



ANNUAL REPORT

of the
JUDICIAL SUPPORT AGENCIES, BOARDS AND COMMISSIONS



FISCAL YEAR 2020



OCA MISSION

To Provide
Resources and Information for
the Efficient Administration of
the Judicial Branch of Texas.

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Texas Judicial Council

THE
TEXAS JUDICIAL
COUNCIL
MET THREE TIMES
IN FY 20

November 15, 2019
February 14, 2020
June 12, 2020

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, 2020

Hon. Nathan L. Hecht, Chair, Chief Justice, Supreme Court of Texas
Hon. Sharon Keller, Vice-Chair, Presiding Judge, Court of Criminal Appeals

Legislative Members

Hon. Brandon Creighton, Senator, Conroe
Hon. Jeff Leach, Representative, Allen
Hon. Reggie Smith, Representative, Sherman
Hon. Judith Zaffirini, Senator, Laredo

Judicial Members

Bill Boyce, Former Justice, 14th Court of Appeals, Houston
Hon. Bill Gravell, Jr., Constitutional County Judge, Williamson County
Hon. Emily Miskel, Judge, 470th District Court, McKinney
Hon. Kelly Moore, Senior District Judge, 121st Judicial District, Lubbock
Hon. Valencia Nash, Justice of the Peace Pct. 1, Place 2, Dallas County
Hon. Kathleen Person, Judge, City of Temple Municipal Court, Temple
Hon. Sherry Radack, Chief Justice, 1st Court of Appeals, Houston
Hon. Maggie Sawyer, Justice of the Peace, McCulloch County, Brady
Hon. Edward J. Spillane, III, Presiding Judge, City of College Station
Hon. Vivian Torres, Retired Senior Judge, Hondo

Citizen Members

Kevin Bryant, Crow Holdings, Dallas
Sonia Clayton, Virtual Intelligence Providers LLC, Houston
Hon. Jon Gimble, District Clerk, McLennan County, Waco
Rachel Racz, Vista Proppants & Logistics, Fort Worth
Kenneth S. Saks, Oliva Saks Garcia & Curiel, LLP, San Antonio
Evan Young, Baker Botts, Austin

Executive Director

David Slayton, Administrative Director, Office of Court Administration

COMMITTEES

The Texas Judicial Council currently has five committees. In June of 2019, Chief Justice Nathan Hecht issued charges to each of the Committees. The Committees met multiple times in FY 20 and their reports and recommendations will be released in September 2020 prior to the convening of the 87th Legislature.

CIVIL JUSTICE COMMITTEE

- Charge 1: Continue to study the landscape of the Texas Civil justice system, and recommend any necessary reforms to improve access to justice in Texas Courts.
- Charge 2: Work with individual jurisdictions to implement pilot programs for:
 - Business Courts
 - Online Dispute Resolution
- Charge 3: Monitor the Commission on Judicial Selection and recommend any necessary reforms.

CRIMINAL JUSTICE COMMITTEE

- Charge 1: Continue to evaluate and monitor Texas' pretrial bail system for improvement and recommend any further statutory and non-statutory changes. Work with individual jurisdictions to facilitate implementation of reforms.
- Charge 2: Consider best practices and necessary reforms for youth in Class C Misdemeanor matters.
- Charge 3: Evaluate Texas' jury and grand jury processes and recommend any necessary reforms.

PUBLIC TRUST AND CONFIDENCE COMMITTEE

- Charge 1: Continue to monitor public trust and confidence in the Texas Judiciary and recommend any necessary reforms to increase public support and respect.

STRATEGIC VISION COMMITTEE

- Charge 1: Develop recommendations for a strategic vision and plan for the Texas Judiciary including:
 - Budgeting
 - Authority
 - Innovations
 - Updates on past reforms

DATA COMMITTEE

- Charge 1: Continue to work on guiding the revisions of the court activity reporting database to collect case-level statistical data.
- Charge 2: Monitor implementation of the Uniform Case Management System.



Executive Operations

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

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

The OCA 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 4,400 stakeholders. It also manages the [@TXCourts](#) twitter feed for the Judicial Branch.

OCA holds quarterly agency-wide staff meetings.

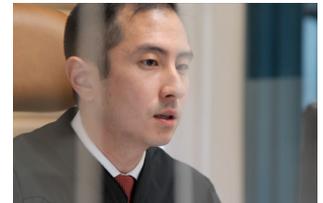
Executive staff presents at Board, Commission and Council meetings. In addition, Executive staff prepare and present testimony to numerous legislative committees.

In FY 20 the Executive Division through the Director of Public Affairs, served as staff to the Texas Commission on Judicial Selection. The Commission was created by the 86th Legislature to study the way in which Texas selects its judges and recommend any improvements to the system. The Commission held 6 meetings in FY 20 and one public hearing in Corpus Christi. The Commission's final report to the Legislature is due on December 31,2020.

In March of FY 20, the OCA took on an expanded role in assisting the Judicial Branch in navigating the COVID-19 Pandemic. Through multiple Emergency Orders Regarding the COVID-19 State of Disaster, the Texas Supreme Court required the OCA to provide guidance, technology support and trial support to courts across the state.

To assist courts in conducting remote hearings, OCA acquired more than 3,000 Zoom licenses for every judge in the state and provided training and support. From March through the end of August, Texas Judges held an estimated 440,000 remote hearings in every case type and type of proceeding, including bench and jury trials, with 1.3 million participants lasting almost 1 million hours.

In the 17th Emergency Order Regarding the COVID-19 State of Disaster, issued on May 27, 2020, the Supreme Court prohibited courts from holding jury proceedings, including jury selection or a jury trial, prior to August 1. In addition, the Supreme Court required OCA to coordinate with the Regional Presiding Judges and local administrative judges to assist trial courts in conducting a limited number of jury proceedings. The Supreme Court required OCA to submit a report to the Court outlining its observations regarding those jury proceedings. [Jury Trials During the COVID-19 Pandemic: Observations and Recommendations](#) was published on August 28, 2020. OCA reviewed 85 requests to hold jury trials from June – September, and twenty of those trials were held.

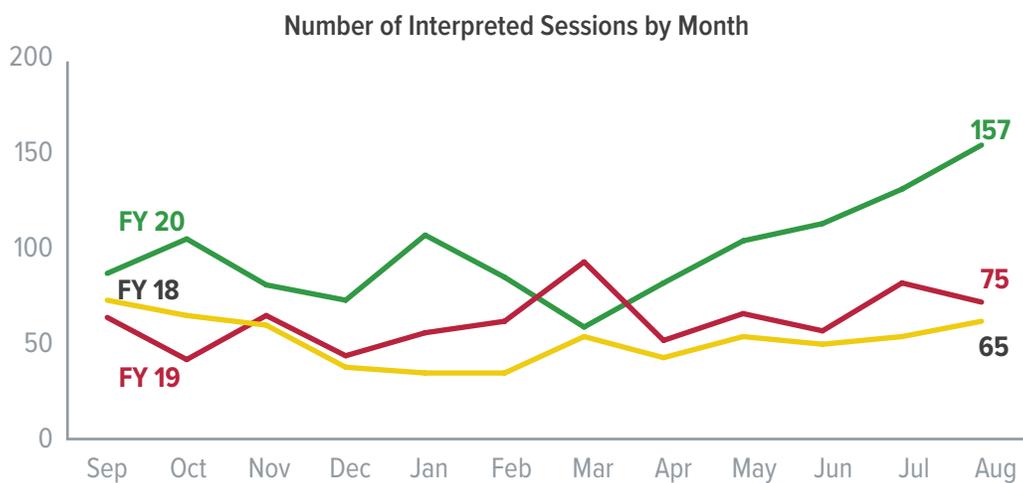


Research and Court Services Division

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 20, OCA's two remote interpreters provided free Spanish interpretation services in 1,178 hearings serving 57 counties across Texas. They also hosted a webinar focusing on training other court Interpreters on how to use the Interpreter part of the Zoom video conferencing software. The Language Access Program saw dramatic increases in their services this fiscal year, due in part to the COVID-19 pandemic and transition to Zoom court proceedings. Services have increased over 85% since 2018 and by 50% since the transition to remote hearings in March 2020 compared to the same period in 2019.



Additionally, staff were involved in the following translation projects:

- Completion of the JBCC: Online “Guardianship Training Module.”
- Ongoing translation of the “TexasCourtHelp.gov” website.
- Updates to the Children’s Commissions publication, Parent Resource Guide.

COURT SECURITY DIVISION

New and enhanced laws in court security are designed to improve the security of judges at all levels, both in their courthouses and at their homes. These laws do 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.

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.

In FY 20, the Court Security Director participated as a speaker on various court security related subject matters in training events hosted by judicial, court support and law enforcement training entities. To maximize OCA’s outreach promoting awareness of the privacy protections afforded pursuant to SB 42, OCA staff attended numerous Regional and Annual Judicial Conferences providing information tables with the ability for judges to submit their privacy questionnaire on site and to address court security related concerns or questions with staff. This was an effective endeavor as noted by subsequent feedback received from OCA’s training partners coupled with our data affirming an overwhelming percentage of the judiciary in attendance undertaking this opportunity.

Incident reporting to OCA continued with a total of 265 incident reports submitted in FY 20.

Additionally, during this period, the Court Security Director also facilitated the third meeting of the Supreme Court’s Advisory Committee on Judicial Emergency Preparedness and Court Security.

