



Texas Judicial Council

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DIRECTOR'S REPORT SEPTEMBER 2013



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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*. *Shared Solutions 2.0* proposes to extend the concepts developed in the first Shared Solutions Summit, which brought together trial courts of varying levels to discuss common problems and potential solutions. With help from the National Center for State Courts and the National Association for Court Management, organizational core court competencies will be developed that will result in standards for courts based on the International Organization for Standardization (ISO) 9000 family of standards. The ISO 9000 family of standards are well-recognized in the private sector as a top-level certification for which the entity must strive. An advisory committee will be meeting on **October 3rd and 4th** to identify the specific court competencies needed in the Texas judiciary. Stakeholders from the judiciary will be invited to discuss the competencies of a high performing Texas court at the *Shared Solutions 2.0 Summit* in the spring of 2014.

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, and Texas Veterans Commission. Judges Gladys Burwell, Polly Spencer, and Glenn Phillips serve as judicial representatives on the WINGS steering committee. The second steering committee conference call with Erica Wood, Assistant Director of the American Bar Association Commission on Law and Aging, was held on August 30th. The entire WINGS group will meet on **November 15th**.

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

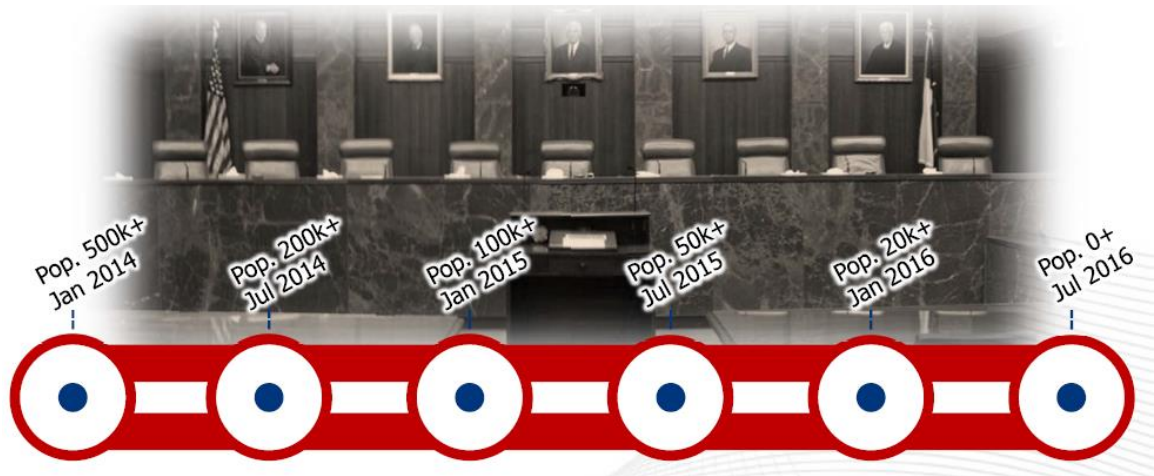
Electronic Filing

In November 2012, OCA signed an agreement with Tyler Technologies to provide the next Electronic Filing Manager (EFM) for Texas. The system is known to all as "TexFile."



In August 2013, NICUSA (Texas.gov) notified OCA that the existing eFiling system will be retired at 11:59PM on November 30, 2013. Tyler Technologies is working with all counties on the existing system and will have them transitioned to TexFile prior to that date.

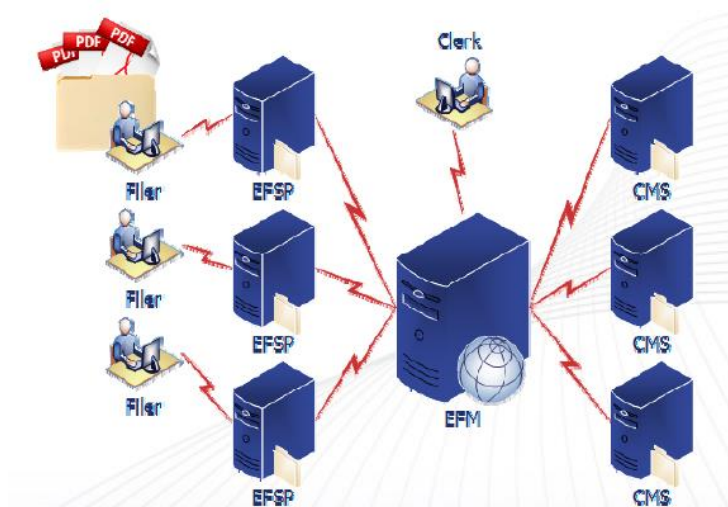
The Supreme Court has mandated eFiling by attorneys in civil, family and probate cases in the appellate courts, district courts and county courts (including constitutional county courts, statutory county courts and statutory probate courts) pursuant to a population-tiered schedule. The schedule is provided below.



Tyler Technologies is working with the top 10 most populous counties to implement eFiling where it doesn't already exist prior to the Supreme Court's mandate on civil cases on January 1. The top 10 most populous counties have all been engaged with Tyler Technologies to implement permissive eFiling well before the January 1 deadline to work out any business process changes needed.

After January 1, Tyler Technologies will work with the next set of counties as the Supreme Court mandate takes effect every six months through July 2016.

One variation on eFiling that is predominantly in Texas is the use of Electronic Filing Service Providers (EFSPs). These companies exist to innovate and provide added value to the eFiling community. Services range from a 24-hour helpline all the way to full service integration into an attorney's case management system. The EFSPs communicate with TexFile through the Electronic Case File (ECF) standard used by the federal government.



TexFile currently has more than 15 EFSPs interested in participating and three that have completed their certification through OCA. More information is available at www.texfile.com.

Texas Appeals Management and Efiling System (TAMES)

OCA has completed TAMES implementations at all the intermediate appellate courts. The team is currently developing the writs section of TAMES for the Court of Criminal Appeals and expects to deploy TAMES to the court this fall.

The TAMES governance committee meets every other week 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 been kept in paper.**

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 52 residential treatment centers (RTC) and 11 courts.** This has resulted in an increased number of children participating in their hearings. OCA has offered use of the system to DFPS case workers so that they can connect through video conferencing to RTCs and the courts as well. OCA hopes to have up to 20 courts online by October 2013.

