



## Texas Judicial Council

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## Director's Report NOVEMBER 2014



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## Technology & Data

### Information Services Division

OCA's Information Services Division (ISD) is instructed by the Legislature to directly provide staff and information technology equipment and services to the following entities:

- Supreme Court;
- Court of Criminal Appeals;
- The 14 courts of appeals;
- The State Law Library;
- The State Prosecuting Attorney's Office;
- The Office of Capital Writs; and
- State Commission on Judicial Conduct.

The services provided by ISD to the entities mentioned above include the following:

- Routine desktop computer support;
- Maintenance of the local networks, wide area network, email, and Internet connections;
- Ongoing updates of security safeguards;
- Management of the computer servers;
- Management of enterprise backups and offsite archiving; and,
- Provision of unique court application software.

### Current Major Projects

#### Electronic Filing

Working with Tyler Technologies, the selected eFiling vendor, OCA is managing the statewide electronic filing program. As of today, electronic filing is available in 109 counties across Texas. The vendor is working with the next set of counties (97) who will be in production by the end of May 2015.



eFiling is mandatory in 22 counties for all civil cases. It is mandatory for all case types in the 14 intermediate appellate courts, the Supreme Court and the Court of Criminal Appeals. On an average weekday, the system processes more than 19,000 documents. Currently, 90% of documents filed are accepted by the district or county clerk at the time of first review. The system has more than 84,000 registered users and more than 45,000 attorneys have used the system.

In October, the Judicial Committee on Information Technology (JCIT), working with district and county clerks, released the latest version of the Technology Standards that

contained updates to the standardized configuration of the eFiling system statewide. This version made changes to the civil configuration, as well as added configurations for criminal eFiling (not yet available) and standardized additional services performed by the clerks from 4,500 options to just under 150. These standards have proven helpful for filers as the number of complaints regarding local variances continue to subside.

Counties with a population of 100,000 or more (17 additional counties) become mandatory on January 1, 2015. All of those counties are eFiling today in a permissive environment. OCA, JCIT and the County and District Clerks Association of Texas have been encouraging counties to implement eFiling well ahead of their mandate deadline to work through any business process adjustments.

#### Website Redesign

Last fall, OCA engaged a design firm to redesign the “Texas Courts Online” website. Information Services implemented the new design with an open-source (free) content management system. While Information Services is happy to continue maintaining the website, the new system allows the courts and judicial branch agencies to make website changes without requiring intervention from Information Services.

The State Prosecuting Attorney website (<http://www.spa.texas.gov>) as well as the Texas Indigent Defense Commission (<http://www.tidc.texas.gov>) were completed earlier this year. The main website was rebranded to “Texas Judicial Branch” and was launched on October 18, 2014.

The new website navigation was based on analytical data gathered from the website visitors. Items that were most frequented were made more prominent and easy to find. The new website also follows a “responsive” design, allowing it to be viewed in a format that works well on mobile devices and tablets.

#### Statewide Case Management

This summer, OCA put out a Request for Offer (RFO) for a statewide case management system. The system would be intended for less populous counties that may not have a system today. Bids were received from seven offerors. OCA has convened an outside evaluation panel consisting of clerks and other stakeholders from less populous counties to evaluate the functionality of the systems. OCA is seeking funding from the Legislature to provide the system at no cost to participating counties.

### Texas Appeals Management and Efiling System (TAMES)

TAMES is now implemented at all appellate courts in Texas. The TAMES governance committee, comprised of appellate clerks, meets regularly to review and prioritize outstanding enhancement requests.

Several appellate courts have implemented all pieces of TAMES and are reaping the benefits of an electronic court. Briefs, clerk records, and court reporter records all arrive electronically. Notices are generated and sent to parties via email. Opinions are kept and posted electronically. These courts have achieved the vision of a case being adjudicated without ever having been kept in paper.

