

STATE OF TEXAS

RESOLUTION

of the

TEXAS JUDICIAL COUNCIL

**Joint Criminal Justice Committee and Civil Justice Committee Remote Proceedings
Recommendations**

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the Criminal Justice Committee and Civil Justice Committee were jointly charged with monitoring remote proceedings within the state judiciary and recommending any necessary reforms; and

WHEREAS, Texas saw its first diagnosed case of COVID-19 on March 4, 2020, and no one could have predicted the destruction and disruption the pandemic would cause our communities; and

WHEREAS, the Texas Judiciary had activated its response plan weeks before the first COVID-19 diagnosis in Texas and began taking actions, including preparing to hold court online; and

WHEREAS, on March 13, the Texas Supreme Court, joined by the Court of Criminal Appeals, issued the First Emergency Order Regarding the COVID-19 State of Disaster to allow or require remote participation in a court hearing or proceeding; and

WHEREAS, Texas courts led the nation in online innovations during the pandemic — the first state to have its nine-member Supreme Court host remote oral arguments, the first state to hold a virtual non-binding civil jury trial in May 2020, and the first state to hold a virtual criminal jury trial in August 2020; and

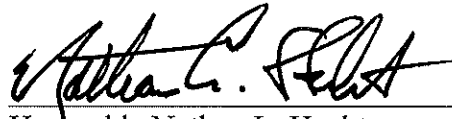
WHEREAS, through the end of August 2022, 2,438 Texas judges have held 2,573,608 remote hearings, and a staggering 9,719,672 participants have been involved in a remote hearing

since March 2020; and

WHEREAS, many judges have praised the increase in access to justice by holding court online with judges reporting greater participation from litigants due to the efficiency and ease of attending and remote participation also appears to benefit witnesses, victims, and others who fear for their safety when appearing in court, those who live in more remote locations, those with transportation constraints, and those with family care responsibilities; and

WHEREAS, while remote hearings will never fully replace in-person proceedings, the progress made during the pandemic in access to justice, accessibility, and efficiency should continue;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council recommends that the Legislature remove statutory barriers to allow remote proceedings to continue to increase access to justice and enhance court efficiency.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council

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Joint Criminal Justice Committee and Civil Justice Committee Juvenile NICS Reporting Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, as required by law, the National Instant Criminal Background Check System (NICS) conducts background checks on people who want to own a firearm or explosive; and

WHEREAS, under the Bipartisan Safer Communities Act of 2022, which was signed into law on June 25, 2022, when conducting criminal background checks on persons under the age of 21 seeking to possess a firearm NICS is required to immediately contact the criminal history repository or juvenile justice information system and the appropriate State custodian of mental health adjudication records, for the state in which the person resides; and

WHEREAS, Texas does not have a centralized source for statewide mental health adjudication information in juvenile cases and, in order to perform a thorough search, NICS is required to contact each of the more than 450 district and county clerks in the state; and

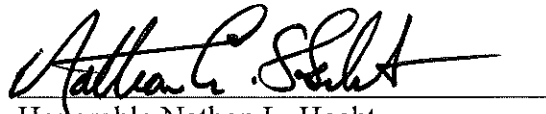
WHEREAS, though commitment proceedings for juveniles are held under Chapter 55 of the Family Code, they must be done according to the requirements of Chapter 574 or 593 of the Health and Safety Code; and

WHEREAS, mental health adjudications conducted under the requirements of Chapter 574 or 593 of the Health and Safety Code in criminal cases are reported to NICS and therefore, mental health adjudications in juvenile cases conducted under these same requirements could also be reported to NICS; and

WHEREAS, because Texas law defines "federal prohibited person information" as

information regarding a person's acquittal by reason of insanity, lack of mental responsibility, and incompetence to stand trial in the context of criminal cases and not juvenile cases there is confusion as to whether this information as it relates to juvenile cases should or may be reported to NICS;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council requests the Legislature clarify juvenile NICS reporting requirements.

