



DIRECTOR'S REPORT

November 2019



Texas Judicial Council

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JUDICIAL ACCESS TO COURT RECORDS (RE:SEARCHTX)



As part of the eFiling contract, Tyler Technologies is contracted to provide document access (called Re:SearchTX). The tool is in use by Texas judges, clerks, attorneys on the case, and other registered users (general public). It allows users to filter eFiled documents down by county, court, case, party, or a combination of those criteria. Since the last meeting, the number of users on the system has increased to more than 21,000 – of which 13,650 are the general public. The system houses more than 35,000,000 electronic court documents.

Clerks can manually perform functions such as replacing documents, securing documents, and expunging cases. Tyler has completed work with nine counties that integrates local systems with Re:SearchTX to perform these functions via their case management system. With the passage of HB 685 (Clardy/Hughes) that explicitly limits the liability of clerks for accidental release of sensitive information, OCA expects additional counties to integrate with Re:SearchTX.

Last fall, the Supreme Court adopted the Judicial Committee on Information Technology’s recommendations to expand the system to attorneys not on the case, as well as registered users (the general public). For those roles, documents are available for sale based on a security matrix (also adopted by the Supreme Court). Documents are available for \$0.10/page with a maximum charge of \$6 a document. The money collected goes directly to the county where the document originated. To date, almost \$32,000 has been collected and sent to more than 130 counties across Texas.

In its last meeting, the Judicial Committee on Information Technology (JCIT) subcommittee discussing criminal court records on re:SearchTX presented its recommendations. JCIT continues to deliberate on the recommendations and is expected to have recommendations to the Court of Criminal Appeals within the next 6-8 months.

JCIT, OCA, and Tyler have all been working to bring awareness to Re:SearchTX. Several webinars as well as presentations to regional and local bar associations have occurred and will continue throughout the remainder of the year. An article in the State Bar Journal is also anticipated for the beginning of 2020.

OCA’s Information Services Division (ISD) is instructed by the Legislature to directly provide staff and information technology equipment and services to the two high courts, the 14 intermediate appellate courts and six judicial branch state agencies – more than 900 users. The division also provides staff to coordinate and facilitate the work of the Judicial Committee on Information Technology (JCIT).

E-FILING

The e-Filing system supports more than 312,000 users and handles 35,000 filings each day across all district, county, justice, and appellate courts. More than half of the courts are integrated with the e-filing system which allows them to accept a document and automatically transmit to the local case management system.

OCA added a redaction component to the e-Filing system that allows any electronic filing service provider (EFSP) the ability to pass a document through an automated redaction component that identifies sensitive data to the filer. The filer then can either remove or redact the sensitive data prior to filing. Three EFSPs have implemented this service and filers push their documents through the solution around 14,000 times a month.

In June 2016, the Court of Criminal Appeals ordered that criminal eFiling be mandatory for attorneys in district and county courts following a similar schedule to the Supreme Court's mandate for civil cases. Criminal eFiling is currently mandatory in counties with a population over 20,000. On January 1, 2020, eFiling will be mandatory for all criminal cases. Those counties are configured and ready for the mandatory date.

In July, OCA entered into a contract with Gartner Inc. to assist OCA in the procurement of a new eFiling contract to provide eFiling, redaction, document access, and forms assembly services that are at least at the same level of functionality as is available today in eFileTexas.

The new eFiling contract will be executed around August 2020, allowing approximately one year of transition time to the new eFiling contract. In September and October, Gartner and OCA met with eFiling subject matter experts, representing both the filer community and the courts, to gather requirements which Gartner will use to create the Request for Offer (RFO). Gartner and OCA also visited two courts to observe their eFiling processes as well.

LEGISLATIVELY MANDATED PROJECTS

Uniform Case Management – HB 1 (Zerwas/Nelson)

The legislature allocated funding to OCA to procure a cloud-based uniform case management system. OCA intends the system to be of no-cost to counties and will be targeted at counties with less than 20,000 in population. The system would be standards-based and would automate the transmission of data to various state and national databases. The system would be opt-in (rather than mandatory). OCA has hired a project manager and is beginning work on this project. OCA anticipates the system being live for county use in the Fall of 2020.

