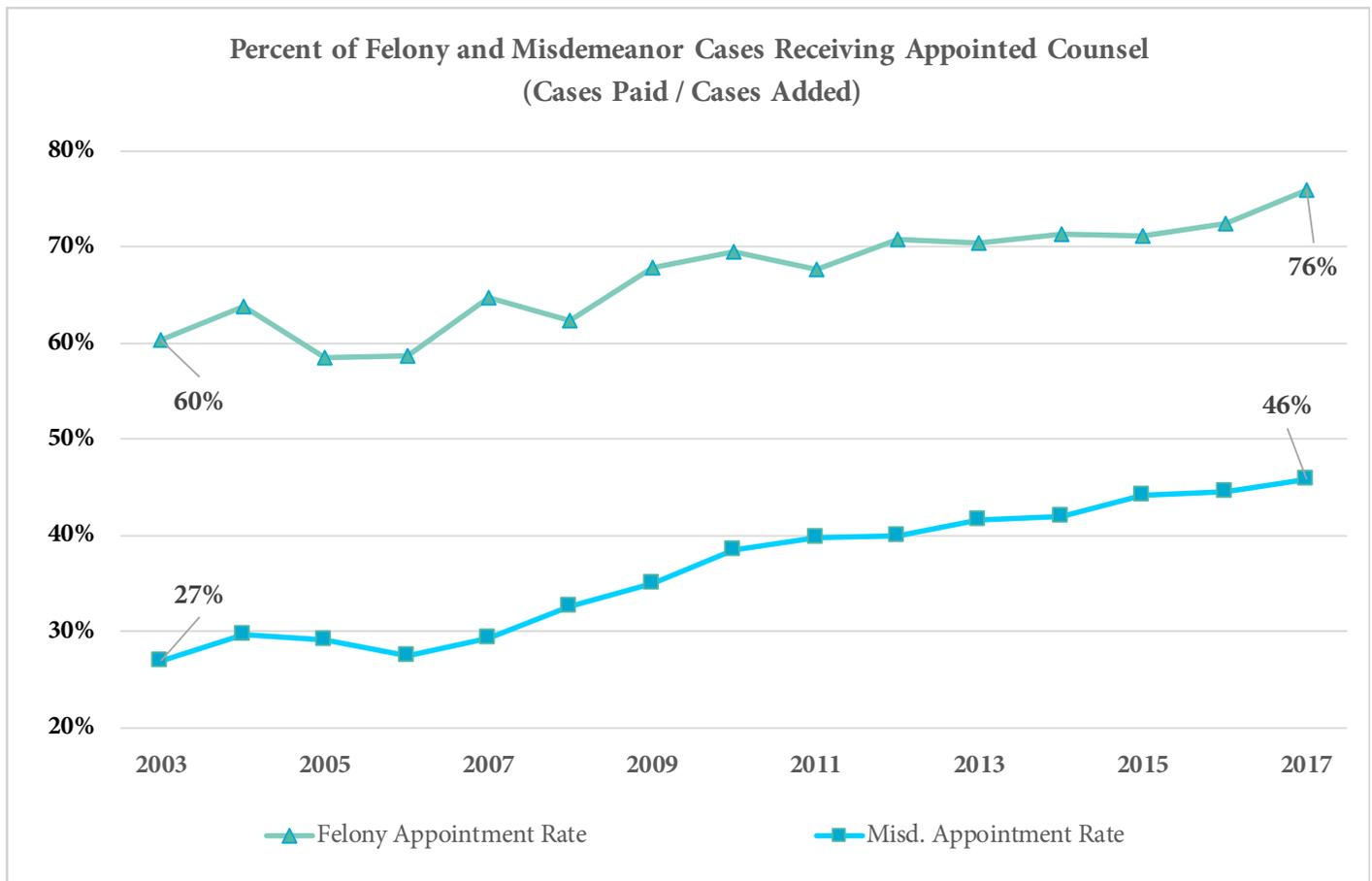
Beginning in 2014, each attorney who accepts appointments in adult criminal and juvenile delinquency cases is required to annually submit to each county a statement that describes the percentage of the attorney's practice time that is dedicated to work on those appointed cases. As of November 9, 2018, 3,407 attorneys had completed reports for FY 2018. Preliminary results show that the median percentage of practice time devoted to appointed criminal and juvenile cases across all counties was about 65%.

