

DIRECTOR'S REPORT

October 2016



Texas Judicial Council

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TECHNOLOGY & DATA

Information Services Division

Attorney Portal Reaches General Availability

The attorney portal has been fully tested by the 5th Court of Appeals (Dallas) and is receiving glowing reviews from appellate attorneys. OCA has declared the portal generally available to all appellate courts. This means that if an appellate court wishes to deploy the portal for their court, it can be easily deployed by OCA at a coordinated time.

The portal provides a secure access point for attorneys to retrieve clerk records and reporter records from the court. In the past, this required a CD, USB drive and a trip (or a runner) to the courthouse.

Judicial Access to Court Records



As part of the eFiling contract, Tyler Technologies is contracted to provide

document access. The new tool is currently being used by Texas judges and is called Re:SearchTX. OCA staffed a table at the Texas Center for the Judiciary's Annual Judicial Conference in September to increase awareness of judges on the tool. Only eFiled documents will be available in the system going back to January 2016.

The tool allows judges to filter eFiled documents down by county, court, case, party or a combination of those criteria. Judges can then save those results to "folders" for later viewing. It is expected that this tool will have major benefits to judges that hear cases in multiple jurisdictions that do not share case management systems.

OCA expects to open beta-testing access to attorneys of record on cases at the end of 2016. The Judicial Committee on Information Technology is also beginning meetings with clerks, judges and attorneys regarding the provision of remote access to court documents to attorneys generally and other members of the public. JCIT is expected to make recommendations to the Supreme Court regarding policy issues, such as who should have access to what information, as well as what to do when a record is expunged or otherwise needs to be made unavailable to all.

Guardianship Compliance Tool

OCA is piloting a tool to support the Guardianship Compliance Project. The tool will allow judges to require that guardians electronically file their initial inventories, annual reports, and annual accountings. The system will then use a series of checks to look for potential abuse and alert the judge or other judicial staff reviewing these filings. Adaptations from the Minnesota system have been identified, and OCA has hired a contract programmer to work on the Texas tool. OCA expects to have the tool deployed in a pilot county no later than December 2016.

OCA's Information Services Division (ISD) is instructed by the Legislature to directly provide staff and information technology equipment and services to the two high courts, the 14 intermediate appellate courts and five judicial branch state agencies – almost 900 users. The division also provides staff to coordinate and facilitate the work of the Judicial Committee on Information Technology

Replacement of Court Activity Reporting System

The internal kickoff meeting to replace the court activity reporting system was held recently, and the project is now underway. OCA staff are gathering the case-level data elements needed to facilitate the new court activity reporting system. Additional work is being done to identify the need for standard programming interfaces to enable OCA to communicate directly with county case information systems. This will allow access to better data in a timelier fashion, without burdening the clerks or their staff.

Criminal e-Filing

At the end of June, the Court of Criminal Appeals ordered that criminal eFiling be mandatory for attorneys in district and county courts. The implementation of the mandate will be similar to the civil mandate, with the top 10 most populous counties becoming mandatory in July 2017 and other counties becoming mandatory every six months according to their population. JCIT passed standard eFiling codes last year in support of permissive criminal eFiling but will review them again for any necessary additions for mandatory criminal eFiling. The statewide eFiling rules will also be reviewed by JCIT for any needed changes, and any recommendations will be given to the Court of Criminal Appeals.

Other Information Services Projects

- Implementation of online self-represented litigant (SRL) form preparation tool – As part of the eFiling platform, OCA has made available to the Texas Legal Services Center (TLSC) the ability to implement the Guide and File System. This system provides online interviews using plain language to assist SRLs in completing forms. The system is available for use at <http://selfhelp.efiletexas.gov>. Seven interviews have been implemented including one that generates the Supreme Court approved forms for divorce with no children. TLSC projects that more than 50 forms will be available with this tool. Once completed, the forms can be electronically filed directly with the court.
- Replacing court professional licensing database – OCA's software that manages the licensing provided by the Judicial Branch Certification Commission is outdated and in need of several modern features, including the ability for licensees to review their records and renew/pay for licenses online. A request for offers is currently out for bid and a decision is anticipated prior to the next Judicial Council meeting.
- Infrastructure Upgrades – OCA has completed the workstation upgrades for judicial branch organizations supported by OCA Information Services. OCA also completed a WAN upgrade, giving the appellate courts a 10X upgrade in speed between the court and OCA. Additional cybersecurity upgrades, server upgrades, and software upgrades are planned for this fall. This includes the deployment of Office365 to interested entities supported by OCA.