Service of Citation by Publication On-line - SB 891 (Huffman/Leach)

Currently, service of citation by publication occurs in local newspapers. This method is becoming more expensive and questions have arisen about the utility of such service. Under SB 891, OCA is required to establish a website that allows for service of citation by publication to occur via a website (in addition to service by publication in a newspaper or as an alternative to service by publication in certain circumstances where the cost is prohibitive or a newspaper is not available). The site is intended to be no cost to individuals or to the counties. OCA has hired a project manager and is beginning work on this project as well. OCA is working with the Supreme Court Advisory Committee on the rules necessary to implement this requirement that goes into effect next June.

Protective Order Registry - SB 325 (Huffman/Landgraf)

OCA is required to create a family violence protective order registry to allow law enforcement and the public to have a single source of protective order applications (viewable only to law enforcement) and granted final family violence protective orders (law enforcement and public). The orders will be available to the public when the victim opts-in to providing the order to the public. The project manager held the kickoff meeting in October, and the project is now underway. The protective order will be live in the summer of 2020.

Settlement Agreement Database - HB 770 (S. Davis/Zaffirini)

OCA is required to create a settlement agreement database to house a copy of settlement agreements involving minors or incapacitated persons for safe keeping. OCA is authorized to charge a fee to cover the cost of this service. Work will soon commence on this project.

OTHER INFORMATION SERVICES PROJECTS

Workstation Refresh – OCA Information Services has procured the workstation refresh for Fiscal Year 2020. This effort will replace older computing equipment at all the appellate courts, as well as at many of the judicial branch state agencies. OCA has already drop-shipped equipment to appellate courts with onsite technicians and is beginning deployments to our Austin users. The project is expected to be completed by early next spring.

COURT SERVICES

The Court Services Section includes the agency's court security, children's courts, specialty courts oversight, consulting, language access, judicial information, and research programs.

COURT SECURITY

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; and
- Serve as a clearinghouse of information regarding judicial and court security best practices.

The focus of the Court Security Division during this period has been to continue to raise awareness about the court security laws. This effort relies on partnerships with the various judicial training centers and other entities with a role to play on advancing courthouse security.

OCA continues to reach out to active and retired judges to inform them of the privacy protections available to them under the new law. To date, nearly 1,766 judges have taken advantage of the privacy protections available.

The Court Security Director conducted 37 courthouse assessments this calendar year (with approximately 9 pending scheduling) and 5 judicial residential assessments; administratively processed and reported several judicial threats to DPS; attended judicial training conferences; conducted approximately six presentations before various county and municipal court security committees, law enforcement, judicial training entities; and partnered with DPS to develop messaging to the judiciary about www.iwatchtx.com, a community reporting system designed to capture suspicious activities or behaviors that may indicate criminal, or terroristic related threats towards the judiciary or courthouses. This reporting site is available on a web-based platform, Android or iOS App. Reports can be submitted by anyone, and every report will be reviewed by DPS analysts for management and/or investigative referral.

Security incident reporting continues to improve as law enforcement agencies are becoming aware of the reporting mandate. An example of the impact of these efforts is an increase in the number of incident reports filed, from 118 in FY17, 383 in FY18, and 451 in FY19.

The Court Security Division has facilitated webinars focusing on court security related topics and discussions, bringing in subject matter experts with in-depth knowledge, insight, and recommendations to enhance courthouse and personal security. This effort, along with on-going presentations and outreach opportunities will continue OCA's endeavors to advise judges of the importance of taking advantage of the security provisions pursuant to SB 42 (85R - Zaffirini/Smithee).

The judicial threat environment in Texas is a dynamic one that requires a high level of engagement, attentiveness, and collaboration. The Court Security Division continually engages with local and state law enforcement entities and fusion centers, developing countermeasures to respond to perceived or imminent threats to address conditions as they arise and to explore new opportunities for partnership.

OCA is happy to announce the hiring of an additional court security employee to assist Hector Gomez with his duties. The new employee will start later this year and bring with him years of experience with similar duties in the state of California.

