



## Texas Judicial Council

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## Director's Report AUGUST 2014



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## Committee on Court Resources

### Shared Solutions 2.0



OCA received a grant in the amount of \$47,198 from the State Justice Institute to develop Shared Solutions 2.0. Funding for travel costs for participants was received from the Governor's Office Criminal Justice Division.

The Texas Judicial Council sponsored Shared Solutions Summit 2.0 in Austin on May 12-13, 2014, at the Texas Association of Counties Event Center. This Summit focused on Characteristics of an Effective Court System developed through the National Center for State Courts to help reach a common vision for Texas courts. The characteristics, and ways of evaluating them, relate to governance, case flow management, procedural fairness, technology resources, professional development, data-driven management, strategic thinking and planning, access to justice, and financial management. Thirteen court leadership teams participated in the summit: Bexar County, City of Dallas, Dallas County Justices of the Peace, El Paso County, Fort Bend County, Fort Worth, Harris County, Lubbock County, Montgomery County, Nolan County, Tarrant County, Travis County, and Uvalde/Real/Medina Counties.

### Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

OCA received a grant in the amount of \$7,000 from the National Guardianship Network to assist the State in improving guardianship proceedings. Texas is one of four states to receive the competitive grant. The "over age 65" population in Texas will increase by almost 50% by 2020 and more than double by 2040. The grant funds have facilitated the establishment of a Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) to evaluate where improvements are needed. WINGS will enable the stakeholders to receive the support and guidance needed to assess the state's system of guardianship and alternatives, address policy and practice issues, and serve as an ongoing problem-solving mechanism.

Participating stakeholders include Disability Rights Texas, Social Security Administration, State Bar of Texas, Texas Department of Aging and Disability Services, Texas Department of Assistive and Rehabilitative Services, Texas Department of Family and Protective Services, Texas Council for Developmental Disabilities, Texas Guardianship Association, Texas Legal Services, AARP, Adapt of Texas, and Texas Veterans Commission. Judges Gladys Burwell, Polly Spencer, and Glenn Phillips serve as judicial representatives on the WINGS steering committee. The WINGS group met on June 24, 2014 to discuss recommendations from three WINGS workgroups: person-centered assessment, alternatives to guardianship, and support for family and friends.

WINGS is considering the following legislative proposals: to recognize a supported decision-making agreement as an alternative to a guardianship for adults with disabilities; to require that attorneys for applicants be required to complete a State Bar-approved training course for guardianship ad litem; to include a timeline for re-evaluating the individual to determine if the guardianship continues to be appropriate; and to require the applicant to certify that alternatives to guardianship and supports and services have been investigated. Additional WINGS work involves researching existing court visitor programs to develop model court visitor program guidelines; identifying existing educational materials, including videos, for family/friend guardians; and working to increase the number of attorneys accepting pro bono guardianship cases through recognition by the Texas Guardianship Association.

## **Judicial Compensation**

OCA staff has started assisting the Judicial Compensation Commission in preparing its report to the Legislature due December 1, 2014. The Commission met on May 27, 2014. The Public Comments Committee of the Commission met the morning of August 7, 2014. After the Public Comments meeting, the full Commission met to discuss its recommendation regarding judicial compensation for state judges. The Commission will be recommending a 5% increase in compensation for state-paid elected judges. Commissioners also discussed the compensation of the Specialty Courts Program associate judges employed by OCA and will likely support an increase in their salary as well.

## **Legislative Appropriations Request Update**

OCA's legislative appropriations request (LAR) was submitted on August 4, 2014. The LAR begins with a baseline budget at FY14-15 levels for General Revenue (GR) and GR-Dedicated Accounts. In addition, OCA is requesting the following:

1. SUPPORT STATEWIDE E-FILING IMPLEMENTATION
  - \$8.5 million to simply increase appropriations from the Statewide E-Filing Fund (a GR-Dedicated Account) to equal projected revenues for FY16-17. Revenues come from an E-Filing fee assessed upon users of the court system and are dedicated to the support of the E-Filing system.
  - \$4.9 million in GR to close a gap between actual fee revenue and the contract amount due. Based on current revenue projections, this is a one-time occurrence. Beginning in FY18, revenues will be sufficient to cover 100% of the costs of the statewide E-Filing System.
  - \$2.0 million in grant funds to counties across Texas to implement mandatory E-Filing, primarily to less populous counties who are required to fully implement

E-Filing between January and July 2016. The grant funds would cover fixed costs, such as purchase of computing equipment, configuration of existing systems and/or purchase of software to facilitate a seamless interaction between the E-Filing system and local case management software. Absent this assistance, counties, local courts and court users will not fully realize the benefits and cost-savings of the E-Filing system.

