

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 09-**9183**

ORDER ESTABLISHING THE TEXAS COURT RECORDS PRESERVATION TASK FORCE

1. Texas history is housed in boxes stored in courthouses across Texas. In 2008, Hurricane Ike hit Galveston County, damaging more than 600 boxes of court case records in the Galveston County District Clerk's Office. Many other Texas counties have suffered a loss of court records due to courthouse fires, floods, and theft. Court records, like all paper documents, are also damaged by the ravages of time if they are not properly preserved. The vulnerability of court records in Texas to these threats underscores the need to create a statewide, comprehensive plan to protect and preserve them.

2. Court records have a direct impact on the lives of Texans. Marriages, divorces, property ownership, child custody, criminal matters, protective orders, and probate proceedings are just some examples of the information documented in court records. Unless these paper records have been digitized, the information is in danger of being forever lost if the records are destroyed. Digitization of court records ensures that this information is preserved and available to the public.

3. Court records are also an important source of historical information. A preservation project in Harris County uncovered a number of historic court records including the case files from a lawsuit filed by Sam Houston against his successor as President of the Republic of Texas, Maribeau B. Lamar. The lawsuit alleged Lamar had damaged some of Houston's personal belongings left in the presidential mansion in December 1838. Probate records from the 1800s have been used to document slave holdings in Texas. Court records of civil lawsuits were used by one historian to document the flourishing Hispanic business community in South Texas in the early 1900s. Travis County has archived and displayed many of the court records from *Sweatt*

v. Painter, which was filed in the 126th District Court in 1946. In addition to the documents that have already been identified as historically significant, court records across the State hold histories yet to be discovered. That history, however, can only be discovered if the records are preserved.

4. The court records in coastal counties are particularly vulnerable each year to the threat of hurricanes. The Galveston County District Clerk's Office maintains court records for one of the oldest district courts in Texas. The records go back to 1839. Due to its status as a port town, Galveston County also maintains immigration records going back to the 1900s. Any comprehensive plan for Texas needs to address this particular threat to coastal county records.

5. Once court records are destroyed, the history they contain is lost forever. Records damaged by flood or fire may be salvaged, but the process of recovering documents after a natural disaster can be costly. It was estimated that it would cost one county in Mississippi at least \$2 million to recover court records damaged by Hurricane Katrina. Upfront costs to preserve documents and digitize their contents not only ensures the information is not forever lost, but saves the possible recovery costs of trying to restore documents after a disaster.

6. While most counties recognize the need to digitize and archive court records and some have been able to implement localized and limited preservation or digitization projects, funding for such efforts is often not available. This has left many court records across the State unprotected.

The Supreme Court of Texas, having reviewed the issues, **HEREBY ORDERS:**

1. The creation of the Texas Court Records Preservation Task Force (the "Task Force").

2. The Task Force is charged with: (i) collecting data and other information from counties and other state and local agencies across the State on the current status of Texas court records and related preservation activities; (ii) analyzing the data and other information, including the identification of County and other archives with the most important historical records; (iii) identifying important needs and areas of concern with regards to the preservation and protection of Texas court records, including enforcement and security issues; (iv) and ultimately developing a plan to address the need to preserve and protect court records across the State of Texas.

3. The Task Force should also explore potential funding sources and make a recommendation on whether there is a need to establish a permanent entity to oversee a comprehensive, long-term court record preservation effort.

4. The Task Force will also develop a comprehensive plan for developing greater public awareness of the historical treasures found in the court records throughout the State of

Texas, and develop a plan and recommendations for how these records can be made more accessible to the public.

5. The Task Force will submit a final report and recommendations to the Court no later than June 1, 2011.

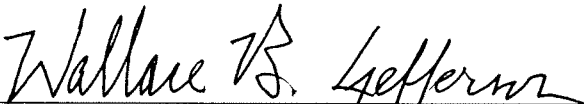
6. The following persons are appointed to serve as members of the Task Force:

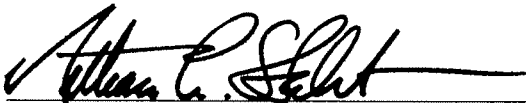
Hon. Joan Huffman	Houston
Hon. Craig Eiland	Galveston
William K. Kroger	Houston
Hank Bass	Austin
Hon. Latonia Wilson	Galveston
Hon. Gary Fitzsimmons	Dallas
Christopher LaPlante	Austin
Cheryl Carrabba	Austin
James Holmes	Henderson
Hon. James T. Worthen	Tyler
Hon. Olen Underwood	Conroe
Hon. Mark Davidson	Houston
Eric J.R. Nichols	Austin
James W. Paulsen	Houston
Richard G. Munzinger	El Paso
Alexander X. Byrd	Houston
Dwayne Jones	Galveston
David B. Gracy, II	Austin
Mark W. Lambert	Austin

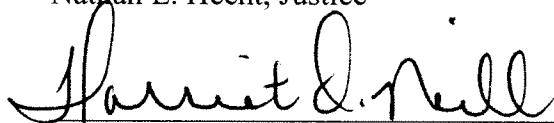
7. William K. Kroger, is appointed Chair of the Task Force. Mark W. Lambert is appointed Vice-Chair.

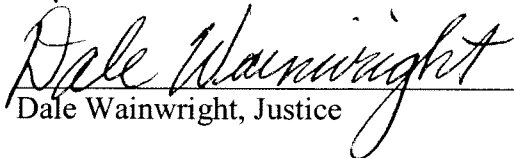
8. The Court's liaison to the Task Force is Justice David M. Medina. The Clerk of the Supreme Court will serve as the staff liaison to the Task Force.

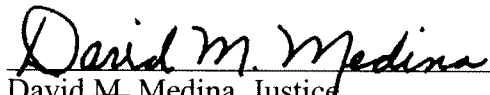
SIGNED AND ENTERED, this 16th day of November, 2009.



Wallace B. Jefferson, Chief Justice



Nathan L. Hecht, Justice

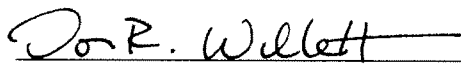

Harriet O'Neill, Justice

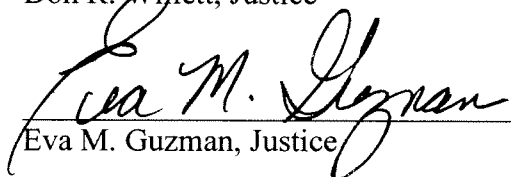

Dale Wainwright, Justice


David M. Medina, Justice


Paul W. Green, Justice


Phil Johnson, Justice


Don R. Willett, Justice


Eva M. Guzman, Justice