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Honorable Nathan L. Hecht
Chair, Texas Judicial Council

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Criminal Justice Committee Bail and Preventative Detention Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the Criminal Justice Committee was charged with continuing to evaluate and monitor Texas' pretrial bail system for improvement and recommending any further statutory and non-statutory changes; and

WHEREAS, except for very limited circumstances, the current Texas Constitution and statutory framework does not provide magistrates with preventive detention authority in non-capital cases, even when the defendant before the magistrate poses the highest risk of flight or to public safety; and

WHEREAS, at least 27 states and the District of Columbia, as well as the federal system, have statutes or constitutional provisions that authorize detention without bail in non-capital cases; and

WHEREAS, these preventive detention provisions are a recognition that there are some defendants for which there are no conditions of release which would reasonably assure the defendant's appearance at court and the safety of the community; and

WHEREAS, the Council believes pretrial decisions should be made based upon risk of flight and to public safety; and

WHEREAS, the Council believes that the Texas Constitution and related statutes should be amended to provide magistrates with the authority to use preventive detention to hold defendants charged with a violent crime and that pose a high flight risk and/or high risk to community safety; and

WHEREAS, the 87th Legislature required the Office of Court Administration to develop the Public Safety Report System (PSRS) to assist magistrates in making bail decisions and to collect and publish data regarding those decisions; and

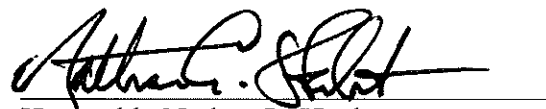
WHEREAS, the PSRS is used by magistrates in setting bail for all Class B misdemeanor and higher offenses; and

WHEREAS, jurisdictions have raised concerns that data entry into the PSRS is burdensome; and

WHEREAS, the PSRS has been updated to include an integration functionality that will enable it to transfer the bail information from the PSRS to local jurisdictions' court and jail case management systems;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council requests the Legislature:

1. Amend the Texas Constitution and enact related statutes to provide that certain defendants charged with a violent crime and posing a high flight risk and/or high risk to community safety may be held in jail without bail pending trial after certain findings are made by a magistrate and a detention hearing is held; and
2. Provide funding to counties to allow local case management and jail systems to integrate with the Public Safety Report System.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council

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Criminal Justice Committee Class C Diversion Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, in recent years the Legislature has enacted legislation designed to limit youth exposure to the criminal justice system through decriminalization of failure to attend school and through the creation of a special civil process to address truancy; and

WHEREAS, while these changes to the law have significantly reduced the number of non-traffic, Class C/fine-only cases filed against juveniles in justice and municipal courts, the volume of these cases remains high with Office of Court Administration data indicating that over 36,300 non-traffic Class C cases were filed against juveniles in justice and municipal courts in state fiscal year 2022; and

WHEREAS, these remaining Class C/fine-only charges against juveniles are handled as criminal matters in justice and municipal courts, and the handling of these cases in this manner carries with it a variety of potential consequences, including the lack of appointed counsel, the imposition of legal financial obligations that might be difficult to satisfy, and the prospect of a criminal record; and

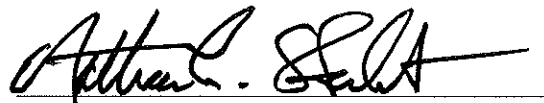
WHEREAS, diverting juvenile Class C offenders from the criminal justice system would advance a stated purpose of the Juvenile Justice Code — “to remove, where appropriate, the taint of criminality from children committing certain unlawful acts” while simultaneously holding youth accountable for their actions; and

WHEREAS, the Council’s Juvenile Justice Committee recommended in its 2018 and 2020 reports that the Legislature amend current law to allow for the handling of youth charged with

Class C/fine-only offenses as a civil matter in the state's justice and municipal courts; and

WHEREAS, in 2018 and 2020, the Council recommended that the Legislature amend current law to allow for the diversion of youth charged with non-traffic Class C/fine-only offenses from the criminal justice system;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council requests the Legislature amend current law to allow for the diversion of youth charged with non-traffic Class C/fine-only offenses from the criminal justice system.

A handwritten signature in black ink, appearing to read "Nathan L. Hecht", written over a horizontal line.