Technology Equipment Refresh Update

As noted above, OCA provides support to the appellate courts and many judicial agencies through technology equipment purchases. **Sixty percent of the existing computer equipment is older than 6 years and is currently out of warranty.** This is due to the fact that OCA was not provided refresh funding in the FY12/13 biennium. OCA has been provided funding to replace this 60% of outdated equipment in FY14.

Information Services, working with the appellate courts and the other judicial agencies, is finalizing quantities of new computer machines to order with the FY2014 equipment refresh project. A survey has been sent to the counties to gauge interest in using surplus equipment to provide for an eFiling kiosk machine in the clerk's office (or clerk designated location).

Website Redesign

OCA recently engaged a vendor to redesign the Texas Courts Online website. This redesign will include the websites of the Supreme Court, Court of Criminal Appeals, the intermediate appellate courts, the Indigent Defense Commission, as well as OCA.

The new website will allow visitors to find content more quickly. It also incorporates content management so that non-IT staff can make updates to the website as needed. OCA is also using “responsive design” that will allow the website to be displayed in a user-friendly way on mobile devices.

OCA expects to rollout the new website sometime later this fall.

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, and the media, among others.

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 have:

- Continued to review the new data from the justice and municipal courts, found many issues that need to be corrected and addressed, and have been spending much of their time working with the courts, their case management system vendors, and other local information technology staff to correct these issues;
- Made regular presentations at seminars sponsored by the Texas Municipal Courts Education Center and Texas Justice Court Training Center;
- Regularly worked with organizers of the College of Probate Judges seminars to improve data quality in the probate and mental health reports; and
- Worked with staff of the Texas Indigent Defense Commission to improve reporting of requests for counsel by justice and municipal courts and all information from district and county courts.

Due to the abolition of the small claims court as of August 31, 2013, the civil section of the Justice Court Monthly Activity report was changed as of September 1, 2013. The three case categories previously in use have been replaced with three new categories that correspond to the case categories established by [Supreme Court Order 13-9049](#). Staff continued to provide guidance to OCA's Information Services Division staff about database requirements and functionality; communicated with the courts and case management vendors about the changes; and provided technical assistance to courts, their information technology staff, and case management system vendors as they prepared for the transition.

Other Related Projects

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:

- Continued to provide frequent assistance to clerks by answering questions over the phone and by email;
- **Received 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 Record Improvement Project.” The grant periods end September 30, 2014.
 - Since the start of the project, OCA has:
 - Provided records research assistance to the county clerk and/or district clerk in Anderson, Atascosa, Bee, Bell, Brazos, Brown, Caldwell, Cherokee, Dawson, Deaf Smith, Dimmit, Duval, Edwards, Ellis, Fannin, Fort Bend, Franklin, Frio, Guadalupe, Hale, Hamilton, Hardin, Henderson, Hidalgo, Hockley, Jasper, Kimble, Kinney, Lubbock, Matagorda, Maverick, Milam, Nueces, Palo Pinto, Polk, Randall, Smith, Starr, Tom Green, Travis, Tyler, Val Verde, Van Zandt, Webb, Wilson, and Zavala counties; and
 - Reviewed 373,606 records and identified 16,238 records with sufficient data to be entered into CJIS (through August 31, 2013).

Protective Orders

On July 31, 2013, OCA received notice of a recommendation for full funding of a grant award in the amount of \$118,733 from the NICS Act Record Improvement Program to conduct the NICS Protective Order Record Improvement Project. **This project will work 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 magistrate's order of 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 will be October 1, 2013 through September 30, 2014.

COURT SERVICES

Domestic Violence Resources Program

OCA's Domestic Violence Resources Program consists of the Domestic Violence Resource Attorney and the Texas Remote Interpreter Project.

Domestic Violence Resource Attorney (DVRA)

The grant for the DVRA Program will end on September 30, 2013.

OCA's DVRA:

- Conducted one training session for the Texas Municipal Courts Education Center, in Waco, for judges on magistrate orders of emergency protection;
- Conducted one training session for the Texas Municipal Courts Education Center, in Corpus Christi, for prosecutors on domestic violence dynamics, prosecution, and training police officers;
- Conducted one training session for the Texas Justice Court Training Center, Lubbock, for judges on magistrate orders of emergency protection and peace bonds; and
- Began researching the legislative changes made during the recent legislative session to incorporate into the *Texas Family Violence Benchbook*.

Remote Interpreter Services in Domestic Violence Cases

In fall 2010, OCA received a three-year, \$300,000 grant from the U.S. Department of Justice's Office on Violence Against Women (OVW) to hire two licensed Spanish court interpreters to interpret via telephone or videoconferencing, to district and county-level courts in cases involving intimate partner violence. Limited grant funds were also available for non-Spanish language interpretation services from a private vendor. The focus of the Texas Remote Interpreter Project was to improve access to and the quality of interpretation services in rural counties. The grant ended on August 31, 2013.

During the period June 1, 2013 through August 31, 2013:

- One judge used TRIP services for a hearing; and
- OCA staff interpreters continued preparing curriculum materials related to domestic violence for the Language Access Basic Training (LABT) Suite, which is an online course for bilingual court staff who interact with non-English speaking members of the public. The training is being developed by the New Mexico Administrative Office of the Courts in collaboration with other states, and will be made available to all states.

During the entire three-year project:

- 12 judges used TRIP services in a total of 22 hearings. OCA's project staff interpreters provided Spanish interpretation services in 18 of the 22 hearings, and Language Line Services provided Korean, Thai, and Vietnamese interpretation services in the remaining 4 hearings.

Utilization remained very low throughout the project period, despite positive feedback from the courts regarding the remote interpreter concept and the many and varied efforts undertaken by OCA to promote the use of TRIP. Those efforts included site visits, presentations, webinars, articles, phone calls and e-mails.

In addition, adjustments were made throughout the project period in an effort to increase utilization, such as expanding the availability of interpretation services, from civil cases only to both civil and criminal cases, in counties with a population less than 50,000.

OCA staff interpreters identified a number of obstacles that contributed to the limited use of TRIP during the three-year project period, including:

- Many judges have access to bilingual court staff who serve as their (unlicensed) interpreters, and they are more comfortable using this local resource;
- Telephonic interpretation using a single speakerphone is in the consecutive mode, making hearings take twice as long and requiring everyone to speak in shorter segments than they normally would, with pauses for interpretation;
- Some courtrooms lack a phone line altogether, or lack a speakerphone of suitable sound quality, and many judges are reluctant to conduct a hearing without all participants physically present in the courtroom; and
- The limitations imposed by grant requirements, such as the availability of the services in cases involving intimate partner violence cases only.