## 2. SUPPORT CORE SERVICES FOR THE JUDICIAL BRANCH

- Permanent merit increases to staff, as appropriate, and increase funding to the administrative judicial regions to pay their administrative staff.
- 5.0 FTEs to support core services of OCA, as follows:
  - 1.0 FTE to assist with Judicial Information workload and provide increased data analysis.
  - 1.0 FTE researcher would double OCA's capacity to appropriately address this responsibility.
  - 1.0 FTE for a professional development coordinator to address these critical functions.
  - 1.0 FTE to provide additional administrative support to the research and court services division so that professional staff may be used more effectively.
  - 1.0 FTE to perform accounting and budget monitoring functions.

## 3. IMPROVE DATA QUALITY THROUGH CASE MANAGEMENT TECHNOLOGY

- Funding to establish a uniform court Case Management System (CMS) that can be used by counties throughout Texas, focusing primarily on counties with a population under 20,000. The system will be fully integrated with the E-Filing system and other state reporting systems, providing for seamless interaction with state agencies.
- Funding for a new court data analysis and reporting system that will include business intelligence tools. The new data system will dramatically improve OCA's ability to analyze trends and issues in the courts.
- 1.0 FTE to serve as a project manager for this large project and initiative that will have statewide impact.

## 4. STRENGTHEN JUDICIAL SERVICES TO FAMILIES

- 4 additional child protection courts (CPC) to handle continually growing caseloads (8.0 FTEs) and adequate support to assist the increased number of CPCs (2.0 FTEs).

- Salary increase for associate judges in the CPC and child support courts (CSC) to a level that is 90% of the state-provided district judge salary, as recommended by the Regional Presiding Judges. While other state-funded judges received an increase in compensation last session, these judges did not.
- Salary increase for court coordinators/reporters who staff CPCs and CSCs. A salary analysis comparing the salary of these staff with court coordinators in counties across the state reveals that OCA court coordinators/reporters are paid well-below the average.
- Additional operating costs and training funds for the CSCs. Increases in operating and other program costs have put the program at a point where it is unlikely to be feasible to continue current operations without additional funding.
- Funding to retain the domestic violence resource attorney position (1.0 FTE) that is currently grant funded.

#### 5. PROVIDE JUDICIAL BRANCH TECHNOLOGY SUPPORT

- Regional technology support staff (6.0 FTEs) for OCA's 44 child support courts, 20 child protection courts, the intermediate appellate courts, the administrative judicial regions and regional OCA staff. These FTEs would provide direct technology support outside of Austin and would complement support available at the larger courts of appeals. It would also allow OCA to provide technology support to the child support courts, instead of the AG providing this service.
- 1.0 project manager to oversee the additional technology projects that are led by OCA.
- Funding for increased costs in the Microsoft Enterprise Agreement. OCA provides licensing for all 824 users of the Judicial Branch. With each renewal, costs increase 18% to 30%.

#### 6. REPLACE LEGACY JUDICIAL BRANCH TECHNOLOGY

- Replacement of legacy security equipment that will be over six years old in FY16. These items provide firewall, intrusion prevention and spam filtering for OCA's supported users.
- Funding for replacement servers for both the main Austin complex and the Judicial Branch recovery site. These servers will be five to eight years old when replaced, are out of warranty, and in some cases at end of life.
- Replacement of networking components. This equipment will be between seven and nine years old at replacement and is at end of life.
- Funding to replace a legacy system that is being used to monitor the four judicial professions regulated by the Judicial Branch Certification Commission. The legacy system requires duplicative data entry and does not provide minimum levels of internal or external functionality.

