



# DIRECTOR'S REPORT

April 2021



## Texas Judicial Council

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

**CHAIR:**

HON. NATHAN L. HECHT  
Chief Justice, Supreme Court

**VICE CHAIR:**

HON. SHARON KELLER  
Presiding Judge, Court of Criminal Appeals

**EXECUTIVE DIRECTOR:**

DAVID SLAYTON

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## TECHNOLOGY & DATA

### TECHNOLOGY RESPONSE TO COVID (AND BEYOND)

In March 2020, OCA quickly prepared to convert as much in-person operations to virtual. For the judicial branch courts and agencies served by OCA, this included expanding bandwidth and repurposing surplus computing equipment for use by employees that may not have computers at home. OCA also procured iPads to start virtual jury trials as well.

Since the last Directors' report, the Information Services division continues to support virtual operations. This included a dramatic expansion of the iPad program to support additional virtual trial needs. OCA anticipates that many of the technology changes adopted during COVID will continue in the post-pandemic era.

### E-FILING

The e-Filing system supports more than 439,000 users and handles 37,000 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.

eFiling is mandatory for attorneys in all criminal, civil, family, and probate cases at the district/county level and above. Currently there are 146 JPs across 34 counties that accept eFilings on a permissive basis. 15 additional JPs are actively working to accept eFilings.

Last year, OCA entered into a contract with Gartner Inc. to assist OCA in the procurement of a new eFiling contract (currently set to expire on August 31, 2022) 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 evaluation team recommended that OCA enter into negotiations with Tyler Technologies for the next eFiling contract. The contract was executed on December 24<sup>th</sup>, 2020. Work on the next generation eFiling system has begun and will be released in phases through September 2022.

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 1000 users. The division also provides staff to coordinate and facilitate the work of the Judicial Committee on Information Technology (JCIT).



## 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 residential address of a judge or judge's spouse; and
- Serve as a clearinghouse of information regarding judicial and court security best practices.

The Court Security Division assisted the Texas Courts in facilitating the acquisition of Personal Protective Equipment (PPE) to comply with suggested guidance to resume operations in courts across the state. In coordination with the Texas Department of Emergency Management (TDEM) and County Emergency Management Coordinators, the courts were able to secure access to the PPE inventory to aid in eventual resumption of court activities across the state.

The Court Security Division collaborated with the National Center for State Courts (NCSC), State Office of Risk Management (SORM), and Federal Emergency Management Agency (FEMA) to facilitate training in April to assist county planners, judges, and emergency management professionals in developing Continuity of Operations Plans (COOP) focused on Texas Courthouses.

The division has submitted the inaugural Annual Report to the Legislature providing a comprehensive overview the State of Court Security in Texas Courthouses, highlighting training endeavors and resources provided from OCA, systemic courthouse security weaknesses and concerns, and recommended improvements to the judicial security landscape.

The Court Security Division:

- Conducted 51 courthouse assessments to date (with approximately 26 pending scheduling) and 6 judicial residential assessments.
- To date, processed 1,468 judicial officers' requests to have personal information redacted from state public view.
- Administratively processed and reported several judicial threats to DPS for appropriate follow-up.
- Participated in virtual judicial training conferences.
- Conducted virtual presentations before county and municipal court security committees, law enforcement, judicial training entities; and
- Continued to report judicial threats and inappropriate communication to [www.iwatchtx.com](http://www.iwatchtx.com), a DPS managed, community reporting system designed to capture suspicious activities or behaviors that may indicate criminal, or terroristic related threats towards the judiciary or courthouses.
- Evaluated personal duress alarms for the judiciary.