Indigent Defense Expenditure Review

Each county is required to annually report 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 TIDC grants. Preliminary results for FY 2018 indicate that indigent defense spending continues to increase statewide. Final figures will be published in TIDC's FY 2018 Annual Report in January 2019.

Appointment and Cost Trends

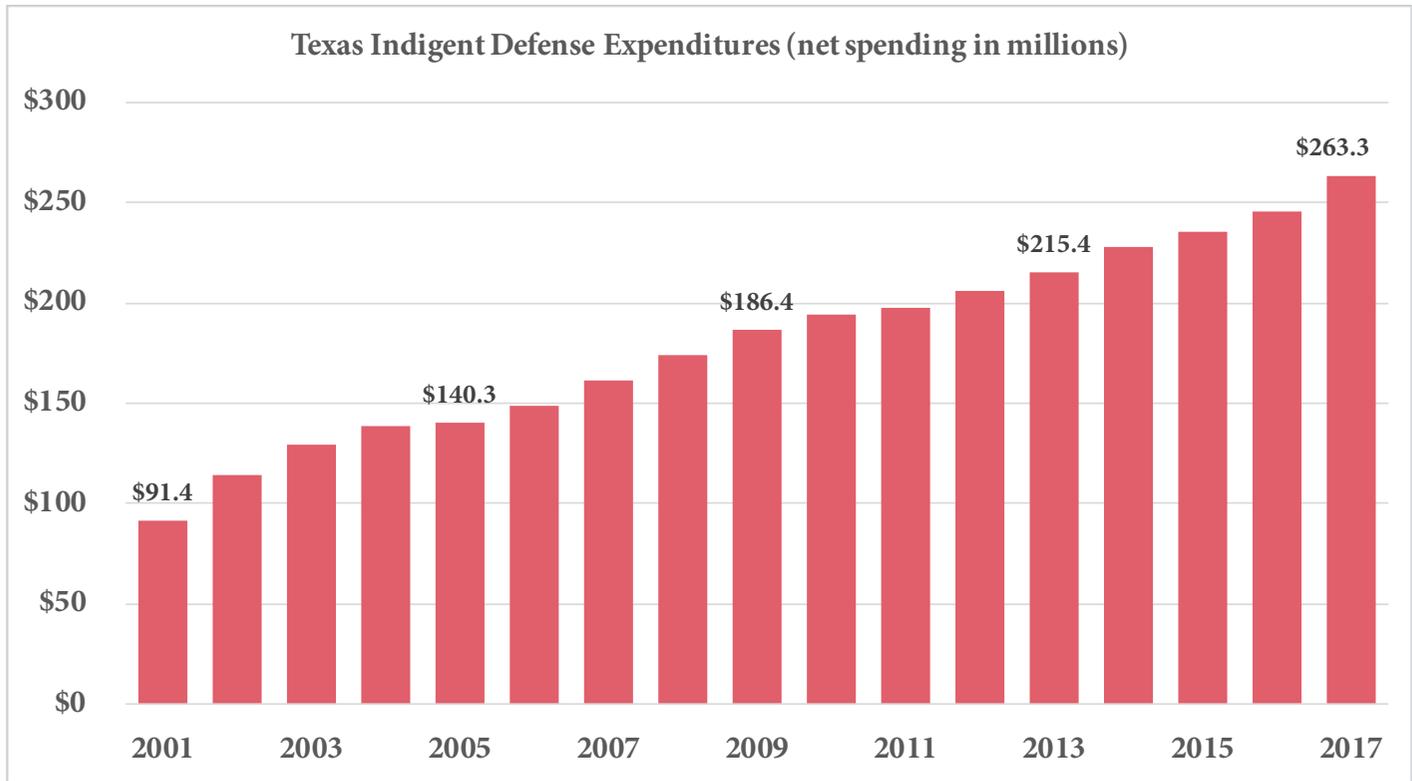
Since the passage of the Fair Defense Act (FDA) in 2001, overall appointment rates in Texas continue to increase statewide. This is especially true of misdemeanor appointments, which have nearly doubled over the last 15 years. The FDA's implementation of a framework for the appointment of counsel, including appointment timelines, formal appointment lists, and appointment guidelines, has played a crucial role in driving increased access to constitutionally required representation.