## 7. ENHANCE JUDICIAL SERVICES TO THE ELDERLY AND INCAPACITATED

- Funding for a pilot program to place Guardianship Compliance Specialists across the state to review guardianship filings for the elderly and incapacitated to determine if guardians are following statutorily-required procedures, to review annual reports filed by the guardians, and to ensure that exploitation and/or neglect of persons under guardianship (wards) is not occurring. These 5.0 FTEs, overseen by a program manager (1.0 FTE) would review guardianship filings based upon a risk analysis and provide information to the presiding judge regarding any deficiencies. Any issues of potential abuse or neglect would also be reported to the appropriate authorities. This item also includes the development of technology to monitor guardianship filings, produce "red flag" reports and ensure that the staff for this function are used effectively. OCA anticipates the system will be modified based upon a system developed for another state for this same purpose.

## 8. IMPLEMENT CAPPs FOR ARTICLE IV COURTS AND AGENCIES

- Funding for 2.0 temporary FTEs (a project manager and a management analyst) to coordinate the CAPPs transition and assist the courts and judicial agencies in the transition; travel for staff to travel to the various courts, as well as funds for court personnel to travel to Austin for discovery and other working sessions; and costs to backfill positions to cover the regular duties for court and agency Subject Matter Experts and other staff who will be assisting in the CAPPs implementation.

## TEXAS INDIGENT DEFENSE COMMISSION (TIDC)

Pursuant to Section 79.033, Govt Code, TIDC submitted an LAR separate and apart from OCA. However, because funding for the Commission is part of OCA's appropriation pattern, OCA's budget submission includes all requested amounts for the Commission.

## 9. SUPPORT STATEWIDE REGIONAL PUBLIC DEFENDER PROGRAM FOR CAPITAL CASES (RPDO)

- \$3.1 million annually from GR and 1.0 FTE to continue the development and provide ongoing support for an existing program, the RPDO, founded in 2009 through a discretionary grant from the Commission to Lubbock County. In exchange for paying dues, when a member county has a capital murder case, a quality defense team is provided by the program at no additional cost. The RPDO provides a way for counties to have greater budget predictability, mitigate the dramatic impact a capital case can have on county budgets, and help ensure that these most serious cases are tried effectively.



## 10. SUPPORT MULTI-COUNTY INDIGENT DEFENSE TECHNOLOGY GRANT PROGRAM

- \$1.5 million annually from GR and 1.0 FTE to continue the development and expansion of the multi-county indigent defense technology grant program with the Texas Conference of Urban Counties' TechShare (CUC) program. In 2011 the Commission provided a discretionary grant to Bell County to develop a cloud-based electronic process management tool that helps the county administer its indigent defense system and monitor key data regarding compliance with the requirements of state law and local rules. A number of other counties have expressed interest in accessing this new functionality.

## 11. CLOSE THE FAIR DEFENSE ACT FUNDING GAP

- \$98.4 million annually from GR to defray the unfunded increased costs associated with the passage of the Fair Defense Act (FDA) and share more equally in the funding of this government responsibility. Four FTEs are requested to administer additional funding.

# **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 78 counties across Texas. The vendor is working with the next set of counties (48) who will be in production by the end of October.



eFiling is mandatory in 22 counties for all civil cases. eFiling 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 18,000 documents. In turn the clerk offices process 80% of them within three business hours. The system has more than 74,000 registered users and more than 45,000 attorneys have used the system.

One of the main complaints heard from filers related to the difference in processes and system configuration from county to county. This was especially true for attorneys in the Dallas/Fort Worth area that practiced in Dallas, Tarrant, Collin and Denton counties. Family attorneys filing routine documents would be presented with four different ways for doing the same task.

In March, the Judicial Committee on Information Technology (JCIT) working with district and county clerks released the latest version of the Technology Standards that contained a standardized configuration of the eFiling system statewide. These standards have proven helpful for filers as the number of complaints regarding local variances have subsided.

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

### 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 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.
- **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. To date, in FY2014, more than 280 hearings have been 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.

### **Technology Equipment Update**

Information Services has completed the refresh of computing equipment for the appellate courts and judicial branch agencies. After being securely wiped of data, more than 100 PCs were given to local counties to be given a new life as an eFiling kiosk.

OCA is also working to deploy a smart WiFi network in the Austin appellate court complex. This will allow judges and staff to have secured network access anywhere in the complex.