## 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.

In addition to the daily work of providing technical assistance, working on data quality, answering data requests, and providing data support to OCA and others, program staff were involved in the following activities during the last period:

### **Statutorily Required Reports**

#### *Annual Statistical Report for the Texas Judiciary*

- Worked consistently from September through January on data quality checks and improving data completeness in preparation for the 2020 report
- Posted detailed activity statistics on the annual report [website](#), including the statutorily required annual Demographic Profile of Appellate Court Legal Staff
- Produced the [2020 Annual Statistical Report for the Texas Judiciary](#), with layout and design support from OCA's Creative Media Designer

#### *Judicial Turnover in Appellate and District Courts*

- Produced the biennial Judicial Salaries and Turnover Report for [FY 18 & 19](#)
- Judicial turnover in FY 20 & 21:
  - Researched and tracked which current appellate and district judges chose not to run for reelection, lost an election, or won reelection
  - Sent judicial turnover surveys to all judges who chose not to run for reelection or resigned before the end of their term

#### *Other Reports*

- Produced the annual [Administrative Judicial Region Presiding Judges Report](#) for FY 20
- Produced the annual [Writs of Attachment Report](#) for FY 20
- Produced the annual [Report on Disposition of Judicial Bypass Cases by Trial Courts](#) for CY 20
- Made routine updates to the list of [Hate Crimes](#), [Jury Charges and Sentences in Capital Cases](#), and [Vexatious Litigants](#) as reports were received

### **Data and Data Analysis**

- Provided significant data and analysis support to the Judicial Compensation Commission and its biennial [report](#)
- Compiled election data for all appellate, district, and county judges in the state for 2020 and responded to various related data requests

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.

- Ran numerous monthly queries and compiled statistics for internal and external stakeholders/requestors on the effects of the COVID pandemic on filings, dispositions, clearance rates and backlogs by case type, case category, county, court, etc.
- Produced 19 data analyses for new district courts or county courts at law
- Responded to a constant stream of data requests related to the current legislative session
- Drafted 3 quarterly proposals for transfer of cases among the courts of appeals and produced data and analyses for various related requests
- Updated the judicial directory, [Court Structure Chart](#) and [Complexities in the Geographical Jurisdictions of District Courts](#) as of January 1 and February 1, 2021 due to implementation of new district courts and county courts at law authorized during previous legislative sessions
- Began work on updating information on the Texas Judiciary for the National Center for State Courts' [State Court Organization](#) project

#### **Data Quality**

- Developed various internal reports and dashboards to monitor caseload trends and identify data quality issues

#### **Judicial Directory**

- Updated the judicial directory with all results from the appellate, district, and county judge elections

#### **Other Projects**

- Worked on developing requirements for a new data warehouse and business intelligence tool and on identifying data elements to collect for criminal case level data

### LANGUAGE ACCESS

OCA's licensed court interpreters provide interpreting services via telephone and videoconference through the Texas Court Remote Interpreter Service (TCRIS). These services are available to our Texas Courts in all case types, for short, non-contested hearings that involve limited or no evidence. The Language Access Department staff also provides translation services as directed by OCA's management.

In ensuring that justice continues to be served to all Texans in the current pandemic situation and with OCA's introduction of the remote proceedings capability through Zoom, the Language Access staff interpreters continued providing services through this platform as well as other videoconference systems that courts are using at this time such as Cisco, LifeSize, Skype, Teams and WebEx.

From September 1 through February 28, 2021, TCRIS staff provided interpreting services in 1,108 hearings of which 1,075 were via video (Zoom, Teams, WebEx, etc) in 75 counties.

### OTHER COURT SERVICES

Since the last Judicial Council meeting, the Court Services Division and the Court Consultant has been assisting courts across the state through the following projects:

#### **Court Process Reviews Performed:**

- Tom Green County
- McLennan County

- Wood County
  - Galveston County
  - City of Alpine (in process)
- ✓ Finalized updates on the multi-district litigation analysis and report;
  - ✓ Mental Health Reporting to NICS manual update and online webinar with information about NICS reporting and procedural “Best Practices” for clerks in Texas.
  - ✓ Participated as a panelist for a webinar on the proposed Expedited Action Rules and then part of a presentation once the rules were finalized.
  - ✓ Assisted with the Citation by Publication and Protective Order Database development and deployment team, providing guidance and information related to service documents and procedural information in a clerk’s office. Ongoing fielding questions and assisting as new elements are added to the site.
  - ✓ eFileTX RFP evaluation team and assisting with reviewing outstanding enhancements for the system with Tyler Tech and Sam Levario-project manager.
  - ✓ Uniform Case Management System RFP evaluation team. Assisting in analyzing and reviewing proposals and watching demonstrations.
  - ✓ Case Data Reporting evaluation team, assisting with reviewing the data elements captured at the court level and data wanted for reporting purposes.

**Public Engagement Pilot Project – Virtual Meetings (October)**

The Public Engagement Pilot Project wrapped up in the beginning of 2020, but the team took the project a step further and reached out to prior participants to hold virtual engagements and discuss their perception of courts in the days of the pandemic. Two virtual roundtables were held with community members from Houston, Brownsville and Alpine.

**IAALS Declining Civil Filings Project**

This year, OCA agreed to participate on a project with the Institute for the Advancement of the American Legal System (IAALS) at the University of Denver to study the nationwide decline in civil case filings in the United States in recent years. Texas is one of five geographically and culturally diverse states participating in the study.

During the initial phase of the study, the research team will analyze docket data in order to establish the trends in filing rates in Texas courts, case types, and calendar years included in the study time frame—2003 through 2019. The second phase of the study entails virtual interviews in select jurisdictions for the purposes of observation and interviewing individual and business litigants, attorneys, judges, and court staff.

The final report should be ready to be published in the first half of 2021.

**Child Welfare Courts Evaluation**

Texas is also participating in an evaluation of virtual child welfare hearings. Anecdotally, courts report both positive and negative experiences with virtual child welfare hearings. There is, however, limited research on the experience of youth and families in virtual hearings or the extent to which the virtual courtroom impacts the ability to conduct quality hearings.

Texas is one of several states participating in a six-month long evaluation project. We have agreed to help identify sites within Texas, to agree to allowing researchers to observe virtual hearings, and to be open to potential additional

data collection activities including electronic surveys and virtual focus groups. As a result of the project, we will receive information on how virtual hearings in our state are going with regard to the experiences of youth and families, and you will be informing the national conversation about best practices in virtual hearings and helping to shape the research agenda around virtual child welfare hearings.

### **Remote Hearings Workload Evaluation**

Texas is also working on a project studying remote and virtual hearings and the impact on judicial time.

This project will employ a modified judicial time study focused on the time judges spend engaged in remote court activities. The project will be undertaken in a set of several Texas jurisdictions of varying size. A time study will be used to collect data from each of the six pilot court locations using augmented weighted caseload project protocols. Knowledge of how the use of remote hearings affects judicial workload is a critical step in determining the efficiency of remote hearings and the extent to which they should be maintained post-pandemic. The NCSCs weighted caseload method represents the state of the art in judicial workload assessment and, in the course of this project, the method will be extended to explicitly capture judicial time spent conducting remote hearings.

The findings will provide the basis for distinguishing and weighting different types of cases to account for variations in case complexity in combination with the manner in which hearings are held (remote v. in-person). The participating jurisdictions will serve as pilot courts to test the methodology and provide the data necessary to build an objective estimate of judicial workload in the environment of remote hearings. These results will shape the development and application of judicial workload methodology in Texas and throughout the country. More than 30 states currently employ weighted caseload models to analyze resource needs in their trial courts, and a weighted caseload model is used in Texas as a means of evaluating the need for judges, with the most recent model developed by the NCSC in 2007.

### **Centers of Excellence**

The Centers of Excellence program is still active and improving. Onsite and ongoing evaluations are on hold while courts address operating and holding hearings during COVID-19. New courts are still showing interest in becoming recognized and the Research and Court Services division is working to meet the needs of courts looking to become recognized when appropriate.

