



# TEXAS JUDICIAL COUNCIL

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CHAIR:

HON. WALLACE B. JEFFERSON  
Chief Justice, Supreme Court

EXECUTIVE DIRECTOR:

David Slayton

VICE CHAIR:

HON. SHARON KELLER  
Presiding Judge, Court of Criminal Appeals

## TEXAS JUDICIAL COUNCIL

### MINUTES OF MEETING

June 7, 2013

10:00 a.m.

SUPREME COURT OF TEXAS  
Supreme Court Building  
201 W. 14th Street, Room 104  
Austin, Texas

#### COMMENCEMENT OF MEETING

On June 7, 2013, Chief Justice Wallace B. Jefferson called the meeting<sup>1</sup> of the [Texas Judicial Council](#) (“Council”) to order at approximately 10:05 a.m. in the courtroom of the [Supreme Court of Texas](#) (“SCOT”) in Austin, Texas.

The following members of the Council were present:

*Hon. Wallace B. Jefferson, Chief Justice, Supreme Court of Texas*  
*Mr. Richard Battle, Key Trak, College Station*  
*Hon. Gary Bellair, Presiding Judge, Ransom Canyon Municipal Court*  
*Hon. Bill Boyce, Justice, 14<sup>th</sup> Court of Appeals, Houston*  
*Hon. Russell B. Casey, Justice of the Peace Pct. 3, Place 1, Tarrant County*  
*Mr. Richard Figueroa, UBS Advisory & Brokerage Services, Houston*  
*Ms. Ashley Johnson, Gibson Dunn & Crutcher LLP, Dallas*  
*Hon. Tryon Lewis, Representative, Odessa*  
*Hon. Kelly Moore, Judge, 121<sup>st</sup> Judicial District, Terry & Yoakum*  
*Mr. “Hank” Nuss, Welder Leshin, Corpus Christi*  
*Hon. Glenn D. Phillips, Presiding Judge, City of Kilgore*  
*Hon. Polly Jackson Spencer, Judge, Probate Court #1, Bexar County*  
*Hon. Linda A. Rodriguez, Judge, County Court at Law No. 2, Hays County*

Members attending via phone were Mr. Justice and Judge Glenn Phillips.

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<sup>1</sup> The meeting may be viewed on the State Bar of Texas website <http://www.texasbarcle.com/CLE/TSCSearch2.asp>

Members not in attendance were Presiding Judge Sharon Keller, Representative Roberto Alonzo, Senator Robert Duncan, Ms. Allyson Ho, Judge Orlinda Naranjo, Judge Valencia Nash, Chief Justice Sherry Radack, and Senator Royce West.

Chief Justice Jefferson welcomed new member, Judge Rodriguez.

## **MINUTES**

With a quorum present, Chief Justice Jefferson called for a motion to approve the previous meeting minutes. With proper motion and vote, the [February 22, 2013](#) meeting minutes were approved.

## **REPORTS AND ACTION ITEMS**

### **Amendment to Monthly Justice Court Activity Report Rule**

Mary Cowherd, Deputy Director for the Office of Court Administration, presented a [proposed amendment](#) for the consideration of adoption of modification to the Texas Judicial Council Justice Court Monthly Case Activity Report. Ms. Cowherd requested a motion to adopt. After proper motion, vote and with no objection, the amendment was adopted.

### **Texas Indigent Defense Commission**

Wesley Shackelford, Special Counsel for the Texas Indigent Defense Commission (TIDC), reported for TIDC. Mr. Shackelford announced the appointments of Representative Abel Herrero, Senator Royce West, Mr. Don Hase to TIDC and the reappointment of Tony Odiorne. He then provided an overview of the [TIDC Director's Report](#).

### **Shared Solutions 2.0**

Rick Figueroa reported that he and staff had met with representatives from the [National Center for State Courts](#) (NCSC). There will be another collaborative meeting October 3-4, 2013 to identify requirements for court standards and best practices. The Summit is still on target for Spring 2014.

### **e-Filing**

Thomas Sullivan, Deputy Director for Information Services, discussed the transition to [TexFile](#) and updated the Council on [HB 2302](#) which is currently at the Governor's desk for approval. He advised that the rules for e-filing are at the [Supreme Court Advisory Committee](#) also for approval. He introduced Mr. Brian McGrath, Program Director for TexFile at Tyler Technologies, who presented the background and current [status of the program](#). He also informed the Council that on May 22, Tyler hosted the TexFile Information Session at the Hilton Austin, which was open to all Texas courts.

### **Legislative Update**

Representative Lewis advised of four bills that will affect the judiciary: SB 462 relating to specialty court programs in this state; HB 3153 relating to the operation and administration of, and practice in courts in, the judicial branch of state government and the composition of certain juvenile boards; imposing a fee; HB 1263 relating to the delay in the implementation of the abolishment of small claims courts, and; HB 1325 relating to the dismissal of certain actions arising from exposure to asbestos and silica.

Mr. Slayton updated the Council on the status of TJC [resolutions](#).

**Center for Elders and the Courts**

Dr. Brenda Uekert addressed the Council about the issue of elders and the courts. Dr. Uekert is the Director for the Center for Elders and the Courts ([CEC](#)), a creation of the NCSC. Among topics discussed were the lack of existing data, the lack of specialized training for probate judges in rural areas, inactive oversight, and availability of the [Elder Abuse Toolkit for Courts](#). She acknowledged the Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) which recently rolled out in Texas.

After discussion, Chief Justice Jefferson named Judge Polly Jackson-Spencer to chair an Elders Committee. Other members named to serve on the committee were Judge Glenn Phillips, Judge Kelly Moore, Mr. Virgil Justice and Ms. Allyson Ho. Chief Justice Jefferson tasked the committee with defining the mission. He provided a preliminary mission: To access the ways in which Texas courts interact with the elderly including guardianship, probate, elder abuse and other proceedings and to identify judicial policies or initiatives that could be enacted to protect and improve the quality of life for elderly Texans. He stated that advisory committee members would be appointed to assist the committee and once those appointments were made, Judge Spencer would contact members to schedule a meeting. Chief Justice Jefferson suggested work be concluded by the summer of 2014 if possible.

Next, Chief Justice Jefferson began a discussion on the increasing number of unrepresented litigants in courts and the struggle that Texas has to ensure those parties still have their remedies addressed in court. Recently, he and Jennifer Cafferty, SCOT General Counsel, went to New York in an effort to see what other states are doing. Ms. Cafferty reported on three initiatives that Chief Judge Jonathan Lippman of New York has done to increase access to justice: 1) require 50 hours of pro bono work for all new lawyers to get into the New York Bar, 2) require all New York lawyers to report pro bono hours they have contributed and the monetary contributions they have made towards access to justice efforts, and 3) establish a task force to look at how non-lawyers can help indigent litigants to have access to the court system. They also learned that state courts in New York provide CLE hours to attorneys who provide pro bono work. Efforts will continue and they will report again.

Judge Casey commented on Justice Court rules/Small Claims rules going into effect August 31, 2013.

**NEXT MEETING**

Mr. Slayton will be in touch to schedule a meeting in the fall and receive another Legislative Update.

**ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at approximately 12:00 p.m.

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Wallace B. Jefferson  
Chair