Significant Events

- *Rothgery v. Gillespie County* (2008)
- 82nd Legislature amended Art. 1.051 dealing with waivers of counsel (2008)
- *Heckman v. Williamson County* (filed 2006, settled 2013)

As appointment rates and access to counsel increase, overall indigent defense costs also increase. Since 2001, statewide spending on indigent defense has increased nearly \$172 million, or about \$10 million per year on average. As Texas strives to meet its constitutional and statutory indigent defense obligations, the costs for these services will likely continue to increase. Preliminary estimates indicate this trend continued in FY 2018 and expenditure data for the year will be published in the TIDC Annual Report in January 2019.



Monitoring Program

Policy Monitoring

Policy monitoring reviews seek to promote local accountability and compliance with the requirements of the FDA and to provide technical assistance to improve county indigent defense processes where needed. A county is selected for 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. In FY 2018, TIDC staff conducted full scope reviews in three counties, limited scope reviews in three counties, follow-up reviews to prior visits in five counties, and informal drop-in reviews in two counties.

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 FY 2018, TIDC staff conducted on-site reviews in seven counties follow-up reviews in one county, desk reviews of four counties, and technical assistance in one county.

Recommendations to the 86th Legislature

TIDC's Legislative Appropriations Request for FY20/21

Pursuant to Section 79.033, Government Code, TIDC submitted its Legislative Appropriations Request (LAR) separate from the Office of Court Administration. The full LAR is available at <http://www.tidc.texas.gov/media/57981/tidc-lar-fy2020-2021.pdf> and includes one exceptional item and one rider revision:

1. Restore Estimated Appropriation Authority. Approximately \$15 million per year in additional funds is flowing into the Fair Defense Account due to the passage of SB 2053 from the 85th Legislature. This request would appropriate these funds so that TIDC could help counties fix systemic indigent defense problems.
2. Lift the Administrative Cap. TIDC requests revisions to riders in the appropriations bill to lift the cap on the amount of funding that may be spent on administration and the number of staff it may employ. Lifting the cap and slightly expanding the administrative budget will allow TIDC to meet monitoring, funding, and technical assistance needs.

Legislative Proposals to Improve Indigent Defense

TIDC is charged in Section 79.035, Texas Government Code, with recommending to the legislature ways to improve Texas's indigent defense system. After careful review of each proposal and with the assistance of a stakeholder's workgroup, the TIDC Board approved six ideas for legislative consideration. The proposals include clarifying the statute that prioritizes appointment of a public defender's office, as well as to specifically provide for a limited scope attorney appointment to represent an arrestee at the Article 15.17, Code of Criminal Procedure, hearing ("magistration").

Resources, Publications, and Education

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

Resources

TIDC'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>.

Publications

TIDC developed and issued the following three publications to assist local officials and other stakeholders:

Primer on Managed Assigned Counsel Programs (September 2017) – Describes the operations of managed assigned counsel (MAC) programs in Texas, the benefits of the MAC model, and how county officials can establish and operate a MAC. The report is at: http://www.tidc.texas.gov/media/57815/tidc_primer2017.pdf

Managed Assigned Counsel Programs in Operation (February 2018) – A supplement to the Primer on Managed Assigned Counsel Programs. Describes in detail the operations of managed assigned counsel (MAC) programs in Lubbock, Travis, and Collin Counties, as well as San Mateo, California, and Massachusetts. The publication is designed to provide useful information for developing a MAC program plan, determining staffing levels, and establishing a budget based on a county's specific jurisdictional needs and capacity. The report is at: http://www.tidc.texas.gov/media/57919/tidc_primersup2017.pdf

Fair Defense Laws 2017-2019 (February 2018) – Compilation of Texas statutes and administrative rules related to the Fair Defense Act and appointment of counsel in criminal case, including commentary. Updated to include all legislation passed by the 85th Legislature (2017). The report is at: <http://www.tidc.texas.gov/media/57916/tidc-fairdefenselaws-fy17-19.pdf>

Training

In FY 2018, TIDC staff and members trained about 700 judges, county officials, pretrial services officers, and attorneys at 16 different training events.

