

**Annual Reports  
of the  
Judicial Support Agencies,  
Boards  
and  
Commissions**

**For the Fiscal Year Ended  
August 31, 2012**

**OFFICE OF COURT ADMINISTRATION  
David Slayton, Administrative Director**

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PO Box 12066

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(512) 463-1625

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# *Introduction to the Judicial Support Agencies, Boards and Commissions*

The **Office of Court Administration** provides information and research, technology services, budgetary and legal support, and other administrative assistance to a variety of judicial branch entities and courts, under the supervision of the Supreme Court of Texas and the Chief Justice. The office is led by an Administrative Director appointed by the Supreme Court and reporting to the Chief Justice.

The **Texas Judicial Council** is the primary policy-making body for the judiciary responsible for studying and recommending changes to improve the administration of justice. The Administrative Director of the Office of Court Administration serves as Executive Director for the Council.

The **Texas Indigent Defense Commission** is a statutorily-created permanent standing committee of the Texas Judicial Council that provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law. Although administratively attached to the Office of Court Administration, the Commission appoints an Executive Director responsible for leading the office.

The **Judicial Committee on Information Technology** establishes standards and guidelines for the systematic implementation and integration of information technology into the state's trial and appellate courts. The Office of Court Administration provides administrative support for this committee.

The **Court Reporters Certification Board** performs licensing and regulatory functions for the court reporting profession. The Board is administratively attached to the Office of Court Administration.

The **Process Server Review Board** performs certification and regulatory functions for persons authorized to serve process. The Office of Court Administration provides clerical support to the Board.

The **Guardianship Certification Board** performs certification and regulatory functions for individuals (other than attorneys and corporate sureties) who act as private professional guardians, individuals (other than volunteers) who provide guardianship services to wards of

guardianship programs, and individuals who provide guardianship services to wards of the Department of Aging and Disability Services. The Board is administratively attached to the Office of Court Administration.

The **Judicial Compensation Commission** is a governor-appointed body responsible for making a report to the Texas Legislature each even-numbered year recommending the proper salaries to be paid by the state for all justices and judges of the Supreme Court of Texas, the Court of Criminal Appeals of Texas, the courts of appeals and the district courts. The Office of Court Administration provides administrative support for the Judicial Compensation Commission.

# Office of Court Administration

**Executive Operations** — The Office of Court Administration (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 succeeded Mr. Carl Reynolds after his retirement in March 2012. Ms. Maria Eléna Ramón, General Counsel for OCA, was appointed by Chief Justice Wallace B. Jefferson to carry out those duties during the interim. Mr. Slayton is supported by an executive assistant, who also serves as clerk to the Process Server Review Board.

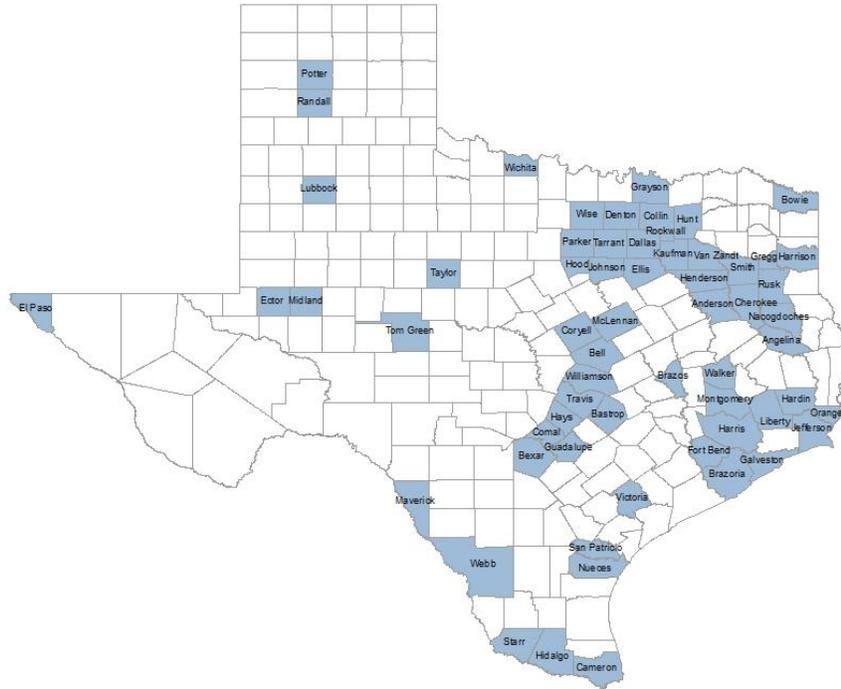
The Director provides leadership and strategic direction, represents the agency to the Legislature, other agencies and interest groups, and is responsible for the agency's performance. He staffs the policy-making function of the Judicial Council, with support from the Research and Court Services and Legal divisions. In August 2012, he assumed responsibility of [CourTex](#), formerly a blog that is now distributed as a monthly email publication to almost 1,500 stakeholders, and has introduced OCA to social media via [Facebook](#).

**Research and Court Services Division** — During FY 2012, the division's activities included the development or continuation of programs and projects designed to increase the collection of court costs, fees, and fines; to improve judicial data reporting accuracy and compliance; to improve the administrative operation of the courts; and to provide remote interpreter services for family violence cases.

**Collection Improvement Program.** OCA's Collection Improvement Program is a set of principles and processes for managing cases when defendants are not prepared to pay all court costs, fees, and fines at the time of assessment and when time to pay is requested. In 2005, the Texas Legislature enacted S.B. 1863 (codified at Code of Criminal Procedure, article 103.0033), which requires cities with a population of 100,000 or more, and counties with a population of 50,000 or more, to implement collection improvement programs based on OCA's model Court Collection Improvement Program. As of August 31, 2012:

- 77 of the 78 counties and cities required to implement a program, based on the 2000 federal decennial census, had either fully or partially implemented the model. One county, Harris County, previously received a waiver.
- 12 of the 13 counties and cities required to implement a program, based on the 2010 federal decennial census, had either fully or partially implemented a program. One county, Wise County, started the process to implement a program.

## MANDATORY COUNTY COLLECTION IMPROVEMENT PROGRAMS



**89 of the 91 counties and cities required to implement a program have either fully or partially implemented the CIP model.**

In FY 2012, the primary focus of the Collection Improvement Program (CIP) technical support staff continued to be working with the counties and cities required to implement a program to ensure compliance with the critical components of the model program. To that end, program staff continued to provide technical assistance and conduct simulated compliance audits of mandatory programs to identify any deficiencies and assist counties or cities with correcting deficiencies before the OCA auditors conduct the official compliance audit.<sup>1</sup> The technical

<sup>1</sup> The compliance audits were previously conducted by the Comptroller of Public Accounts. During the 2011 legislative session, responsibility for conducting the audits was transferred to OCA.

support staff also conducted “spot check” reviews of counties and cities required to implement a program to ensure continuing compliance with program components.

### KEY ELEMENTS OF THE COLLECTION IMPROVEMENT PROGRAM

- Staff or staff time dedicated to collection activities.
- Expectation that all court costs, fees, and fines are generally due at the time of assessment (sentencing or judgment imposed date).
- Defendants unable to pay in full on the day of assessment are required to complete an application for extension of time to pay.
- Application information is verified and evaluated to establish an appropriate payment plan for the defendant.
- Payment terms are usually strict.
- Alternative enforcement options (e.g., community service) are available for those who do not qualify for a payment plan.
- Defendants are closely monitored for compliance, and action is taken promptly for non-compliance:
  - Telephone contact and letter notification are required when a payment is missed;
  - Possible issuance of a warrant for continued non-compliance; and
  - Possible application of statutorily permitted collection remedies, such as programs for non-renewal of driver's license or vehicle registration.
- A county or city may contract with a private attorney or a public or private vendor for the provision of collection services on delinquent cases (61+ days), after in-house collection efforts are exhausted.