Courthouse vulnerability assessments continued to encompass the workload of the Court Security Division accounting for approximately 51 assessments completed during this last fiscal year, a marked increase over last year. In addition, judicial home assessments continue to be part of the landscape in addressing judicial threat environments, with 5 conducted during the same time period. The COVID-19 pandemic had an unfortunate impact on the program. Courthouses have continued to express a need for evaluation and consultation, but individual safety and health concerns prohibited much of the onsite visits. The Court Security Division expects the next fiscal year to be busy with a backlog of requests.

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

CHILDREN’S COURTS PROGRAM

The [Children’s Courts Program](#) is comprised of 73 operational courts - 30 child protection and 43 child support courts. Each court has an associate judge appointed by the Presiding Judges of the Administrative Judicial Regions and a court coordinator who are employed by the OCA.

During this last fiscal year, two associate judges and two court coordinators were hired for the two new Child Protection Courts located in the Eighth Administrative Judicial Region – Eighth Region Child Protection Court North and Eighth Region Child Protection South. Both courts are now operational. The associate judge for the Child Protection Court of South Texas retired at the end of February. The replacement judge was hired at the beginning of March 2020.

In March 2020, the COVID-19 pandemic reached Texas resulting in OCA headquarters and field staff working remotely including the Children’s Courts judges and staff. The Supreme Court issued Orders extending court deadlines in CPS cases and authorized remote hearings. OCA issued guidance on the Supreme Court Orders’ relevant provisions and secured Zoom licenses for courts to conduct remote hearings. Research and Court Services staff began holding monthly check-in meetings with the Children’s Courts to provide a forum for open discussion and to help with the transition to remote hearings. Staff has also had ongoing meetings with the Office of Attorney General Child Support Division leadership regarding remote hearings and child support dockets.

The Research and Court Services Division (RCSD) Director and Children’s Courts Program Manager served on the Children’s Commission Dual Status Task Force and participated in the Task Force’s Judicial Practices Workgroup. One of the initiatives is to pilot implementation of SB 1887, which authorizes child protection courts to hear any juvenile matter. Three child protection courts have volunteered and have been approved to serve as pilot sites. The courts represent small, mid-size, and urban areas. In August 2020, the RCSD Director and Children’s Courts Program Manager participated in the virtual follow-up event to the National Judicial Leadership Summit IV on Child Welfare that took place in Minneapolis, Minnesota, September 24–25, 2019. The event entitled “Ensuring Justice in Child Welfare” took place via Zoom. The convening allowed teams to revisit the action plans they developed over the course of the Summit’s presentations and discussions.

In FY 20, 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.

PROBLEM-SOLVING COURTS

The Research and Court Services Division (RCSD) continues to have direct responsibility to provide technical assistance to and monitor compliance of [specialty courts](#) with programmatic best practices, and coordinate and provide information to the Criminal Justice Division within the Office of the Governor (CJD). These duties 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 20, 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), (CJD) and 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 as 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.

CENTERS OF EXCELLENCE

The [Centers of Excellence](#) Program is centered around a framework of Court Performance and Compliance. It seeks to evaluate court performance across four areas: Governance, Data Driven Caseflow Management, Access and Fairness, and Court Operations. Concurrently, Research and Court Services reviews each court's compliance with local, state, and federal compliance regulations to ensure that the court is carrying out its required duties under the law as they relate to providing for Indigent Defense, Court Reporting, Court Security, Guardianship, and the collection of fines and fees.

During this last fiscal year, the Texas Judicial Council voted to recognize Judge Claudia Laird, County Court at Law II, Montgomery County, and Judge Victor Villarreal, County Court at Law II, Webb County, as Centers of Excellence. The two courts join a prestigious circle of other courts, along with the Hon. Missy Medary and the Hon. Inna Klein who were recognized in the previous fiscal year.

The Judges, along with court staff, demonstrate extraordinary commitment to justice, court accessibility, and a high standard of judicial administration. The courts were early participants with the Centers of Excellence program and worked diligently with the RCSD to design, implement, and evaluate the program itself.

The Centers of Excellence program had to put a temporary pause on its efforts due to the COVID-19 pandemic. Courts have had their time taken up working on adjusting to the new virtual court environment. RCSD is currently working with close to 20 other courts across Texas on future potential Centers of Excellence.

WEIGHTED CASELOAD STUDY

Amongst many other projects, OCA was slated to conduct a weighted caseload study in the Spring of 2020. The 86th Legislature in Senate Bill 891 (2019, Regular Session) directed OCA to contract with the National Center for State Courts to conduct a study of the caseloads of the district and statutory county courts in the State of Texas. The pandemic unfortunately put a pause on the study and will now occur in the spring of 2021.

PUBLIC ENGAGEMENT PILOT PROJECT

During the last fiscal year, RCSD participated in a grant-funded project called the Public Engagement Pilot Project. They joined 5 other jurisdictions around the country that conducted public engagement events with the purpose of talking to general members of the community about their thoughts and perceptions of the Texas judiciary, while also advancing understanding of how courts can best involve the public to overcome social inequities and bias and build trust.

Three sites around the state were chosen for the public engagement events: Houston, Brownsville and Alpine. The events were all held successfully, and findings presented to the Public Trust and Confidence Committee of the Judicial Council.



<https://www.youtube.com/channel/UCXL2s3c1yw116Z4SLuhAhg>

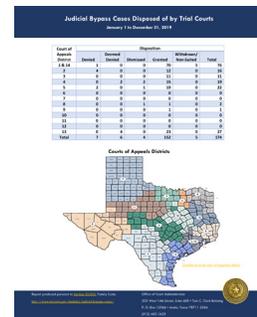
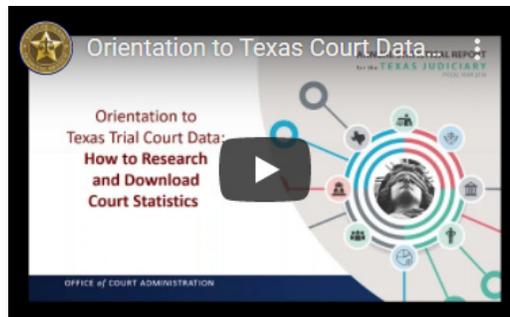
JUDICIAL INFORMATION

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.

In FY 20 program staff were involved in the following activities:

Production of the:

- 2019 [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
- 2020 [Texas Judicial System Directory](#)
- [Report on Judicial Salaries and Turnover](#) for FYs 18-19
- 2019 [Annual Report on Disposition of Judicial Bypass Cases by Trial Courts](#)
- [Presiding Judges Annual Report](#)
- [Writs of Attachment Annual Report](#)
- [Profile of Judges Report](#)
- webinar on [Orientation to Texas Court Data: How to Research and Download Court Statistics](#).



Providing data support to:

- The Judicial Council
- the [Council of Presiding Judges](#)
- the Supreme Court for its courts of appeals [docket equalization program](#)
- OCA and external customers during the legislative session, including many requests for analyses for new district courts or county courts at law

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.

Information Services

The Information Services Division works to foster technological innovation with its Judicial branch partners in a secure environment. The division supports Internet services, networks, cloud services, servers, workstations, and mobile devices for more than 1000 users spread across Texas.

Additionally, the division manages the statewide eFiling contract which is comprised of eFiling, document access (re:SearchTX), forms assembly (Guide and File) and document redaction. It also staffs and coordinates the activities for the Judicial Committee on Information Technology and its subcommittees.

RE:SEARCHTX

Re:SearchTX aims to provide a single statewide view of electronic court documents. The system currently includes more than 75 million documents filed in civil cases across the state. Any of the 47,659 users can purchase the document (\$0.10/page with a max of \$6 per document) and the money collected goes to the county of origin. This year more than \$190,000 was collected for the counties.

COVID-19 TECHNOLOGY RESPONSE

In early March, OCA anticipated an extended period facilitating remote work for our users due to the COVID-19 Pandemic. In addition to doubling the bandwidth available to our Austin complex, we prepared and issued more than 70 loaner laptops to our user community where their home computing equipment would not be able to support remote work.

To keep the wheels of justice turning, OCA acquired licenses for Zoom for each judge in the state for them to conduct hearings remotely. To facilitate remote jury trials, OCA also acquired iPads that could be secured and used for jurors who have a technology need and could not otherwise participate.

RANSOMWARE

In early May, OCA was a victim of a ransomware attack, impacting OCA and the courts and judicial branch agencies that it supports. The attack destroyed approximately 85% of the on-site server infrastructure along with 45% of the workstations. Assets that OCA had already moved to the cloud such as email, were not impacted.

The division, along with assistance from Microsoft and contract staff were able to restore systems. Not letting the disaster go to waste, the division also upgraded all software products to their current versions and reconfigured services to push additional pieces to the cloud instead of hosting them on-site. The division has also implemented additional security hardening measures that while inconvenient to our users, provides security to make future attacks much more difficult.

EFILE

This year, OCA completed the criminal [eFiling](#) mandate. This means that both civil and criminal cases are mandated to be eFiled in district/county courts as well as the intermediate appellate courts, the Supreme Court and the Court of Criminal Appeals. eFiling also expanded in the justice courts, with 134 JPs serving 31 different counties.

At the direction of the Judicial Committee on Information Technology, a pilot has been launched using an Automated Certificate of Service. This leverages the eFiling system by automatically generating a certificate of service and attaching it to the lead document being eFiled, showing all parties when the document had been served electronically. The pilot is currently underway in 29 different clerk offices across the state.