The governance group has prioritized two major enhancements to TAMES aimed at judges and attorneys:

- Auto-linking of citations – Inspired by the 5<sup>th</sup> Circuit U.S. Court of Appeals, this feature will take a properly formatted cite and automatically link it to the case in Westlaw or LexisNexis. Additionally, this feature can be leveraged to allow attorneys to cite and have links automatically generated to the clerk record and court reporter records. This feature has been developed and is currently being tested.
- Attorney access portal – This enhancement would provide a secure, access controlled portal for appellate attorneys to be able to review all case documents (including the clerk and reporter records) for any case where they are the attorney of record.

### CIP Technology

OCA continues to work with the Permanent Judicial Commission for Children, Youth and Families to improve IT systems for child protection courts. The team continues to improve the Child Protection Case Management System by adding the ability of role-based security. This will allow each court to provide access to the certain parts of the system for approved outside entities (such as case workers, attorneys and others). OCA is currently piloting a new system that sends email reminders to interested entities about upcoming hearings. If successful, the system will be expanded to allow all child protection courts the ability to use it.

The video conference project continues to expand. OCA has deployed video conferencing capabilities to 57 residential treatment centers (RTC) and 19 courts. In FY2014, more than 280 hearings were conducted using the video conferencing capabilities installed through this project. This has resulted in an increased number of children participating in their hearings. OCA hopes to have up to 25 courts online by the end of 2014.

## Data Collection

### Judicial Information Program

The Judicial Information Program collects, reports and analyzes court activity statistics, judicial directory information, and other information from the approximately 2,700 courts in the state; produces the Annual Report for the Texas Judiciary, Texas Judicial System Directory, and other publications; and provides information about the judicial branch to the Legislature, state and federal agencies, local governments, private associations and public interest groups, among others. More than 150,000 statistical and other reports were received in FY 2014.

### Publications

Staff are currently working on the 2014 Annual Statistical Report. Reports received from the appellate courts have been posted on the [2014 annual report webpage](#).

### Judicial Council Monthly Court Activity Reports

Due to the greatly expanded content and complexity of the Judicial Council Monthly Court Activity Reports and mandate for all trial courts to submit their reports electronically, a significant share of Judicial Information's efforts continue to be devoted to providing support to the trial courts and clerks and their information technology staff or case management vendors on reporting issues. Staff made presentations at seminars sponsored by the Texas Municipal Courts Education Center and the College of Probate Judges.

As the high demand for support in implementing the reporting changes has subsided, Judicial Information has been able to spend some time on improving reporting completeness and data quality. Staff are working with clerks, courts, case management system vendors, and other local information technology staff to correct various errors in reporting. In addition, staff produced a webinars for justice courts and for district clerks on the Judicial Council Municipal Court Activity Report and posted them [online](#)). Webinars for county clerks are currently in development and will be released soon.

### Data Collection

#### **National Instant Criminal Background Check System (NICS) – Record Improvement Mental Health-Related Cases**

OCA has taken a leading role in providing assistance to district and county clerks with the implementation of HB 3352, which passed in 2009 to comply with and implement the requirements of the federal NICS Improvement Amendments Act of 2007. HB 3352 requires clerks to report information on prohibiting mental health, guardianship, and mental retardation cases to the Criminal Justice Information System (CJIS) site maintained by the

Texas Department of Public Safety. This information is used in background checks performed by the FBI to determine whether a person is disqualified from possessing or receiving a firearm.

OCA has engaged in numerous activities to provide assistance to the district and county clerks, including:

- continuing to provide frequent assistance to clerks by answering questions over the phone and by email; and
- receiving two federal grants, under the NICS Act Record Improvement Program, totaling \$1,035,880, to hire OCA staff to assist the district and county clerks in researching their case files for all eligible historical mental health and other cases required to be entered into NICS through CJIS. The grant project is called the “Texas NICS Mental Health Record Improvement Project.” The records research portion of the project was completed in December 2013. Also, as part of the project, OCA created and posted the [Texas NICS Mental Health Reporting Manual](#) for district and county clerks on its website in June 2014.