JUDICIAL INFORMATION

OCA's Judicial Information program is the repository for a variety of information regarding courts in Texas. It 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. Staff provide data support to Office of Court Administration, the Texas Judicial Council, the Supreme Court for its courts of appeals [docket equalization program](#), the Council of Chief Justices, the Council of Presiding Judges, and other entities as necessary. A large amount of 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.

The Judicial Information Program collects, reports and analyzes court activity statistics, judicial directory information, and other information from the approximately 2,700 courts in the state; produces the Annual Statistical Report for the Texas Judiciary, the Texas Judicial System Directory, and other publications; and provides statistical and other information about the judicial branch to the legislature, state and federal agencies, local governments, private associations and public interest groups, and others. More than 470,000 statistical and other reports were received in FY2019.

During the last period, program staff were involved in the following activities:

- Updated numerous materials and data sets based on legislative changes passed last session
- Compiled and submitted Texas's 2018 appellate and trial court statistics to the National Center for State Courts' Court Statistics Project
- Compiled information for the State Auditor's Office for its legislatively mandated audit of reported sexual assault investigation and prosecution processes
- Started work on the 2019 Annual Statistical Report for the Texas Judiciary
- Began compiling data for the newly established Commission on Judicial Selection
- Started compiling information in preparation for the upcoming weighted caseload study for the district and statutory county courts
- Made 3 presentations to justice and municipal court clerks on reporting issues.

OTHER COURT SERVICES

Since the last Judicial Council meeting:

- Texas Court Remote Interpreter Service staff provided interpreting services in 418 hearings in 42 counties;
- The Domestic Violence Training Attorney trained a total of 528 people at 8 training events;
- Several webinars have been held covering topics such as Domestic Violence, Court Security, Court Management and Language Access;
- Implementation continued of the Judicial Council's [Centers of Excellence](#) program, which assists courts in assessing and improving their performance and compliance with select reporting and other requirements relating to the administration of justice. While two courts were designated as Centers of Excellence at the last meeting, another court will be nominated at the upcoming Judicial Council meeting. Interest in the program continues to increase;
- The Public Engagement Pilot Project began, with the first of several focus groups with community members around the state gathering feedback about the perception of the judiciary in the state being held in Alpine, Texas (more focus groups are planned for this fall);
- Work concluded on a grant made possible by the State Justice Institute to work with the National Council of Family and Juvenile Court Judges and the University of Texas to study the landscape of Family Courts across the state;

- Court Services staff and the Information Services Division continued work on the [Pretrial Risk Assessment Information System](#) (PRAISTX) and the U.S. Department of Justice funded “Price of Justice” project dealing with court collections and related compliance practices.

SPECIALTY COURTS

CHILDREN’S COURTS PROGRAM

Effective September 1, 2019, Children’s Courts Program operations moved from the Legal Division to the Research and Court Services Division to enhance program service delivery. The program encompasses Child Protection Courts (CPCs) and Child Support Courts (CSCs) throughout the State. There are 43 CSCs. Regarding the number of CPCs, OCA received from the 86th legislature funding for an additional 9 CPCs to address growing need as evidenced by increased child protective services (CPS) caseloads across the State. To date, 7 of the new CPCs have been established in the 2nd, 3rd, 7th, 10th, and 11th Administrative Judicial Regions (AJRs), with 2 more planned in the 8th AJRs to be operational in the spring of 2020. Therefore, currently there are 28 operational CPCs. That number will rise to 30 once the last two courts are established. In FY 2017, OCA received a grant from the Supreme Court’s Permanent Commission for Children, Youth, and Families (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. OCA is in process of reapplying for continued funding through the next biennium. In July 2019, OCA participated in the first CPC Convening sponsored and hosted by the Children’s Commission and the Texas Center for the Judiciary (TCJ). The meeting was targeted for CPC associate judges only and was well-received. There are plans to hold the convening every other year.