### **PRAISTX**

Court Services staff also continued work on the [Pretrial Risk Assessment Information System \(PRAISTX\)](#), with the plans to kick off work on an enhanced and modified system that is automated.

## **SPECIALTY COURTS**

### **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 and/or hearings reporter who are employed by the OCA.

Since the last report, the Centex Child Protection Court No. 1 hired a hearings reporter to serve both it and the Child Protection Court No. 2. The Child Protection Court of the Hill Country hired a new court coordinator.

Since March 2020, the Texas Judiciary has held over 1 million virtual hearings. The Children's Courts have excelled in holding Zoom hearings consistently being amongst the top and first users. Staff has continued ongoing meetings with the Office of Attorney General Child Support Division leadership regarding remote hearings and child support dockets.

OCA is working with the Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families (Children's Commission) in the development of the second Child Protection Court Convening. The convening is targeted to occur late July 2021.

The Research and Court Services Division (RCSD) Director and Children's Courts Program Manager serve on the Children's Commission Dual Status Task Force and participate 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.

#### SPECIALTY/PROBLEM-SOLVING COURTS

The Specialty Courts Program Manager, also serving as the Statewide Problem-Solving Court Coordinator (SPCC), continued representing OCA by attending and participating in specialty court-related meetings sponsored by a diverse body of state and federal governmental and non-profit agencies and other stakeholders.

Effective September 2019, OCA obtained oversight authority of Texas Specialty Courts. An ongoing effort is to maintain a current list of known operational specialty courts. The SPCC coordinated with the Specialty Court Resource Center in updating the list of specialty courts and submitted the list to the National Drug Court Resource Center for inclusion in the annual *Painting the Current Picture* publication of problem-solving and treatment courts in the country.

The SPCC continued to attend Statewide Problem-Solving Court Coordinators meetings hosted by the Center for Court Innovation, to discuss each state's courts response to the pandemic and to share ideas on how to operate moving forward.

The Specialty Courts Program Manager 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.

#### ENTERPRISE PLANNING AND REGULATORY SERVICES

##### 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 **6,848** 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. On March 16, 2020, the JBCC team was assigned to work remotely to support the Commission's objectives.

Profession	Type	Number of Certifications, Registrations, Licenses
Court Reporters	Certification	2235
Apprentice Court Reporters	Certification	5
Provisional Court Reporters	Certification	3
Court Reporting Firms	Registration	276
(50%+) CSR Owned Firms	Registration	24
Guardians	Certification	374
Provisional Guardians	Certification	104
Guardianship Program	Registration	24
Process Servers	Certification	3316
Court Interpreters-Basic	License	64
Court Interpreters-Master	License	423
<b>TOTAL</b>		<b>6848</b>

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#### 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 initiated 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 **45,826** proposed guardians have submitted data for registration, **19,921** have completed the training in English and Spanish, and over **14,690** criminal histories have been provided to the courts.

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#### RECENT MEETINGS OF THE JBCC AND ADVISORY BOARDS AND UPCOMING EVENTS

JBCC meetings are conducted quarterly throughout the year. The Commission met on November 6, 2020, and February 5, 2021. The next meeting of the Commission is May 7, 2021.

On May 21, 2020, JBCC staff members Jeff Rinard, Scott Gibson, Michele Henricks and Sheryl Jones 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.

On June 26, 2020, held the first joint meeting of the California/Texas task force on reciprocity for court reporters between the two states. The JBCC team along with the court reporter associations discussed issues relating to implementing reciprocity between Texas and California. We anticipate additional meetings soon.