### **Website Redesign**

Last fall, OCA engaged a design firm to redesign the “Texas Courts Online” website. Information Services is currently implementing the new design with an open-source (free) content management system. While Information Services is happy to continue maintaining the website, the new system will allow 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>) have been completed. The main website is being rebranded to “Texas Judicial Branch” and will be launched in early fall 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. Approximately 162,000 statistical and other reports were received in FY 2013.

### **Publications**

Judicial Information produced two publications:

- The [2014 Texas Judicial System Directory](#), which contains information for more than 2,800 courts (includes the Title IV-D child support courts and child protection courts, which work for the county-level and district courts) and more than 7,300 court system personnel. While this information is only updated on an annual basis, any new information received by OCA can be accessed from the searchable directory database at <http://card.txcourts.gov/DirectorySearch.aspx>.

- The Report on Judicial Salaries and Turnover for the 2012-2013 biennium, which details the rate at which appellate and district judges left office and their reasons for doing so. It also compares judicial salaries in Texas to salaries in the five other most populous states.

### **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 continued to make regular presentations at seminars sponsored by the Texas Municipal Courts Education Center and worked with organizers of the College of Probate Judges seminars to improve data quality in the probate and mental health reports.

As the very 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 webinar for municipal courts on the Judicial Council Municipal Court Activity Report and posted it on OCA's website (<https://www.youtube.com/watch?v=eSPrSyXhmK0&feature=youtu.be>.) Additional webinars are planned for justice courts and for district and county clerks.

### **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 Fall 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 grant period is October 1, 2013 through September 30, 2014.

OCA’s protective order resource attorney (PORA):

- Made site visits, along with OCA’s research specialist, to seven counties (Fannin, Galveston, Lampasas, Lubbock, Lynn, Tarrant and Travis) to analyze current protective order reporting practices;
- Assisted in the coordination of the second meeting of OCA’s NICS Protective Order Records Improvement Task Force, which was held on July 1, 2014. At that meeting, the results of the site studies, statewide survey, and the topics, audiences, and training partners for the training modules on best practices in protective order reporting were discussed;
- Assisted in preparing and sending a survey on protective order reporting to approximately 2,500 courts, law enforcement agencies, prosecutor offices, legal aid groups, and advocacy agencies;
- Participated on the State Bar’s Protective Order Best Practices Committee and contributed to its final report; and
- 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, peace bonds, and OCA's NICS Protective Order Record Improvement Project for the Texas Justice Courts Training Center's Justices of the Peace Seminars, in Lubbock, Rockwall, and San Antonio;
- 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 New Judges School, in Austin;
- Made a presentation on family violence prosecution and OCA's NICS Protective Order Record Improvement Project to municipal court personnel at the annual conference of the Texas Municipal Courts Association, in Kerrville;
- Made a presentation on OCA's NICS Protective Order Record Improvement Project to employees of criminal justice agencies involved in automated systems at the annual conference of the Texas Criminal Justice Information Users Group, in Corpus Christi; 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 Nueces, Starr, Val Verde, and Willacy counties, which were sponsored by OCA in conjunction with Texas Rio Grande 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:

- Made presentations on interpretation issues at the annual conference of the County and District Clerks' Association of Texas, the Texas Center for the Judiciary's Child Welfare Conference, the annual conference of the Rural Association for Court Administration, the State Bar of Texas's Advanced Administrative Law Conference, the Texas Municipal Courts Education Center's orientation for court interpreter trainees, a webinar hosted by the Center for Court Innovation, and the annual conference of the Texas Association of Judiciary Interpreters and Translators;
- Wrote articles for OCA's CourTex newsletter and the Texas Municipal Courts Education Center's newsletter;
- Sent information on the Texas Court Remote Interpreter Service (TCRIS) to all justice and municipal courts by e-mail, and sent information on the Language Access Program to all district and county-level courts;
- Attended the annual conference of the Council of Language Access Coordinators, in Oregon, and the annual conference of the National Association of Judiciary Interpreters and Translators, in Nevada, to learn more about language access best practices being developed in other states;
- Worked with the Indigent Defense Commission and the Court of Criminal Appeals to explore appropriate uses of video remote interpretation;
- Arranged for OCA to participate in a multi-state effort led by New Mexico to develop online orientation for initial court interpreter training;
- Set up a TCRIS e-fax line so that courts can send documents directly to OCA interpreters, which will be used during hearings;
- Collaborated with OCA's Certification Division to assist in the transfer of court interpreter licensing from the Texas Department of Licensing and Regulation to OCA in September 2014;
- Contacted judicial education organizations, professional associations and legal aid groups to offer to provide training and articles on language access issues; and
- Visited with University of Texas at San Antonio faculty to learn about their interpreting programs and to discuss expanded career opportunities in court interpreting.

