



## TEXAS JUDICIAL COUNCIL

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CHAIR  
HON. NATHAN L. HECHT  
Chief Justice, Supreme Court

EXECUTIVE DIRECTOR  
David Slayton

VICE CHAIR  
HON. SHARON KELLER  
Presiding Judge, Court of Criminal Appeals

## TEXAS JUDICIAL COUNCIL

### MINUTES OF MEETING

August 19, 2016  
10:00 AM

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

#### COMMENCEMENT OF MEETING

On August 19, 2016, Chief Justice Nathan L. Hecht called the meeting<sup>1</sup> of the Texas Judicial Council ("Council") to order at approximately 10:00 AM in the courtroom of the Supreme Court of Texas ("SCOT") in Austin, Texas.

The following members of the Council were present:

*Hon. Nathan L. Hecht, Chief Justice, Supreme Court of Texas*  
*Hon. Sharon Keller, Presiding Judge, Court of Criminal Appeals*  
*Mr. Carlos Z. Amaral, Information Services Group, Inc., Plano*  
*Hon. Gary Bellair, Presiding Judge, Ransom Canyon Municipal Court*  
*Hon. Bill Boyce, Justice, 14th Court of Appeals, Houston*  
*Hon. Bill Gravell Jr., Justice of the Peace Pct. 3, Williamson County*  
*Hon. Scott Jenkins, Judge, 53rd District Court, Travis County*  
*Hon. Kelly Moore, Judge, 121st Judicial District, Terry & Yoakum*  
*Hon. Andrew Murr, State Representative, Junction*  
*Hon. Valencia Nash, Justice of the Peace Pct. 1, Place 2, Dallas County*  
*Hon. Glenn D. Phillips, Presiding Judge, City of Kilgore*  
*Hon. Linda A. Rodriguez, Judge (Ret.), County Court at Law No. 2, Hays County*  
*Hon. Polly Spencer, Judge (Ret.), Probate Court #1, Bexar County*  
*Hon. Judith Zaffirini, State Senator, Laredo*

Members Hank Nuss and Representative Smithee attended via phone.

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

Members not in attendance were Richard Battle, Senator Brandon Creighton, Rick Figueroa, Allison Ho, Ashley Johnson, and Chief Justice Sherry Radack.

## **MINUTES**

The [June 3, 2016](#) meeting minutes were approved.

## **REPORTS AND ACTION ITEMS**

### ***Texas Indigent Defense Commission***

Judge Keller first reported that Bob Spangenburg, the “father of modern indigent defense reform” had recently passed away, and she acknowledged his contributions working with the Commission and local governments. She then noted that [video](#) of the Fair Defense Act 15<sup>th</sup> Anniversary Symposium is posted on the [Texas Indigent Defense Commission](#) (“Commission”) website. Additionally, the Commission issued its [Spring/Summer](#) edition newsletter and the Annual Report will be issued sometime in September.

Next, Mr. Jim Bethke presented on the Commission’s [Legislative Appropriations Request](#), highlighting its exceptional items: Restoration of 4 Percent Reduction in Funding, Support 50/50 State-County Funding for Statewide Regional Public Defender Office for Capital Cases, Support Statewide Funding for Early Identification and Representation of Defendants with Mental Illness, and Increase State Support for Texas Counties to Share Indigent Defense Costs More Equally. Next, he discussed legislative proposals developed by the Commission’s Legislative Workgroup that were considered at the Commission Policies and Standards Committee meeting August 17. The next meeting of the Commission is scheduled for August 30.

### ***Court Security Committee***

Judge Jenkins reported on the work of the [Court Security Committee](#) (“CSC”) that has taken place since Council last met. The CSC continues to work with Arkansas, which began studying the issue in 2006, and Ohio which began in the early 2000s; both have non-unified court systems. The CSC has also reached out to Arizona, which is only slightly ahead of Texas, the Texas Department of Public Safety, and the Texas Sheriff’s Association. Additionally, Office of Court Administration (“OCA”) staff attended [the National Center for State Courts’](#) Conference of Chief Justices/Conference of State Court Administrators Annual Meeting and attended the Joint Security and Emergency Preparedness Committee meeting. The Joint Committee has best practices for courtroom security and are currently updating the publication with plans to promulgate in either September or October. OCA has included a funding request for a full time security director. The CSC will meet again by telephone on August 31 with another meeting planned for early October.

### ***Mental Health Committee***

Justice Boyce reported on the work of the [Mental Health Committee](#) (“MHC”) and its [potential areas of focus](#). He also acknowledged the significant areas of overlap on these issues with work of the House Select Committee on Mental Health, TIDC, Council Elders Committee, and Council Criminal Justice Committee. The MHC will meet again in September and early October.