The CIP technical support staff conducted five regional training workshops on the compliance audit process, which were held in Decatur, Denton, Galveston, Silsbee and Waco. They also conducted collections training sessions at the Texas Municipal Court Education Center’s Clerk Schools held in Austin and Houston. In an effort to improve the accuracy and completeness of collection activity information reported to OCA, program staff conducted special regional training sessions on CIP reporting in Corpus Christi, El Paso, McAllen, and Plainview.

**Number of voluntary programs fully or partially implemented****81**

As of August 31, 2012, a total of 81 voluntary programs were fully or partially implemented. During FY 2012, program staff assisted three cities (Brookshire, Round Rock, and Woodville) and two counties (Fannin and Panola) with developing and partially implementing a voluntary program based on OCA's model Court Collection Improvement Program. Additionally, program staff continued to assist or offer assistance to existing local voluntary collection improvement programs.

**ESTIMATED ADDITIONAL REVENUE  
GENERATED BY MANDATORY  
COLLECTION IMPROVEMENT PROGRAMS**

<b>State Fiscal Year</b>	<b>State</b>	<b>Local</b>
<b>2006</b>	<b>\$5,235,455</b>	<b>\$15,706,365</b>
<b>2007</b>	<b>\$21,150,486</b>	<b>\$63,451,458</b>
<b>2008</b>	<b>\$21,332,823</b>	<b>\$63,998,469</b>
<b>2009</b>	<b>\$19,834,715</b>	<b>\$59,504,147</b>
<b>2010</b>	<b>\$17,652,549</b>	<b>\$52,957,646</b>
<b>2011</b>	<b>\$21,014,408</b>	<b>\$63,043,225</b>
<b>Total</b>	<b>\$106,220,436</b>	<b>\$318,661,310</b>

**Judicial Information Program.** The Judicial Information Program is the only statewide repository that 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 Report for the Texas Judiciary, Texas Judicial System Directory, and other publications; and provides information about the judicial branch. Approximately 138,000 separate reports were received in FY 2012.

**Number of Statistical Reports Received  
Approximately 138,000**

*Publications.* During FY 2012, Judicial Information produced the [2011 Annual Statistical Report for the Texas Judiciary](#), the [2012 Texas Judicial System Directory](#), the [Report on Judicial Salaries and Turnover for Fiscal Years 2010-2011](#), and the [2011 Report on Texas Court Security Incidents](#). Staff also updated the [Texas Judicial System](#) pamphlet and the [Geographical Jurisdiction of District Courts](#).

*Data Collection.* Judicial Information engaged in numerous activities to facilitate the implementation of the new monthly justice and municipal court activity reports that went into effect September 1, 2011. Staff made presentations to municipal and justice court clerks and judges at numerous seminars held by the Texas Municipal Courts Education Center, Texas Justice Courts Training Center, and other organizations. The section also provided constant technical assistance to clerks, judges and case management software providers.

**H.B. 3352 and National Instant Criminal Background System (NICS) Record Improvement.** OCA has taken a leading role in providing assistance to the district and county clerks with the implementation of H.B. 3352, which was passed by the Texas Legislature in 2009 to comply with and implement the requirements of the federal NICS Improvement Amendments Act of 2007. H.B. 3352 requires clerks to report information on mental health, guardianship, and other prohibiting cases (including historical cases for the period September 1, 1989 through August 31, 2009) to the Criminal Justice Information System (CJIS) maintained by the Texas Department of Public Safety. This information is used in background checks performed by the Federal Bureau of Investigation to determine whether a person is disqualified from possessing or receiving a firearm.

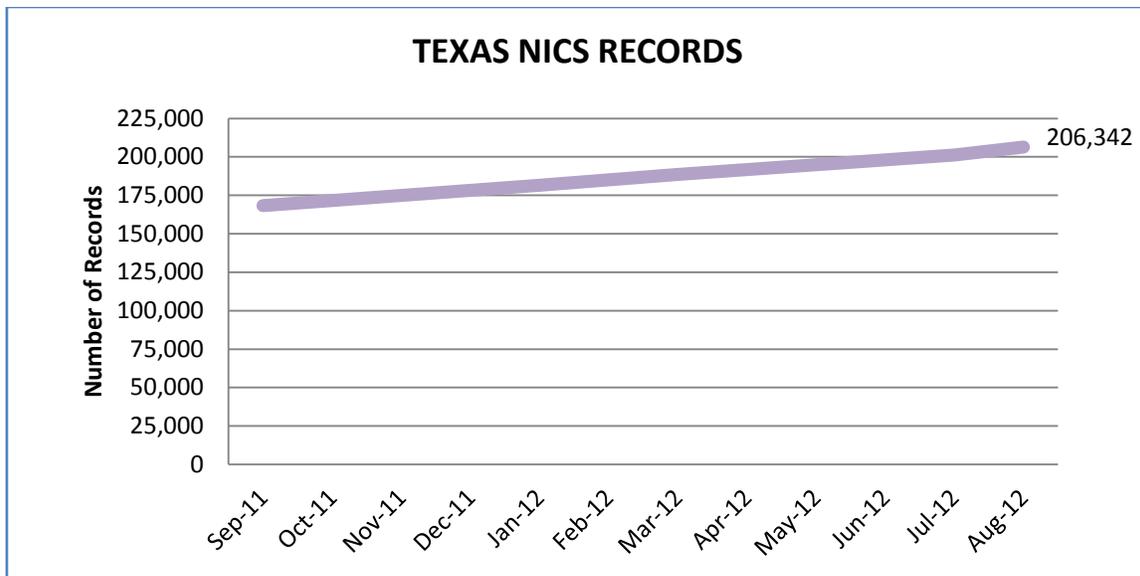
During 2012, OCA engaged in the following activities to provide assistance to the district and county clerks: 1) made presentations on H.B. 3352 reporting at two regional meetings of the Texas County and District Clerks' Association, which were held in Alice and Abilene; 2) made a presentation at the annual meeting of the Texas College of Probate Judges in San Antonio; 3)

prepared two articles, one on NICS reporting requirements and the other on the NICS Record Improvement Project, which were published in the spring 2012 issue of the Texas County and District Clerks’ Association newsletter; 4) updated a [frequently asked questions document](#) to assist clerks in reporting these cases; 5) continued to work with the Department of State Health Services to aid clerks in getting the information they need to report relevant records to the Texas CJIS; and 6) provided frequent assistance to clerks by answering questions over the phone and by email.

**Bureau of Justice Statistics, U.S. Dept. of Justice grant** **\$545,414**

In FY 2012, OCA received a \$545,414 grant from the Bureau of Justice Statistics, U.S. Department of Justice, to hire OCA staff to provide assistance to the clerks by reviewing historical case files and docket sheets to identify eligible mental health records to be reported and, when requested, entering this information into CJIS, and providing training on H.B. 3352 reporting requirements. The grant project is called the “Texas NICS Record Improvement Project,” and the grant period is October 1, 2011 through March 31, 2013. Since receiving the grant, OCA has: 1) hired, trained, and deployed the NICS project staff; 2) provided records research assistance and training to 15 county clerks and 14 district clerks; 3) established and provided staff assistance to the NICS Record Improvement Project Task Force, which met four times (November 1, 2011; December 9, 2011; May 4, 2012; and August 17, 2012), to develop strategic planning for the improvement of the quality and availability of prohibiting mental health records in Texas used by NICS. The number of Texas NICS records as of August 31, 2012 was 206,342.

COUNTIES RECEIVING NICS RESEARCH ASSISTANCE AND TRAINING				
Atascosa	Caldwell	Hale	Matagorda	Tom Green
Bee	Deaf Smith	Hamilton	Milam	Travis
Bell	Duval	Hardin	Nueces	Tyler
Brazos	Fort Bend	Hockley	Randall	Webb
Brown	Guadalupe	Lubbock	Smith	Wilson



**Texas Remote Interpreter Project (TRIP) in Domestic Violence Cases.** OCA obtained a three-year, \$300,000 grant from the U.S. Department of Justice's Office on Violence Against Women (OVW) to hire two half-time licensed Spanish court interpreters to provide interpretation services at no cost, via telephone, voice over Internet protocol, or videoconferencing to district and county-level courts handling cases involving intimate partner violence. Limited grant funds are also available for non-Spanish interpretation from a commercial telephonic service for civil intimate partner cases. The focus of the project is to improve access and the quality of interpretation services in rural counties. The grant period is September 1, 2010 through August 31, 2013.