Robert O. Dawson Indigent Defense Distinguished Service Award

TIDC bestowed its highest honor, the Robert O. Dawson Award, upon Jim Bethke in March 2018 in recognition of his outstanding work to improve indigent defense in Texas. Mr. Bethke served as TIDC's founding executive director from 2002 (when it was created as the Texas Task Force on Indigent Defense) until 2017. During his tenure, TIDC substantially increased state funding to county-based indigent defense systems, partnered with counties to build innovative defense programs, and oversaw the development of a data system that has made Texas a leader in data-driven indigent defense provision.

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, and the University of Houston Law Center. In 2015, the 84th Legislature expanded funding for innocence projects to include 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 Exoneration Reports and other information on the innocence program, are available on the Commission's website in the "[Innocence Program Overview](#)" section.

The Texas Indigent Defense Commission is a permanent standing committee of the Texas Judicial Council.

Forensic Science Commission Duties

- Investigate allegations of negligence and/or misconduct
- Administer the State Crime Laboratory Accreditation Program
- Administer the Forensic Analyst Licensing Program

The Texas Legislature created the Texas Forensic Science Commission (“Commission”) during the 79th Legislative Session by passing House Bill 1068. HB 1068 amended the Texas Code of Criminal Procedure to add Article 38.01, which describes the composition and authority of the Commission. The Commission is required to investigate allegations of professional negligence or professional misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by a crime laboratory. The Legislature also requires the Commission to develop and implement a reporting system through which accredited laboratories report professional negligence or misconduct.

During subsequent legislative sessions, the Texas Legislature further amended the Code of Criminal Procedure to clarify and expand the Commission’s jurisdictional responsibilities to include oversight of the State’s crime laboratory accreditation. During the 85th Legislature, the administrative attachment of the Forensic Science Commission was transferred from Sam Houston State University to the Office of Court Administration. The Legislature also required the licensure of forensic analysts by the Commission and created a dedicated account in the general revenue fund for fees collected for the issuance and renewal of forensic analyst licenses. The funds can only be used by the Commission for the administration and enforcement of its mission.

The Commission is also actively engaged in various forensic development initiatives and works collaboratively with stakeholders in the criminal justice system to improve education and training in forensic science and the law.

Forensic Science Commission Members

The Commission has nine members appointed by the Governor. Seven of the nine commissioners are scientists and two are attorneys (one prosecutor nominated by the Texas District and County Attorneys Association and one criminal defense attorney nominated by the Texas Criminal Defense Lawyers Association).

Presiding Officer, Jeffrey Barnard, Chief Medical Examiner, Southwestern Institute of Forensic Sciences

Bruce Budowle, Director, University of North Texas Center for Human Identification

Mark Daniel, Defense Attorney, Evans, Daniel, Moore, Evans, Biggs and Decker

Nancy Downing, Associate Professor at Texas A&M University and Forensic Nurse at Baylor, Scott & White Hospital

Jasmine Drake, Assistant Professor and Laboratory Coordinator at Texas Southern University Barbara Jordan-Mickey Leland School of Public Affairs

Dennis Johnson, Former Director of Texas Department of Public Safety Crime Laboratory Services

Sarah Kerrigan, Department Chair and Director for the Institute for Forensic Research, Training and Innovation, Sam Houston State University

Jarvis Parsons, District Attorney, Brazos County

[Sam Houston State University Seat to be filled]

Licensing Advisory Board

Greg Hilbig, Laboratory Director, Texas Department of Public Safety Tyler Regional Crime Laboratory

Thomas Ashworth, Chief of the Misdemeanor Division, Collin County District Attorney