#### **Texas Court Remote Interpreter Service (TCRIS)**

In addition to the full-time interpreter who started employment in January 2014, OCA hired another interpreter to work half-time, starting July 1, 2014.

TCRIS staff has engaged in the following activities since February 11, 2014:

- Provided interpretation services in 245 hearings held in 47 counties (Andrews, Austin, Bell, Brazos, Camp, Collin, Coryell, Culberson, Dallas, Ector, El Paso, Ellis, Falls, Fannin, Goliad, Harris, Harrison, Hidalgo, Hood, Hudspeth, Hutchinson, Jeff Davis, Jefferson, Kerr, Kimble, Lavaca, Lubbock, Maverick, Medina, Midland, Orange, Parker, Polk, Potter, Presidio, Reeves, Smith, Starr,



Tom Green, Travis, Uvalde, Van Zandt, Waller, Webb, Williamson, Wood and Zapata). The interpretation services were provided in a variety of criminal and civil cases magistrations, plea hearings and arraignments;

- Translated written court documents and webpages, and worked on a bilingual court glossary of Texas legal terms during the time they are not interpreting; and
- Provided guidance on how to find on-site interpreters and information on the process to become a licensed court interpreter. In addition, they answered questions about TCRIS services.

### **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:

- Completed, with the assistance of OCA's Director of Research and Court Services, the major case management and space needs review of the Harris County IV-D courts. The study report can be found at:  
<http://www.txcourts.gov/pubs/studies/HARRISREPORT.pdf>.
- Made presentations at the annual conference of the Texas County and District Clerks' Association and the annual conference of the Rural Association for Court Administrators, acquainting participants with the Court Services Consultant Program and caseload management practices;
- Received Court Management Program certification from the National Center for State Courts' Institute of Court Management;
- Attended the Council of State Governments Justice Center's "Train the Trainer" event for "Developing a Mental Health Court: An Interdisciplinary Curriculum," on July 22- 23, 2014, in Washington, D.C., and committed to assisting or implementing at least one mental health court in Texas;
- Assisted in conducting a survey of county and district clerks, justices of the peace, and presiding judges of municipal courts to determine whether they use case management software and, if they do, who provides the software (commercial vendor or county/city IT department). The survey also included other IT-related questions. Follow-up with non-responders will be conducted;
- Commenced a study on guardianship cases by reviewing case files in 13 counties. The purpose of the study is to identify the caseload management procedures used by different courts and the need for any resources relating to guardianship cases; and
- 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.

## **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. All 87 counties and cities required to implement a program have either fully or partially implemented 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.

- 84 preliminary reviews of the total 87 counties and cities required to implement a program have been completed. The 3 remaining preliminary reviews should be completed by the end of September 2014.

Of the 84 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; 21 were audited by OCA's CIP audit staff, with 18 passing (including the City of Laredo and the City of Grand Prairie which failed their initial audit but passed their follow-up audit) and 2 failing their initial audit (the 2 failing jurisdictions – Kaufman and McLennan counties – are expected to pass their follow-up audit).

Since February 11, 2014, OCA:

- Conducted 31 “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 on Expenditure reports;
- Began drafting policies and establishing procedures for managing temporary waivers of the CIP reporting requirement in certain situations; and
- Began drafting policies and establishing procedures for training and managing compliance with data integrity audits tentatively scheduled to begin in FY 2015.

Also, since February 11, 2014, OCA engaged in the following training and assistance activities:

- Conducted regional collections training workshops in Sinton, McAllen, and San Angelo;
- Conducted several collections training sessions at the annual conference of the Governmental Collectors Association of Texas;
- Made a collections presentation at the Texas Municipal Courts Education Center's New Clerks' Boot Camp, in Austin
- Had an information booth at the Texas Justice Court Training Center's schools for justices of the peace and justice court clerks, in Rockwall, Lubbock, and San Antonio.