**Office on Violence Against Women, U.S. Dept. of Justice grant  
\$300,000**

Despite many and varied efforts to promote the use of TRIP, utilization remains low. During FY 2012, eight judges used the services in a total of 11 hearings. Initially, interpretation services were available only in civil intimate partner violence cases. In response to numerous inquiries about the availability of TRIP services in criminal cases, OCA requested and received approval from OVW, in summer 2012, to expand TRIP's Spanish interpretation services to criminal intimate partner violence cases in counties with a population less than 50,000.

During FY 2012, division staff focused on activities to promote the program, including the following: 1) sent letters to the district and county-level judges in the state encouraging them to use TRIP services; 2) made phone calls and sent follow-up emails to hundreds of court

coordinators and judges to explain and offer TRIP services; 3) hired a former county court at law judge on a part-time basis to assist in promoting TRIP, which included conducting four webinars on TRIP that were attended by judges and court coordinators, traveling to several courthouses to discuss and demonstrate TRIP to judges and court coordinators, and discussing TRIP during a presentation at the annual Texas Association for Court Administration Conference (TACA) in San Antonio; 4) discussed TRIP during a domestic violence presentation made at four regional meetings of the Texas County and District Clerks' Association, which were held in Abilene, Conroe, Hondo, and Lamesa; 5) made a presentation on TRIP to women's shelter advocates in Austin; 6) conducted three webinars and one in-person presentation on TRIP for attorneys from four regional legal aid organizations; 7) prepared an article on TRIP, which was published in the January 2012 edition of the TACA *Journal*; 8) contributed to an article published in the October 6, 2011, edition of the Austin American-Statesman's *Ahora si* newspaper in which TRIP was discussed; and 9) prepared and submitted an article on court interpretation, which includes information on TRIP, to *In Chambers*, the official publication of the Texas Center for the Judiciary (OCA has been advised that it will be published in fall 2012).

**Domestic Violence Resource Attorney.** OCA obtained a \$104,846 S.T.O.P Violence Against Women Act Fund grant to continue funding for its domestic violence resource attorney (DVRA), who serves as a single point of contact to support court efforts to combat domestic violence, sexual assault, dating violence, and stalking. OCA agreed to contribute a cash match of \$2,000, resulting in a total project cost of \$106,846. The grant period was September 1, 2011, through August 31, 2012.

<b>S.T.O.P Violence Against Women Act Fund grant</b>	<b>\$104,846</b>
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During FY 2012, the DVRA: 1) updated the Texas Family Violence Benchbook; 2) prepared an orders checklist for judges to use in all types of protective order cases; 3) supervised OCA's Texas Remote Interpreter Project (TRIP) during part of the fiscal year; 4) was a co-presenter for four webinar presentations to judges and court coordinators on TRIP and judicial ethics regarding the selection and qualification of interpreters; 5) was a co-presenter for three webinar presentations to legal aid groups on the Texas Remote Interpreter Project and attorney ethical issues when the attorney interprets for the court; 6) was a co-presenter for a presentation on the Texas Remote Interpreter Project to women's shelter advocates in Austin; 7) made presentations on the clerk's duties in domestic violence cases at four regional meetings of the Texas County and District Clerks' Association, which were held in Abilene, Conroe, Hondo, and Lamesa; 8) made a presentation on reporting protective orders to the Texas Crime Information Center, the statewide criminal database, at the annual meeting of the Texas Criminal Justice Information Users Group, in Corpus Christi; 9) conducted a training

session on firearms surrender protocols at the Texas Council on Family Violence’s Judicial Summit, in Austin; 10) participated in the Supreme Court of Texas Protective Order Task Force’s revision of the protective order kit; 11) represented OCA at the meetings of the S.B. 434 Task Force on the Relationship Between Domestic Violence and Child Abuse and Neglect (S.B. 434, 82<sup>nd</sup> Legislature, Regular Session, 2011); 12) represented OCA on the State Bar of Texas Family Law Task Force Committee on Best Practices for Lawyers Representing Survivors of Domestic Violence, Sexual Assault, Stalking, and Trafficking; and 13) continued to work to improve the utilization of the courts’ share of S.T.O.P. Violence Against Women Act grant funds.

**Emergency Preparedness.** Division staff and Latonia Wilson, former district clerk in Galveston County, prepared an [Emergency Management Tips for District and County Clerks](#), which was distributed to all the district and county clerks in Texas.

**H.B. 79 County Court at Law Study.** H.B. 79, a court reorganization bill that was passed by the Legislature in 2011, contained a requirement that a study be undertaken by OCA to determine the feasibility, efficiency and potential cost of converting some or all county courts at law with civil jurisdiction in excess of \$200,000 to district courts. The National Center for State Courts (NCSC) is assisting OCA on this study at no charge to OCA. The study will include a survey of attorneys to determine the dollar amount of the amount in controversy in civil cases filed in district courts and county courts at law. The bill provides that OCA may not use state funds to conduct the study. As a result, due to the potential cost of conducting a full study, it was decided that a pilot study first be conducted in Nueces and Parker counties to determine the feasibility and cost of conducting the study in other counties.

During FY 2012, OCA engaged in the following activities: 1) met with NCSC staff and staff in Senator Robert Duncan’s office, respectively, to discuss the study scope and methodology; 2) prepared and distributed a survey to district and county clerks in counties with one or more county courts at law with civil jurisdiction in excess of \$200,000 to determine their ability to automatically generate the case information needed to conduct the attorney survey; and 3) requested certain case information from Parker and Nueces counties needed to conduct the pilot study.

**Information Services Division** — The Information Services Division works to improve information technology at all judicial levels in Texas. The division provides direct technology services for the Supreme Court of Texas, the Court of Criminal Appeals, the 14 intermediate courts of appeals, the State Law Library, the State Prosecuting Attorney, the State Commission on Judicial Conduct (SCJC), the Texas Indigent Defense Commission and the Office of Capital Writs. OCA provides computers, commercial off-the-shelf software, custom-developed

software, backend servers, networks, websites, and Internet access. Information Services maintains applications that provide certification management for OCA’s regulatory boards, case management for the child protection and child support specialty courts, case management for SCJC, court case management for appellate courts, and court activity reporting for trial courts. Information Services also supports the meetings and activities of the Judicial Committee on Information Technology.

## **FY 2012 INFORMATION SERVICES PROJECTS**

### **Texas Appeals Management and e-filing System (TAMES)**

TAMES was implemented in the Supreme Court of Texas, the 1<sup>st</sup> Court of Appeals and 5<sup>th</sup> Court of Appeals in FY 2012. TAMES implementation will be completed in all intermediate appellate courts in FY 2013.

### **eFiling Request for Offer**

The current eFiling vendor, NICUSA notified OCA through the Department of Information Resources (DIR) that it would no longer be willing to provide the statewide eFiling system beyond 2012. OCA worked with DIR to secure an 18-month extension for eFiling. OCA then began the Request for Offer process to secure a new statewide eFiling vendor, which will be managed by OCA instead of DIR.