Chris Heartsill, Quality Manager, Tarrant County Medical Examiner's Office

James T. Miller, Controlled Substances Section Manager, Houston Forensic Science Center

Robert Sailors, Forensic Biologist, Bexar County Criminal Investigation Laboratory

Timothy Sliter, Physical Evidence Section Chief, Southwestern Institute of Forensic Sciences

Michael Ward, Forensic Science Division Manager, Fort Worth Police Department

Katie White, Research Microscopist, Microtrace, LLC

Texas Forensic Science Commission End of Year Highlights

The Texas Forensic Science Commission staff worked on numerous projects with the goal of improving the integrity and reliability of forensic science in Texas criminal cases. Below are some of the highlighted accomplishments in FY 2018.

- The Commission received and reviewed 26 complaints and 19 self-disclosures this year and is investigating or has issued reports in 7 of those cases. Copies of all investigative reports can be found on the Commission's website at <http://www.txcourts.gov/fsc/publications-reports/investigative-reports/>.
- The Commission added a Senior Scientific Advisor to its staff in November 2017 to provide scientific support to staff and Commission members.
- Commission staff published the Commission's Forensic Analyst licensing rules in July 2018; Forensic Analysts must be licensed in accordance with the rules by January 1, 2019.
- The Commission reviewed and approved the first Code of Professional Responsibility for Forensic Analysts in the State.
- In August 2018, Governor Abbott reappointed five members to the Commission—Barnard, Daniel, Johnson, Kerrigan and Parsons.
- Commission staff coordinated the administration of over 100 general forensic examination sessions for the General Forensic Analyst and Technician Licensing Exams and is expected to issue over 1,000 forensic licenses before December 31, 2018.
- The Commission created a working group to establish a Texas-based accreditation program for crime scene reconstruction activities as well as for updating crime scene training for all peace officers in collaboration with TCOLE.
- Staff traveled to various conferences and trainings throughout the fiscal year to provide information on current forensic issues and the impending forensic analyst licensing requirements.
- Commission staff has begun discussions regarding the creation of a forensic science bench book to assist judges with their gatekeeping duties.
- The Commission is sponsoring a symposium on probabilistic genotyping software (STRMix), issues in developmental validation and related legal issues.

The agendas for all Forensic Science Commission meetings can be found at <http://www.txcourts.gov/fsc/meetings/>.

Commission's main goal:

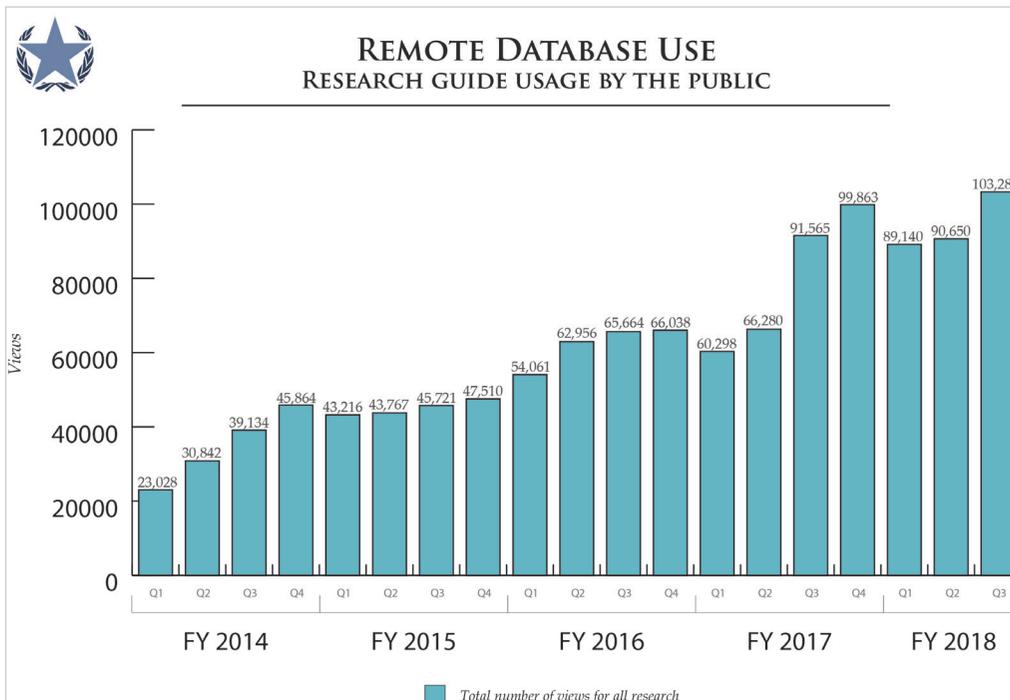
*Improve the integrity and reliability of
forensic science in Texas courts.*