#### Protective Orders

In the fall of 2013, OCA received a grant award in the amount of \$118,733 from the NICS Act Record Improvement Program to hire a protective order resource attorney to conduct the Texas NICS Protective Order Record Improvement Project. The purpose of the project is to increase the number of prohibiting protective order records made available to NICS by: 1) conducting a systemic review and analysis of the protective order reporting process in Texas, from the filing of an application for a protective order or request for a magistrate’s order for emergency protection to entry into the Texas Crime Information Center (TCIC), through case studies in rural, suburban, and urban jurisdictions; and 2) developing and providing training to address the identified reporting barriers and provide information on best reporting practices. The initial grant period was from October 1, 2013 through September 30, 2014, with the Office of Justice Programs later granting an extension until September 2015 using unexpended funds from the “Texas NICS Mental Health Record Improvement Project.”

OCA’s protective order resource attorney (PORA):

- Assisted in the coordination of the third meeting of OCA’s NICS Protective Order Records Improvement Task Force, which was held on September 18, 2014. At that meeting, the PORA presented a draft of training webinars created thus far, to be

- posted on the OCA website. Next steps, including further training opportunities, were also discussed with Task Force Members;
- Created and recorded three webinars on best practices in protective order reporting that were posted on the OCA website. The first targeted general audiences, while the other two targeted judges and clerks;
  - Participated on the Texas Council on Family Violence Public Policy Committee.

In addition, the PORA:

- Made a presentation to judges on magistrate's orders for emergency protection and OCA's NICS Protective Order Record Improvement Project at the Texas Municipal Courts Education Center's Regional Judges Seminar, in Tyler; and
- Made a presentation on protective orders and OCA's Protective Order Record Improvement Project to area judges, law enforcement and clerks at regional training events in Hidalgo and Cameron counties, which were sponsored by OCA in conjunction with Texas RioGrande Legal Aid, Texas Advocacy Project, and others.

## **Court Services**

### **Language Access Program**

OCA's Language Access Program consists of: 1) a Language Access Coordinator to assist courts in developing and implementing language access plans; provide training on language access issues and best practices; and work with Texas colleges and universities to develop college-level court interpreter training programs in an effort to increase the pool of licensed court interpreters in the State; and, 2) the Texas Court Remote Interpreter Service (TCRIS), which provides free Spanish interpretation services via phone or videoconferencing by licensed court interpreters, in short hearings with limited or no evidence, for all case types.

### **Language Access Coordinator**

The Language Access Coordinator engaged in a number of activities to improve interpretation and translation services around the state, including the following:

- Visited with faculty from the University of Texas at San Antonio to learn about their interpreting programs and to discuss expanded career opportunities in court interpreting.

### Texas Court Remote Interpreter Service (TCRIS)

TCRIS staff has engaged in the following activities between August 22 and October 31, 2014:

- Provided interpretation services in 116 hearings held in 29 counties (Andrews, Austin, Bell, Brazos, Brewster, Camp, Collin, Comanche, Dallas, Ector, Ellis, Fannin, Harrison, Hays, Henderson, Hood, Hudspeth, Jeff Davis, Kimble, Maverick, Morris, Presidio, Smith, Starr, Travis, Uvalde, Webb, Williamson, Wood). The interpretation services were provided in a variety of criminal and civil cases magistrations, plea hearings and arraignments; and
- Translated written court documents and webpages, and worked on a bilingual court glossary of 1,500 Texas legal terms during the time they are not interpreting.

### Court Services Consultant Program

OCA's court services consultant provides technical assistance on court administration matters to judges, clerks, court personnel, and other county officials and staff, with primary emphasis on case management.

The court services consultant:

- Made presentations at the annual conference of the Rural Association for Court Administrators, acquainting participants with the Court Services Consultant Program and caseload management practices;
- Assisted the 13 county and city teams who participated in the Shared Solutions 2.0 Summit with the implementation of their respective action plans, which they developed at the Summit. Each team developed an action plan that: 1) defines a problem or the opportunity for improvement in their county or city; and 2) measures the design, development and success of intervention. Each team selected one of the following three areas of improvement to address: governance, data-driven management or technology; and
- Worked on a criminal caseload management review of Tarrant County's district courts and county courts at law.