Language Access Program

The 83rd Texas Legislature provided funding, effective September 1, 2013, to OCA to:

- Continue the Remote Interpreter Program. The scope of the program, however, will be expanded to provide free remote Spanish interpretation services by licensed court interpreters for *all* case types. OCA has posted the job vacancy notice for the first of two licensed Spanish court interpreters who will be hired; and
- Hire a new language access coordinator to assist courts in developing and implementing language access plans and provide training on language access issues and best practices. The new coordinator recently started employment.

Court Services Consultant

The 83rd Legislature reinstated funding for the OCA court services consultant position. A consultant was hired and recently started employment. The consultant will provide technical assistance on court administration matters to judges, clerks, court personnel, and other county officials and staff, with primary emphasis on case management.

JUDICIAL COMPENSATION COMMISSION

Drawing upon the Judicial Compensation Commission's 2012 report, the Texas Legislature appropriated funds in the General Appropriations Act for 2014-2015 to provide an increase in judicial compensation for the first time since 2005. The new salaries provided below went into effect September 1, 2013.

Judge	Proposed State Salary	Maximum Supplement
Supreme Court Chief Justice/ Court of Criminal Appeals Presiding Judge	\$170,500	n/a
Supreme Court Justice/ Court of Criminal Appeals Judge	\$168,000	n/a
Court of Appeals Chief Justice	\$156,500	\$9,000
Court of Appeals Justice	\$154,000	\$9,000
District Court Judge	\$140,000	\$18,000

The salary increases for district court judges provided changes in the compensation of statutory county court judges as well, since those judges' salary is statutorily-required to be set at not less than \$1,000 less than the total salary paid to a district court judge in the county.

COLLECTION IMPROVEMENT PROGRAM

Technical Support

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

- **89 of the 89 counties and cities required to implement a program have either fully or partially implemented a program.** Under previous law, 91 counties and cities were required to implement the program. Senate Bill 387 passed by the 83rd Legislature, Regular Session, requires OCA to grant a waiver to a county with a population of 50,000 or more when the population of the county is at least 50,000 only because of the TDCJ inmate population within the county. Three counties – Anderson, Cherokee, and Rusk – are eligible for a waiver under this new law. To date, only Anderson County has requested and been granted a waiver. It should be noted that while Anderson County requested a waiver, it also acknowledged the success of the program and affirmed its intent to continue it on a voluntary basis. The Anderson County commissioners court recently approved FY 2014 funding for the voluntary program; and
- Harris County previously received a waiver and is therefore not required to implement a program. It is also anticipated that both Cherokee and Rusk counties will request a waiver in the near future.

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 the OCA audit staff. The OCA CIP technical support staff works with each jurisdiction using a format designed to simulate the compliance audit to identify problem areas and recommend corrections prior to the official audit.

- 79 preliminary, simulated audits of the total 89 counties and cities required to implement a program, have been completed. Eight of the 10 remaining preliminary, simulated audits should be completed by the end of September 2013 (the remaining 2 – Cherokee and Rusk counties – are on hold in anticipation of their waiver requests).

Of the 79 counties and cities in which a preliminary, simulated audit was conducted: 19 were audited by the CPA and all of them passed either their initial or subsequent official compliance audit; 13 were audited by OCA’s CIP audit staff, with 11 passing and 2 failing their initial audit (the 2 failing jurisdictions – Laredo and Grand Prairie – are expected to pass their reinstatement audit); 38 jurisdictions (excludes Anderson County) are receiving continuing assistance by OCA technical support staff and should be prepared for an official audit by the end of September 2013; and

- OCA’s CIP technical support staff continued to work with 13 new mandatory jurisdictions (including Cherokee and Rusk counties) required to implement a program, based on the 2010 federal decennial census. OCA’s CIP technical support staff continued to monitor mandatory programs for continued compliance.

Since June 1, 2013, OCA:

- Conducted 23 “spot checks” of counties and cities required to implement a program to ensure continuing compliance with program components; and

- Compiled and distributed 10 “return on expenditure” (ROE) reports, bringing the total number of ROE reports distributed to 52 (18 cities and 34 counties).

Also, since June 1, 2013, OCA engaged in the following assistance activities:

- Conducted regional collections training workshops in Arlington, Bryan, Denton, and Liberty;
- Made a collections presentation and attended the Texas Municipal Courts Education Center’s New Clerks’ Boot Camp in Austin; made a collections presentation at the Texas Municipal Courts Education Center’s Court Administrator’s Conference in Corpus Christi; made a presentation at the Texas Justice Court Training Center’s New Judges School in Lubbock and San Antonio; and, provided information about the CIP’s Court Collection Reporting System at the annual conference of the National Association for Court Management Conference in San Antonio;
- Had an information booth at one Texas Justice Court Training Center’s school for justices of the peace and justice court clerks, in Lubbock; and
- Provided information to State Auditor’s Office staff as they conduct an audit of the CIP.

Audit

During FY2013, the Collection Improvement Program – Audit Section has issued reports for thirteen (13) compliance engagements (a/k/a audits), twelve (12) pre-implementation rate reviews, and three (3) post-implementation rate reviews. Audit staff are currently working on six (6) compliance engagements and two (2) post-implementation rate reviews.

The State Auditor’s Office is currently performing an audit of the program. OCA expects results of that audit later this fall.

SPECIALTY COURTS PROGRAM

Child Protection Courts

In its regular session, the Legislature approved funding for four additional Child Protection Courts. One court was designated to serve Harris County, and Harris County will directly administer that court without involvement by OCA. Drawing on their strategic planning work earlier in the year, the regional presiding judges allocated resources for the additional three courts. The first, West Texas Child Protection Court, began operations on September 1, 2013 and 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, and was also effective September 1. Plans for a third court are in progress, pending reconfiguration of two central Texas Child Protection Courts affected by recent staffing changes.

Child Support Courts Program

In its regular session, the Legislature approved funding for one additional Child Support Court in El Paso. Staffing for that court is pending further action by the El Paso County Commissioners Court.