Honorable Nathan L. Hecht
Chair, Texas Judicial Council

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Criminal Justice Committee Judicial Work Product Security Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

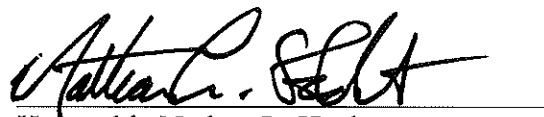
WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, on the evening of May 2, 2021, the political news website *Politico* published a leaked draft of US Supreme Court Justice Samuel Alito's majority opinion in *Dobbs v. Jackson Women's Health Organization*, sending shockwaves through the news cycle; and

WHEREAS, leaks of a court's work product and draft decisions disrupt the court's internal operation and deliberations, weaken judicial independence by subjecting judges to political pressure and intimidation over undecided cases, and threaten public trust and confidence in the courts; and

WHEREAS, there is no state statutory provision that criminalizes the unauthorized release of a draft decision or other judicial work product;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council requests the Legislature make it a criminal offense to publicly distribute draft judicial opinions and work product that details the decisional reasoning of or the holding of a justice or judge.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council

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Criminal Justice Committee JCMH Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, one of the Council's recommendations in 2016 was the creation of a Judicial Commission on Mental Health (JCMH); and

WHEREAS, JCMH was created jointly in a historic hearing and joint order by the Texas Supreme Court and Texas Court of Criminal Appeals in January 2018; and

WHEREAS, the Committee believes additional reforms to the ways that courts and the justice system interact with individuals with a mental health condition or an intellectual or developmental disability would benefit those individuals;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council urges the Legislature to enact the recommendations from the Texas Judicial Commission on Mental Health concerning the following areas:

1. Amend Texas Code of Criminal Procedure Chapter 46B to limit inpatient competency restoration for nonviolent misdemeanors to extraordinary circumstances; and
2. Amend Texas Code of Criminal Procedure article 46B.084 to address deteriorating mental condition; and
3. Credit for Participation in Outpatient Competency Restoration Programs; and
4. Use of Article 16.22 procedures for Class C Misdemeanors; and
5. Permit Class C Misdemeanor dismissal when the defendant is found not competent; and

6. Harmonize Mental Health Personal Bonds with Recent Amendments; and
7. Emergency Mental Health or Intellectual Disability Services Arrest Deferral for Nonviolent Offenses; and
8. Electronic Application for Emergency Detention Warrants by Qualified Professionals at Hospitals and Mental Health Facilities; and
9. Security of Firearms Found in Possession of Persons in Emergency Detention Under a Warrant; and
10. Authorization for Blood Draws for Patients Receiving Court-Ordered Medication; and
11. Clarification of a Law Enforcement Officer's Duties upon Presenting an Individual for Mental Health Services; and
12. Revisions to Family Code Chapter 55 Subchapter A. General Provisions; and
13. Revisions to Family Code Chapter 55 Subchapter B. Child with Mental Illness; and
14. Revisions to Family Code Chapter 55 Subchapter C. Child Unfit to Proceed as a Result of Mental Illness or Intellectual Disability; and
15. Revisions to Family Code Chapter 55 Subchapter D. Lack of Responsibility for Conduct as a Result of Mental Illness or Intellectual Disability; and
16. Addition of New Family Code Chapter 55 Subchapter E. Proceedings for Court-Ordered Mental Health or Residential Intellectual Disability Services.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council

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Civil Justice Committee Family Protection Legal Representation Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the Civil Justice Committee was charged with studying the landscape of the Texas civil justice system and recommending any necessary reforms to improve access to justice in Texas courts; and

WHEREAS, every year the Texas child protection system affects tens of thousands of families; and

WHEREAS, the consequences in these cases can be severe, including permanent family separation; and

WHEREAS, funding, administration, and oversight of appointed counsel in CPS cases falls almost entirely upon Texas's 254 counties; and

WHEREAS, legal representation of parents and children in child protection cases varies widely across Texas; and

WHEREAS, prior to the 86th Legislature's passage of SB 560 there was no statewide data collection for court-appointed legal representation of families; and

WHEREAS, Texas counties must now report information about their court-appointed systems in child protection cases; and

WHEREAS, the Legislature directed the Texas Judicial Council to gather CPS court-appointment data; and