### **Court Activity Reporting and Directory (CARD)**

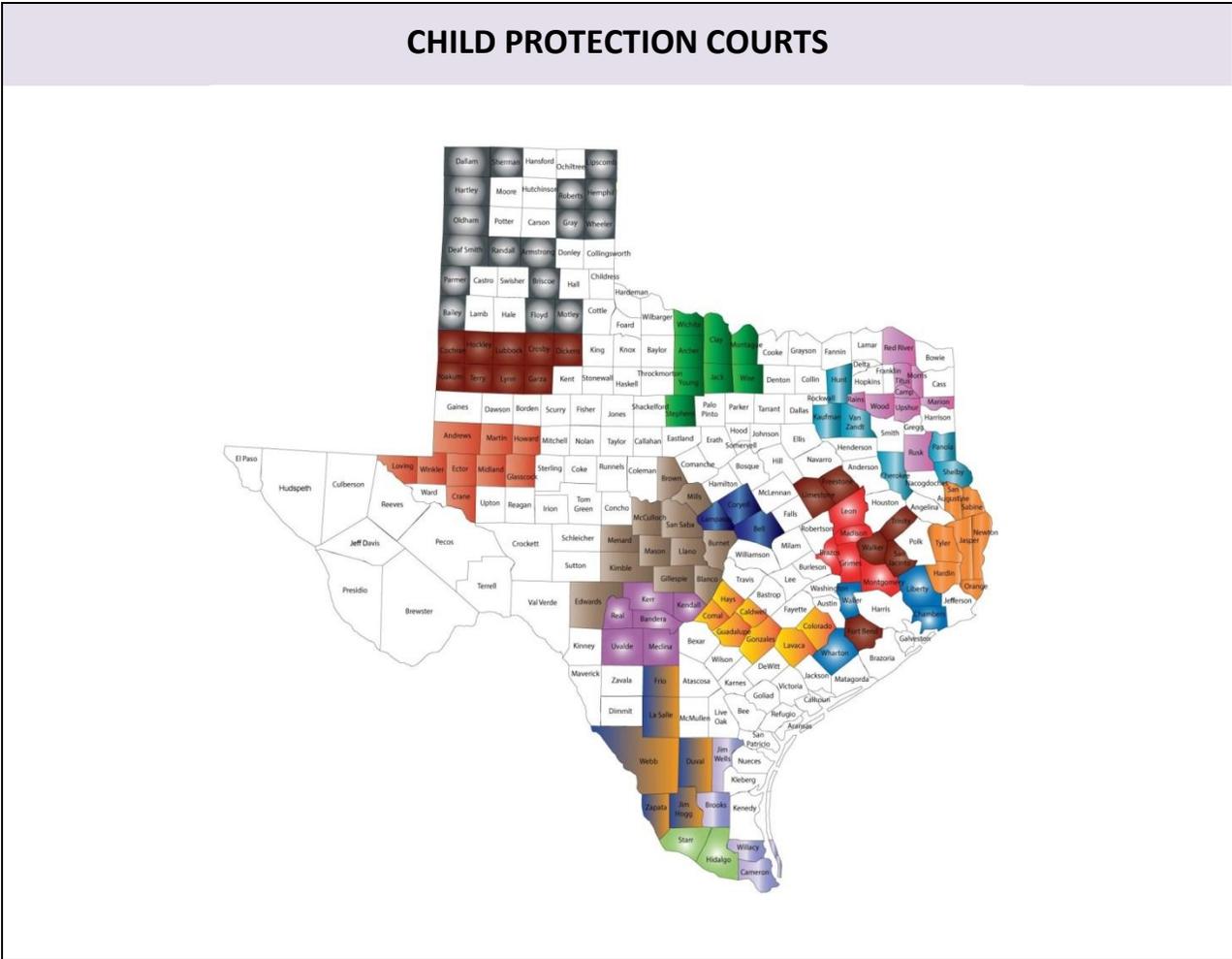
CARD was fully implemented in 2012. The CARD system collects court activity data in a format that meets the new reporting requirements adopted by the Texas Judicial Council in 2008.

**Legal Division** — The Legal Division continued to provide legal support for the agency and numerous entities within the judiciary and to oversee the administration of the specialty courts programs on behalf of the presiding judges of the nine administrative judicial regions (regional presiding judges). Legal staff served as liaisons to or provided legal support to the Texas Judicial Council; the Conference of Regional Presiding Judges; the Council of Presiding Judges, the Board of Regional Judges for Title IV-D Account, the Council of Chief Justices; the Permanent Judicial Commission for Children, Youth and Families (Children’s Commission); the Judicial Districts Board; the Task Indigent Defense Commission; the Guardianship Certification Board; and the Court Reporters Certification Board. The Division also assumed responsibility for vexatious litigant inquiries and for providing assistance to the Judicial Compensation Commission. The Division also 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)

and Rule 14 (appeal of Process Server Review Board decisions) of the Rules of Judicial Administration. In FY 2012, 11 public access opinions were issued.

**Number of Public Access Opinions issued 11**

**Specialty Courts Program.** The specialty courts program includes the child protection courts and the child support courts. Throughout the year, division staff supported the efforts of the presiding judges of the administrative judicial regions in administering the specialty courts program. An attorney funded through a federal grant from the Children’s Justice Act continues to work with the child protection courts and the Information Services Division to refine reports for the case management system and help identify and implement best practices. This fiscal year, the Children’s Commission provided federal grant funding for a part-time Spanish language interpreter to assist the child protection courts with remote interpretation in hearings where a licensed court interpreter is not available.



**Finance and Operations Division** — The Finance and Operations Division manages the fiscal and operational support activities of OCA, including purchasing, accounting, payroll, budgeting, financial reporting, human resources, property inventory, and facilities management. 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 preparation of the agency’s strategic plan, legislative appropriations request, and quarterly performance measures. Finance and Operations staff work with the clerks of the appellate courts on issues related to accounting, purchasing, financial reporting, and human resources. In addition, the division provides support to the chief justices of the appellate courts and the presiding judges of the administrative judicial regions regarding legislative, budgetary, and human resources issues.

During this fiscal year, OCA began providing administrative support to the Office of State Prosecuting Attorney (SPA). Support is provided via an interagency contract between the two state agencies, and is the result of cuts to the SPA’s appropriated budget, effective September 1, 2011. OCA now provides 100% of the processing for SPA’s purchases, payments, budgeting and other accounting functions. OCA also provides support for human resources and facilities functions of the SPA.

In FY 2011, in response to a post-payment audit conducted by the State Comptroller’s Office, OCA revised its travel policy to more strictly interpret the statutory requirement to conserve state funds related to OCA employee travel. This change had a significant impact on the agency’s specialty courts, whose staff routinely travels to hear child abuse and neglect cases and child support cases. After several months of implementation, the agency determined the new reimbursement model was not cost effective. The administrative burden on the specialty court staff, as well as central payment processing staff, was greater than the cost savings associated with the new policy. As a result, in FY 2012, OCA, in consultation with the State Comptroller’s Office, discontinued the new process. The benefit of this exercise is that OCA now has objective, quantifiable data with which to support its current reimbursement policy.

The 82<sup>nd</sup> Legislature authorized the Process Server Review Board, with approval from the Supreme Court, to set fees for certification as a process server. In FY 2012, the Finance and Operations division, in coordination with the Process Server Review Board staff, implemented a process that resulted in the collection of fees totaling \$649,127 from 3,458 process servers.

The 82<sup>nd</sup> Legislature also transferred the audit function for the Collections Improvement Program (CIP) from the Comptroller’s Office to OCA. To provide for adequate separation of the program implementation function that resides at OCA from the newly transferred audit function, the CIP audit division was placed under the oversight of the agency’s Chief Financial

Officer. In FY 2012, OCA hired a CIP Audit Manager and staff, and provided the CIP Audit department with office space and equipment. During FY 2012, the audit department completed nine collection rate reviews and two compliance audits. The rate reviews were conducted for the City of Austin, City of Corpus Christi, City of El Paso, City of Pasadena, City of Waco, Lubbock County, Nacogdoches County, Potter County and Randall County.

COLLECTION IMPROVEMENT PROGRAM RATE REVIEWS CONDUCTED		
City of Austin	City of Pasadena	Nacogdoches County
City of Corpus Christi	City of Waco	Potter County
City of El Paso	Lubbock County	Randall County

**Certification Division** — OCA currently supports three regulatory boards: Court Reporters Certification Board, Guardianship Certification Board and Process Server Review Board. Legislation was passed during the 82<sup>nd</sup> Legislative 1<sup>st</sup> Called Session for OCA to establish a certification division to oversee the regulatory programs assigned to the office by law or by the Supreme Court. Legislation was also passed during the 82<sup>nd</sup> Legislative Regular and 1<sup>st</sup> Called Sessions that authorize the PSRB, with approval from the Court, to collect fees for process server certification and renewal of certification. This legislation also allows that these fees may be appropriated to the OCA to support the certification division.<sup>2</sup> Although each board’s structure is unique, many regulatory practices and staff functions are common to all three. All three share the mission to protect and serve the public. All staff members for the three boards meet monthly to share information on each program’s processes, and to streamline and standardize procedures and day-to-day operations.