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

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#### JBCC COMPLIANCE SECTION COMPLAINT INVESTIGATION AND RESOLUTION

In FY 2021, 50 complaints have been filed with the JBCC Compliance team and are in process or resolved:

- **11 court reporters**
- **1 court reporting firm**
- **13 process servers**

- **15 guardians**
- **10 guardianship programs**

The following JBCC Complaint Review Committees met:

- Court Reporters Complaint Review Committee, September 4, 2020, and December 18, 2020
- Process Server Complaint Review Committee, September 10, 2020, and December 17, 2020
- Guardians Complaint Review Committee, November 17, 2020

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#### COURT REPORTER ADVISORY BOARD TO ADDRESS COURT REPORTER SHORTAGE

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.

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. The new JBCC propose rules have also been provided to the court. On March 29, 2021, our team attended a California Reciprocity Task Force meeting to formulate recommendations to their Board on reciprocity.

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#### 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 **18** guardianship certification written examinations on **January 26-27, 2021**.
- JBCC staff will administer **18** oral Licensed Court Interpreter examinations on **March 9-10, 2021**.
- JBCC staff will administer **21** written Licensed Court Interpreter examinations on **March 16-17, 2021**.

#### GUARDIANSHIP ABUSE, FRAUD EXPLOITATION DETERRENCE PROGRAM (GAFEDP)

Since November 1, 2015, the OCA has been managing the Guardianship Compliance Project (GCP) to provide additional resources to courts handling guardianship cases. On September 1, 2019, the OCA implemented the GAFEDP to aid the courts relating to guardianship matters pursuant to SB31 & HB 1286 (Zaffirini/Smithee). Our team of guardianship compliance specialists assist in reviewing guardianship cases to identify reporting deficiencies by guardians, auditing annual accountings, reporting their findings back to the judge, and reporting 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 throughout the state. Courts throughout the state are required to participate in the program if selected and may also request program participation. Additionally, the OCA director may notify the Judicial Conduct Commission of any concerns involving judges who fail to act upon concerns raised by compliance specialists.

On January 1, 2021, the GAFEDP issued the [2020 Annual Report](#) to the Texas Legislature.

## 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 implementing the program and hiring the personnel necessary to monitor cases throughout the state.

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### 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.

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### DEVELOPMENT OF A STATEWIDE ONLINE GUARDIANSHIP REPORTING PORTAL

The OCA 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.

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.

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

<b>Guardianship Compliance Project (GCP) Data Findings</b>	<b>as of March 1, 2021</b>
Courts and Counties Involved in the GCP	<b>81-150</b>
Total Number of Guardianship Cases Reviewed by the GCP	<b>48,806</b>
Total Number of Cases Recommended for Closure	<b>22,921</b>
Total Number of Active Guardianships Identified	<b>25,848</b>
<i>Percentage of Cases Missing Annual Reports</i>	<b>33%</b>
<i>Percentage of Cases Missing Annual Accountings</i>	<b>47%</b>
<i>Percentage of Cases Missing Inventories</i>	<b>40%</b>
<i>Percentage of Cases Out of Compliance</i>	<b>40%</b>
Total Number of Deceased Wards Identified	<b>4,651</b>

### GAFEDP RECENT DEVELOPMENTS:

- We continue the implementation of Senate Bill 31 statewide by coordinating the on-going management of program implementation, training and procedures development, financial workbook development and data collection.

- The GAFEDP now has 16 team members of the total 23 personnel appropriated. We currently have a hiring freeze on for the additional positions. Once the pandemic subsides, we will decide on continuing the postings.
- Currently working in numerous counties in various stages.
- Developing GAFEDP procedures, process and training including the financial workbook and report of findings to the courts.
- Continuing to develop the GAFEDP guardianship online reporting system.
- Planning pilot project in Cameron and Montgomery Counties.

## PROJECT UPDATE-ENTERPRISE PLANNING OFFICE (EPO)

The Enterprise Planning Office (EPO) within Office of Court administration 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 and the court system. The EPO team has implemented the following legislatively mandated projects and have assigned a project manager and project sponsor. The project managers work with the project teams consisting of user and subject matter experts to develop functional and non-functional requirements to implement the projects in a timely manner. Below are the Legislatively Mandated Projects currently managed by the EPO.