RESEARCH & COURT SERVICES

Court Services

The Research and Court Services Division has reorganized to move the Collection Improvement Program into the Court Services section. In addition to the Collection Improvement Program, Court Services includes OCA's consulting, language access, research, and grant-funded programs. In August, the Court Services Manager presented at the National Forum on Criminal Justice in Philadelphia, Pennsylvania, on OCA's grant-funded work to increase the number of mental health records in the National Instant Background Check System.

Collection Improvement Program

Technical Support

CIP staff has been working to develop new processes, procedures, and training materials related to the amended rules approved by Judicial Council at the last meeting. The [new rules](#) are effective January 1, 2017. The primary goal of the amendments is to provide procedures that will help defendants comply with court ordered costs, fines and fees without imposing undue hardship on defendants and their dependents.

Consulting

The Court Services Consultant continued to assist the 212th District Court, Galveston County, in developing a Differentiated Case Management (DCM) policy for civil cases. In addition, the consultant collected information from county auditors regarding the use of county-paid associate judges and magistrates and developed a flowchart on the caseflow of expedited action cases.

Language Access Services

Since the last Council meeting, Texas Court Remote Interpreting Service (TCRIS) staff completed the translation of the Supreme Court Children's Commission's Parent Resource Guide into Spanish. In addition, TCRIS staff:

- Continued managing the Interpreter Locator Listserv, which allows court personnel from around the state to search for interpreters fluent in exotic and rare languages. The exotic language requested during the period was Igbo (a Nigerian language).
- Provided interpreting services in 197 hearings held in 37 counties to 42 judges in a variety of criminal and civil cases, including magistrations, plea hearings,

Through its Collection Improvement Program (CIP), OCA continues to provide technical assistance counties and cities required by law to have a collection improvement program. This assistance is designed to promote local program compliance with key program components.

Language Access Program staff provide Spanish interpreting services via speakerphone or videoconference through the Texas Court Remote Interpreter Service (TCRIS). TCRIS services are available for all case types, for short, non-contested hearings involving limited or no evidence. In addition, OCA's Language Access staff provides training on language access issues and best practices.

sentencing hearings, arraignments and divorce prove-ups.

- Enrolled five new TCRIS users.

Research

OCA research staff continue to work with researchers at Texas A&M's Public Policy Research Institute on a pretrial release research project, which is being conducted under the charge of the Council's Criminal Justice Committee. The study, which will look at the pretrial release practices in jurisdictions around the state, is expected to inform judges and others about pretrial program planning, design, and operations issues.

OCA research staff completed work with researchers at the National Center for State Courts (NCSC) on the Texas Child Protective Services Judicial Workload assessment project funded by a grant from the Texas Children's Commission. The [final report](#) was published in September. In addition, work with NCSC was completed on a review of the impact of the Rules for Dismissals and Expedited Actions adopted by the Supreme Court of Texas in 2013. The final report should be available in November.

Domestic Violence Resources Program

OCA's Domestic Violence Training Attorney (DVTA) continued as the Presiding Officer of OCA's HB 2455 Task Force to promote uniformity in the collection and reporting of information relating to family violence, sexual assault, stalking, and human trafficking. The DVTA worked with the Task Force members to complete the [final report](#) of the activities and recommendations of the Task Force. In addition, the DVTA presented a training to the Texas District Court Alliance's 16th Annual Workshop in Kerrville on October 19, 2016, on family violence dynamics, protective orders, TCIC reporting, and OCA's HB 2455 Data Collection Task Force.