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 its website. The library's website is a 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. The 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 the library's print collection and these online resources, staff provides responses to patrons in the library or via phone, email, or mail.

Since FY 2014, the library has continued to increase the digital resources made available via its portal. Because its mission is to make legal information accessible to all and to be a partner in the access to justice movement, the library offers a wide variety of resources. Some of the 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 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.



Organization

- 12 FTEs • Administered by the State Law Library Board • Board members designated by:
 - Supreme Court • Court of Criminal Appeals • Office of the Attorney General

Public response to the library's digital offerings has been enthusiastic and widespread. Since the program's inception, over 12,393 patrons have registered to use the service, representing over 833 cities and 217 counties throughout Texas. Library staff have made several presentations on the new services to legal groups, court staff, and public librarians throughout the state.

One of the most popular services the library provides on its website is a growing collection of subject-specific research guides (LibGuides) to help patrons easily locate digital resources on a specific topic. Librarians have created custom LibGuides to help patrons quickly find information on commonly asked-about subjects such as landlord/tenant law, homeowners' associations, family law issues, debt collection, and more. These guides provide direct links to digital resources and ebooks on the selected topics, saving researchers time and frustration.



Because many patrons are looking for basic information but do not know how to get started, the LibGuides feature has proven to be wildly successful due to the simplicity with which it presents relevant, helpful information. The popularity of our LibGuides has continued to grow steadily. Yearly LibGuide usage has increased by 30% every single year since the inception of the program in FY 2014.

The combination of rising publication prices and a continuous reduction in appropriations for print and digital materials has forced the Library to make difficult decisions regarding its print collection. In order to maintain the highly successful Remote Access Program, the library had to make significant cuts to the core legal resources it houses. Allowing patrons across the state to consult legal materials digitally through the library website is a high priority, and the library has made the necessary adjustments in purchasing in order to continue this valuable initiative.

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 Prosecuting Attorney Duties

- With exclusive jurisdiction before the CCA, the State Prosecuting Attorney scrutinizes all decisions adverse to the State issued by Texas' fourteen courts of appeals to ensure they faithfully follow the law and to identify significant issues requiring resolution by the Court of Criminal Appeals.

The [Office of the State Prosecuting Attorney](#) represents the State of Texas in all proceedings before the Court of Criminal Appeals (CCA), either independently or with the assistance of elected prosecutors, and may represent the State in criminal cases before the fourteen courts of appeals.

The Office's duties are carried out by the State Prosecuting Attorney, Stacey M. Soule, and two assistant State Prosecuting Attorneys, John R. Messinger and Emily Johnson-Liu.

The Office reviews all courts of appeals' opinions decided against the State and selects issues of the greatest importance to Texas' criminal jurisprudence to bring before the Court of Criminal Appeals by way of petition for discretionary review (PDR). Once granted, briefs are filed, and, in exceptional cases, oral argument will be presented. The Office works closely with local district and county attorneys and special prosecutors across the State to identify emerging issues and develop prosecutorial strategies that will ensure that justice is achieved within a fair and efficient system.

To keep judges, criminal-law practitioners, and the public abreast of PDR issues granted by the Court of Criminal Appeals, the Office writes and posts objective summaries on its website (www.spa.texas.gov) and Twitter feed (@OSPATX). The website also contains a library of our publications and CLE materials.