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

SELF-HELP

In working with the eFiling vendor and legal services, the included self-help features of eFiling continued to expand. As of 8/31/2020 there were 45 different interviews, with 7 of them enabled to directly eFile once completed online. On average, the system is seeing approximately 2,700 sessions per month. About half of the sessions result in the document prepared being electronically filed, with the other half being printed and filed on paper.

EFILE TEXAS 2.0



With the current eFiling contract set to expire on 8/31/2022, OCA has engaged with Gartner and Jackson Walker to procure the next eFiling system. The RFO was published in mid-April with responses due in June. OCA convened an evaluation team and as of 8/31 was still on track to make an award in the fall of 2020.

PROTECTIVE ORDER REGISTRY

In working with the Research and Court Services division along with the Legal division, we implemented the pilot of the [protective order registry](#) as mandated by Monica's law (SB 325 from the 86th Legislative Session). This system requires clerks enter both applications for protective orders as well as granted protection orders. If allowed by the victim, the public can conduct a search of people who have a protective order against them. Law enforcement also has special access to see all applications and granted orders as well.

CITATION BY PUBLICATION

The new [citation by publication](#) website began operation in June as mandated by SB 891 (86th Legislature). This system allows clerks to publish their citation to this website for public viewing in addition to, or in some cases, instead of, publishing to a local newspaper. Once the citation has run for the appropriate amount of time, the system generates an affidavit for the clerk to prove that it has run for the prescribed time. As of 8/31/2020 there were 2,139 citations in the system.

TECHNOLOGY UPGRADES

Information Services performed several technology upgrades in FY 20.

- Further movement to SharePoint and OneDrive. As part of ransomware recovery, OCA recovered data to SharePoint and OneDrive rather than rebuild the old file shares. This moves the backups and the system itself from an on-premise service to the cloud.
- Implemented Multi-Factor Authentication for all judicial branch users.
- As part of ransomware recovery, when rebuilding servers, the operating system and other third-party components were upgraded to the latest versions.
- Moved most of the websites to serve from the cloud.
- Routine equipment refresh was mostly completed. This replaces workstations that are over four years old with newer equipment. As of 8/31, approximately 480 workstations have been replaced.

Number of Users
directly supported by
OCA IT



1,000+

Number of eFile
Users



395,414

Number of
re:SearchTX users



47,659

Amount earned for
counties through
document sales in FY20



\$190,044

JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY

In FY 20, [Judicial Committee on Information Technology](#) (JCIT) met three times and adopted recommendation to expand re:SearchTX to include criminal filings. They also adopted an updated version of the technology standards as well.

COMMITTEE MEMBERS

Voting Members

Hon. Rebecca Simmons, Former Justice, Fourth Court of Appeals, San Antonio
Bob Wessels, former Criminal Court Administrator, Harris County
Hon. David Escamilla, County Attorney, Travis County
Hon. Woody Gossom Jr., County Judge, Wichita County
Hon. Dan Hinde, Former Judge, 269th District Court, Harris County
Hon. Missy Medary, Judge, 347th District Court, Nueces County
Cynthia Orr, Goldstein, Goldstein, Hilley & Orr, San Antonio
Hon. Brian Quinn, Chief Justice, Seventh Court of Appeals, Amarillo
Todd Smith, Attorney, Austin
Carlos Soltero, Attorney, Austin
Dean Stanzione, Director of Court Administration, Lubbock County
Dennis Van Metre, Chief Technology Officer, Vinson & Elkins, Houston
Hon. John Warren, County Clerk, Dallas County
Edward E. Wells, Jr., Court Administrator, Harris County
Hon. Sheri Woodfin, District Clerk, Tom Green County

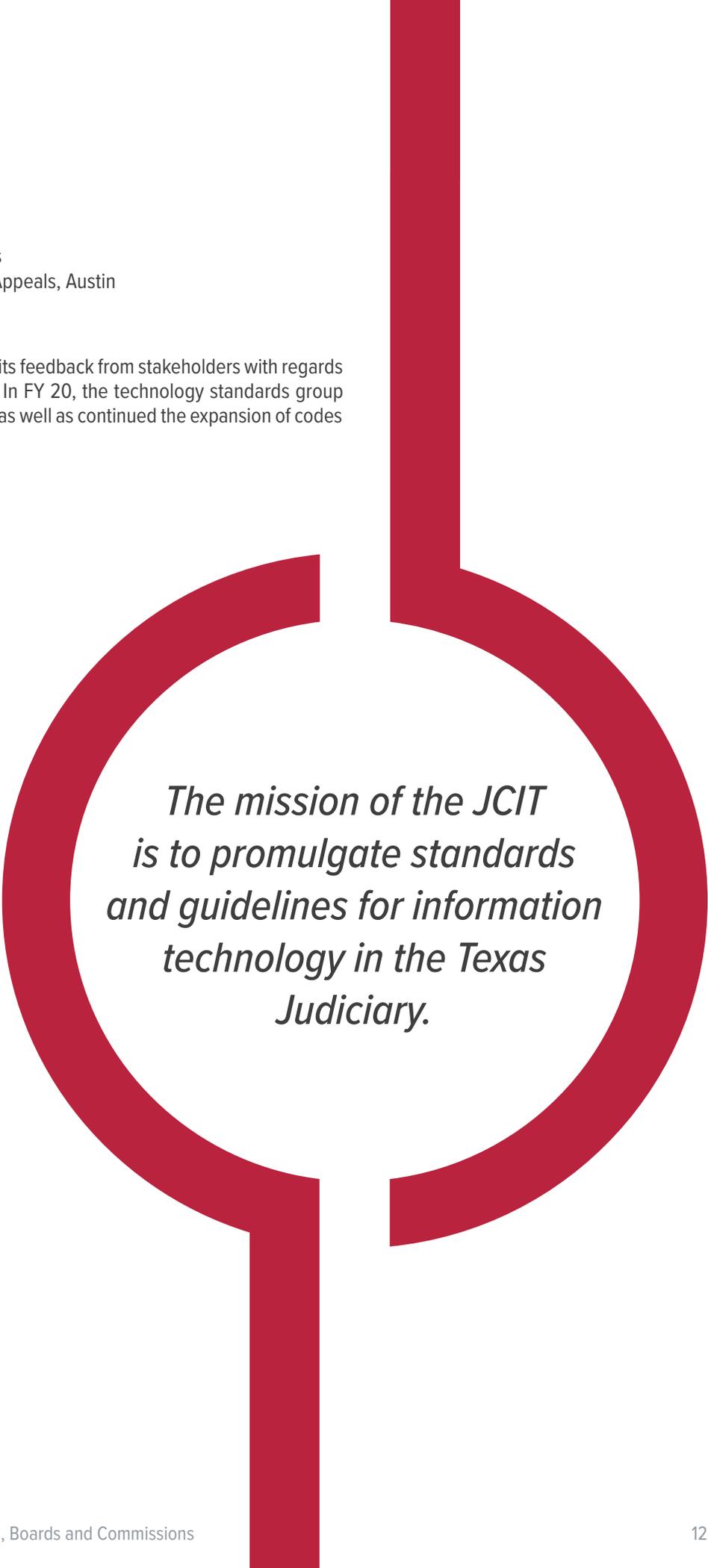
Non-Voting Members

Hon. Jeffrey S. Boyd, Justice, Supreme Court of Texas, Austin
Miles Brissette, Gill & Brissette, Fort Worth
Hon. David Canales, Judge, 73rd District Court, Bexar County
Hon. Anne Marie Carruth, Justice of the Peace, Lubbock County
Hon. Judy Crawford, District/County Clerk, Crane County
Hon. Giovanni Capriglione, State Representative, District 98, Keller
Annie Elliott, Court Coordinator, 434th District Court
Hon. Roy Ferguson, Judge, 394th District Court, Brewster County
Laura Garcia, Texas Association of Counties, Austin
Doug Gowin, Operations Manager, Tarrant County
Jessica Griffith, JP Functional Analyst, Collin County
Hon. Blake Hawthorne, Clerk, Supreme Court of Texas, Austin
Hon. Laura Hinojosa, District Clerk, Hidalgo County
Tracy Hopper, IT Administrator, Harris County District Clerk's Office
Gary Hutton, Former JP and Court Administrator, Bexar County
Roland Johnson, Attorney, Fort Worth
Hon. Jennifer Lindenzweig, County Clerk, Hunt County
Karen Miller, Executive Director, Texas Legal Services Center
Hon. Velva Price, District Clerk, Travis County
Hon. Russ Ridgeway, JP Precinct 5, Place 1, Harris County
Hon. 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
Stephanie Sterling, State Bar of Texas, Paralegal Section
Hon. Ralph Swearingin, JP Precinct 1, Tarrant County
Mark Unger, The Unger Law Firm, San Antonio

Hon. Royce West, Senator, District 23, Dallas
Hon. Kevin Yeary, Judge, Court of Criminal Appeals, Austin

TECHNOLOGY STANDARDS

The [technology standards](#) subcommittee solicits feedback from stakeholders with regards to making the eFiling system more efficient. In FY 20, the technology standards group added codes to facilitate juvenile case eFiling as well as continued the expansion of codes to accommodate justice courts.



*The mission of the JCIT
is to promulgate standards
and guidelines for information
technology in the Texas
Judiciary.*

Legal Division

The Legal Division provides legal support for the agency and numerous entities within the judiciary and 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 20, 15 public access opinions were issued.