## Collection Improvement Program

### Technical Support

OCA continued to assist counties and cities required to implement a collection improvement program (CIP) with either fully implementing a program or refining the processes of a previously implemented program:

- 87 of the 87 counties and cities required to implement a program have either fully or partially implemented a program. Under previous law, 91 counties and cities were required to implement the program. Senate Bill 387 passed by the 83rd Legislature, Regular Session (2013), requires OCA to grant a waiver to a county with a population of 50,000 or more when the population of the county is at least 50,000 only because of the TDCJ inmate population within the county. The three counties – Anderson, Cherokee, and Rusk – eligible for a waiver under this new law have requested and received a waiver. However, it should be noted that while Anderson and Rusk Counties requested waivers, they have also acknowledged the success of the program and affirmed their intent to continue it on a voluntary basis; and
- Harris County previously received a waiver and is therefore not required to implement a program.

The primary focus of the assistance provided to counties and cities by OCA's CIP technical support staff has been to ensure their compliance with the critical components of the CIP. OCA's goal is to ensure each jurisdiction passes the statutorily-required compliance audit that was formerly conducted by the Comptroller of Public Accounts (CPA), but is now the responsibility of OCA's CIP audit staff. OCA's CIP technical support staff works with each jurisdiction using a review format designed to identify problem areas and recommend corrections prior to the official audit.

- 86 preliminary reviews of the total 87 counties and cities required to implement a program, have been completed. The remaining preliminary review should be completed by the end of December 2014.

Of the 86 counties and cities in which a preliminary review was conducted: 19 were audited by the CPA and all of them passed either their initial or subsequent official compliance audit; 25 were audited by OCA's CIP audit staff, with 20 passing (including the City of Laredo and the City of Grand Prairie which failed their initial audits but passed their follow-up audits) and 3 failing their initial audit. The 3 failing jurisdictions (Bastrop, Kaufman and McLennan Counties) are expected to pass their follow-up audit.

Since August 22, 2014, OCA:

- Conducted 12 “spot checks” of counties and cities required to implement a program to ensure continuing compliance with program components;
- Continued compiling data for the 2013 Return of Expenditure reports.
- Continued drafting policies and establishing procedures for managing temporary waivers of the CIP reporting requirement in certain situations.
- Continued drafting policies and establishing procedures for training and managing compliance with data integrity audits tentatively scheduled to begin in FY 2015.

Also, since August 22, 2014, OCA engaged in the following training and assistance activities:

- Conducted regional collections training workshops in Abilene, San Marcos, Denton, and Dallas.
- Conducted several collections training sessions at the region 5 and 8 District and County Clerks meetings.
- Made a collections presentation at Texas Court Clerks Association South Texas Regional meeting in Corpus Christi.

## Audit

Since the beginning of Fiscal Year 2015, the Collection Improvement Program – Audit Section has issued reports for two (2) Compliance Engagements (i.e. Compliance Audits) from the FY 2014 Audit Plan. Of the two (2) jurisdictions audited, one (1) passed the audit. One (1) jurisdiction failed and is working within the statutory 180-day grace period to re-establish compliance before further action is taken. Audit staff are currently working on seven (7) Compliance Engagements and two (2) Post-implementation Rate Reviews.

## Research

### Sting Operations Study

Pursuant to an appropriations bill rider (General Appropriations Act for the 2014-2015 Biennium, Article IV, Office of Court Administration, Rider 15), OCA has contracted with Texas A&M University (TAMU) to conduct a study for the purpose of determining the financial impact on local governments of enhanced enforcement operations (referred to as “sting operations” by the 83rd Texas Legislature in the General Appropriations Act for the 2014-2015 Biennium) conducted by the Department of Public Safety (DPS), in particular the costs of the prosecution and defense of court cases resulting from these enhanced

enforcement operations in small or exurban communities and counties near urban areas. The study will include a review of past enhanced enforcement operations conducted by DPS, including those involving drugs, human trafficking, and similar activity. The study will also include a review of all forfeiture funds collected as a result of these enhanced enforcement operations, including an analysis of who receives these funds and the purposes for which they are used. TAMU provided a final draft report to OCA of the results of the study on October 31, 2014.