PROBLEM-SOLVING COURTS / SPECIALTY COURTS

The 86th Legislature passed HB 2955 transferring oversight of Texas Specialty Courts to the Office of Court Administration (OCA) from the Governor’s Criminal Justice Division (CJD) effective September 1, 2019. The CJD will continue to manage grant funding for specialty courts.

The Research and Court Services Division (RCSD) will have direct responsibility to provide technical assistance to and monitor compliance of specialty courts with programmatic best practices, and coordinate and provide information to CJD. These duties will include maintenance of the specialty court registry. The Statewide Problem-Solving Court Coordinator (SPSCC), RCSD Director, and RCSD staff stand ready to assist specialty courts teams across the State.

In FY 2019, the Statewide Problem-Solving Court Coordinator 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), the Specialty Courts Advisory Council (SCAC), the Center for Court Innovation (CCI), the Texas Specialty Court Resource Center (SCRC), and the Texas Department of Criminal Justice (TDCJ) Reentry Task Force. The SPSCC continued to serve as the Specialty Court Ombudsman the 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.

REGULATORY SERVICES

JUDICIAL BRANCH CERTIFICATION COMMISSION (JBCC)

The Judicial Branch Certification Commission (JBCC) was established by the Texas Legislature during the 83rd Regular Session to promote government efficiency and create consistency across the regulated judicial professions. The nine-member commission is appointed by the Supreme Court of Texas. The core responsibility of the JBCC is the oversight of the certification, registration, and licensing of approximately 7,010 court reporters and court reporting firms, guardians and guardianship programs, process servers, and licensed court interpreters. Effective June 1, 2018, the JBCC began registering all guardianships throughout Texas, including training potential guardians and providing criminal histories to the courts for the proposed guardians.

| Profession | Type | Number of Certifications, Registrations, Licenses |
|-----------------------|---------------|---|
| Court Reporters | Certification | 2,193 |
| Court Reporting Firms | Registration | 309 |
| Guardians | Certification | 397 |
| Guardianship Program | Registration | 24 |
| Process Servers | Certification | 3,609 |
| Court Interpreters | License | 478 |
| TOTAL | | 7,010 |

RECENT MEETINGS OF THE JBCC AND ADVISORY BOARDS AND UPCOMING EVENTS

JBCC meetings are conducted quarterly throughout the year. The Commission met on August 2, 2019, and November 1, 2019.

The Uniform Format Manual (UFM) Committee of the Court Reporters Certification Advisory Board met on August 30, 2019, and October 11, 2019.

Court Reporters Stakeholder Work Group Committee to implement provisions of SB 891 on apprentice and provisional certification first met on August 30, 2019, and again on October 11, 2019.

The agendas for all JBCC meetings can be found at <http://www.txcourts.gov/jbcc/meetings-agendas/>.

Staff gave the presentations at the following events:

- Texas Association of Judicial Interpreters and Translators (TAJIT) Annual Conference in Austin, July 27, 2019
- Texas Court Reporters Association (TCRA) Annual Conference in Austin, September 5, 2019
- Texas Process Servers Association (TPSA) Conference in Corpus Christi, September 14, 2019

JBCC COMPLIANCE SECTION COMPLAINT INVESTIGATION AND RESOLUTION

In FY 2019, 110 complaints were filed and are in process or resolved:

- 27 court reporters
- 1 court reporting firm
- 64 process servers
- 12 guardians
- 6 licensed court interpreters

The following Complaint Review Committees have met since June 2019:

- Guardians Complaint Review Committee, August 27, 2019
- Process Server Complaint Review Committee, September 19, 2019

Scheduled Complaint Review Committee meetings:

- Court Reporter Complaint Review Committee, December 6, 2019
- Licensed Court Interpreter Complaint Review Committee, December 6, 2019
- Process Server Complaint Review Committee, December 12, 2019
- Guardians Complaint Review Committee, April 7, 2020

COURT REPORTER ADVISORY BOARD TO ADDRESS COURT REPORTER SHORTAGE AND DEVELOPMENT OF UNIFORM FORMAT MANUAL FOR TEXAS COURT REPORTERS' RECORDS BY THE JBCC

SB 891, passed last session, requires that the JBCC establish a stakeholder work group committee to address development of apprenticeship and provisional certifications for court reporters. Other provisions of the bill require the JBCC to develop and maintain a list of states that have certification requirements substantially equivalent to Texas, and requirements relating to Reciprocity/Endorsement are also set out in the bill. The committee is also tasked with establishing criteria for disciplinary action against firms for failure to fulfill commitments to provide court reporting services.