PANDEMIC RESOURCE

To assist judges with questions related to OCA's Court Guidance regarding court proceedings during the pandemic, OCA established a designated email address to respond to questions submitted by judges and the public. The email account received approximately 1,900 emails in FY 20.

COORDINATION WITH INFORMATION SERVICES DIVISION

In FY 20, the Division also coordinated with the Information Services Division to implement the Citation by Publication and Protective Order Registry websites created pursuant to Texas Government Code Secs. 72.034 and 72.153.

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

Number of Public
Access Opinions
Issued



15

Number of Court
Guidance Requests
Related to the
Pandemic



1,900

Finance and Operations

The Finance and Operations Division manages the fiscal and operational support activities of OCA.

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 reparation of the agency's legislative appropriations request, quarterly performance measures and the annual financial report.

Finance and Operations staff work with the clerks of the appellate courts on issues related to accounting, purchasing, financial reporting. The division also provides support to the chief justices of the appellate courts and the presiding judges of the administrative judicial regions regarding legislative and budgetary 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 including the Legislative Appropriations Request, performance measure reporting and the annual financial report. OCA also provides support for facilities functions of the SPA.

During FY 20 Finance & Operations processed 851 purchase requisitions, 1,225 purchase orders, 985 travel vouchers, 3,012 purchase vouchers, 143 budget documents, 885 journal vouchers, and 59 payroll vouchers, a total of 7,160 documents. Division staff also processed 84 reimbursement requests for grants and contracts totaling \$6.23 million and deposited or reconciled over \$1,016,272 in fees from licensees. Property and Operations processed over 630 new pieces of equipment and 172 surplus items. Members of the Finance and Operations team were pleased to be selected by the Comptroller's Office to participate in the development, configuration and testing of the new CAPPs Travel and Expense module. The application eliminates the paper voucher for staff, whereby expenses will be entered directly into CAPPs. Staff anticipate training and deployment to employees in early calendar year 2021.

THE 87TH LEGISLATIVE APPROPRIATIONS REQUEST FOR 2022-2023

Due to the COVID-19 Pandemic, the due date for the Legislative Appropriations Request for 2022-2023 was moved to September 2020. The OCA anticipates submitting a budget request at 95% of 2020-2021 baseline levels. The total baseline budget request for 2022-2023 will total \$193.8 million. Exceptional Item requests will total \$2.1 million. The baseline budget request will include \$90 million for Texas Indigent Defense Commission (TIDC). TIDC does not anticipate requesting any exceptional items but will request estimated appropriations authority and edits to riders to increase availability of funding for mental-health-focused public defender offices and managed assigned counsel (MAC) programs.

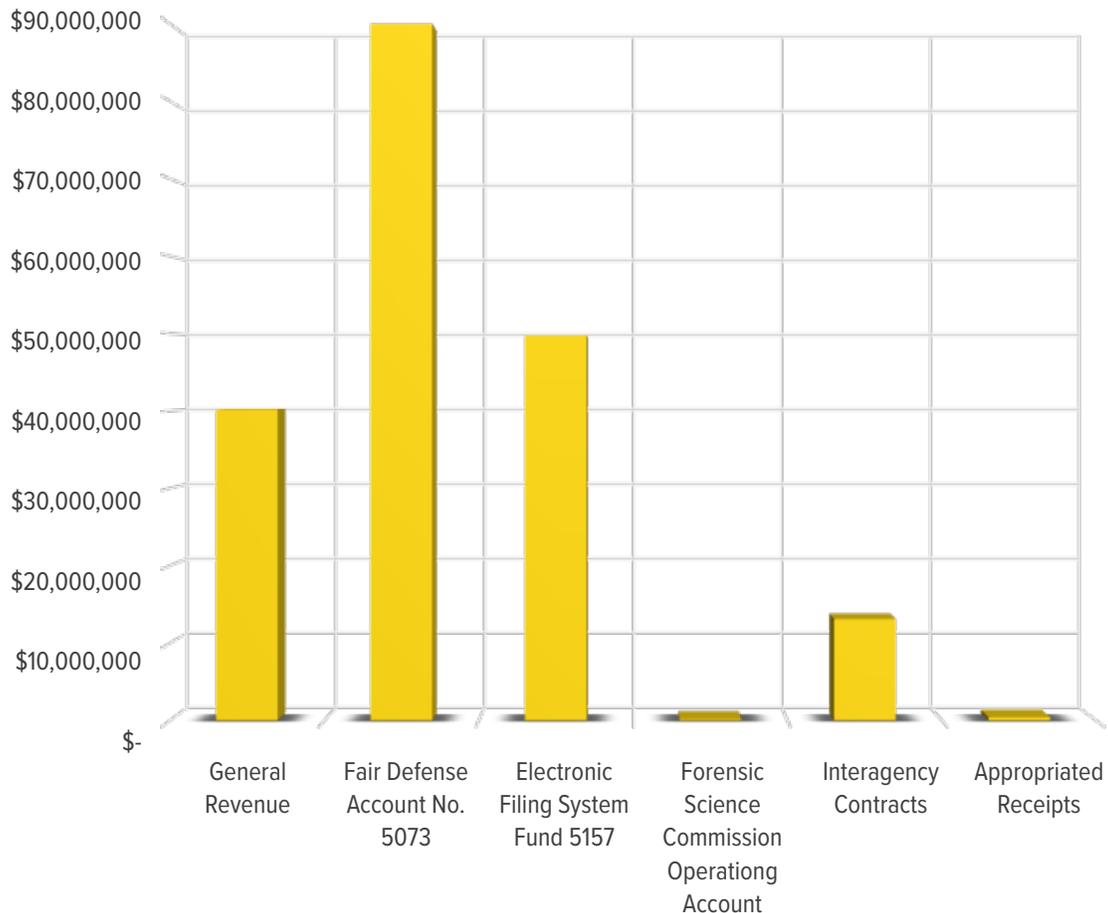
In Summary, the Office of Court Administration will request a total of \$193,796,626 (excluding exceptional items) for the 2022-2023 biennium compared to \$221,762,952 for the 2020-2021 biennium. Appropriations decreased by \$28 million, or 12.6% from the 2020-2021 biennium, due largely from one-time expenditures that were reduced from the baseline budget and the 5% reduction that was requested to be made by all agencies by the Office of the Governor and the Legislature.

FISCAL AND OPERATIONS SUPPORT RESPONSIBILITIES

- Accounting
- Budgeting
- Facilities
- Management
- Financial Reporting
- Accounts Payable
- Travel
- Payroll
- Property & Surplus
- Purchasing
- Time & Leave

Method of Finance	2020-2021	2022-2023	Increase/(Decrease)
General Revenue	\$53,891,739	\$40,196,037	(\$13,695,702)
Electronic Filing System Fund	\$60,529,020	\$49,742,002	(\$10,787,018)
Forensic Science Commission Operating Acct	\$273,000	\$259,350	(\$13,650)
Fair Defense Account	\$94,435,712	\$89,963,926	(\$4,471,786)
Appropriated Receipts	\$179,972	\$488,001	(\$308,029)
Interagency Contracts	\$12,453,509	\$13,147,310	\$693,801
TOTAL	\$221,762,952	\$193,796,626	(\$27,966,326)

**Office of Court Administration 2022-2023
Appropriations Request**



The 86th Legislature's General Appropriations Act can be viewed here:
https://www.lbb.state.tx.us/Documents/GAA/General_Appropriations_Act_2020_2021.pdf

Enterprise Planning Office

The Enterprise Planning Office (EPO) within OCA manages our diverse internal and external portfolio of projects. The goal of our EPO and our project management team is to assist the OCA in properly planning, executing, and delivering projects throughout the agency.

The EPO team has implemented the following legislatively mandated projects from the 86th Legislative Session and has assigned a project manager and project sponsor. The project managers work with the project teams to create user/subject matter expert lists and build system requirements to implement the projects in a timely manner.

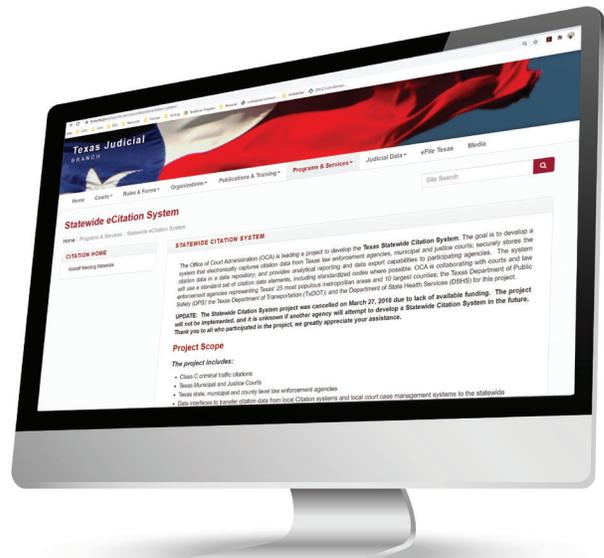
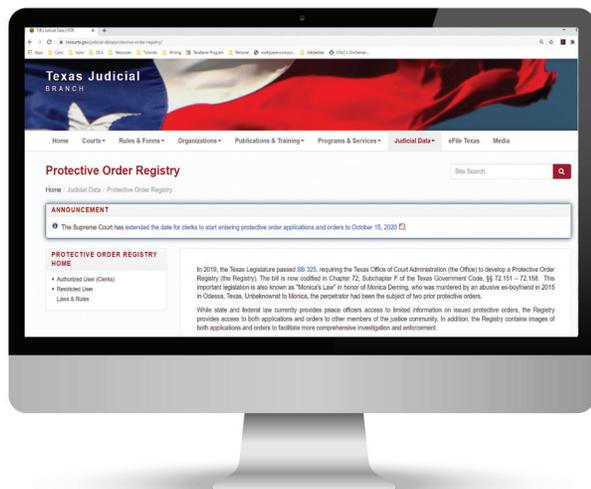
PROJECT UPDATE

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 will be standards-based and will automate the transmission of data to various state and national databases. The system will be opt-in (rather than mandatory). The project manager has been assigned and a user group formed to work on this project. The project team is currently working with the vendor, user groups and subject matter experts and has developed user stories and system requirements. The team is also in the process of creating the Texas Framework Documents for DIR review.