Data Collection

Judicial Information Program

Providing Information and Data-Related Support

Outside of routine inquiries from the public, media, and legislative staff, the Judicial Information Department:

- Submitted statistics for the Texas trial courts for 2015 to the National Center for State Courts' and Conference of State Court Administrators' [Court Statistics Project](#), which publishes caseload data from the courts of the fifty states, the District of Columbia, and Puerto Rico.
- Is in the progress of updating Texas' information for the National Center for State Courts' [State Court Organization](#) database, which presents detailed comparative data about how state trial and appellate courts are organized and administered.
- Compiled data and analyzed data and created charts for the Judicial Compensation Commission meetings and report.
- Compiled data for the Collections Improvement Program and Guardianship Compliance Project.

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 Statistical Report for the Texas Judiciary, the Texas Judicial System Directory, and other publications; and provides statistical and other information about the judicial branch to the legislature, state and federal agencies, local governments, private associations and public interest groups, and others. More than 150,000 statistical and other reports were received in FY2015.

- Compiled data for the Statewide eCitation System Project and attended meetings to provide input on court activity data and reporting issues.
- Participated in the Texas Indigent Defense Commission’s kickoff meeting for its ACT Smart for Indigent Defense online quality indicator system project to provide input on court activity data and reporting issues.
- Worked with the Supreme Court on analyzing trends in caseloads of the intermediate appellate courts for the purposes of the Court’s equalization program.

The Judicial Information Manager also attended the Court Statistics Project’s 10th Annual Court Data Specialists’ Roundtable at the National Center for State Courts in Williamsburg, Virginia. Participants were asked to share examples of what they were doing in terms of data visualizations – one of which was the significant changes that were made to the Texas Judicial System Annual Report in 2015 and another on filing trends in cases related to motor vehicles that was developed for June’s Texas Judicial Council meeting. Participants’ responses were extremely positive, and the National Center for State Courts has asked to include some of the examples in the curriculum for its Fellows program for court executives.

Annual or Biennial Reports

The statutorily required report on **Judicial Salaries and Turnover** for Fiscal Years 2014 and 2015 has been completed and posted on OCA’s website. The report documents the rate at which state judges resign from office or do not seek re-election, as well as the reason for these actions; whether the compensation of state judges exceeds, is equal to, or is less than the compensation of judges at corresponding levels in the five states in population to Texas; and whether the compensation of state judges exceeds, is equal to, or is less than the average salary of lawyers engaged in the private practice of law.

Staff are deep into the work of preparing the 2016 Annual Statistical Report.

Appointments and Fees Data – Senate Bill 1369 (Chapter 36, Government Code)

SB 1369, related to mandatory reporting of appointments and fees paid to attorneys ad litem, guardians, guardians ad litem, mediators and competency evaluators, went into effect September 1, 2016. This bill codified many of the reporting requirements established in 1994 by Supreme Court order. The new reporting statute also expanded the reporting requirements to all courts, including justice, municipal and appellate courts, adding nearly 2,000 individual courts to the number of entities reporting.

Staff have responded to many phone calls, emails, and in person inquiries from courts, clerks, case management system vendors, county and city information technology staff, and other interested parties. Trainings were provided at a webinar through the Texas Justice Court Training Center, the Local Government Solutions’ Case Management System Users’ Conference, two County and District Clerks’ Association regional meetings, the District Court Alliance’s Clerk’s College on Family Law Cases, the Texas Center for the Judiciary’s Annual Judicial Conference, and the Texas College of Probate Judges’ Conference. Staff also conducted two question and answer sessions during Tyler’s Odyssey Case Management System Users’ webinars on the appointments and fees reporting changes.

With the first reports due in October, staff has also spent time testing XML files from the various case management vendors and local IT staff and providing feedback about errors that need to be addressed.

Collection Improvement Program Audit

Since the beginning of FY17, the CIP – Audit Section has issued reports for 20 Compliance Reviews. Of the 20 jurisdictions audited, 14 passed the review (including six follow-up reviews), and 6 jurisdictions failed the compliance review. Of the six jurisdictions that failed, four jurisdictions have completed the 180-day grace period and are awaiting the beginning of a follow-up review. One jurisdiction will be issued a pass-review report shortly, and one jurisdiction just began the 180-day grace period. Audit staff are currently working on 12 Compliance Reviews and 2 Post-implementation Rate Reviews.