Family Violence Training

OCA, in conjunction with the Texas Center for the Judiciary, is planning a family violence conference for the Child Support and Child Protection Courts. **The Court of Criminal Appeals is providing grant funding the conference that is scheduled to be held on November 4-5, 2013.**

CERTIFICATION DIVISION

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 August 31, 2013)
CRCB	2,448 individuals and 369 firms
GCB	386 individuals
PSRB	3,716 individuals
TOTAL	6,550 individuals and 369 firms

Revenue collected for the three boards, as of August 31, is \$637,421.74. Amounts by board are as follows:

PSRB - \$273,514.50

GCB - \$19,924.55

CRCB - \$343,982.69

All Certification Division staff members for the three boards meet monthly to review and discuss regulatory practices, to share information on each program's processes, and to streamline and standardize procedures and day-to-day operations.

The three boards continue to work towards assigning tasks to each staff member by function, rather than by board. All administrative duties are consolidated and assigned to one person; the Judicial Regulatory Assistant. At this time, input and reconciliation of fees has been consolidated for all the boards and that function is assigned to one staff member. Staff is currently working to consolidate application processing to be assigned to two licensing specialists. Cross-training continues, with the fee specialist and licensing specialists learning those functions for all three boards.

Funding to establish a certification division in the OCA and 3 new staff member positions were authorized by the 83rd Legislature. Once a division director is hired,

duties may be further re-aligned, with functions falling into the broad categories of Licensing and Compliance/Enforcement.

With the passage of Senate Bill 966 (83rd Legislature, RS), the Judicial Branch Certification Commission will be created. The Commission will take over the regulatory functions for the three boards currently supported by the OCA, and will add the foreign language Licensed Court Interpreters Advisory Board (LCI), currently housed at the Texas Department of Licensing and Regulation. Commission members may be appointed and rules adopted by the Supreme Court of Texas as of September 1, 2013; the Commission will begin operating on September 1, 2014. **A meeting of the Judicial Branch Certification Commission Rules Task Force, consisting of three designees from each of the existing boards, was held on September 13, 2013.** OCA's goal is to have rules drafted for submission to the Supreme Court by the end of calendar year 2013.

Once the Commission begins operation in fiscal year 2015, the PSRB, CRCB, GCB and LCI will no longer exist in their present form. Instead, an advisory board for each regulated profession will provide expertise and recommendations to assist the Commission in fulfilling its regulatory functions.

Process Server Review Board

As of August 31, 2013, 3,716 individuals are certified to serve process statewide by the PSRB. An average of 90 applications (new, renewal and reinstatement) are heard by the PSRB's Application Review Committee each month.

The PSRB heard a total of 32 complaints at its meetings in fiscal year 2013 (September 2012, December 2013, March 2013 and June 2013). 9 were administratively dismissed for lack of jurisdiction (including 1 that was withdrawn); 11 were dismissed for lack of good cause to take disciplinary action, 3 letters of reprimand and 1 letter of warning were issued; 5 certifications were suspended, and 3 certifications were revoked.

Ongoing issues for the PSRB are identification cards for certified process servers and finalizing a standard curriculum for the required training course.

Guardianship Certification Board

Proposed amendments to the Rules Governing Guardianship Certification were submitted to the Supreme Court of Texas at the end of August 2012. With the advent of the Judicial Branch Certification Commission, consideration of those changes are on hold as the Commission Rules are drafted.

Beginning in fiscal year 2013, Board staff at OCA are registering applicants and collecting application fees for the required certification exam. Through contracts with the University of Texas-Austin and San Antonio proctoring centers, exams were administered four times during fiscal year 2013. Four exams are scheduled for the current fiscal year, with the possibility of an additional exam to be held in El Paso. The Exam Committee will meet to review exam questions and discuss writing new ones based on recent changes to the laws affecting guardianship.

One hundred sixty-one (161) guardians were re-certified in FY2013. Forty-eight (48) new provisional certifications and 38 new certifications, including 25 guardians who moved from provisional to "full" certification, were issued in FY2013.

In fiscal year 2013, the Board revoked the certification of one certified guardian, based on non-compliance with terms of a settlement agreement reached during the previous fiscal year. **Four complaints were filed in fiscal year 2013; one was dismissed and three are pending.** Two of the three pending complaints have been heard by the Board's Disciplinary Review Committee; the recommendations will be considered at the Board's November 2013 meeting. The third pending complaint is scheduled for initial consideration by the Committee in late September.

Court Reporters Certification Board

As of August 31, 2013, 32 new court reporters were certified upon successfully completing the court reporters exam. There are 4 tests administered per fiscal year in various cities throughout Texas.

The contract to administer the court reporters exam was awarded to the Texas Court Reporters Association on August 15, 2013, effective September 1, 2013. The contract is for a 2 year period expiring August 31, 2015 with an option to extend the contract for an additional 2 year period or until August 31, 2017.

A total of 1,094 court reporters and 178 court reporting firms are due to be renewed in FY 2014 for certifications and registrations expiring December 31, 2013. The renewal window opened on September 1, 2013.

The Board and its committees held 10 meetings in FY 2013: 4 Board meetings; 1 Certification/UFM Committee meeting; 2 Rules, Standards, and Policies Committee meetings; and 3 Review Panel meetings to consider new complaints filed.

In fiscal year 2013, the Board and the Board's Review Panel considered 57 complaints with results as follows: 6 withdrawn, 7 administratively dismissed, 35 dismissed by the Board, and 9 matters were set for formal hearings with 2 matters continued until September 27, 2013. The Board sanctioned 7 court reporters to include private and public reprimands, 2 administrative penalties, and one 12 month probated suspension.

Proposed rule revisions that were submitted to the Supreme Court in FY 2013 are on hold until the Supreme Court addresses rules drafted for the new Judicial Branch Certification Commission.

There were 2 lawsuits filed against the Board in fiscal year 2013. A former court reporter is seeking reinstatement of her certification retroactively to January 1, 2011, when her certification expired. The second lawsuit, filed by a complainant, was based on a complaint

alleging omissions in the record that was dismissed by the Board. The court issued an Order to Dismiss as Frivolous in May 2013.

Other bills passed in the 83rd Legislative session that affect the court reporting profession are as follows:

S.B. 677 relating to the electronic recording of proceedings in a statutory probate court in Collin County – Allows electronic recordings to be used instead of using a court reporter to take down the record in a statutory probate court in Collin County.