The **Court Reporters Certification Program** serves as staff to the Court Reporters Certification Board (CRCB), the governing body that oversees the licensing and regulation of the court reporting profession in Texas. Primary responsibilities include administration of the court reporters exam, certification of court reporters, registration of court reporting firms, and conducting disciplinary hearings on complaints filed against court reporters and court reporting firms. Accomplishments for FY 2012 are discussed under the report for the CRCB.

<sup>2</sup> Despite the authorization, no appropriation was made to support the establishment of a certification division at OCA.

The ***Process Server Review Program*** serves as staff to the Process Server Review Board (PSRB), the entity that governs certifications to serve civil process statewide. Its primary responsibility is to provide clerical assistance to the Board and perform the necessary administrative duties to implement and enforce Rule 14 of the Texas Rules of Judicial Administration. These duties include processing applications for certification, processing complaints filed against process servers, processing requests for reconsideration of board decisions made by process servers and maintaining program and PSRB records, including the Statewide List of Authorized Process Servers. Accomplishments for FY 2012 are discussed under the report for the PSRB.

The ***Guardianship Certification Program*** serves as staff to the Guardianship Certification Board (GCB), the entity that certifies certain individuals who provide guardianship services in Texas. Its primary responsibility is to carry out the daily business of the GCB and perform the necessary administrative functions to implement and enforce statutory requirements. These functions include processing applications for certification, provisional certification and re-certification in accordance with GCB guidelines; developing procedures and forms; maintaining program and GCB records; and disseminating information on the GCB's rules, minimum standards and policies. Accomplishments for FY 2012 are discussed under the report for the GCB.

# Texas Judicial Council

The Texas Judicial Council (TJC) was created by the 41<sup>st</sup> 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.”<sup>3</sup> 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.”<sup>4</sup>

**Organization.** The 22 members of the TJC are designated by Texas Government Code Sec. 71.011. The Chief Justice of the Supreme Court serves as the chair and the Presiding Judge of the Court of Criminal Appeals serves as vice chair of the Council. In addition to these members, the TJC has the following ex-officio members:

- Two members of the Senate, appointed by the Lieutenant Governor;
- The Chair of the House Judiciary and Civil Jurisprudence Committee;
- One member of the House of Representatives, appointed by Speaker of the House;
- Two Justices of the Courts of Appeals designated by the Chief Justice of the Supreme Court;
- Two District Judges designated by the Chief Justice of the Supreme Court;
- Two Judges of county courts, statutory county, or statutory probate courts designated by the Chief Justice of the Supreme Court;
- Two Justices of the Peace designated by the Chief Justice of the Supreme Court; and
- Two Municipal Court Judges designated by the Chief Justice of the Supreme Court.

The remaining six members of the TJC are citizen members appointed by the Governor, three of which must be members of the State Bar of Texas and two of which must be persons who are not licensed to practice law.

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<sup>3</sup> Texas Government Code Sec. 71.031

<sup>4</sup> Texas Government Code Sec. 71.033

## TEXAS JUDICIAL COUNCIL MEMBERS – FY 2012

Chair	Chief Justice Wallace B. Jefferson, Supreme Court of Texas
Vice Chair	Presiding Judge Sharon Keller, Court of Criminal Appeals
Legislative Members	State Senator Robert L. Duncan State Senator Chris Harris State Representative Jim Jackson State Representative Roberto Alonzo
Judicial Members	Chief Justice Sherry Radack, 1 <sup>st</sup> Court of Appeals Justice Bill Boyce, 14 <sup>th</sup> Court of Appeals Judge Kelly Moore, 121 <sup>st</sup> District, Terry and Yoakum Counties Judge Orlinda Naranjo, 419 <sup>th</sup> District, Travis County Judge Laura Weiser, County Court at Law No. 1, Victoria County Judge Polly Spencer, Probate Court No. 1, Bexar County Judge Russell Casey, Justice of the Peace, Pct. 3, Place 1, Tarrant County Judge Valencia Nash, Justice of the Peace, Pct. 1, Place 2, Dallas County Judge Gary Bellair, Presiding Judge, Ransom Canyon Municipal Court Judge Glenn Phillips, Presiding Judge, Kilgore Municipal Court
Citizen Members	Richard Battle, Key Trak, College Station Richard Figueroa, UBS Advisory & Brokerages Services, Houston Allyson Ho, Morgan Lewis, Dallas Ashley Johnson, Gibson, Dunn and Crutcher LLP, Dallas Virgil Justice, First Insurance Agency, Kerrville Henry Nuss, Welder Leshin, Corpus Christi

Since the establishment of Office of Court Administration (OCA) in 1977, the Administrative Director of OCA has served as the Executive Director of the TJC. Carl Reynolds served in this role until March 2012, and David Slayton served from May 2012 to the end of the year. OCA staff perform all necessary staff functions for the TJC.

**Committees.** The Council regularly appoints committees to study issues affecting the administration of justice. The two active committees in FY 2012 were the Juvenile Justice Committee and the Committee on Court Resources.

**Juvenile Justice Committee.** The Juvenile Justice Committee, chaired by Judge Orlinda Naranjo, was resurrected in August 2011 and given a new charge: to assess the impact of school discipline and school-based policing on referrals to the municipal, justice, and juvenile courts and identify judicial policies or initiatives that: work to reduce referrals without having a negative impact on school safety; limit recidivism; and preserve judicial resources for students who are in need of this type of intervention.

The committee held meetings on February 2, March 29, and August 31. The committee heard presentations at the first two meetings from various individuals and groups on the current issues facing the juvenile justice system in Texas and promising practices. The committee then formed two subcommittees: Legislative and Best Practices/Data Collection. The chair added advisory members to each subcommittee.

At its August 31, meeting, the committee considered recommendations from the two subcommittees. The Legislative Subcommittee's recommendations were unanimously accepted. The Best Practices/Data Collection Subcommittee's recommendations were also accepted. The recommendations were scheduled to be presented to the TJC on September 7, 2012.

**Committee on Court Resources.** After reviewing funding data about the various courts in Texas, the Committee on Court Resources, chaired by Richard Figueroa, turned its attention to ensuring that Texas courts could share best practices and collaborate where possible. To achieve this, the Committee worked with OCA and other organizations to present the first Shared Solutions Summit, which was convened on January 8-10, 2012.

### SHARED SOLUTIONS SUMMIT PARTNERS

Texas Conference of Urban Counties  
 Court of Criminal Appeals • Supreme Court Children's Commission • Texas Indigent Defense Commission • Judicial Committee on Information Technology • Texas Municipal Courts Education Center • Texas Center for the Judiciary • Texas Association of Counties • Texas Access to Justice Commission • National Center for State Courts • National Council of Juvenile and Family Court Judges • State Justice Institute

The agenda was loosely based on annual workshops put on by the Task Force on Indigent Defense (now the Texas Indigent Defense Commission). The Summit convened local teams of judges, district attorneys, private lawyers, clerks, and other actors in five key program areas: criminal courts, mental health courts, child protection courts, civil courts handling self-

represented litigants, and limited jurisdiction courts handling juvenile Class C cases. Teams formulated action plans, and sketched out those ideas in the final session. The conference was conducted without paper by using a collaboration tool on the Internet, which allowed new materials and ideas to be presented to the attendees as the Summit unfolded and after the event.

The Summit received very positive evaluations, and the Shared Solutions theme has great promise in a decentralized court system. The Summit is a program that the TJC anticipates offering every couple of years to new groups of attendees. More information on the Summit, including a toolkit created to assist other courts with improvement, is available [online](#). The toolkit captures the leadership, collaboration, and data analysis techniques discussed at the summit, along with examples of how they can be applied to specific areas in need of improvement.

**Hate Crime Reporting.** Article 2.211 of the Code of Criminal Procedure provides that in each case that a request is made for an affirmative finding that an offense was committed because of bias or prejudice under Article 42.014, the clerk of the district or county court shall report that request to the Texas Judicial Council and include a statement whether the affirmative finding was entered in the judgment in the case. During FY 2012, OCA received three reports of a case in which a request was made for an affirmative finding that a hate crime was committed. The list of cases reported since September 2001 is available [online](#).