Article 103.0033(j) of the Code of Criminal Procedure requires OCA to periodically review mandatory local jurisdictions' compliance with the components of the Collection Improvement Program (CIP).

Article 103.0033(j) of the Code of Criminal Procedure also requires OCA to periodically review mandatory local jurisdictions to ensure the data reported to the CIP Court Collection Report system is reliable. The CIP – Audit Section completed fieldwork for the first pilot of the Data Verification Review, and is currently reviewing the pilot sample tested with CIP Technical Support. The CIP – Audit Section plans to perform several pilot reviews of this project type during FY17.

Children's Courts

Child Protection Courts

Since January 2016, the Children's Courts Program Manager (formerly Specialty Courts Program Coordinator) has been working collaboratively with the Supreme Court Children's Commission and the Texas Center for the Judiciary planning the Child Protection Court Judges' and Coordinators' Annual Meeting to be held Monday, November 14, 2016, at the Child Welfare Judicial Conference. The final agenda has been drafted, and all child protection associate judges and coordinators have committed to attend.

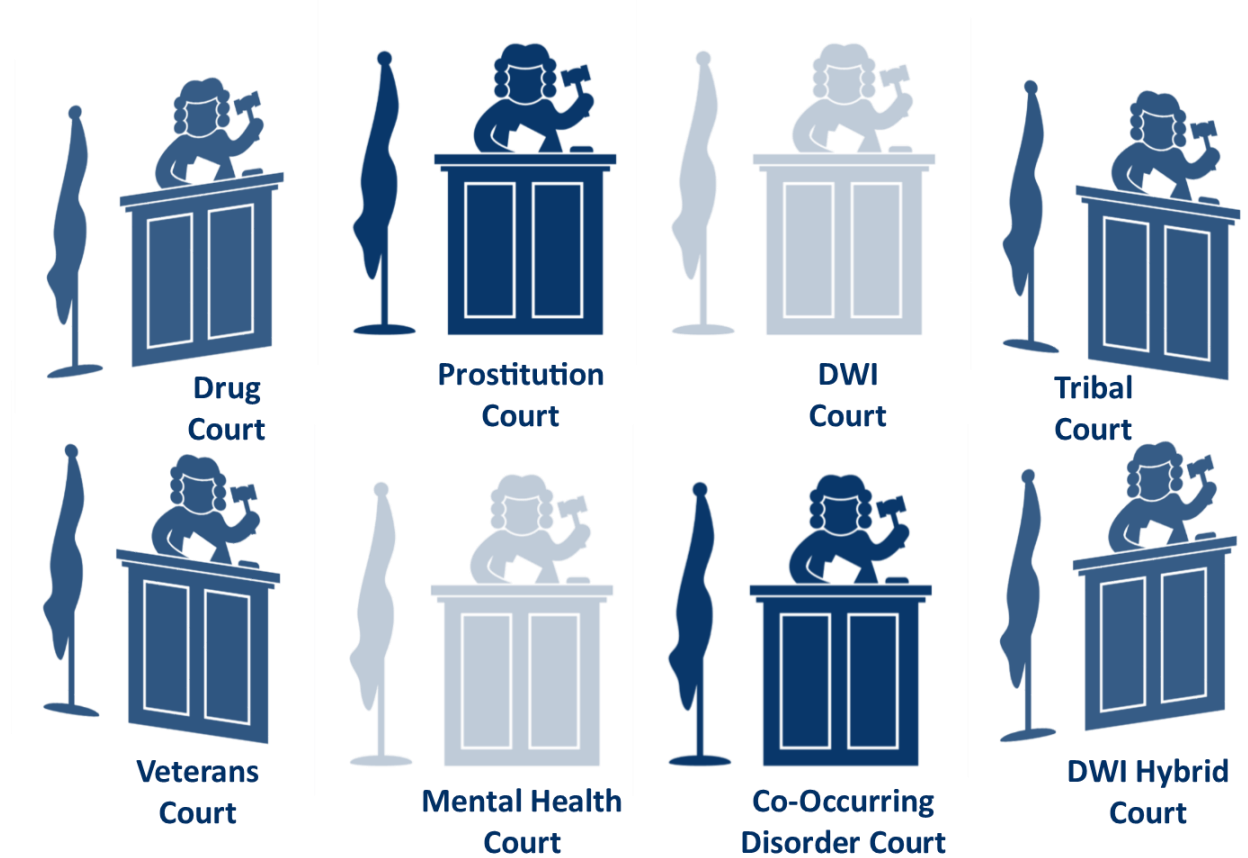
On August 16-17, 2016, the Children's Courts Program Manager attended the 2016 HHS Cross-Systems Summit, hosted by the Health and Human Services Commission for Elimination of Disproportionality and Disparities (HHSC-CEDD) in San Marcos, Texas. The summit theme was "Equity in Texas: Bold Beginnings, Courageous Paths, Igniting Our Future." The two-day summit featured keynote speakers and breakout sessions covering a variety of topics, including health and mental health disparities, implicit bias, food justice, race-induced trauma, and restorative justice. The theme focus was on addressing systemic issues and barriers to the provision of health, social, educational, court and criminal justice services, fairly and equitably to all individuals regardless of race, creed, or color.