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

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 additional cost to individuals or to the counties. The website went live on July 1, 2020, and is located at <https://www.txcourts.gov/judicial-data/citation-by-publication/>.



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 and protective orders. 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 2019, and the first user group meeting was held at the beginning of 2020. The project team is working with the project sponsor, user groups and subject matter experts to ensure IT development of this project. The pilot phase of the project is expected to go live on September 1, 2020, with full implementation on October 15, 2020. The registry is located on the OCA website at <https://www.txcourts.gov/judicial-data/protective-order-registry/>.

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. A project manager has been assigned and working with the sponsor and user group to implement this project. The database is expected to be live in the summer of 2021. The project team is currently working with the project sponsor and users to develop and implement the requirements of this project.

ENTERPRISE PLANNING OFFICE DUTIES

- Provides uniform agency-wide project and portfolio management services
- Provides quality project planning, execution, and delivery of successful projects

Judicial Branch Certification Division

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 7,497 court reporters and court reporting firms, guardians and guardianship programs, process servers, and licensed court interpreters. The JBCC also registers all guardianships throughout Texas and provides training and criminal histories to the courts for the proposed guardians.

The Supreme Court of Texas appointed 9 members to serve staggered terms on the Judicial Branch Certification Commission (JBCC).

COMMISSION MEMBERS

Hon. Sid L. Harle, Chair, Presiding Judge Fourth Administrative Judicial Region, San Antonio

Hon. William C. Sowder, Vice Chair, 99th District Court, Lubbock

Hon. Victor Villarreal, County Court at Law II, Webb County, Laredo

Hon. Glen Harrison, 32nd Judicial District Court, Sweetwater

Hon. Polly Jackson Spencer, San Antonio

Mark P. Blenden, Bedford

Don D. Ford III, Houston

Ann Murray Moore, Edinburg

Velma Arellano, Corpus Christi

ADVISORY BOARDS

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

Court Reporters Certification Advisory Board

Hon. Lori I. Valenzuela, Presiding Officer, 437th District Court, Bexar County, San Antonio

Robin Cooksey, Conroe

Janice Eidd-Meadows, Tyler

Whitney Alden Riley, Boerne

Molly Pela, Houston

Deborah K. Hamon, Rockwall

Kim Tindall, San Antonio

Guardianship Certification Advisory Board

Jamie MacLean, Presiding Officer, Austin

Hon. Chris Wilmoth, Dallas

Jason S. Armstrong, Lufkin

Hon. Gladys Burwell, Friendswood

Toni Rhodes Glover, Ft. Worth

Process Servers Certification Advisory Board

Patrick J. Dyer, Presiding Officer, Missouri City

Eric Johnson, Rosharon

Hon. Rhonda Hughey, District Clerk, Kaufman County

Justiss Rasberry, El Paso

Melissa K. Perez, Waxahachie

Licensed Court Interpreters Advisory Board

CERTIFICATION DIVISION DUTIES

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

Melissa B. Fischer, Presiding Officer, San Antonio
Luis Garcia, Keller
Robert Richter, Jr., Houston
Melissa Wallace, Ph. D., San Antonio
Cynthia de Pena, McAllen

The Judicial Branch Certification Commission met four times in FY 20.

- November 1, 2019 February 7, 2020
- May 1, 2020
- August 7, 2020

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



JBCC COMPLIANCE SECTION COMPLAINT INVESTIGATION AND RESOLUTION

The JBCC [Compliance Section](#) investigates complaints against Court Reporters and Court Reporting Firms, Guardians, Process Servers, and License Court Interpreters. In FY 20, 86 complaints were filed with the JBCC Compliance team and are in process or resolved:

- 27 court reporters
- 8 court reporting firms
- 39 process servers
- 9 guardians
- 3 licensed court interpreters

The following JBCC Complaint Review Committees met:

- Licensed Court Interpreter Complaint Review Committee, June 5, 2020
- Process Server Complaint Review Committee, June 11, 2020

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.

- JBCC staff administered 16 guardianship certification written examinations on January 22, 2020.
- JBCC staff administered 29 oral Licensed Court Interpreter examinations on February 18-20, 2020.
- JBCC staff administered 34 written Licensed Court Interpreter examinations on February 25, 2020.

COURT REPORTER SHORTAGE

SB 891, passed during the 86th Legislative Session, requires that the JBCC establish a stakeholder work group committee to address development of an 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. The committee met twice in FY 20 on October 11, 2019, and November 22, 2019.

Another provision in SB 891 requires the JBCC to contact other states regarding establishing reciprocity agreements with Texas if states are interested. Approximately 30 states have been contacted. A report on the results of the inquiry was sent to the Supreme Court on April 1, 2020.

RECIPROCITY BETWEEN TEXAS AND CALIFORNIA

On May 21, 2020, JBCC staff members attended a virtual meeting of the Court Reporters Board of California to discuss reciprocity between Texas and California court reporters. The California Board voted to form a task force with representatives from both states to work out the details of a reciprocity agreement.

The California/Texas Task Force on Reciprocity for Court Reporters held its first joint meeting on June 26, 2020.

COURT REPORTER MEETINGS

The Court Reporters Advisory Board met on December 20, 2019, to consider input from the Court Reporters Stakeholder Work Group Committee on implementation of SB 891 relating to apprentice and provisional certifications.

REGISTRATION OF GUARDIANSHIPS

SB 1096 (Zaffirini/Smithee) created a safety net to ensure [guardians are registered](#), properly trained, receive a criminal history background check, and guardian contact data is provided to DPS and its Law Enforcement Terminal System (TLETS) to identify persons under guardianship if law enforcement contact is made with them.

On June 1, 2018, OCA developed a database to be filled with a registry of every guardianship in the state. As a registration prerequisite, the OCA conducts a criminal history background check and provides online training to proposed guardians. To date 42,493 proposed guardians have submitted data for registration, 16,600 have completed the training in English and Spanish, and over 11,334 criminal histories have been provided to the courts.

GUARDIANSHIP ABUSE, FRAUD EXPLOITATION DETERRENCE PROGRAM (GAFEDP)

On September 1, 2019, pursuant to SB 31 (Zaffirini/Smithee), the OCA implemented the Guardianship Abuse, Fraud, and Exploitation Deterrence Program (GAFEDP) formerly known as the Guardianship Compliance Pilot Project. Guardianship compliance specialists assist in reviewing guardianship files to identify reporting deficiencies by guardians; audit 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 counties.

As part of the program, OCA is also required to maintain an electronic database to monitor filings of inventories, guardian of the person reports, and annual accountings. Implementation of this database is ongoing.

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

Guardianship Compliance Project (GCP) Data Findings as of August 15, 2020

Courts and Counties Involved in the GCP	64/78
Total Number of Guardianship Cases Reviewed by the GCP	43,293
Total Number of Cases Recommended for Closure	21,369
Total Number of Active Guardianships Identified	21,924
Percentage of Cases Missing Annual Reports	34%
Percentage of Cases Missing Annual Accountings	47%
Percentage of Cases Missing Inventories	40%
Percentage of Cases Out of Compliance	41%
Total Number of Deceased Wards Identified	4,410

Texas Indigent Defense Commission

The [Texas Indigent Defense Commission](#) (TIDC) provides financial and technical support to counties to develop and maintain quality, cost-effective public defense systems that meet the needs of local communities and the requirements of the Constitution and state law. TIDC protects the right to counsel and improves public defense. Twelve TIDC staff operate under the direction and supervision of a governing board.

COMMISSION MEMBERS

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. Nicole Collier, Fort Worth, State Representative

Hon. Reggie Smith, Sherman, 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

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

Hon. Valerie Covey, Georgetown, Commissioner Precinct 3, Williamson County

Hon. Richard Evans, Bandera, Bandera County Judge

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

Gonzalo Rios, Jr., San Angelo, Attorney, Gonzalo P. Rios Jr. Law Office

FY 20 SNAPSHOT

TIDC provides funding, oversight, and improvement to public defense systems in all 254 Texas counties.

In FY 20, TIDC:

- Awarded over \$39 million in grants to sustain and improve local public defense systems.
- Visited 19 counties to monitor and improve public defense processes and payments.
- Trained over 3,500 judges, auditors, county officials, and attorneys.
- Prepared 6 planning studies for potential new public defender offices in 16 counties.

87TH LEGISLATIVE SESSION

For FY 2022-23, TIDC will [request](#) estimated appropriation authority for the Fair Defense Account and more availability of funding for mental-health-focused public defender offices and managed assigned counsel (MAC) programs.

TIDC has also approved ten legislative proposals for improving indigent defense. These include clarifying magistrates' duties under Article 15.17; allowing for limited-scope appointments for 15.17 hearings; and expanding the scope of MAC duties.