S.B. 1620 relating to certified Communication Access Realtime Translation providers – Authorizes courts to appoint a certified Communication Access Realtime Translation (CART) provider for an individual who has a hearing impairment. This is in addition to the option to request a certified court interpreter for the hearing impaired or a licensed court interpreter to translate to the English language. CART providers are certified by the Texas Court Reporters Association or may be certified by another certification association selected by the department.

NATIONAL ISSUES

The Conference of Chief Justices and Conference of State Court Administrators met in Burlington, Vermont in July. At their respective meetings, the two Conferences adopted a number of resolutions. Those resolutions are attached to this report as follows:

- Resolution 1: Encouraging Consideration of the [Revised National Probate Court Standards](#)
- Resolution 3: In Support of Increase Judicial Involvement to Expedite Movement of Children Under the [Interstate Compact on the Placement of Children](#)
- Resolution 4: In Support of Implementation of the Recommendations of the [Defending Childhood Report](#)
- Resolution 5: In Support of the Court Fee Intercept Legislation in the United States Congress
- Resolution 6: In Support of the [Court-Appointed Guardian Accountability and Senior Protection Act](#)
- Resolution 7: In Support of Establishing Best Practices/Recommendations for the Use of Video Remote Interpretation
- Resolution 8: In Support of Sharing Interpreter Resources through Establishing a Shared National Court Video Remote Interpreting Network and National Proficiency Designations for Interpreters
- Resolution 9: In Support of the [proposed ABA Guidelines for an International Regulatory Information Exchange](#)
- Resolution 10: To Call upon the United States Trade Representative to Negotiate, and the United States Congress to Approve, Provisions in Trade Agreements that Recognize and Support the Sovereignty of State Judicial Systems to Regulate the

Admissions and Performance Standards for All Persons Seeking to Practice as Lawyers in Each State

- Resolution 11: To Encourage Congress to Provide Adequate Funding for Court Interpretation Services
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CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 1

Encouraging Consideration of the Revised National Probate Court Standards

WHEREAS, the number of Americans age 65 or older will increase by 50 percent, from nearly 40 million to about 60 million within the next decade; and

WHEREAS, this demographic trend is likely to result in a substantial increase in the number of cases filed in courts with probate jurisdiction; and

WHEREAS, in order to handle this caseload efficiently and address these sensitive cases fairly, it is essential that courts with probate jurisdiction utilize the most effective and up-to-date approaches possible; and

WHEREAS, on November 16, 2012, the National College of Probate Judges unanimously adopted a revised set of National Probate Court Standards following a two-year development effort; and

WHEREAS, the revised National Probate Court Standards reflect the many changes in probate law and practice since the original standards were adopted in 1993 including:

- the widespread use of automated case management systems that enable courts to exercise greater control over their dockets;
- The growing availability of electronic filing systems and the resulting greater use of electronic records, that provide courts with not only the capability of operating more efficiently, but also of more easily analyzing the information contained in those records to identify patterns and anomalies that may indicate abuses;
- The promulgation of new and revised uniform acts;
- The issuance of additional national recommendations regarding guardianship and conservatorship including those of the 2011 Third National Guardianship Summit and the 2010 Conference of State Court Administrators White Paper;
- The expanded services being provided directly to court users by probate courts;
- The increased use of volunteer programs to monitor guardianships and conservatorships and the development of collaborative programs to improve the quality, delivery, and coordination of services to persons under the jurisdiction of probate courts;
- The advent of State Supreme Court Commissions on elders and the courts, and, more negatively;
- The increasing instances of financial abuse in conservatorships/ guardianships, in decedent's estates, in trusts under court supervision, and in guardianships of minors; and

WHEREAS, the revised National Probate Court Standards set forth aspirational goals for both specialized probate courts and general jurisdiction courts with probate jurisdiction that are intended to promote uniformity, consistency, and continued improvement in the operations of probate courts; and

WHEREAS the revised National Probate Court Standards provide many references to promising practices developed by specific courts to bridge gaps of information, provide organization and direction; and

WHEREAS these Standards may be used by individual probate courts and by state court systems as:

- A source of ideas for improving the quality of justice, the effectiveness of operations, and efficient use of resources;
- A basis for requests for needed budgetary support in those instances in which implementation of Standards-based improvements require additional resources;
- A tool for charting the path toward greater excellence and measuring the progress;
- A template for state standards reflecting state statutory requirements, rules of procedures, and demographic, geographic, organizational, and fiscal factors.

NOW, THEREFORE, BE IT RESOLVED that the Conference of State Court Administrators encourages each state court system and the courts with probate jurisdiction in each state to review and consider implementation of the revised National Probate Court Standards.

Adopted as proposed by the CCJ/COSCA Elders and the Courts Committee at the 2013 Annual Meeting on July 31, 2013.

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 3

In Support of Increased Judicial Involvement to Expedite Movement of Children Under the Interstate Compact on the Placement of Children

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators understand the need to expedite the placement of abused and neglected children in safe and permanent homes, and that in some cases the best placement is in another state, which requires interstate cooperation and collaboration; and

WHEREAS, the Interstate Compact for the Placement of Children (ICPC) provides the structure for interstate cooperation and collaboration for these placements; and

WHEREAS, in recent years, efforts have been made to update the ICPC and improve the ICPC process to ensure compliance with federally mandated permanency planning timeframes, including passage of the Safe and Timely Interstate Placement of Foster Children Act of 2006 (Public Law 109-239); and

WHEREAS, despite these efforts, unreasonable delays continue to impede the placement of abused and neglected children in safe and permanent homes; and

WHEREAS, state courts in sending states have been unable to effectively intervene with the receiving state or county agencies or state ICPC offices to determine the causes for delay or possible solutions;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators encourage all states and jurisdictions subject to the ICPC to adopt legislation that authorizes judges in sending and receiving states and jurisdictions to communicate with one another regarding the placement of children; and

BE IT FURTHER RESOLVED that the Conferences encourage all states and jurisdictions subject to the ICPC to adopt legislation that authorizes judges in the receiving state or jurisdiction where placement is sought to hold hearings at the request of judges in sending states or jurisdictions on the status of ICPC home study requests and enter orders to complete those home studies when they are delayed and timely decisions are not made concerning the children involved.