### ***Elders Committee***

Judge Spencer reported on the work of the [Elders Committee](#) (“EC”). The EC will meet the morning of September 1, and that meeting will be followed by a [WINGS](#) (Working Interdisciplinary Network of Guardianship Stakeholders) meeting in the afternoon. Senator Zaffirini has submitted a list of issues to the EC for consideration. Judge Spencer also discussed

the current findings of the [Guardianship Compliance Project](#) (“GCP”) overseen by Mr. Jeff Rinard at OCA. She anticipates a request for additional funding for the GCP. OCA has included a funding request for sufficient staff and funding to expand the pilot to cover all counties that are not served by a Statutory County Probate Court. OCA is required to submit a report to the Legislature about the GCP that must include certain data elements by January 1, 2017.

#### ***Criminal Justice Committee***

Judge Moore reported on the work of the [Criminal Justice Committee](#) (“CJC”). The CSC met August 18 and plans to have its report finalized with recommendations prepared in time for the October Council meeting. He reported that with three-quarters of the jail population consisting of pre-trial defendants, according to the [Texas Commission on Jail Standards](#), and the cost to house pre-trial defendants in Texas is approximately one billion dollars per year. Another issue of concern to address is that the current system for setting bail is void of evidence based pre-trial risk assessment. Additionally, the current system primarily uses money bail - either cash bail or surety bonds. These issues contribute to the number of defendants presumed innocent who are sitting in jail on a pre-trial basis. The [Public Policy Research Institute](#) at Texas A&M University (“PPRI”) is assembling data in Travis and Tarrant Counties to assist the CJC with its recommendations. Judge Moore then reviewed potential recommendations based on these issues.

#### ***Collection Improvement Program Rules***

Mr. Slayton reported that 143 [public comments](#) were received for the proposed amendments to the Council Collections Improvement Program Rules. He [categorized](#) the issues from those responses into five general areas and provided responses/recommendations for each area. [Edits](#) were made to the published proposed rules based on the aforementioned recommendations. Chief Justice Hecht requested a motion to repeal the existing rules under Chapter 175 and finally adopt the published rules under Chapter 175 with the noted revisions. Motion received from Judge Phillips and second by Judge Bellair. Discussion ensued with regard to publishing the edited rules for public comment. Mr. Slayton advised of the pressing need to change the current rules due to their current inadequacies and that nothing precludes the Council from changing the rules again at another time. The motion was approved with opposition from Senator Zaffirini and Representative Murr. The rules will be effective January 1, 2017.

### **NEW BUSINESS**

#### ***Potential Legislative Proposals***

Chief Justice Hecht explained the process for considering [proposals](#) for legislative recommendations. Mr. Slayton led discussion on the following proposals.

- A resolution advocating for adequate funding of the courts, with a special focus on funding for judicial education.
- A resolution encouraging additional funding by the state for the increased cost of indigent defense since the passage of the Fair Defense Act.
- A resolution in support of adequate funding for civil legal aid in Texas.
- A resolution supporting an increase in judicial compensation and the recommendations of the Judicial Compensation Commission.
- A resolution encouraging modification of the procedural statutes governing the assessment and satisfaction of criminal court costs.

- A resolution supporting the recommendations of the Criminal Justice Committee regarding pretrial release.
- A resolution supporting the recommendations of the Mental Health Committee.
- A resolution supporting the recommendations of the Court Security Committee.
- A resolution supporting the Elders Committee recommendations.
- A resolution encouraging consolidation of civil filing fees and standardization of certain service fees, along with the standardization of costs for electronic copies of certain court documents.
- A resolution encouraging repeal or modification of statutes requiring sensitive data in court filings.
- A resolution supporting the recommendations of the Timothy Cole Exoneration Review Commission.
- A resolution supporting recommended revisions to the reconstitution of the jury wheel.

Chief Justice Hecht added a proposal for a resolution for clarification of statutory authority for judges and other judicial appointees to file Oaths of Office with the [Secretary of State](#). Mr. Slayton commented the [State Commission on Judicial Conduct](#) and Associate Judges have the same need for clarification.

Senator Zaffirini suggested separating the funding resolutions from the legislative resolutions and that the Chief may want to discuss budget items with the Governor, Lt. Governor, and the Speaker prior to session.


With Council's general endorsement of the above proposals, OCA will draft resolutions for consideration of adoption at the next Council meeting.

**NEXT MEETING**

October 28, 2016, 10:00 AM

**ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at approximately 12:35 PM.

  
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Nathan L. Hecht  
Chair