### **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). The project manager has been assigned and a user/SME group formed to work on this project. Project team is currently working with the vendor, user groups and subject matter experts and have developed user stories and system requirements. The team is also in the process of creating the Texas Framework Documents for DIR review. **The project evaluation team completed the second round of vendor demos for possible selection. We anticipate contract execution by June 1, 2021.**

### **Service of Citation by Publication Online - 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 additional cost to individuals or to the counties. OCA has hired a project manager and is beginning work on this project as well. A project manager has been assigned and rules have been adopted by the Supreme Court necessary to implement this requirement that goes into effect in June. **July 1, 2020, Go-live 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 (viewable only to law enforcement) and granted final family violence protective orders (viewable by 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

first user/SME group meeting has been held. Staff are in the process of developing requirements and working with the internal programmer/developer. The project team is working with the project sponsor, user groups and subject matter experts to ensure IT development of this project. **October 15, 2020, this project went live, located 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 2020. The project team is currently working with the project sponsor and users to develop and implement the requirements of this project. **Finalizing the development of the system. Go-Live expected to be soon.**

### TEXAS FORENSIC SCIENCE COMMISSION (TFSC)

The Texas Legislature created the Texas Forensic Science Commission (“TFSC”) during the 79<sup>th</sup> 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.

The TFSC’s most recent quarterly meeting was held virtually on January 29, 2021. Commissioners considered a variety of matters including complaints against laboratories, laboratory self-disclosures of internal non-conformities, accreditation reports, and licenses issued pursuant to the forensic analyst licensing program. The Commission is also working with subject matter experts at the National Institute of Standards and Technology to assist Texas crime labs with implementing forensic science standards published on the Organization of Scientific Area Committees Registry of Standards. In the past year, the Commission facilitated the validation of a statewide qualitative method to distinguish hemp from marihuana. Several laboratories that participated in the validation study now offer the service. Staff also participated in an organizational hearing of the House Committee on Homeland Security & Public Safety, including responding to various questions from members. The Commission’s general counsel was asked to participate in the plenary session of the American Academy of Forensic Sciences Annual meeting in February, during which she presented on the Commission’s work. Dallas exoneree Richard Miles also served on the panel, discussing the impact of faulty gunshot residue results in his case. David Slayton also presented on the experience of Texas courts during the pandemic, and the Commission’s associate general counsel discussed the state licensing program. In the past year, the Commission closed investigations in three matters in which the Commission found misconduct on part of the laboratory employee or forensic analyst. The Commission currently has three pending investigations

concerning analysts or laboratory management misconduct affecting forensic casework. All Commission quarterly meetings are open to the public and livestreamed with the support of OCA's IT division.

## THE TEXAS JUDICIARY'S RESPONSE TO COVID-19

On March 4, 2020, the State of Texas saw its first diagnosed case of COVID-19. In the months that followed, as the world shut down and the public health crisis continued, the Texas Judiciary remained committed to providing access to justice, quickly adapting to holding remote proceedings via Zoom and employing the technology, such as electronic filing, put into place in the previous decade. From March through August 2020, Texas judges held more than 440,000 hearings remotely in every case type and type of proceeding, including bench and jury trials, with 1.3 million participants and lasting almost 1 million hours. As of April 5, 2021, the number of remote hearings held has increased to over 1.2 million with 3.8 million participants and lasting over 3.2 million hours. Judges, clerks, and court staff have provided millions of court users with the ability to safely resolve their disputes.

Despite the pandemic's dramatic impact on case filings and dispositions, the Texas Judiciary saw 7.3 million cases filed in FY 2020 and judges disposing of 7.4 million cases. The impact of COVID-19 on the judiciary will be long-lasting. It will take time and patience for judges to dig out of backlogs and for in-person jury trials to resume at normal levels. But the Judiciary will rise to the occasion, just like it did during this challenging year.