WHEREAS, the Texas Judicial Council tasked the Texas Indigent Defense Commission

with SB 560 data collection and reporting; and

WHEREAS, one of TIDC's core functions in oversight of the indigent defense system is the collection of indigent defense data from all 254 counties and from attorneys paid for court appointments; and

WHEREAS, under SB 560, counties are required to report expenditures and local judicial processes for court-ordered legal representation of children and parents in CPS cases; and

WHEREAS, TIDC successfully mapped CPS data collection onto its indigent defense data collection infrastructure, allowing for timely collection of CPS appointment data; and

WHEREAS, the initial round of data reported to TIDC shows substantial variation through Texas in spending on court-ordered legal representation in CPS cases; and

WHEREAS, the data show disparities in CPS attorney availability and in local practice in CPS attorney appointment system oversight and administration; and

WHEREAS, reported data show wide variation in compensation amount and structure for attorneys appointed to represent parents or children; and

WHEREAS, reported data show inconsistency throughout Texas in methods for determining the indigency of parents in CPS cases;

WHEREAS, TIDC is well-suited to collect CPS appointment data and oversee the CPS attorney appointment system due to its existing indigent defense oversight infrastructure;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council requests the Legislature establish a Family Protection Legal Representation Program within the Texas Indigent Defense Commission.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council

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Public Trust and Confidence Committee Clean Slate Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the Public Trust and Confidence Committee was charged with studying ways to improve racial justice, equity, and inclusion in the justice system; and

WHEREAS, the Public Trust and Confidence Committee was charged with continuing to monitor public trust and confidence in the Texas Judiciary and recommend any necessary reforms to increase public support and respect; and

WHEREAS, according to the Texas Department of Public Safety, over 9 million Texans have some sort of criminal record; and

WHEREAS, although many individuals became eligible for an order of nondisclosure of criminal history record information under the 84th Legislature's SB 1902, many Texans continue to face records relief barriers; and

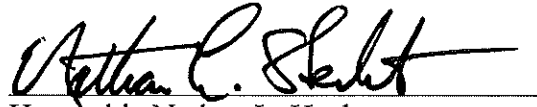
WHEREAS, records can create barriers to employment, housing, and education; and

WHEREAS, records sealing can help justice-involved Texans reintegrate into their communities, lessening the likelihood of future criminal activity;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council requests the Legislature:

1. Automate the record sealing process for people with first-time, non-serious misdemeanors who the Legislature has already deemed entitled to presumptive relief; and

2. Expand eligibility for petition-based record sealing.

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Honorable Nathan L. Hecht
Chair, Texas Judicial Council

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Public Trust and Confidence Committee Civics Education Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the Public Trust and Confidence Committee was charged with studying ways to improve racial justice, equity, and inclusion in the justice system; and

WHEREAS, the Public Trust and Confidence Committee was charged with continuing to monitor public trust and confidence in the Texas Judiciary and recommend any necessary reforms to increase public support and respect; and

WHEREAS, for several legislative cycles, the Texas Judicial Council has advocated for increased and improved civics education for Texans young and old; and

WHEREAS, according to recent surveys less than half of U.S. adults can name all three branches of government; and

WHEREAS, although the Third Branch outpaces its sister branches in public confidence surveys, confidence in the state and federal court systems continues to deteriorate; and

WHEREAS, a declining understanding of and appreciation for the justice system plays a role in this deterioration; and

WHEREAS, the public should be further educated on the differences between the Third Branch and its sister branches, on how the judicial system was designed, and on how the courts operate differently from the political branches;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council requests the Legislature amend state law to require comprehensive civics education that includes an emphasis

on the judiciary, its design, and how the state and local court systems operate.