## **Audit**

After completing the FY 2013 Audit Plan, the Collection Improvement Program – Audit Section has issued reports for one (1) Pre-implementation Rate Review, two (2) reports for Post-implementation Rate Reviews, and six (6) reports for Compliance Engagements (i.e. Compliance Audits) from the FY 2014 Audit Plan. Of the six (6) jurisdictions audited, five (5) 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 eight (8) Compliance Engagements.

## **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 will provide a written report to OCA of the results of the study no later than October 31, 2014.

TAMU has completed the data collection for the study, other than completing interviews with the district attorneys in the sample counties. After the interviews are completed, TAMU will begin drafting the final study report.

### **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.

OCA will assist NCSC with the study by collecting, cleaning, and formatting case-level data from the counties that will participate in the study. OCA recently contacted the county and district clerks in the most populous counties in the State to determine which counties can provide the necessary data and be included in the study sample.

## **Specialty Courts Program**

### **Child Protection Courts**

The 83rd Legislature funded three new OCA Child Protection Courts. Two of the courts began operation in the Fall of 2013. The first, the West Texas Child Protection Court, serves Crane, Ector, Loving, Reeves, Ward and Winkler counties. The second court overlaps the jurisdiction of the existing South Plains Cluster Court, based out of Lubbock County. Since the last report, third child protection court has become operational. The court serves Wilson, Karnes, Atascosa, Frio and La Salle counties.

The Child Protection Courts staff attended a breakout session during the Child Welfare Conference in which OCA staff were able to update the courts' staff about upcoming initiatives and day-to-day operations issues that the courts were experiencing.

### **Child Support Courts Program**

During a breakout at the Advanced Family Law Course, David Slayton updated the child support associate judges about OCA's initiatives for the coming legislature and other administrative matters that impact the child support courts.

## **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 will begin operations on September 1, 2014. On that date, the Court Reporters Certification Board, Guardianship Certification Board, and Process Server Review Board will conclude, and the Licensed Court Interpreter program at the Texas Department of Licensing and Regulation (TDLR) will be transferred to the JBCC and Office of Court Administration (OCA).

### **Members Appointed to the JBCC**

On June 25, 2014, the Supreme Court of Texas appointed 9 members to serve staggered terms on the Judicial Branch Certification Commission (JBCC).

- (Chairman) Hon. Lee Hamilton, Chair, 104th District Court, Taylor County, Abilene
- Hon. Garland (Ben) Woodward, 119th District Court, Tom Green, Runnels and Concho Counties, San Angelo
- Hon. Migdalia Lopez, 197th District Court, Cameron County, Brownsville
- Hon. Sid L. Harle, 226th District Court, Bexar County, San Antonio
- Hon. 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

### Current JBCC Projects

The certification division staff members are functioning to streamline and consolidate the four Judicial Branch regulatory programs into one regulatory division. The division currently has numerous transitional projects in various stages of completion with the goal of creating efficiency and consistency across the regulated judicial professions. Some of the projects include: developing the JBCC rules, working on the LCI transfer from TDLR, new uniform digital fingerprinting process, developing applications, forms and procedures, new division structure, new JBCC performance measures, JBCC webpage, specifications for a new licensing database, planning for construction and a unified move to the 5<sup>th</sup> floor of the Tom Clark building, and finalizing a file indexing and scanning project to go paperless.

The first major project for the transition to the JBCC was to develop proposed rules for the new commission. The proposed rules were developed by a task force comprised of representatives of the four professions that will be regulated by the JBCC. The rules combine the provisions of Senate Bill 966 and the rules for the current regulatory programs (Court Reporters Certification Board, Guardianship Certification Board, Process Server Review Board, and Licensed Court Interpreter program at TDLR) and also use as a model the procedural rules of the TDLR.

The proposed JBCC rules task force met on numerous occasions and finalized the initial draft proposal during the first week of November 2013. The proposed rules were published for comments from the public on OCA's website. Stakeholders were given notice of the 30-day comment period when the proposal was made available for comment. On January 22, 2014, the OCA finalized version of the proposed JBCC rules were sent to the Supreme Court of Texas for review and approval.