TEXAS INDIGENT DEFENSE COMMISSION DUTIES

- Funds public defense in Texas's 254 counties
- Oversees public defense through data collection and monitoring
- Sets policies and standards
- Helps improve public defense through planning, publications, training, and mentoring

FY 20 PROGRAM HIGHLIGHTS

Funding

TIDC reimburses a portion of counties' public defense costs and awards competitive grants to improve systems. In FY 19, overall spending continued to rise, to \$299.9 million, with the state contributing \$28.5 million, or about 10% of total spending. In FY 20, TIDC awarded \$26 million in formula grants to 253 counties and \$13.1 million in improvement grants to 23 counties, including for regional programs.

Oversight

TIDC collects indigent defense plans and expenditure reports from every county. It conducts desk reviews for all counties and site visits for select counties to ensure that they meet the requirements of the Fair Defense Laws. In FY 20, TIDC made 28 in-person site visits and began remote monitoring.

Improvement

TIDC provides analysis, training, and technical assistance to improve indigent defense systems. In FY 20, TIDC helped counties plan major projects for FY 21, including five- and four-county public defender offices based in Kerr and Atascosa Counties, respectively. TIDC also provided nationally recognized training and ongoing support to 25 pairs of attorneys through its statewide mentorship program.

COVID-19 RESPONSE

TIDC moved many of its operations online due to the pandemic. Its monitoring reviews and technical assistance were conducted virtually, for the first time, for much of the year. In April and May, it partnered with the Texas Criminal Defense Lawyers Association to present a series of six [webinars](#) on online courts. It also awarded several micro-grants (\$5,000 or less) to counties to support defense attorneys' access to online courts.

Revenue to the Fair Defense Account, primarily from court costs, fell more than 15% (\$5.8 million) in FY 20. Because of the 5% agency budget cut, TIDC has left three positions (20% of its workforce) vacant and reduced grants to counties by more than \$3.5 million.

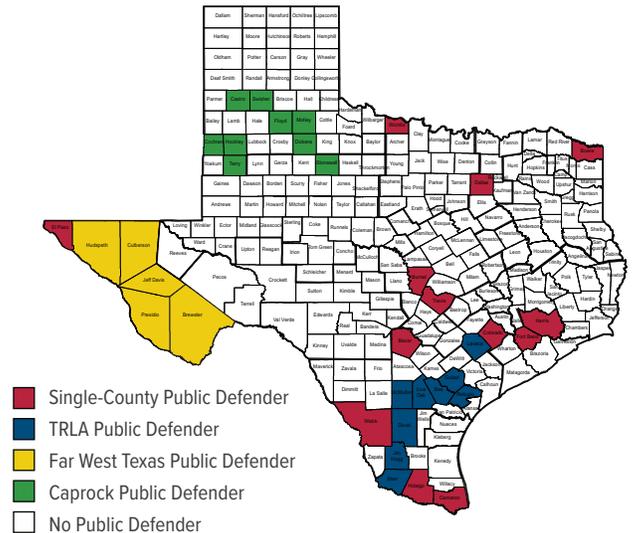
TRENDS

In FY 20, TIDC collected indigent defense data from all counties. In FY 19:

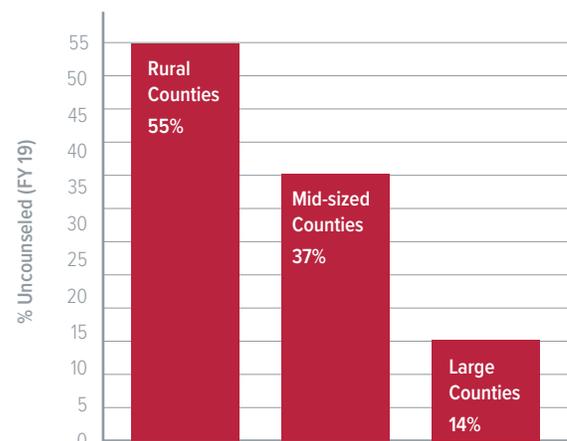
- Statewide appointment rates remained about the same: 46% in misdemeanors and 81% in felonies.
- Half of defendants were represented by attorneys with caseloads above Texas guidelines.
- Over half of counties reported no use of appointed investigators.

TEXAS PUBLIC DEFENDERS

Snapshots of public defender offices in 2020.



Uncounseled Misdemeanor Defendants



Access to counsel varies widely across Texas. Defendants in rural counties are much more likely to proceed without an attorney.

Forensic Science Commission

The Texas Legislature created the [Texas Forensic Science Commission](#) (“Commission”) during the 79th Legislative Session by amending the 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 Commission is also charged with developing and implementing 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, clarifying and expanding the Commission’s jurisdiction to include oversight of the State’s crime laboratory accreditation and forensic analyst licensing programs. 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.

COMMISSION MEMBERS

The Commission has nine members appointed by the Governor of Texas. 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).

Jeffrey Barnard, Presiding Officer, Chief Medical Examiner, Dallas County and Director of the Southwestern Institute of Forensic Sciences

Bruce Budowle, Professor and Executive Director, University of North Texas Health Science Center/Center for Human Identification

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

Nancy Downing, Associate Professor, Texas A&M University Department of Forensic Nursing 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

D. Pat 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, Elected District Attorney, Brazos County

Patrick Buzzini, Associate Professor of Forensic Science, Sam Houston State University

LICENSING ADVISORY BOARD

Deborah Smith, Latent Print Supervisor, Fort Worth Police Department Crime Laboratory

Sandy Parent, Comparative Disciplines Program Coordinator, Texas Department of Public Safety Crime Laboratory System

Aliece Watts, Quality Director, NMS Labs, Inc.

Erin Reat, Assistant Crime Laboratory Director, Bexar County Criminal Investigation Laboratory

Emily Esquivel, Laboratory Director, Jefferson County Regional Crime Laboratory

Donna Eudaley, Firearms Section Manager, Houston Forensic Science Center

Crystina Vachon, Quality Director, Bexar County Criminal Investigation Laboratory

Calli Bailey, Conviction Integrity Unit Chief, Collin County District Attorney’s Office

William M. Hines, Defense Attorney and Senior Partner, Hines, Ranc, & Holub

FORENSIC SCIENCE COMMISSION DUTIES

- Investigate allegations of negligence and/or misconduct
- Administer the State Crime Laboratory Accreditation Program
- Administer the Forensic Analyst Licensing Program
- Provide education and guidance to stakeholders regarding forensic issues

FY 20 PROGRAM 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 20.

- The Commission received and reviewed 44 complaints and 30 self-disclosures this year and is investigating or has issued reports in 3 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 launched its forensic analyst licensing program—as of January 1, 2019, and currently licenses over 1,300 forensic analysts in the State.
- The Commission accredited 90 forensic laboratories.
- The Commission partnered with Sam Houston State University to facilitate an interlaboratory study. The purpose of the study was to validate a gas chromatography/mass spectrometry (GC/MS) decision-point method for distinguishing hemp from marijuana in forensic casework involving confiscated plant material.
- The Commission formed a crime scene reconstruction working group to create a voluntary crime scene reconstruction license and to issue guidance on the appropriate use of DNA results in crime scene reconstruction.
- On September 10, 2019, the Commission’s General Counsel testified before the United States House of Representatives Committee on Science, Space & Technology at the hearing titled Raising the Bar: Progress and Future Needs in Forensic Science. A video of the hearing can be found here: <https://www.youtube.com/watch?v=jrNIUTJK8hl&feature=youtu.be>
- Staff presented at various conferences and trainings throughout Texas to provide information on current forensic issues, and its accreditation and forensic analyst licensing programs.
- In November 2019, the Commission added Senior Staff Attorney Robert Smith.

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



*The
main goal
of the FSC is to
improve the integrity
and reliability of
forensic science in
Texas courts.*

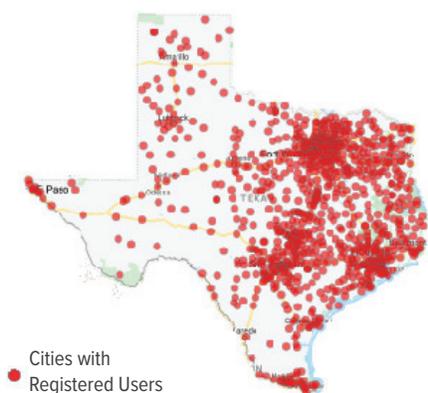
The State Law Library

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 Texans throughout the state via its website. The library's website is a portal that gathers primary law resources and 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 helping researchers identify pertinent information and presenting it in an accessible form for patrons. Using the library's print collection and these online resources, staff provides responses to patrons' questions in person or via phone, email, or mail. As a response to the COVID-19 pandemic, the library introduced a chat service in partnership with the Harris County Law Library. This service allows patrons to interact with law librarians directly through the State Law Library website.

Since FY 14, the library has continued to increase the number of 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 towards legal professionals, who may be able to provide low cost or pro bono services if they have access to the legal treatises outside the scope of 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 hornbooks and "nutshell" series available as e-books.

PATRONS IN 1,005 DISTINCT CITIES ACROSS TEXAS HAVE REGISTERED FOR STATE LAW LIBRARY ACCOUNTS



Public response to the library's digital offerings has been enthusiastic and widespread. Since the program's inception, over 20,000 patrons have registered to use the service, representing over 1005 cities and 227 counties across Texas. Library staff have made several presentations on the new services to legal groups, court staff, and public librarians throughout the state. Even during the pandemic, staff has conducted webinars to guide users working remotely through the library's digital resources.