**Meetings Held.** The TJC met on February 23 and June 8. During these meetings the Council adopted revised rules for the Collection Improvement Program, reviewed the Shared Solutions Summit success, focused on juvenile justice issues and began considering legislative recommendations.

## Texas Indigent Defense Commission

The Texas Indigent Defense Commission provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law. In addition, the Commission requires local planning for indigent defense and reporting of expenditures and provides an array of resources for counties to improve these services.

**Organization.** A law passed during the 82<sup>nd</sup> Legislative Session, HB 1754, granted the Texas Indigent Defense Commission new autonomy and renamed the organization, which was formerly known as the Task Force on Indigent Defense. These actions required the Board to be reconstituted to create the initial governing body of the Commission.

The duties, responsibilities, members, and staff of the Task Force were all transferred to the Commission, which remains administratively attached to the Office of Court Administration (OCA). However, the Commission was granted authority to submit its legislative appropriation request separate from the OCA.

**Public Defender Offices.** The total number of persons being provided constitutionally guaranteed assistance of counsel increased from 324,000 in FY 2002 to more than 471,000 in FY 2011, a 45 percent increase. To meet these demands a number of counties formed public defender offices with Commission assistance. The number of public defender offices has grown from seven to 19 over the last ten year years. This includes Harris County, which was the largest court system in the nation without a public defender office. This program, like all Commission programs, was built on a foundation of collaboration between local, state, and national stakeholders. Judges and court officials on all levels demonstrated a high level of cooperation to develop and implement the program.

**Persons being provided constitutionally guaranteed assistance of counsel increased 45% from 324,000 in FY 2002 to 471,000 in FY 2011**

Another major initiative funded by the Commission, arguably the most significant, was the establishment of the Regional Public Defender Office for Capital Cases (RPDO). The RPDO was established six years ago with a Commission grant to serve the 7<sup>th</sup> and 9<sup>th</sup> regions. Over the years, the program has grown incrementally. The Commission at its June 2012 meeting approved expansion to all nine administrative judicial regions beginning in FY2013. Lubbock County serves as the administrative county and the RPDO has received state and national

accolades for its work. It received a “Best Practices” award from the Texas Association of Counties and National Association of Counties and provides counties with high quality defense services and a cost management strategy that avoids the budget disruption resulting from capital cases.

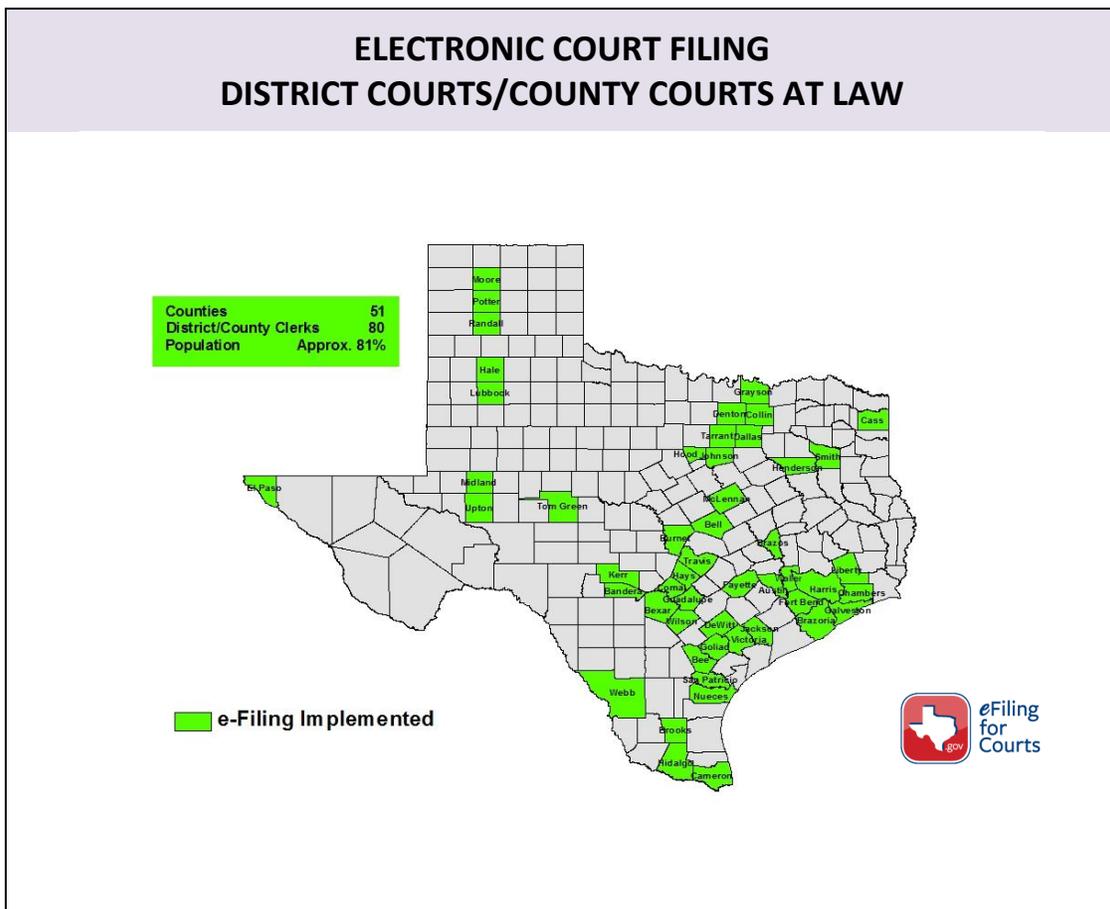
**Innocence Project Program.** Commission staff helped secure a grant of a \$300,000 dollars from the Office of the Governor Criminal Justice Division (CJD) to help coordinate and support the actual innocence investigations conducted by four Texas innocence projects in sexual assault cases. The grant allowed the projects to fulfill a recommendation made by the Timothy Cole Advisory Panel on Wrongful Convictions that the projects better coordinate their efforts.

**Website.** The Commission launched a newly reengineered [website](#) that not only allows counties to submit indigent defense plans and expenditure reports online but also allows the public increased access to all indigent defense data and increases government transparency and accountability. TIDC Annual Reports are also available [online](#).

# Judicial Committee on Information Technology

The mission of the Judicial Committee on Information Technology (JCIT) is to establish standards and guidelines for the systematic implementation and integration of information technology into the trial and appellate courts in Texas. JCIT held five meetings during FY 2012. In addition to providing assistance in the development and evaluation of the e-filing request for offer, JCIT discussed and adopted technology standards for use in the trial courts.

**Electronic Court Filing.** Electronic filing (e-filing) enables filers and courts to connect electronically and is designed to allow parties to file electronically to any participating court from any one of the several certified e-filing service providers. The 75<sup>th</sup> Texas Legislature created JCIT and gave it a 12-point mission, including establishing an electronic court filing system (e-filing) pursuant to Government Code §77.031(5). To fulfill this mandate, JCIT continues to encourage adoption of e-filing.



As of August 2012, 80 district and county clerks in 51 counties have implemented e-filing. These jurisdictions cover approximately 80 percent of the state's population. As of August 31, 2012, eight of the 14 intermediate appellate courts accept e-filing. Electronic filing is now mandated for all cases in the Supreme Court. The 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 7<sup>th</sup>, and 14<sup>th</sup> Courts of Appeals have also mandated that all civil cases be filed electronically.

JCIT assisted the Office of Court Administration (OCA) in the development of the Request for Offer to enable OCA to search for a new e-filing vendor. Several vendors responded to the Request for Offer and JCIT assisted OCA and the Texas Supreme Court in analyzing the responses.

**Judicial Information Technology Standards.** OCA devotes part of its information technology appropriation to court technology standards development, and JCIT provides guidance in the selection of efforts supported. In the past, JCIT has supported the Texas Path to NIEM (National Information Exchange Model) project within the judiciary. The Path to NIEM project provided 28 model data exchanges for use by courts and their business partners throughout Texas.