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Honorable Nathan L. Hecht
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Data Committee Case Level Data Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the Data Committee has been charged with continuing to work on guiding the revisions of the court activity reporting database to collect case-level statistical data; and

WHEREAS, the Council's mission involves the continuous study of the courts and methods for their improvement, consideration of advice concerning remedies for faults in the administration of justice, designing methods for simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in or improving the administration of justice, and gathering judicial statistics and other pertinent information from judges and other court officials; and

WHEREAS, data are critical to the Council's work; and

WHEREAS, the complexity of cases has increased, and expectations grown for the Council and its partners within and outside of the judiciary to bring strategic focus to their work; and

WHEREAS, the administration of justice in Texas is a dynamic and sometimes complex affair and the need for reliable and complete data about the work of the courts is essential; and

WHEREAS, over the years, data collection has evolved as resources and technology improved the capability of the Council to collect more and different information; and

WHEREAS, Judicial data collection requirements also come from the Legislature; and

WHEREAS, in its 2018 report, the Data Committee recommended that the Council collect case-level data from all courts and that data collection be relevant to supporting key functions for the justice system, judiciary, and other policymakers;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council requests the Legislature fund the tools necessary for the Texas Judiciary to collect case level data.

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In Support of Appropriations Request for Improving Indigent Defense

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the Texas Indigent Defense Commission (TIDC) is a permanent standing committee of the Texas Judicial Council, created under Chapter 79, Texas Government Code; and

WHEREAS, TIDC is charged with promoting compliance by counties with the requirements of state law related to indigent defense pursuant to the *Fair Defense Act of 2001*; and

WHEREAS, the right to counsel is guaranteed in the U.S. and Texas Constitutions; and

WHEREAS, numerous challenges remain in the Texas indigent defense system despite significant progress; and

WHEREAS, Texas is struggling with the loss of one-quarter of rural defense attorneys since 2015 that have left rural misdemeanor defendants without an attorney; and

WHEREAS, TIDC has successfully built regional defender offices as an effective solution to attract attorneys to rural areas and strengthen rural justice systems; and

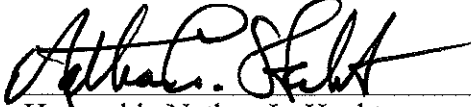
WHEREAS, demand for rural regional defender offices has greatly increased; and

WHEREAS, TIDC has fewer than 20 staff to oversee, fund, and improve indigent defense;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council recommends the Texas Legislature:

1. Appropriate \$50 million in general revenue so TIDC can build rural defender offices in dozens of rural Texas communities; and
2. Allow for six additional TIDC employees to ensure compliance with state and

federal law.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council

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Ensuring Adequate Court Funding

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the Texas Constitution divides the powers of the government of the State of Texas into three distinct departments — the Legislative, Executive and Judicial Departments; and

WHEREAS, the Judiciary, having neither the “sword nor the purse,”¹ relies upon the legislative and executive branches to provide sufficient funding to carry out its constitutional and statutory purposes; and

WHEREAS, a strong judiciary able to uphold the rule of law is critical to attracting business growth and maintaining a prosperous state; and

WHEREAS, delayed justice costs Texas businesses and citizens money, while effective and efficient courts save taxpayers money; and

WHEREAS, the total state appropriations to the Judiciary represented 0.38% of the total state budget in the 2020-21 biennium; and

WHEREAS, the Judiciary has used technology and other administrative measures to increase efficiency and make significant technological improvements; and

WHEREAS, ensuring that an adequate level of funding is provided to the Judiciary is essential to promoting access to the courts for Texans to resolve their disputes and protect the citizenry from abuse of their individual rights; and

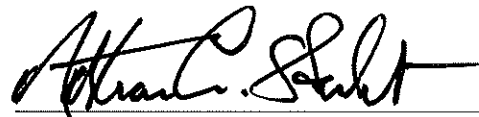
WHEREAS, the Judiciary must continue to utilize funding to improve the way it

¹ Alexander Hamilton, *Federalist #78*, THE FEDERALIST (New York: Fine Creative Media).

administers justice to better meet the needs of citizens and employers in Texas through innovation, education and technological advances;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council urges the Legislature and County Commissioners Courts to provide adequate funding to:

1. Support and restore core services to the judicial branch, as outlined in the legislative appropriations requests for the state-funded courts and judicial branch agencies;
2. Provide additional funding to assist the courts in reducing their caseload backlog resulting from the COVID-19 pandemic;
3. Increase the state base pay of the state's justices and judges as recommended by the Judicial Compensation Commission;
4. Provide sufficient judicial education to the over 3,300 judges of this state;
5. Ensure access to justice is available to individuals seeking justice through continued funding for basic civil legal services and increased funding for basic civil legal services for veterans and their families; and
6. Ensure appropriate constitutional protection through criminal indigent defense services.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council