On June 28, 2019, the Texas Court Reporters Association gave a presentation to the Advisory Board on development of an on-line court reporters exam which the Advisory Board approved to present to the JBCC at its August 2, 2019, meeting.

At the August 2, 2019, JBCC meeting, the JBCC considered and voted to recommend a proposed rule amendment to the Supreme Court that states court reporters who maintain control and own more than 50 percent of a court reporting firm may waive registration renewal fees. Continuing education is now required to be completed by a person who has management responsibility for a court reporting firm. The Board considered national certifications and the exam and issues related to statement of proficiency requirements, voting to recommend elimination of the statement of proficiency to sit for the exam at its August 2nd JBCC meeting, which the JBCC approved.

EXAMINATIONS FOR THE JBCC

The JBCC certification staff administers the examinations for the Guardianship Certification written examination and the Licensed Court Interpreter written and oral examinations. A vendor administers the written and skills examination for the Court Reporters Certification.

- Texas Guardianship Association administered the guardianship written examination to 26 candidates on April 16, 2019
- JBCC staff administered 34 oral Licensed Court Interpreter examinations on May 14 and May 16, 2019
- JBCC staff administered 58 written Licensed Court Interpreter examinations on May 21 and May 22, 2019
- A guardianship certification exam was held on July 24, 2019
- LCI oral exams were held on August 12, 2019
- LCI written exams were held on August 19, 2019

GUARDIANSHIP ABUSE, FRAUD EXPLOITATION DETERRENCE PROGRAM (GAFEDP)

Since November 1, 2015, the Office of Court Administration (OCA) has managed the Guardianship Compliance Project (GCP) to provide additional resources to courts handling guardianship cases. On September 1, 2019, pursuant to SB 31 (Zaffirini/Smithee), OCA initiated the Guardianship Abuse, Fraud, and Exploitation Deterrence Program (GAFEDP) to aid the Courts relating to guardianship matters. Guardianship compliance specialists will assist in reviewing guardianship files to identify reporting deficiencies by guardians; auditing annual accountings and report their findings back to the Judge; and report to the courts any concerns of potential abuse, fraud or financial exploitation being committed against a ward under guardianship. The program is offered at no expense to the county.

- OCA will also maintain an electronic database to monitor filings of inventories, guardian of the person reports, and annual accountings.
- Courts are required to participate in the program if selected. Courts may apply to OCA to participate.
- The OCA director may notify the Judicial Conduct Commission of any concerns with judges who fail to act upon concerns raised by compliance specialists.

OCA will file annual reports on January 1 of each year including number of courts involved, number of guardianships reviewed, number of cases out of statutory compliance, number of cases reported to courts concerning potential issues, and status of technology developed to monitor guardianship cases.

IMPLEMENTATION OF THE GUARDIANSHIP ABUSE FRAUD AND EXPLOITATION DETERRENCE PROGRAM (GAFEDP)

While the reforms implemented to date have improved the guardianship system in Texas, a key to the reforms' success is ensuring compliance with the laws and reviewing guardianship activities to spot potential abuse, fraud, and exploitation. To provide a safety net for all vulnerable persons under the care of guardians, the Judicial Council proposed expanding the GCP statewide as proposed in OCA's legislative appropriations request and SB 31 (86th R.S., Zaffirini et al). OCA is in the process of hiring the additional personnel necessary to monitor cases throughout the state.

MONITORING AND AUDITS

The annual reports of the well-being and the financial annual accounts should be monitored, and a sample of the reports should be audited to ensure that the data submitted is complete and accurate. Monitoring and auditing would also create a deterrence against theft and fraud.