In 2012, JCIT adopted technology standards for electronic artifacts (documents, audio files, video files, and other multimedia files) used in the judicial process. Following adoption, these standards were placed on the [JCIT website](#) for public distribution and implementation. As new standards are approved, they will be posted to the JCIT website.

## Court Reporters Certification Board

The Court Reporters Certification Board (CRCB) was created in 1977 to certify and regulate court reporters in the state of Texas. CRCB functions include certification of individual court reporters, registration of court reporting firms, assessment and collection of fees, approval of court reporting program curricula submitted by public and private institutions, approval of continuing education courses, and enforcement of the rules and regulations governing the court reporting profession. The Board operates under the provisions of Chapter 52 of the Texas Government Code, and the Supreme Court of Texas serves as the Board's rulemaking authority. In 2003, the 78<sup>th</sup> Legislature administratively attached the CRCB to the Office of Court Administration. The program is funded from certification fees collected by the CRCB and deposited to the General Revenue Fund.

**Mission Statement.** The mission of the CRCB is to certify, to the Supreme Court of Texas, qualified court reporters to meet the growing needs and expectations of the public through statewide certification and accountability.

**Organization.** The Board consists of 13 members appointed by the Supreme Court of Texas: one active district judge who serves as chair, two attorneys, two official court reporters, two freelance court reporters, two representatives from court reporting firms (one court-reporter owned and one non-court-reporter owned), and four public members. Appointments reflect a diverse geographical representation throughout the state. Board members are reimbursed for travel expenses in accordance with state rules and regulations and serve six-year terms.

The Board has six standing committees with members appointed by the Chair: 1) Rules, Standards, and Policies Committee; 2) Certification/Uniform Format Manual Committee; 3) Continuing Education Committee; 4) Legislative Committee; 5) Criminal History Review Committee; and 6) Review Panel Committee. The Review Panel is a new committee established by rule in FY 2012 to consider new complaints, a screening process previously done by the full Board. The committee has proved very effective in streamlining the complaint process to allow the Board to focus on disciplinary hearings and other Board matters.

**Board and Committee Meetings.** A total of 16 meetings were held in Austin during FY 2012: three Board meetings, two Criminal History Review Committee meetings, five Certification/Uniform Format Manual Committee meetings, three Rules Committee meetings, and three Review Panel meetings.

**Complaints.** The Board received a total of 48 complaints filed in FY 2012—45 complaints filed against court reporters and three complaints filed against court reporting firms. The Board held

seven formal hearings resulting in five disciplinary actions, two dismissals, and one complaint withdrawn.

**Number of complaints filed**

**48**

**Certification of Individuals.** The Texas Court Reporters Association (TCRA), selected as the contracted vendor to administer the court reporters exam effective September 1, 2008, continues to provide that service in FY 2012 with the contract term extended until August 2013. TCRA administered four exams in Austin, The Woodlands, and Fort Worth, to 357 applicants resulting in 45 new certified court reporters. Applicants must pass both the oral skills test and the written test to be eligible for certification. This exam is offered throughout the state for the convenience of examinees.

The Board renewed 1,046 individual certifications out of a licensee base of 2,541 licensees with approximately 65 percent renewing online through the Texas.gov portal. Certification renewal is based on a two-year cycle with an expiration date of January 1<sup>st</sup>. Applicants are required to complete 10 hours of continuing education as a condition of renewal.

**Number of renewed individual certifications**

**1,046**

**Continuing Education (CE) Course Approvals.** The Board processed 110 course approvals during the fiscal year to ensure that CE courses completed as a requirement for renewal are relevant to the court reporting profession. The Board approves CE courses submitted by sponsors and individual court reporters.

**Registration of Firms.** The Board processed 37 new registrations for court reporting firms and renewed 153 firm registrations. Renewals are based on a two-year cycle with an expiration date of January 1<sup>st</sup>.

**Curriculum Approval for Court Reporting Firms.** The Board approves court reporting curriculums for public community colleges, technical institutes and proprietary schools. There are currently 12 court reporting schools in Texas. In FY 2012, the Board approved three curricula.

**Public Information Requests – Rule 12.** Staff processed 16 public access to judicial records requests.

**Licensing System.** A new application to allow court reporting firms to renew registrations online was completed in August 2011 with an implementation date of September 1, 2011. The

application to extend court reporter online renewals past the December 31<sup>st</sup> expiration date through June 30 was implemented on January 1, 2012.

**Rules Governing the Court Reporting Profession.** The Board and staff continue to work on a comprehensive review of the Board’s rules. Revisions to the Examples Section of the Uniform Format Manual is to be submitted to the Supreme Court for approval in FY 2013, as are new rules pertaining to military personnel and spouses and exam applicants with dyslexia.

**AG Opinions.** AG Opinion No. GA-0928 was issued on May 14, 2012, in response to a request from the Board Chair concerning a possible conflict between the Texas Rules of Civil Procedure, Section 199.1, that allows for oral depositions to be recorded by non-stenographic means, and §52.021(f), Texas Government Code, that requires oral depositions be recorded by a certified shorthand reporter. The Opinion states that section 199.1, Rules of Civil Procedure, is in harmony with §52.021 and §52.033, Texas Government Code, that allows for a party to litigation, the attorney of the party, or a full-time employee of a party or a party’s attorney to record a deposition solely by non-stenographic means without violating Government Code §52.021(f).

**Website.** The Board’s [website](#) provides information to the public on CRCB functions, including standards and rules, certification, complaints, forms, disciplinary actions, lists of licensees, legislation, and related links.

## Process Server Review Board

In June 2005, the Supreme Court of Texas approved amendments to Rules 103 and 536(a) of the Texas Rules of Civil Procedure governing statewide certification of process servers. The Court also issued a companion order (Misc. Docket No. 05-9122) to establish the framework for certification of those approved to serve process under the revised rules, to approve of certain existing civil process server courses, and to establish the framework for the Process Server Review Board (PSRB) to approve additional courses. This order also required the Office of Court Administration to provide clerical support to the PSRB. The Supreme Court also approved a companion order (Misc. Docket No. 05-9123) that establishes the membership of the PSRB, and an order (Misc. Docket No. 05-9137) appointing a Chair. In FY 2007, the Supreme Court promulgated [Rule 14](#) of the Rules of Judicial Administration, which governs Statewide Certification to Serve Civil Process. In 2011, the PSRB was given legislative authority to collect fees for certification. The Board began collecting fees January 1, 2012.

**Mission Statement.** The mission of the PSRB is to improve the standards for persons authorized to serve process and to reduce the disparity among Texas civil courts for approving persons to serve process by making recommendations to the Supreme Court of Texas on the certification of individuals and the approval of courses.

**Organization.** The Board consists of nine members and is a geographical representation of judges, attorneys, law enforcement, and process servers throughout the state. Board members are not compensated for their services. The 82<sup>nd</sup> Legislature authorized Board members to receive reimbursement for actual travel and other expenses incurred while in the performance of their official duties.<sup>5</sup>

**Committees.** The PSRB has three permanent committees: the Complaint Committee, the Curriculum Committee and the Application Review Committee. All members are appointed by the Chair of the Board.

**Board Meetings Held.** The PRSB held five meetings in Austin during the fiscal year.

**Complaints.** The Board reviewed 29 complaints against process servers on the Supreme Court of Texas Statewide List of Certified Process Servers. The Board determined three complaints were founded; one received probation, one certification was revoked, and the third did not result in a disciplinary action. As of August 31, 2012, 18 complaints were pending investigation.

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<sup>5</sup> While authorized, no appropriation was made for this purpose.

**Number of complaints reviewed****29**

**Approval of Applications.** The Board approved 774 new applicants and 364 renewal applicants. A total of 1,003 process servers had their certification expire and 221 persons reapplied and were reinstated. On April 2, 2012, after implementation of fee collection, 2,793 process servers were removed from the Statewide List of Authorized Process Servers for either expiration or non-payment of certification fees.