TAMU provided OCA a draft of the study on October 31, 2014. OCA must submit the report to the Legislature no later than January 1, 2015.

### [Expedited Actions Evaluation](#)

The Texas Supreme Court has requested that the National Center for State Courts (NCSC) evaluate the impact of the Texas Rules of Civil Procedure governing expedited actions. The study is being conducted as part of the Conference of Chief Justices (CCJ) Civil Justice Initiative. The CCJ initiative is looking at a number of concepts used by various states in civil cases with the ultimate goal of finding effective tools that states might consider implementing.

The evaluation involves a two-part approach. The first part is a comparison of cases filed before and after the implementation of the new rules. The second part is a survey of attorneys in post-implementation cases that have fully resolved. The survey will seek information about their experience with the rules with respect to costs, timeliness, and litigant satisfaction.

The first meeting of the project advisory committee was held on June 24. The committee is comprised of Chief Justice Nathan Hecht, former Chief Justice Wallace Jefferson, former Chief Justice Thomas Phillips, the president of the State Bar of Texas, the president of the Texas Association of Defense Counsel, a representative of the Texas Mediator Coalition, a district judge, a district clerk, a court administrator, and others. At that meeting, the committee reviewed the overall design of the study and provided feedback.

On November 4, a second meeting of the advisory committee was held for an update on the progress of the study.

OCA will assist NCSC with the study by collecting, cleaning, and formatting case-level data from the counties that will participate in the study. During the late summer and fall, counties were selected and cases were sampled for review. OCA plans to complete data collection by the end of May 2015.

## Specialty Courts Program

### Child Protection Courts

The Child Protection Court of the Rio Grande Valley West (Judge Carlos Villalon) has been selected to participate in the National Council of Juvenile and Family Court Judges' (NCJFCJ) Implementation Sites Project. Participation in the program involves implementing the best practices as written in NCJFCJ's *Resource Guidelines*. NCJFCJ will be supporting the court and court team members with individualized assessments, specialized training, and technical assistance in child welfare issues and promising practices. Judge Villalon has expressed that he hopes that his court's participation in the project and through the increased collaboration between stakeholders, the result will be reduced caseloads, better outcomes, and fewer children in care.

### Child Support Courts Program

Effective January 1, 2015, Associate Judge Judge Susan Harris will become the statutory county court judge of Kerr County. The counties in which she currently serves as a child support associate judge will be transferred to associate judges who serve in adjacent counties and one of the counties will be served by a retired associate judge on a regular basis.

## Regulatory Services

### Judicial Branch Certification Commission (JBCC)

The Judicial Branch Certification Commission (JBCC) was established by the Texas Legislature, 83<sup>rd</sup> Regular Session, in [Senate Bill 966](#). The nine member JBCC will oversee certification, registration, and licensing of court reporters and court reporting firms, guardians, process servers, and licensed court interpreters, and began operations on September 1, 2014. On that date, the Court Reporters Certification Board, Guardianship Certification Board, and Process Server Review Board concluded, and the Licensed Court Interpreter program at the Texas Department of Licensing and Regulation (TDLR) was transferred to the JBCC and Office of Court Administration (OCA).

### Members Appointed to the JBCC

- The Honorable Lee Hamilton (Chair), 104th District Court, Taylor County, Abilene
- The Honorable Garland (Ben) Woodward, 119th District Court, Tom Green, Runnels and Concho Counties, San Angelo
- The Honorable Migdalia Lopez, 197th District Court, Cameron County, Brownsville

- The Honorable Sid L. Harle, 226th District Court, Bexar County, San Antonio
- The Honorable Polly Spencer, Probate Court No. 1, Bexar County, San Antonio
- Velma Arellano, Official Court Reporter, Corpus Christi
- Don D. Ford, Attorney, Houston
- Mark Blenden, Attorney, Bedford
- Ann Murray Moore, Attorney, Edinburg