Statistical Highlights from the 2018 Fiscal Year

- Filed 11 petitions for discretionary review, 28 briefs, 7 motions for rehearing, and 4 amicus briefs.
- Reviewed approximately 225 opinions from the U.S. Supreme Court, the Court of Criminal Appeals, and Texas' Courts of Appeals.
- Consulted and advised hundreds of prosecutors, defense attorneys, and the public.
- Assisted with drafting and editing petitions and briefs.
- Authored papers and presented at several continuing legal education conferences about pending issues before the CCA, recent decisions from the U.S. Supreme Court and CCA, and prosecutor disclosure duties under *Brady v. Maryland*, the Michael Morton Act, and the Texas Disciplinary Rules of Professional Conduct.
- Presented on search and seizure and traffic stops to numerous rural prosecutors and law enforcement officers.
- Served on various committees related to criminal law issues.
- Published a Statutory Interpretation Case-Law Update of Court of Criminal Appeals' decisions from its 2017 Term to the 85th Legislature.
- Provided testimony before, and consultation services to, the 85th Legislature.

State Commission on Judicial Conduct

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

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, and 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 2018, according to OCA records, more than 3,700 judges were under the jurisdiction of the Commission.

During FY 2018, the SCJC:

- Opened 1,593 cases.
- Issued disciplinary actions against 79 Texas judges through public sanction, private sanction, orders of additional education or a combination of a sanction with an order of additional education.
- Disposed of 5 cases through voluntary agreements to resign in lieu of disciplinary action.
- Dismissed 1,561 cases as follows: 1,359 were determined to not contain any allegations which, if true, would violate the Texas Code of Judicial Conduct; 168 were dismissed after investigation; 21 were dismissed with letters of caution; 4 were dismissed based on the judges' corrective action; and 9 were dismissed as moot.
- Resolved 523 cases after a preliminary investigation and 255 after a full investigation (requiring a response from the judge).

Office of Capital and Forensic Writs

The Office of Capital and Forensic Writs (OCFW) opened its doors in 2010 as the state agency charged with representing capital defendants in post-conviction litigation. OCFW provides zealous, principled representation to indigent individuals who are sentenced to death in Texas to the extent that its resources allow.

OCFW investigates each case, exploring every relevant aspect of a client's life story, medical and mental health history, forensic evidence, and the facts of the crime itself. The OCFW then presents the results of its investigation to the trial court in an application for writ of habeas corpus raising constitutional claims, which it litigates in evidentiary hearings, and in subsequent proceedings before the Court of Criminal Appeals.

OCFW provides an essential service to the state, the Texas criminal justice system, and its clients by ensuring that the administration of the death penalty is constitutionally reliable and valid. It investigates, presents, and litigates all potential claims implicating the constitutionality of the death penalty in a particular case, ensuring that these fundamental claims are not defaulted and Texas courts can consider them efficiently and fairly. As an institutional public defender program, OCFW benefits from economies of scale and provides cost-effective representation by highly-specialized, supervised staff, who deliver mandated services while keeping costs lower than commensurate representation delivered by appointed private attorneys.

The Code of Criminal Procedure mandates that trial courts appoint OCFW to represent capital post-conviction applicants, if the Office is able to assume representation. If OCFW is unable to take a case, the convicting court must appoint a private attorney off of a list of qualified counsel, and the county assumes the financial obligation of representation.

In FY 2018, the OCFW:

- Represented approximately 70% of the initial capital post-conviction applicants pending before Texas courts.
- Represented clients from 20 different county jurisdictions before district courts and the Court of Criminal Appeals.
- Presented evidence in support of post-conviction applications before numerous trial courts in evidentiary hearings and litigated constitutional issues before the Court of Criminal Appeals.
- Provided professionally appropriate, competent representation to all clients consistent with guidelines issued by the State Bar of Texas.

Capital and Forensic Writs Essential Duties

- Investigate and identify all facts necessary to present and litigate 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, as well as voluminous records relating to a social, educational, family, medical, mental health and court history.
- Conduct independent investigation of all facts and circumstances relating to a client's conviction and sentence, including mitigating evidence from a client's life history.
- File motions, briefing, and applications for writs of habeas corpus and litigate the constitutionality of a client's conviction and sentence in Texas state habeas proceedings.