Adopted as proposed by the CCJ/COSCA Courts, Children, and Families Committee at the 2013 Annual Meeting on July 31, 2013.

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 4

In Support of Implementation of the Recommendations of the *Defending Childhood* Report

WHEREAS, in 2011, the United States Department of Justice established a multi-disciplinary Task Force on Children Exposed to Violence and charged the task force with making specific recommendations on how to effectively address the needs of children who have been exposed to violence within and outside the juvenile justice system; and

WHEREAS, the task force conducted hearings and listening sessions across the country to gather information; and

WHEREAS, in December 2012, the task force released the *Defending Childhood* report, which included research-based findings and recommendations for trauma-informed approaches and practices in regard to children and youth involved in the justice system who have been exposed to violence; and

WHEREAS, the recommendations fall within six categories: (1) Ending the Epidemic of Children Exposed to Violence; (2) Identifying Children Exposed to Violence; (3) Treating and Healing of Exposure to Violence; (4) Creating Safe and Nurturing Homes; (5) Communities Rising Up Out of Violence; and (6) Rethinking Our Juvenile Justice System; and

WHEREAS, the task force calls for a national initiative to promote professional education and training on the issues of children exposed to violence and for training on trauma-informed services and evidence-based treatment; and

WHEREAS, the task force also has several recommendations related to increased collaboration, including a call for the creation of multi-disciplinary councils and coalitions to assure systemwide collaboration and community response to children exposed to violence, collaborative responses to victims of violence, working together to create protocols and policies that protect children and adult when domestic violence and child sexual or physical abuse co-occurs, and the organization of local coalitions to assess local challenges and resources and developing coordinated responses to reduce violence; and

WHEREAS, the recommendations related to rethinking the juvenile justice system call for making trauma-informed screening, assessment, and care the standard in juvenile justice

services, using detention and incarceration as a last resort for youth that pose a safety risk or cannot receive effective treatment in the community, providing individualized services based on assessment for each violence-exposed child, implementing policies that keep children in school; guaranteeing that violence-exposed children accused of a crime have legal representation, helping child victims of sex trafficking, and prosecuting young offenders in the juvenile justice system whenever possible;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators commend the work of the task force and encourage state court leaders to consider the recommendations of the task force as they undertake juvenile justice system reforms; and

BE IT FURTHER RESOLVED that the Conferences encourage state court leaders to collaborate with representatives of the executive and legislative branches of government and other stakeholders to develop and implement reforms in the juvenile justice system; and

BE IT FURTHER RESOLVED that the Conferences are committed to working with the United States Department of Justice to develop training for court personnel on the issues and recommendations contained in the *Defending Childhood* report and to promote the practices proposed in the report.

Adopted as proposed by the CCJ/COSCA Courts, Children, and Families Committee at the 2013 Annual Meeting on July 31, 2013.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 5

**In Support of the Court Fee Intercept Legislation in the
United States Congress**

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize that willful non-payment of court-ordered penalties, fines, fees, restitution, and surcharges diminishes public respect for the rule of law and that it is in the interest of the courts that their orders be honored; and

WHEREAS, significant amounts of court-imposed penalties, fines, fees, restitution, and surcharges are not paid; and

WHEREAS, the United States Treasury Offset Program allows for the federal income tax refund interception of federal tax debt, Temporary Assistance to Needy Families (TANF) child support debt, federal agency non-tax debt, non-TANF child support debt, and state tax debt (other than child support); and

WHEREAS, collection of court-imposed obligations through a tax refund intercept would be among the most accurate, least intrusive, and least burdensome methods to satisfy these debts; and

WHEREAS, collection of such debts through a tax refund intercept mechanism would contribute to public trust and confidence in the courts; and

WHEREAS, Rep. Erik Paulsen (R-MN) and Sen. Ron Wyden (D-OR) have introduced legislation in the 112th United States Congress to allow for the interception of federal income tax refunds for payment of such debts; and

WHEREAS, these federal legislators have committed to re-introduce this legislation in the current 113th Congress; and

WHEREAS, the state legislatures of Alabama, Arkansas, Delaware, New Mexico, and Oregon have approved resolutions of support for court fee intercept legislation; and

WHEREAS, the legislation has received support from a broad-based coalition of public interest groups such as the National Association for Court Management, National Association of Counties, Mothers Against Drunk Driving, Government Finance Officers Association, National Center for Victims of Crime, and the American Probation and Parole Association;

NOW, THEREFORE, BE IT RESOLVED that the Conferences support legislation to add conforming language to federal statutes that will enable the states to intercept federal tax refunds for payment of obligations under legally enforceable court orders.

Adopted as proposed by the CCJ/COSCA Court Management Committee at the 2013 Annual Meeting on July 31, 2013

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 6

In Support of The Court-Appointed Guardian Accountability and Senior Protection Act

WHEREAS, the number of elderly persons will increase over the next 20 years and this trend is likely to result in a substantial increase in court cases regarding the protection of vulnerable elderly persons, including guardianship, conservatorship, and elder abuse proceedings; and

WHEREAS, state court systems and individual courts have recognized the need to improve the process for considering petitions for guardianship and/or conservatorship of adults and the monitoring of guardianship and/or conservatorship orders; and

WHEREAS, research by the National Center for State Courts has identified problems and promising practices regarding the monitoring of guardianship and conservatorship cases; and

WHEREAS, the Report of the Conference of Chief Justices and Conference of State Court Administrators Joint Task Force on Elders and the Courts recommended that each state court system: (1) collect and report the number of guardianship and conservatorship cases that are filed, pending, and concluded each year; (2) implement improved procedures for monitoring the performance of guardians and conservators and the well-being of incapacitated persons; and (3) explore ways in which technology can assist in documenting, tracking, and monitoring guardianships; and

WHEREAS, the 2010 Conference of State Court Administrators White Paper entitled *The Demographic Imperative: Guardianships and Conservatorships* recommends for the establishment of a Guardianship Court Improvement Program to assist courts throughout the nation to improve consideration of petitions for guardianship and/or conservatorship of adults and monitoring the performance of guardians and conservators and the well-being of incapacitated and vulnerable persons; and

WHEREAS, the delegates from ten national organizations participating in the Third National Guardianship Summit adopted a far-reaching set of standards for performance and decision-making for guardians and conservators, including recommendations for action by courts; and