#### Members appointed to the JBCC Advisory Boards

##### **Court Reporters Certification Advisory Board**

- (Presiding Officer) The Honorable William C. Sowder, 99th District Court, Lubbock, TX
- Robin Cooksey, Conroe, TX
- Janice Eidd-Meadows, Tyler, TX
- Whitney Lehmberg Riley, Boerne, TX
- Molly Pela, Houston, TX
- Deborah K. Hamon, Rockwall, TX
- Kim Tindall, San Antonio, TX

##### **Guardianship Certification Advisory Board**

- (Presiding Officer) Jamie MacLean, Austin, TX
- The Honorable Chris Wilmoth, Probate Court No. 2, Dallas, TX
- Jason S. Armstrong, Lufkin, TX
- The Honorable Gladys Burwell, Friendswood, TX
- Toni Rhodes Glover, Fort Worth, TX

##### **Process Servers Certification Advisory Board**

- (Presiding Officer) Patrick J. Dyer, Missouri City, TX
- Eric Johnson, Rosharon, TX
- Honorable Rhonda Hughey, District Clerk, Kaufman County, Kaufman, TX
- Justiss Rasberry, El Paso, TX
- Mark Vojvodich, Constable Precint 3, Bexar County, San Antonio, TX

##### **Licensed Court Interpreters Advisory Board**

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

### JBCC Certifications, Registrations, and Licenses

Court Reporters	2392 individuals and 368 firms
Guardianship	424 individuals
Process Servers	3649 individuals
Court Interpreters	516 individuals

#### **Total FY2015 revenue amounts collected for all four of the programs (to date):**

- \$170,776.00

#### **FY2015 revenue amounts collected by program:**

- Court Reporters Certification - \$110,659.00
- Process Server Certification - \$49,023.00
- Licensed Court Interpreters - \$6,219.00
- Guardianship Certification - \$4875.00

### JBCC Certification Division Projects

On September 5, 2014, the JBCC held the inaugural meeting of the Commission with all nine members present. The Commissioners also participated in a new members orientation and training over the Commission duties and functions, role of the Administrative Director, Role of the Advisory Boards, SB966 and JBCC Rules, and an overview of the JBCC budget. In an effort to maximize communication with the professions, staff members have also made presentations at several meetings and seminars for the professions.

Since the transition, the Certification Division staff members have been coordinating numerous meetings for the JBCC. The first Process Server Certification Advisory Board, Guardianship Certification Advisory Board, Licensed Court Interpreters Advisory Board, and the Court Reporters Certification Advisory Board meetings were held. The Advisory Board training and orientation consisted of an overview of the JBCC rules and procedures, the Open Meetings Policy, and the Access to Records Policy. During each of the meetings, the Advisory Boards reviewed the following items to make recommendations to the JBCC. Several committees have been formed to study and make recommendations on these important issues:

- JBCC criminal conviction guidelines
- JBCC administrative dismissal policy
- Codes of Ethics for all four professions
- Process Server Curriculum for the Pre-Certification Course

On October 8, 2014, the first Process Server Complaint Review Committee convened. During the meeting the review committee considered new complaints and discussed disciplinary actions to recommend to the full Commission.

Certification staff members have been transitioning the Licensed Court Interpreter program following the transfer from the Texas Department of Licensing and Regulation to the Office of Court Administration. Since the transfer, the Certification Division has processed new and renewal LCI applications, issued new license cards, sent out renewal notices, finalized the LCI oral examination, processed continuing education approvals for providers and individuals, and updated the court interpreters FAQ's on the new web page.

Upcoming meetings relating to the JBCC:

- JBCC complaint review meeting on recommendations-November 21, 2014
- JBCC full Commission meeting-January 23, 2015
- Additional information can be found on our new web page located at <http://www.txcourts.gov/jbcc>.

## **National Issues**

Texas will host the Conference of Chief Justices midyear meeting on January 25-28, 2015, in San Antonio. The conference will be attended by many of the nation's chief justices and promises great educational opportunities.

David Slayton has been called upon to educate other court administrators and judges on the unaccompanied minor border crisis. An article he wrote on the issue is available [here](#).

With the recent Ebola crisis, the Office of Court Administration distributed the [“Control Measures and Public Health Emergencies: A Texas Bench Book”](#) to Texas' judges and to many other states.