One of the most popular services the library provides on its website

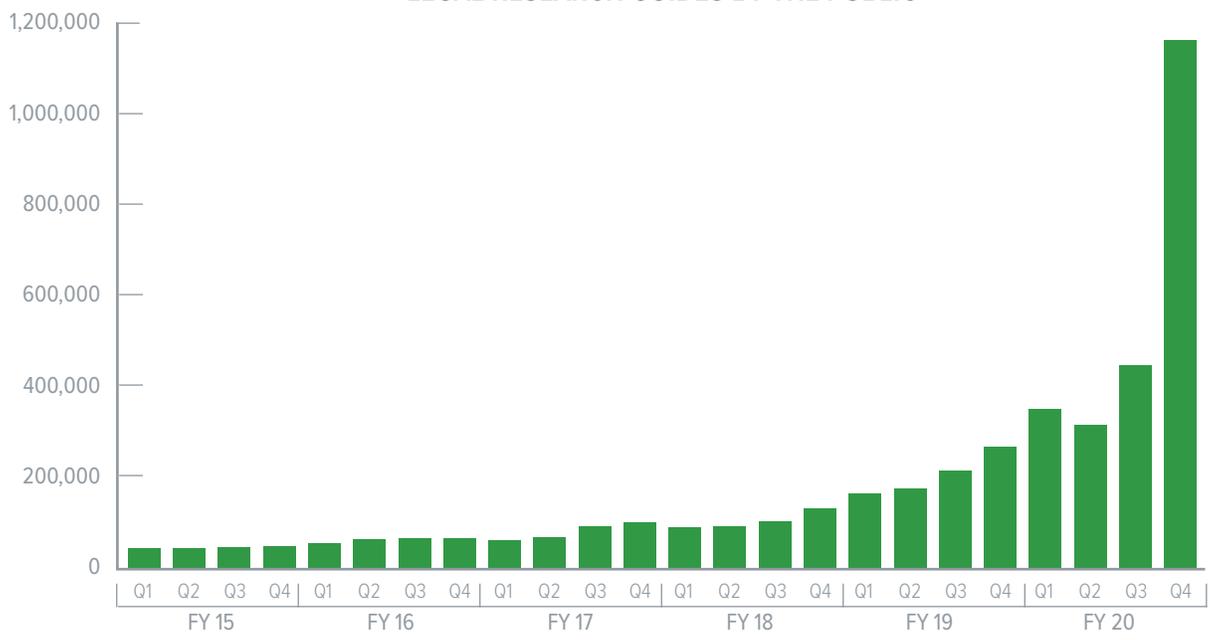
STATE LAW LIBRARY ORGANIZATION

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

is a growing collection of subject-specific research guides called LibGuides that help patrons easily locate digital resources on a specific topic. As of September 2020, librarians have created 60 custom LibGuides that compile 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 e-books 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 they present relevant, current, and helpful information. The popularity of our LibGuides has continued to grow steadily and skyrocketed in FY 20. Yearly LibGuide usage has increased by 30% every single year since the inception of the program in FY 14, with the exception of FY 20 when views increased 275% from FY 19. LibGuides became a natural platform for presenting information on the rapidly developing and changing body of law surrounding the COVID-19 pandemic. The library's librarians compiled a COVID-19 LibGuide that was updated on a near-daily basis to serve as a central location for users seeking information about how the pandemic has affected the legal aspects of their everyday life. Since the guide was created in March, it has been accessed over 250,000 times.

USAGE OF PROFESSIONALLY COMPILED, WEB-BASED LEGAL RESEARCH GUIDES BY THE PUBLIC



■ Total number of views for all research guides, per quarter

The 86th Legislature finally recognized the importance of the State Law Library's innovative online program for offering key legal resources statewide by funding the Remote Access Program. This program is essential to the library's success because it allows the library to meet information needs in Texas on a truly statewide scale. Through this funding, the library will be able to continue providing already heavily used resources and add significant new databases and e-books. The timing was fortuitous because use of the library's website has continued to grow dramatically. Visitors to our website and the volume of data accessed through our remote databases both doubled in FY 20 over FY 19.

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 Account page:

<http://www.sll.texas.gov/about-us/get-a-library-account/>

Office of the State Prosecuting Attorney

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

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 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.

FY 20 PROGRAM HIGHLIGHTS

- Filed 44 petitions for discretionary review, 32 briefs, including amicus briefs, and 2 motions for rehearing.
- Reviewed approximately 345 opinions from the U.S. Supreme Court, the Court of Criminal Appeals, and Texas' Courts of Appeals.
- Consulted and advised hundreds of prosecutors and defense attorneys.
- Assisted with drafting and editing petitions and briefs.
- Authored papers and presented at several continuing legal education conferences.
- Served on various committees related to criminal law issues.
- Authored a Statutory Interpretation Case-Law Update of Court of Criminal Appeals' decisions from its 2019-2020 Term to the 86th Legislature.

STATE PROSECUTING ATTORNEY GOAL

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 their faithful adherence to the law and to identify significant issues requiring resolution by the Court of Criminal Appeals.

State Commission on Judicial Conduct

STATE COMMISSION ON JUDICIAL CONDUCT DUTIES

- Issues discipline and orders of additional education when necessary
- Can petition the Texas Supreme Court for the removal of a judge
- 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 and decides every allegation of judicial 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 has fourteen authorized staff positions consisting of: the Executive Director, General Counsel, four staff attorneys, the Chief Investigator, four investigators, a staff services officer, and two administrative assistants.

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 justices, 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 20, according to OCA records, 4,151 judges were under the jurisdiction of the Commission.

During FY 20, the SCJC:

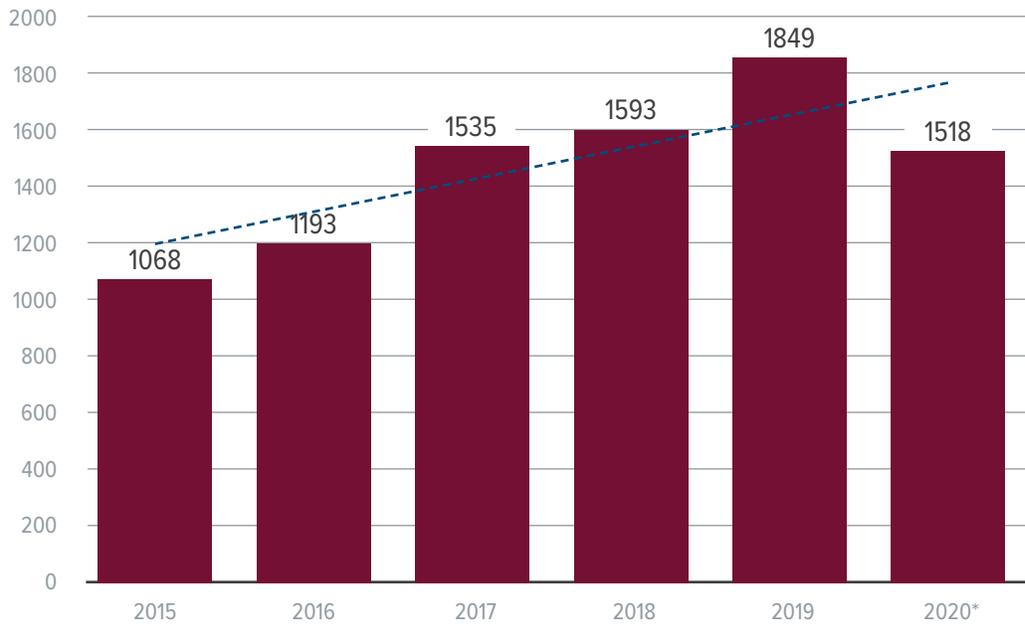
- Received 1,518 cases.¹
- Resolved 60 cases through public sanction, private sanction, orders of additional education, a
- Combination of a sanction with an order of additional education, or resignation in lieu of discipline agreement.²
- Dismissed 1,180 cases as follows: 763 were determined to not contain any allegations which, if true, would violate the Texas Code of Judicial Conduct. 418 cases were dismissed after investigation which included 26 cases that were dismissed with letters of caution, 2 cases that were dismissed based on the judges' corrective action, and 5 cases that were dismissed as moot.
- Resolved 337 cases after a preliminary investigation and 140 after a full investigation (requiring a response from the judge).

Since 2010, the [Office of Capital and Forensic Writs](#) (OCFW) has had the privilege of serving

¹ Complaint filings were much lower than projected for FY 20, presumably because of the significant reduction of hearings/trials held in Texas courts due to COVID-19.

² One case was resolved by a resignation in lieu of discipline in which the judge agreed to resign and never sit on the bench in the future. (While technically a dismissal (not a sanction), the dismissal is counted as public discipline.)

STATE COMMISSION ON JUDICIAL CONDUCT FILINGS BY FISCAL YEAR



The mission of the Commission is to protect the public, promote public confidence in the integrity, independence, competence, and impartiality of the judiciary, and encourage judges to maintain high standards of conduct both on and off the bench.

Office of Capital and Forensic Writs

CAPITAL & 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.
- 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 and examining all forensic evidence.
- 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.

an essential function for the State of Texas and the criminal justice system: ensuring that convictions are constitutionally sound, reliable, and untainted by questionable forensic science.