WHEREAS, the Senate Special Committee on Aging has requested a series of reports from the Government Accountability Office over the past seven years and held a series of hearings regarding problems in the monitoring of guardianship and conservatorship orders, the lack of cooperation and coordination by the Social Security Administration and Department of Veterans Affairs with state courts regarding conservatorships, financial exploitation, and abuse and neglect of seniors by their guardians and conservators; and

WHEREAS, these Government Accountability Office reports have recognized a substantial federal interest in guardianship, conservatorship, and elder abuse issues and the need for federal financial assistance to states to collect comparable data regarding guardianships and test and evaluate innovative procedures and practices to prevent, detect, and address abuse and exploitation; and

WHEREAS, there are currently no grant programs within the federal government to assist state courts to meet the above referenced responsibilities or test innovative methods for conducting background checks, or utilize technology for simplified reporting procedures and to facilitate the review of fiduciary performance; and

WHEREAS, the proposed Court-Appointed Guardian Accountability and Senior Protection Act (S. 975) would amend the Elder Justice Act demonstration grant program to allow the highest court of states to apply to the Secretary of the United States Department of Health and Human Services for demonstration project funds for “programs to assess the fairness, effectiveness, timeliness, safety, integrity, and accessibility of adult guardianship and conservatorship proceedings, including the appointment and the monitoring of the performance of court-appointed guardians and conservators, and to implement changes deemed necessary as a result of the assessments such as mandating background checks for all potential guardians and conservators, and implementing systems to enable the annual accountings and other required conservatorship and guardianship filings to be completed, filed, and reviewed electronically in order to simplify the filing process for conservators and guardians and better enable courts to identify discrepancies and detect fraud and the exploitation of protected persons”; and

WHEREAS, the Court Improvement Program, established in 1993 for improving the consideration and outcomes of child protection cases, has been effective in reducing judicial delay in those cases; enhancing the ability of judges and attorneys to handle the complexity of these cases; and strengthening the review and monitoring of these cases, while respecting the independence of the state judiciaries; and

WHEREAS, it is anticipated that similar benefits would accrue from assessments conducted under the Elder Justice Act demonstration grant program;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge the Congress to enact the Court-Appointed Guardian Accountability and Senior Protection Act and appropriate sufficient funds to fully implement the provisions of that Act.

Adopted as proposed by the CCJ/COSCA Elders and the Courts Committee at the 2013 Annual Meeting on July 31, 2013.

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 7

In Support of Establishing Best Practices/Recommendations for the Use of Video Remote Interpretation

WHEREAS, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) have long recognized the importance of access to justice for litigants and others using state courts, including limited English proficient individuals who face particular challenges and hardships in accessing and navigating the justice system; and

WHEREAS, individual state courts have struggled to obtain access to sufficient qualified court interpreter services in the many languages spoken by those who access the state courts; and

WHEREAS, the use of video remote interpreting (VRI) has the potential to offer key benefits to state courts in enhancing the quality, efficiency, accountability, and availability of court interpreter services on a national level, thereby further promoting access to justice in courts; and

WHEREAS, CCJ adopted Resolution 2 in January 2013 and COSCA adopted Resolution 1 in December 2013 supporting efforts by the Language Access Advisory Committee to develop national VRI standards for vendors interested in providing VRI services to state courts, and to address other related VRI issues; and

WHEREAS, consistent with the mandate in CCJ Resolution 2 and COSCA Resolution 1, the Language Access Advisory Committee (LAAC) has developed business policy recommendations and technical requirements for VRI court services to support the quality and consistency of interpreter services provided to state courts through potential VRI technology solutions, as well as to enhance the solutions' versatility and effectiveness;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators:

1. Authorize the LAAC, with the assistance of the Council of Language Access Coordinators, to promulgate and amend as necessary video remote interpreting business policy recommendations, technical requirements, and other related practices for state court interpreter services; and
2. Request the National Center for State Courts, working with LAAC and others, to take further action to support implementation of these VRI business policy recommendations and technical requirements and the creation of potential VRI technical solutions advancing court interpreter resource sharing on a national level.

Adopted as proposed by the CCJ/COSCA Access, Fairness and Public Trust Committee at the 2013 Annual Meeting on July 31, 2013.

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 8

In Support of Sharing Interpreter Resources through Establishing a Shared National Court Video Remote Interpreting Network and National Proficiency Designations for Interpreters

WHEREAS, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) have long recognized the importance of ensuring access to justice through the availability of qualified court interpreter services for limited English proficient individuals accessing the state courts; and

WHEREAS, the COSCA White Paper, *Court Interpretation: Fundamental Access to Justice* (2007), acknowledges the shortage of trained court interpreters in the many languages spoken by those accessing the state courts and recommends considering the feasibility of establishing regional or national pools of interpreters, as well as a strategy for promoting recognition of interpreter certification status among the state courts; and

WHEREAS, the Call to Action from the 2012 Summit on Language Access supports the establishment of a shared national court video remote interpreter (VRI) network as a key national language access priority of the state courts; and

WHEREAS, following the Summit, COSCA's Language Access Advisory Committee (LAAC) and the National Center for State Courts (NCSC) considered the establishment of a shared national court VRI network; and

WHEREAS, as a result of that review, LAAC recommends that a shared national court VRI network be established in order to promote the sharing of interpreter resources among state courts, as well as to enhance the quality, efficiency, and consistency of interpreter resources available to all state courts; and

WHEREAS, to establish the “pools” of interpreters for that network, LAAC developed a method for categorizing court interpreter qualifications on a national basis, or the National Proficiency Designations for Interpreters structure (NPDI), which sets forth a tiered-qualifications structure for foreign language and sign language court interpreters based primarily on court interpreter oral examination scores (using tests developed through the work of the former Consortium on Language Access in the Courts and the NCSC); and

WHEREAS, the NPDI tiered structure is intended to assist state courts by establishing parameters for VRI services so that states entering into agreements with VRI service providers can be assured that they can access court interpreter resources that best meet their needs; and

WHEREAS, the NPDI structure will not control or affect how states manage court interpreter certification within their own states; and

WHEREAS, the NCSC has agreed to maintain the shared national court VRI network on behalf of CCJ and COSCA;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators:

1. Authorize LAAC, with the assistance of the Council of Language Access Coordinators, to promulgate and amend as necessary the National Proficiency Designations for Interpreters tiered structure to further efforts to establish a shared national court VRI network; and
2. Express appreciation to the National Center for State Courts for its willingness to maintain the shared national court VRI network on behalf of the Conference of Chief Justices and the Conference of State Court Administrators, and for its overall efforts to promote the availability of effective VRI solutions for state courts.