Child Support Courts

In August and September, the Children's Courts Program Manager conducted on-site court observations of the Williamson County Child Support Court and one of the Travis County Child Support Courts. These are the first of more visits to come as the program manager embarks on the gathering of information on current child support court practices across the State. The goal is to identify best practices and barriers/challenges faced by the associate judges and staff in conducting hearings and expeditious processing of these cases.

Problem-Solving Courts

On October 13, 2016, the Children’s Courts Program Manager, in her role as problem-solving court consultant, attended a meeting with Scott Griffith, Director, Research and Court Services, with the Governor’s Criminal Justice Division’s (CJD) Specialty Courts Advisory Council (SCAC) to discuss best practice recommendations for problem-solving courts and future collaboration with CJD and the SCAC. The SCAC asked OCA to continue its work distilling Volume II of NADCP’s Adult Best Practice Standards and creating a self-assessment tool for Texas problem-solving courts to gauge adherence to the standards and program efficiency and effectiveness. Similar work has already been completed for Volume I.



REGULATORY SERVICES

JBCC Certifications, Registrations, and Licenses

Profession	Number of Certifications, Registrations, Licenses
Court Reporters	2,287 individuals and 350 firms
Guardians	450 individuals
Process Servers	3,494 individuals
Court Interpreters	450 individuals
TOTAL	7,031 individuals and firms

Recent Meetings of the JBCC and Advisory Boards

The next meeting of the full Commission will be on November 4, 2016.

Compliance Section Complaint Investigation and Resolution

There have been three recent complaint review committee meetings.

- Process Server Certification Complaint Review Committee meeting – September 22, 2016
- Court Reporter Certification Complaint Review Committee meeting – September 23, 2016
- Guardianship Certification Complaint Review Committee meeting – October 19, 2016

In FY 2016, the JBCC compliance team has opened 88 complaints that were filed with the Commission. There are currently 28 complaints open in various stages of the complaint process:

- 8 court reporter, 11 process server, 8 guardians, and 1 court interpreter complaints.
- Agendas for all meetings are posted on the JBCC website at <http://www.txcourts.gov/jbcc/meetings-agendas.aspx>.

Development of the new Codes of Ethics and Standards

The Court Reporter Certification Advisory Board continues to work on revisions to the Court Reporter Code of Professional Conduct.

The Licensed Court Interpreters Certification Advisory Board continues to develop standards of practice guidelines for interpreters.

Examinations Administered for the JBCC

The JBCC certification staff administers and proctors the examinations for the Guardianship Certification written examination and the Licensed Court Interpreter (LCI) written and oral examinations. A vendor administers the written and skills examination for the Court Reporters Certification.