On May 13, 2014, the Supreme Court issued Misc. Docket No. 14-9100, Order Approving Rules and Fees of the JBCC, effective September 1, 2014. The proposed rules were published in the June issue of the Texas *Bar Journal* for public comment through August 1, 2014. The rules may be changed in response to comments received by that date. Interested parties were encouraged to submit written comments to Rules Attorney Martha Newton at [rulescomments@txcourts.gov](mailto:rulescomments@txcourts.gov). The rules are located at: <http://www.supreme.courts.state.tx.us/miscdocket/14/14.910000.pdf>.

### Current Board Structure

The Office of Court Administration currently supports three regulatory Boards: [Court Reporters Certification Board](#), [Guardianship Certification Board](#) and [Process Server Review Board](#). 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.

Board	Regulated Population (as of June 30, 2014)
CRCB	2484 individuals and 358 firms
GCB	417 individuals
PSRB	3742 individuals

### Process Server Review Board

On June 30, 2014, there were 3742 individuals certified to serve process statewide by the PSRB. On average, about 90 process server applications (new, renewal and reinstatement) are reviewed and heard by the PSRB's Application Review Committee each month.

In FY2014, 20 new complaints against process servers have been filed. The PSRB met four times in FY2014 and heard 25 complaints, 15 of which were filed in previous fiscal years. 14 complaints were dismissed, and seven certifications were suspended, two process servers were issued letters of reprimand, and two certifications were revoked. Ten complaints filed in FY2014 will be carried forward to the JBCC.

### Guardianship Certification Board

GCB staff members have been registering applicants and collecting application fees for the required certification exam. In FY2013, the tests were administered through the University of Texas at Austin and San Antonio proctoring centers, with 60 exams given. Four exams are scheduled for FY2014, all administered by UT-Austin. Three exams have been given, with 58 applicants taking the exam. 19 individuals are registered to take the final exam of the fiscal year.

The GCB Exam Review Committee met six times this fiscal year and has completed its review of all examination questions. Based on its revisions and deletions, new exams will be prepared for testing in the new fiscal year.

Three complaints against certified guardians have been filed this fiscal year, one of which was withdrawn by the complainant. The GCB has heard a total of four complaints this fiscal year, three of them carried forward from FY2013. Two certifications were suspended, and two complaints were dismissed. One guardian requested a formal hearing, but a settlement agreement was reached before the formal hearing took place. One complaint is scheduled for review by the GCB at its meeting on July 18.

### **Court Reporters Certification Board**

As of June 30, 2014, 21 new court reporters were certified after successfully completing the court reporters examination. Four exams were administered this fiscal year in various cities throughout Texas. The contract to administer the court reporters exam was awarded to the Texas Court Reporters Association. The contract took effect on September 1, 2013, and will expire on August 31, 2015. There is an option to extend the contract for an additional two-year period or until August 31, 2017.

On September 1, 2013, the certification renewal window opened for certifications expiring on December 31, 2013. A total of 1,016 court reporters and 168 court reporting firms were renewed for certifications and registrations. A total of 22 new court reporting firms applied for registration with the Board. Renewal applications that were submitted after December 31 but within the year are considered late renewals and require payment of late fees.

The Court Reporters Certification Board held a scheduled Board on September 27, 2013 and May 9, 2014. The February 7, 2014 Board meeting was cancelled for lack of a quorum.

The Review Panel met in December 2013 and March 2014 to consider new complaints filed. There were a total of 40 complaints considered by the Board this fiscal year, 13 in September 2013 and 27 in May 2014, resulting in 19 dismissals, and 8 formal hearings, based on recommendations from the Review Panel. Another 11 complaints were administratively dismissed by staff pursuant to the Board's Administrative Dismissal Policy and reported to the Board with no further action. Giving staff authority to administratively dismiss complaints and establishing a Review Panel in October 2011 has greatly improved efficiencies in resolving complaints. As a result of 8 formal hearings conducted this fiscal year, 7 court reporters were sanctioned for violations including but not limited to, failure to communicate and provide records timely and failure to comply with the Uniform Format Manual.