DEVELOPMENT OF A STATEWIDE ONLINE GUARDIANSHIP REPORTING PORTAL

The Texas Office of Court Administration has been developing an automated, electronic tool for filing required reports, annual accountings and other documents in guardianship cases. This system will provide a method to notify courts when required reports are delinquent and to review annual accounting reports for potentially fraudulent activities.

TRAINING AND RESOURCES FOR COURTS AND CLERKS

Only by pro-actively training court personnel and proposed guardians on the fiduciary duties of guardianship, as well as auditing reports and accountings to detect and deter fraud and exploitation, will Texas be adequately braced to ensure the safety and well-being of this vulnerable and growing population. In addition to our online training of

guardians on fiduciary record-maintenance and reporting duties, ongoing training and professional development is recommended for court and clerk staff on the collection and reporting of required guardianship data, as well as training on the fiduciary duties of guardians to inform the direction and guidance of proposed guardians.

Team members meet weekly and have been training on program procedures and compliance case reviews. The team also continues to review applications relating to the GAFEDP new positions while proceeding with program implementation by finalizing procedures, financial workbook, creating an internal webpage, and training schedules for the new employees. Additionally, the team worked on user acceptance testing for the guardianship online reporting system and met with the project team on the overall development of the system. Seventeen counties have requested GAFEDP assistance.

Our mission is to assist the courts in protecting our most vulnerable citizens and their assets.

| Guardianship Compliance Project (GCP) Data Findings | as of August 31, 2019 |
|--|------------------------------|
| Courts and Counties Involved in the GCP | 59/42 |
| Total Number of Guardianship Cases Reviewed by the GCP | 33,208 |
| Total Number of Cases Recommended for Closure | 18,426 |
| Total Number of Active Guardianships Identified | 13,880 |
| <i>Percentage of Cases Missing Annual Reports</i> | 35% |
| <i>Percentage of Cases Missing Annual Accountings</i> | 49% |
| <i>Percentage of Cases Missing Inventories</i> | 39% |
| <i>Percentage of Cases Out of Compliance</i> | 40% |
| Total Number of Deceased Wards Identified | 3,523 |

TEXAS FORENSIC SCIENCE COMMISSION (TFSC)

The Texas Legislature created the Texas Forensic Science Commission (“TFSC”) during the 79th Legislative Session by passing House Bill 1068 (the “Act”). The Act amended the Texas Code of Criminal Procedure to add Article 38.01, which describes the composition and authority of the TFSC. During subsequent legislative sessions, the Legislature further amended the Code of Criminal Procedure to clarify and expand the TFSC’s jurisdictional responsibilities and authority.

The TFSC has nine members appointed by the Governor of Texas. Seven of the nine commissioners are scientists and two are attorneys (one prosecutor and one defense attorney).

The TFSC has four main areas of responsibility:

- accreditation of crime laboratories and other entities that perform forensic analysis;
- designation of forensic disciplines for accreditation or exemption;
- investigation of allegations regarding professional negligence and misconduct; and
- the licensing of forensic analysts (beginning January 1, 2019).

The Legislature moved the TFSC’s administrative attachment to the Office of Court Administration during the 85th Legislative Session.

The TFSC’s most recent quarterly meeting was held on October 27, 2019. Commissioners considered a variety of matters including complaints against laboratories, laboratory self-disclosures of internal non-conformities, accreditation reports, licenses issued pursuant to the forensic analyst licensing program, statewide training for laboratories on probabilistic genotyping software STRMix, and a partnership with the National Institute of Standards

and Technology to review and adopt OSAC standards and guidelines in Texas crime laboratories. The Commission is also in the process of hiring an attorney whose primary responsibility will be to coordinate subject matter experts in the development of a Forensic Bench Book that will be available to judges and updated regularly. By offering this resource, the Commission hopes to assist the judiciary in: 1) understanding foundational scientific principles; 2) identifying unsettled areas/areas of debate within forensic disciplines; and 3) identifying red flags in an evaluation of scientific evidence that may come before a court. All Commission quarterly meetings are open to the public and livestreamed with the support of OCA's IT division.