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Supporting Adequate Funding for Civil Legal Aid in Texas

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the Texas Judicial Council embraces the principles that our nation promises justice for all, not just for those who can afford to pay for it; and

WHEREAS, the most recent U.S. Census survey suggests over 4.1 million Texans live in poverty, and a University of Texas at San Antonio study from 2015 found that only 10% of the civil legal needs of low-income Texans were being met; and

WHEREAS, low-income Texans are often the most vulnerable in our communities, including veterans, the elderly, persons with disabilities and mental health needs, and survivors of domestic abuse, sexual assault and human trafficking; and for many disadvantaged Texans access to legal help might be all that stands between them and homelessness, health, safety, and income to provide food on their table and shelter for their children; and

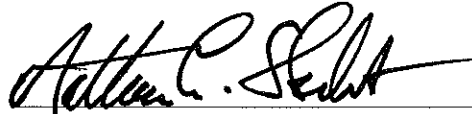
WHEREAS, civil legal aid can help with newly confronted issues, such as eviction/foreclosure, domestic violence (including child and elder abuse), health and public benefits, utility shut-offs, repossessions, and other consumer-related issues; and

WHEREAS, Texas ranks 47th in access to legal aid lawyers, with approximately one legal aid lawyer for every 7,000 Texans who qualify for legal aid services; and

WHEREAS, a lack of adequate funding to meet the legal need results in thousands of Texans being denied critical, life-changing legal representation, which for some Texans may be a matter of life, death, health, and safety;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council supports the

Supreme Court of Texas' appropriations request for basic civil legal services funding from the Texas Legislature and supports the Texas Access to Justice Commission and Foundation proposals for additional funding for basic civil legal services.



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Chair, Texas Judicial Council

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Judicial Compensation Commission Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the Judicial Compensation Commission was created by the 80th Legislature to recommend the proper salaries to be paid by the state for all justices and judges of the Supreme Court, the Court of Criminal Appeals, and the District Courts; and

WHEREAS, the salary of Texas' Supreme Court justices and Court of Criminal Appeals judges ranks 29th in the nation when compared with the salary of other high court judges; and

WHEREAS, the salary of Texas' Court of Appeals justices ranks 23rd in the nation when compared with the salary of other appellate judges; and

WHEREAS, the salary of Texas' District Court judges ranks 41st in the nation when compared with the salary of other general-jurisdiction court judges; and

WHEREAS, the Judicial Compensation Commission has recommended that the state base salary for justices and judges of the Supreme Court, the Court of Criminal Appeals, and the District Courts be increased by 11% in fiscal year 2024 and another 11% in fiscal year 2025 and this recommendation has been included in the exceptional item request submitted in the Comptroller Judiciary Section's legislative appropriations request; and

WHEREAS, the state base salary for justices and judges of the Supreme Court, the Court of Criminal Appeals, and the District Courts has not been increased since 2013; and

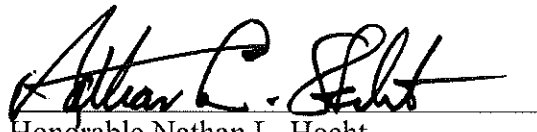
WHEREAS, the Judiciary, having neither the "sword nor the purse,"¹ relies upon the

¹ Alexander Hamilton, *Federalist #78*, THE FEDERALIST (New York: Fine Creative Media).

legislative and executive branches to provide sufficient funding to carry out its constitutional and statutory purposes; and

WHEREAS, to maintain the high quality of our judicial system, it is important that judicial compensation be sufficient to attract the most able attorneys to the bench and to retain experienced judges;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council supports the recommendations of the Judicial Compensation Commission and urges the Legislature to fund the proposed increases to the state base salary of the State's justices and judges of the Supreme Court, the Court of Criminal Appeals, and the District Courts.


Honorable Nathan L. Hecht
Chair, Texas Judicial Council