- The guardian written examination was administered on October 19, 2016.
- The next Licensed Court Interpreter written and oral examinations are scheduled for November 15-17, 2016.

On September 1, 2014, the Judicial Branch Certification Commission (JBCC) was established by the Texas Legislature, during the 83rd Regular Session, to promote government efficiency and create consistency across the regulated judicial professions. The core responsibility of the JBCC is the oversight of the certification, registration, and licensing of 7,031 court reporters and court reporting firms, guardians, process servers, and licensed court interpreters. The nine-member commission is appointed by the Supreme Court of Texas.

EXAMS ADMINISTERED			
Fiscal Year	Written - Guardianship	Written - Licensed Court Interpreters	Oral - Licensed Court Interpreters
FY16	98	129	86
FY15	111	123	79

Additional Projects for the JBCC

- On May 9, 2016, OCA posted a Request for Proposal (RFP) to replace the current certification licensing database. The contract should be awarded soon and the project commenced this fall.
- JBCC staff recently prepared 2016 4th quarter performance measures for submission to the LBB.

GUARDIANSHIP COMPLIANCE PILOT PROJECT

Pursuant to the Judicial Council recommendation from the Elders Committee, OCA obtained funding from the legislature (Rider 20 to OCA in the General Appropriations Act) to establish a pilot program to improve guardianship compliance. The Office of Court Administration has launched the Guardianship Compliance Project to provide additional resources to courts handling guardianship cases. The goal of this project is to help courts protect our most vulnerable citizens and their assets. Assistance is available to counties that have a significant number of guardianship cases reported at no cost to the county. OCA is also developing an on-line guardianship reporting application to monitor guardianship filings of initial inventory and annual accountings and annual reports.

Through this project, our guardianship compliance specialists are available to:

- Review adult guardianship cases to identify reporting deficiencies by the guardian.
- Audit annual accountings and report findings back to the court.
- Work with courts to develop best practices in managing guardianship cases.

The Office of Court Administration will report on the performance of the Guardianship Compliance Project in a study to the Legislature no later than January 1, 2017. The report will include at least the following:

- The number of courts involved in the guardianship compliance project.
- The number of guardianship cases reviewed by the guardianship compliance project.
- The number of reviewed guardianship cases found to be out of compliance with statutorily required reporting.
- The number of cases reported to the court for ward well-being or financial exploitation concerns.
- The status of technology developed to monitor guardianship filings.

Conservatorship Accountability Project (CAP)

Texas has also received an implementation award to receive technical assistance to implement the Conservatorship Accountability Project (CAP). Indiana, Iowa, and Texas were selected to receive implementation awards; New Mexico and Nevada were provided planning awards. This project will use the extensive expertise and experience of the National Center for State Courts to support Texas' efforts in adapting the Minnesota "MMC" software, which allows conservators (known as guardians of the estate in Texas) to file their inventory, annual reports, and annual accountings electronically, integrating the software with our statewide eFiling system. The red flag validation and implementation, standardized reports and alerts, and judicial response protocols in the system will greatly improve Texas judges' ability to protect assets and modernize and improve guardianship accounting with limited resources. This project complements the Office of Court Administration's Guardianship Compliance Pilot Project.

- Part of the funding provided to OCA by the 84th Legislature was for the development of an automated, electronic tool to process the filing of required reports and other documents in guardianship cases.
- This system will provide an automated method to notify courts when required reports are delinquent. It will also provide an automated method to review annual accounting reports for potential fraudulent activities.

- The OCA IT staff is currently evaluating and developing an on-line reporting application for guardians.
- The goal will be to work with the courts to safeguard the assets of protected persons through the oversight of guardians by conducting professional compliance audits.
- OCA expects that this online tool will be piloted in several counties prior to the end of the year.

Guardianship Compliance Personnel

The project team has three guardianship compliance specialists reviewing the guardianship case files. A fourth guardianship compliance specialist will begin work on November 4.