When the orders were adopted by the Supreme Court, effective July 1, 2005, 1,265 process servers were “grandfathered” by virtue of meeting pre-existing requirements in Harris, Dallas or Denton counties. At its peak in November 2011, the list had reached 6,427 and as of August 31, 2012, the total number of certified process servers was 3,458.

**Number of certified process servers****3,458**

**Curriculum Approval for Process Server Training Schools.** No new courses were approved during the fiscal year.

**Website.** The Board’s [website](#) provides information such as the Supreme Court orders establishing the membership of the Process Server Review Board and the appointment of its Chair; various forms, processes and procedures; and the Supreme Court of Texas Statewide List of Certified Process Servers.

**Sunset.** The PSRB, although not subject to abolition, is now subject to sunset review as a result of legislation passed during the 82<sup>nd</sup> Legislature. The review will be conducted as though the board were scheduled to be abolished on September 1, 2017.

## Guardianship Certification Board

The Guardianship Certification Board (GCB) was created by the 79<sup>th</sup> Texas Legislature with the passage of Senate Bill 6, effective September 1, 2005. The bill established a certification requirement, effective September 1, 2007, for certain individuals who provide guardianship services. The GCB certifies and regulates individuals (other than attorneys and corporate sureties) who act as private professional guardians, individuals (other than volunteers) who provide guardianship services to wards of guardianship programs, and individuals who provide guardianship services to wards of the Department of Aging and Disability Services.

**Organization.** The GCB is administratively attached to the Office of Court Administration (OCA). The GCB's primary staff, the guardianship certification program director, is an OCA employee; administrative support is also provided by the OCA.

The GCB is comprised of 11 members appointed by the Texas Supreme Court and four public members appointed by the Supreme Court from a list of nominees submitted by the Governor's Office. The original GCB members were appointed in early 2006. Two members were appointed in October 2011 to replace members who left the Board during the preceding fiscal year.

The GCB has two permanent committees: the Rules Committee and the Minimum Standards Committee, each comprised of a committee chair and three other GCB members. The GCB also has two review committees: the Application Review Committee and the Disciplinary Review Committee. The review committees are each comprised of a chair and two other GCB members, who serve on the committees for six-month terms. All committee members are appointed by the GCB's chair. A third review committee, the Denial of Certification Review Committee, was eliminated by a change to Rule IX, which now provides for reconsideration of a denial by the full Board. An Exam Committee, comprised of three Board members, was appointed at the end of the fiscal year to address issues resulting from the expiration of the exam vendor contract, discussed in more detail under Exam Administration.

**Certification of Individuals.** During FY 2012, 28 guardians were granted certification, 51 were granted provisional certification, and 22 individuals moved from provisional to "full" certification.<sup>6</sup> A total of 360 guardians were certified and provisionally certified at the close of the fiscal year.

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<sup>6</sup> The 22 individuals who moved from provisional to "full" certification are included in the total number of guardians.

**Number of guardians certified and provisionally certified****360**

Certifications are valid for two years and are renewable if the requirements for re-certification, including completion of continuing education hours, are met. Seventy-seven certified guardians successfully re-certified during FY 2012. The Rules Governing Guardianship Certification allow certified guardians to apply for re-certification up to 90 days past their certification expiration date. Twenty-nine certified guardians passed the 90-day mark during the fiscal year, rendering them ineligible for re-certification; their certifications are expired. Five certified guardians voluntarily surrendered their certifications during the fiscal year, including one detailed under Complaints.

Provisional certifications are valid for only one two-year period, unless a waiver is sought from and granted by the GCB. One provisionally certified guardian made a request for a waiver, which was granted by the GCB. A total of 12 provisional certifications expired during the fiscal year, including the provisional certification of the guardian granted a waiver, because he did not meet the certification requirements before the extension ended. Six provisionally certified guardians voluntarily surrendered their provisional certifications.

**Complaints.** Sixteen complaints were filed in FY 2012. One remained pending at the close of the fiscal year. One complaint was filed against an individual who is not a certified guardian; the Board took no action on the complaint because it had no jurisdiction. One complaint was filed against a guardian whose certification had expired; once the late renewal period had passed, the petitioner was notified that no action would be taken because the Board had no jurisdiction. One complaint was made moot when the certified guardian complied with the Rule he was alleged to have violated; no action was taken by the GCB. The Board adopted the recommendation of the Disciplinary Review Committee and revoked the provisional certification of the subject of one complaint.

**Number of complaints filed****16**

The Board adopted the Disciplinary Review Committee's recommendation to dismiss one complaint, because the actions complained of were not taken in the certified guardian's capacity as the ward's guardian. Nine complaints were filed by three petitioners against three respondents involving the same set of circumstances; the Disciplinary Review Committee recommended dismissal of all complaints because it found no violation of the Rules or Minimum Standards, and the Board adopted the recommendation.

The Board made successful use of its Alternative Dispute Resolution procedures for the first time during the fiscal year. A complaint was filed against two certified guardians; after several meetings of the Disciplinary Review Committee, it recommended suspension of the certifications of both guardians. The Board adopted the recommendation of the Committee concerning one of the two guardians; she subsequently surrendered her certification. The other requested a formal hearing upon notification that the Disciplinary Review Committee recommended suspension of her certification. Before the formal hearing was scheduled, the parties agreed to hold a settlement conference, and an agreement was reached. The Committee recommended acceptance of the settlement agreement and dismissal of the complaint upon successful completion of all its terms. The settlement agreement was adopted by the Board, and the complaint was dismissed.

**Board and Committee Meetings Held.** The full GCB met four times in FY 2012 for its regular quarterly meetings. No special called meetings of the full Board were held. The Rules Committee met four times, the Disciplinary Review Committee met seven times, and the Application Review Committee met five times. The Application Review Committee considered a total of six applications at its five meetings; one application for certification was denied. The Minimum Standards Committee did not meet during the fiscal year. The newly formed Exam Committee met once.

**Rules Governing Guardianship Certification.** Amendments to Rules VI, VII, IX, X, XII and XIV were submitted to the Supreme Court in the preceding fiscal year; they were adopted by the Court in October 2011. Two additional sets of amendments to the Rules were posted for public comment and approved by the Board for submission to the Court. The proposed changes to Rules I, II, III, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, and XV were submitted at the end of August 2012.

**Exam Administration.** The OCA's vendor contract to develop, revise, validate and administer the exam on behalf of the GCB expired at the end of the fiscal year. The exam materials were returned to the OCA as specified in the contract. The Exam Committee met to review and discuss the director's proposal to utilize University of Texas proctoring centers for the coming fiscal year. The Exam Committee also voted to make no recommendation regarding exam fee changes at this time. The Exam Committee will meet as required to make recommendations regarding developing and validating new exam questions, exam administration and exam fees.

## Judicial Compensation Commission

The Judicial Compensation Commission (JCC) is responsible for making a report to the Texas Legislature no later than December 1<sup>st</sup> of each even-numbered year recommending the proper salaries to be paid by the state for all justices and judges of the Supreme Court, the Court of Criminal Appeals, the courts of appeals, and the district courts. The Office of Court Administration provides administrative support for the JCC.

**Organization.** The Commission is composed of nine members who are appointed by the Governor with the advice and consent of the Senate to serve six-year terms. No more than three members serving on the Commission may be licensed to practice law.

### JUDICIAL COMPENSATION COMMISSION MEMBERS

William Strawn, Chair	Austin
Romulo Chavez	Spring
Tommy Harwell, H <sup>2</sup> Sigma Constructors, Inc.	El Paso
Cruz G. Hernandez	Burleson
Harold Jenkins, CTJ Maintenance Inc.	Irving
Patrick Mizell, Vinson & Elkins, LLP	Houston
Paul Bane Phillippi, Weisbart Springer Hayes, LLP	Austin
Linda Russell, The Women's Hospital of Texas	Houston
Michael Slack, Slack & Davis, LLP	Austin

**Commission and Committee Meetings.** In preparation for its report due December 1, 2012, the Commission met on February 23, 2012. The Commission's Data Committee met on May 30, 2012, and the Public Comment Committee met on June 21, 2012.

**Website.** Additional information regarding the Commission prior reports submitted to the Legislature is available on the Commission's [website](#).