OCFW does this through two basic programs:

1. CAPITAL POST-CONVICTION REPRESENTATION.

- a. OCFW safeguards the constitutionality of death penalty convictions and sentences by investigating and litigating all possible constitutional claims in post-conviction litigation in Texas courts, ensuring that these fundamental claims are fully aired, and Texas courts can consider them efficiently and fairly.
- b. Consistent with professional norms and statutory requirements, OCFW ensures that all possible claims are investigated and all courts are well equipped to decide all possible claims in one full and fair court proceeding soon after conviction, rather than in successive rounds of piecemeal litigation.
- c. Capital post-conviction representation and investigation are mandated by statute, and OCFW provides this service to the State pursuant to the authority granted to it by section 78.054 of the Texas Government Code.

2. FORENSIC WRIT REPRESENTATION.

- a. OCFW represents a limited number of incarcerated persons serving sentences for non-capital crimes, where questionable forensic science tainted their conviction. See Tex. Govt. Code sec. 78.054.
- b. The only cases OCFW handles under this mandate are those of potential wrongful conviction or innocence that have been referred by the Texas Forensic Science Commission following an investigation into the professional negligence or misconduct of forensic analysts or unsupported forensic scientific analysis and testimony.
- c. The 84th Legislature expanded OCFW's mandate, but this priority was not funded until the current biennium when OCFW added two attorneys to handle cases involving questionable forensic science.

OCFW SERVICES ARE ESSENTIAL

OCFW practices statewide, focusing narrowly on constitutional issues, forensic science, and wrongful convictions. Capital and forensic writ cases are extraordinarily complex and require post-conviction and appellate specialists to provide this highly technical and often resource-intensive representation.

The Code of Criminal Procedure mandates that trial courts appoint OCFW to represent capital post-conviction applicants if the Office can assume representation and has sufficient resources to provide professional representation.

By providing these important services, OCFW protects the integrity of the Texas criminal justice system.

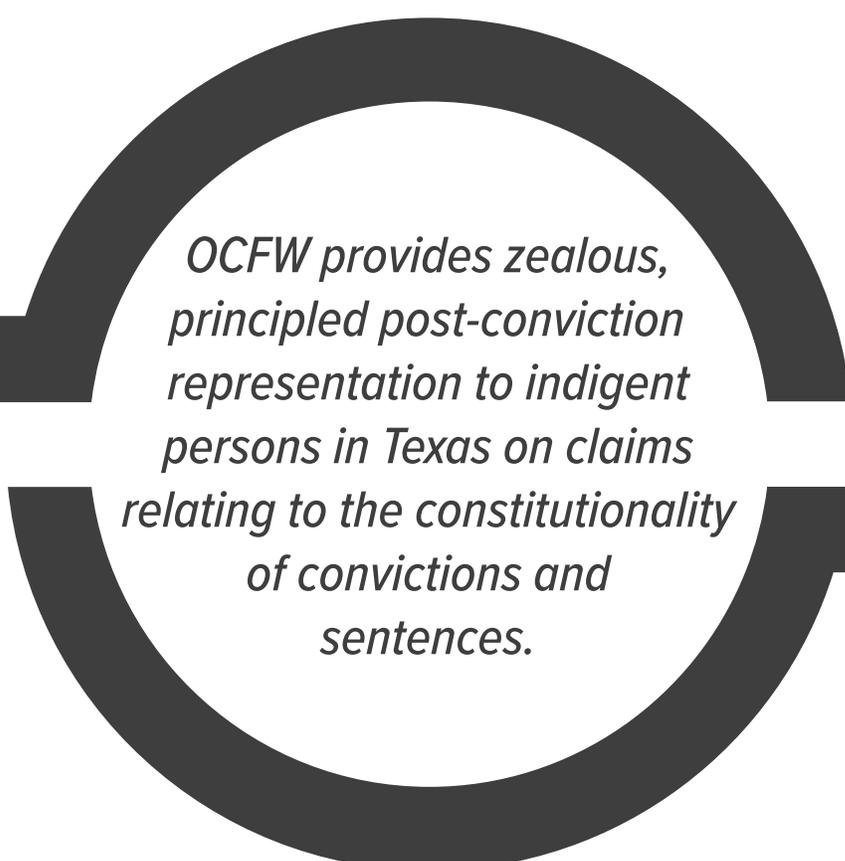
OCFW SERVICES ARE ECONOMICAL

OCFW's caseload comes from counties, big and small, across the State of Texas. Where OCFW is unable to provide representation, counties bear the entire cost of representation by paying appointed attorneys, mitigation specialists, investigators, and experts often on an hourly basis. This is a burden for smaller counties where capital post-conviction representation needs arise, because they may not have the resources or capability to provide the requisite level of representation.

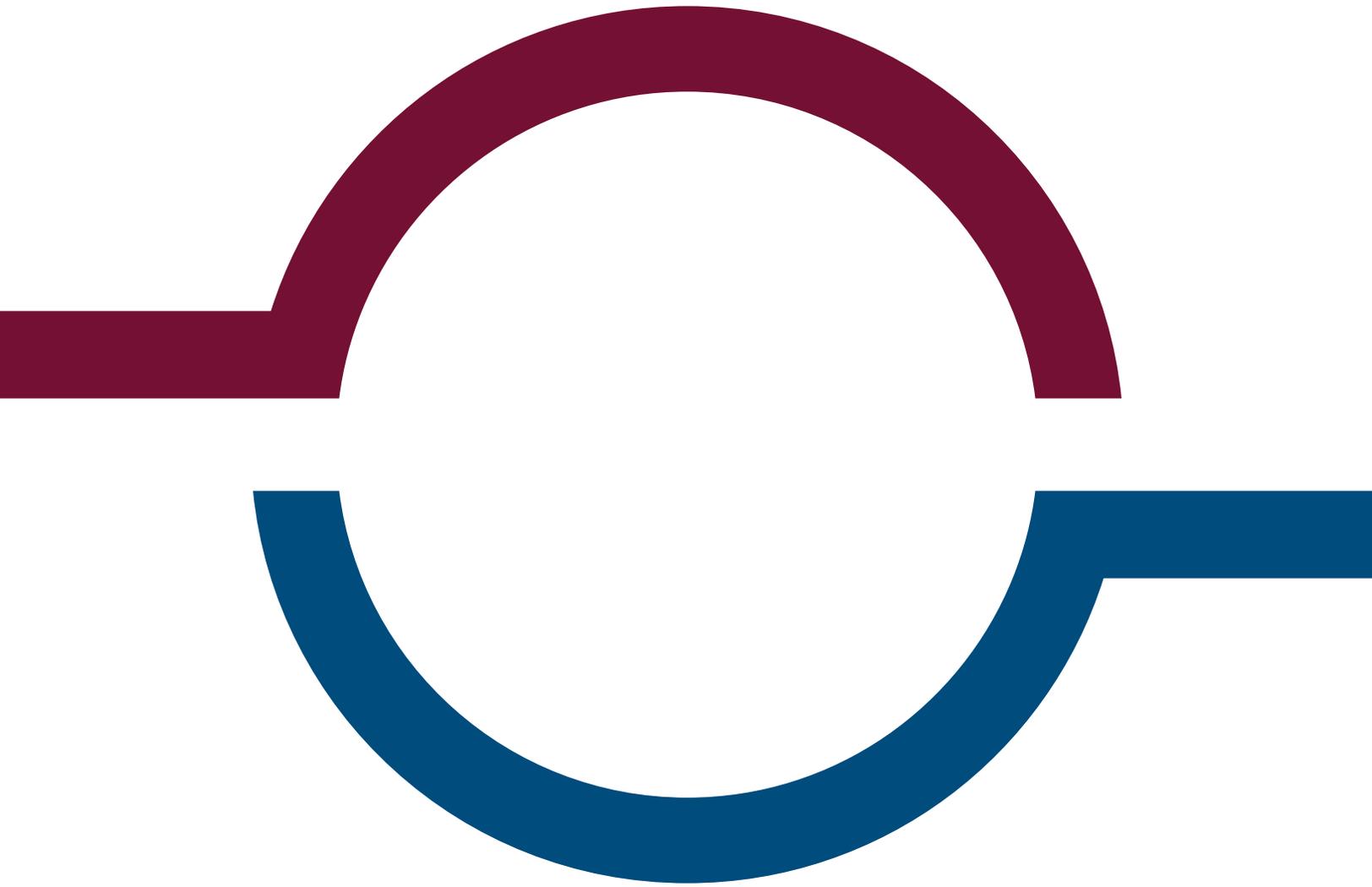
As an institutional public defender program, OCFW benefits from economies of scale and provides cost-effective representation by highly specialized, supervised staff, who deliver mandated services while keeping costs lower than commensurate representation delivered by attorneys in private practice.

FY 20 PROGRAM HIGHLIGHTS

- Represented approximately 80% of the initial capital post-conviction applicants pending before Texas courts.
- The Forensic Science Commission referred 60 potential non-capital cases of wrongful conviction where questionable forensic science contributed to the conviction.
- Represented clients from 35 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 and United States Supreme Court.
- Provided professionally appropriate, competent representation to all clients consistent with guidelines issued by the State Bar of Texas.



*OCFW provides zealous,
principled post-conviction
representation to indigent
persons in Texas on claims
relating to the constitutionality
of convictions and
sentences.*



ANNUAL REPORT OF THE JUDICIAL SUPPORT AGENCIES, BOARDS AND COMMISSIONS



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