Recent Guardianship Compliance Training

The Guardianship Compliance team will attend guardianship training with the Health and Human Services Commission Guardianship team in November and December 2016.

Guardianship Compliance Participating Counties

Hays, Guadalupe, Webb, Comal, Anderson, Montgomery, Orange, Bexar, and Lubbock have participated or are currently participating in the guardianship compliance pilot project. Soon to be added are Tyler and Tom Green Counties.

- Met with Judges, court staff, and county clerks on details of project.
- They have all be extremely cooperative with the project.
- Conducted an Initial Assessment and Program Survey.
- Conducted Review and audit of guardianship files for overall reporting compliance
 - Reviewing files for missing inventories, missing annual report of the persons, and missing annual accountings.
 - Completing audit sheet for each active case file
 - Compiling our findings on a spreadsheet to report
- Conducting financial audit of estates using Initial Inventories and Annual Accountings
- Working with the courts to develop notices to request missing reports and information
- Maintaining a list to recommend best practices for the courts

Participating County	Tyler	Lubbock	Bexar	Orange	Anderson	Comal	Guadalupe	Hays	Montgomery	Webb
Total Guardianship Cases Reported to OCA	405	1,602	8,399	844	83	403	205	228	508	1,139
Total Case Files Reviewed		201	1,704	2,702	97	403	205	656	508	1,139
<i>Closures: Recommended for Inactive Status (deceased ward, temporary guardianship, minor emancipated)</i>			1,704	2,523	17	231	46	435	35	851
Total Active Cases	Unknown In process	(49) In process	(35) In process	176	66	171	159	221	474	288
Total Guardianships of the Person				34	14	88	84	66	379	49
Total Guardian of the Estate				11	0	8	10	13	19	8
Total Guardianships of Both Person & Estate				131	52	75	65	142	76	231
<i>Missing Annual Reports of the Person</i>				63% 104/165	38% 25/66	21% 35/163	23% 34/149	39% 82/208	2% 7/455	79% 220/280
<i>Missing Annual Accountings</i>				60% 85/142	46% 24/52	24% 21/83	27% 20/75	47% 66/155	6% 6/95	77% 183/239
<i>Missing Initial Inventories</i>				50% 71/142	58% 30/52	14% 12/83	24% 18/75	39% 61/155	0% 0/95	80% 192/239
<i>Guardianships with Bonds Waived</i>				5% 9/176	9% 6/66	17% 30/171	34% 54/159	39% 86/221	4% 19/474	41% 114/288
Total estate value from inventories under guardianship	In process	In process	In process	\$7,714,716	\$6,058,976	\$15,479,192	\$9,439,432	\$10,088,171	\$25,011,408	\$6,484,402
Average estate value per case (from available inventories)				\$100,191	\$302,949	\$218,017	\$162,749	\$134,509	\$263,277	\$166,267

TIMOTHY COLE EXONERATION REVIEW COMMITTEE

The Timothy Cole Exoneration Review Commission held a meeting on September 15th. The following items were discussed:

- Forensic Evidence
 - Staff provided an overview of Texas exonerations where forensic evidence was a contributing factor for their wrongful convictions.
 - Inger Chandler, Conviction Integrity Unit, Harris County District Attorney's Office, and Nicolas Hughes, Harris County Public Defender's Office, presented on the large number of drug exoneration cases from Harris County and explained that the rise is a result of pled out drug cases with collected substances that had not been previously tested by a laboratory. This has led to a backlog in cases pending exonerations for which potential solutions were discussed.
 - Lynn Garcia, Texas Forensic Science Commission, provided an overview forensic issues in criminal cases and potential reforms.
 - Staff reviewed potential policy recommendations and commission voted on which recommendations to include in the initial draft of its report.
- Informants / False Accusations and Eyewitness Identification procedures
 - Members voted on potential recommendations to be included in the report based on the results of a survey of the members, which were presented by staff.
- Next meeting is scheduled for October 27th
 - Members will review a draft report covering the Commission's research and potential policy recommendations. The final report is expected to be issued to the Governor and Texas Legislature by December 1st.