Adopted as proposed by the CCJ/COSCA Access, Fairness and Public Trust Committee at the 2013 Annual Meeting on July 31, 2013

CONFERENCE OF CHIEF JUSTICES

Resolution 9

In support of the proposed ABA Guidelines for an International Regulatory Information Exchange

WHEREAS, the Conference of Chief Justices is cognizant of the increasing globalization of legal markets and the growing numbers of lawyers practicing across national borders; and

WHEREAS, a system of cooperation between the bar admission and lawyer disciplinary bodies of a home jurisdiction (the jurisdiction in which the lawyer has been admitted to the bar) and a host jurisdiction (the jurisdiction in which the lawyer renders cross-border legal services) will increase cross-border legal services and better protect the public; and

WHEREAS, the ABA Standing Committee on Professional Discipline and the ABA Task Force on International Trade in Legal Services requests the House of Delegates to adopt a resolution approving Guidelines for an International Regulatory Information Exchange at its August 2013 meeting; and

WHEREAS, the proposed Guidelines for an International Regulatory Information Exchange provide a template for state supreme courts and lawyer regulatory authorities to coordinate with their foreign regulatory counterparts and to enter into voluntary arrangements to facilitate the exchange of relevant information, consistent with each jurisdiction's rules regarding the admission, licensure and disciplinary status of their own licensed lawyers; and

WHEREAS, an essential part of regulating the practice of foreign lawyers is an ability to verify the qualifications, experience, and professional standing of that lawyer, including the status of any disciplinary proceedings involving that lawyer;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices encourages the ABA House of Delegates to adopt the proposed Guidelines for an International Regulatory Information Exchange.

Adopted as proposed by the CCJ Task Force on Foreign Lawyers and the International Practice of Law at the 2013 Annual Meeting on July 31, 2013.

CONFERENCE OF CHIEF JUSTICES

Resolution 10

To Call Upon the United States Trade Representative to Negotiate, and the United States Congress to Approve, Provisions in Trade Agreements that Recognize and Support the Sovereignty of State Judicial Systems To Regulate the Admissions and Performance Standards for All Persons Seeking to Practice as Lawyers in Each State

WHEREAS, the Conference of Chief Justices has long been vigilant in monitoring and defending against federal policy initiatives that may have the effect of preempting state laws; and

WHEREAS, from the earliest days of our republic, lawyers have been regulated by the highest court of the state in which a bar member is licensed, and state courts in turn have developed extensive and effective regulations governing all aspects of the practice of law including strict ethical codes and disciplinary processes; and

WHEREAS, since state supreme courts are in closest proximity to the consumers of legal services, they are in the best position to determine the core qualities for a lawyer to obtain and maintain a license to provide legal advice and advocacy; and

WHEREAS, the Conference of Chief Justices is cognizant of the increasing globalization of legal markets and the growth of lawyers practicing across national borders; and

WHEREAS, the Conference of Chief Justices seeks to harmonize its advocacy of federalism principles with the practicalities of providing legal services in the global context; and

WHEREAS, several multilateral free trade negotiations, that largely include trade-in-services components, are being conducted by the Office of the United States Trade Representative (USTR) with vigor and hope for fast-track conclusion – namely, the Trans-Pacific Partnership Agreement (with respect to Pacific Rim countries), the International Services Agreement, and the recently proposed Transatlantic Trade and Investment Partnership Agreement (commonly called the US-EU trade agreement); and

WHEREAS, on May 20, 2009, President Obama promulgated a Memorandum for the Heads of Executive Departments and Agencies stating that “preemption of State law by executive departments and agencies should be undertaken only with full consideration of the legitimate prerogatives of the States”; and

WHEREAS, the Conference of Chief Justices adopted CCJ Resolution 26 (2004) urging the USTR “to negotiate, and the United States Congress to approve, provisions in trade agreements that recognize and support the sovereignty of state judicial systems and the enforcement and finality of state court judgments;”

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices urges the United States Trade Representative to negotiate, and the United States Congress to approve, provisions in trade agreements that recognize and support the sovereignty of state judicial systems to regulate the admissions and performance standards for all persons seeking to practice as lawyers in each state.

Adopted as proposed by the CCJ Task Force on Foreign Lawyers and the International Practice of Law at the 2013 Annual Meeting on July 31, 2013.

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 11

To Encourage Congress to Provide Adequate Funding for Court Interpretation Services

WHEREAS, in every state and territory throughout our nation, individuals look to state court and territorial systems to protect their rights and resolve legal issues and disputes in accord with the constitutional principles upon which this nation was founded; and

WHEREAS, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) have historically recognized that when language barriers prevent essential communication and understanding, the fundamental principles of fairness, access to justice, and integrity of the judicial process are compromised; and

WHEREAS, the availability of qualified court interpretation services in judicial proceedings is fundamental to ensuring access to justice; and

WHEREAS, COSCA published a Policy Paper, *Court Interpretation: Fundamental to Access to Justice*, endorsed by CCJ, which identifies issues and key policies and practices, that state and territorial court leaders and policy makers need to address in order to develop effective court interpretation programs in their jurisdictions; and

WHEREAS, the Conferences, along with the National Center for State Courts, have focused on implementing the recommendations set forth in *Court Interpretation: Fundamental to Access to Justice*, and have worked collaboratively with the United States Department of Justice, related to Presidential Executive Order 13166 implementing Title VI of the Civil Rights of 1964, the American Bar Association, and others, in promoting other initiatives to enhance access to justice for limited English proficient individuals accessing the state courts; and

WHEREAS, those deliberations resulted in a summit of national leaders, including judicial teams representing 49 states, three territories and the District of Columbia, which was held in Houston, Texas in October 2012; and

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators remain committed to taking the steps necessary to implement *Court Interpretation: Fundamental to Access to Justice* recommendations;
and

BE IT FURTHER RESOLVED that the Conferences encourage Congress to enact legislation, such as the State Court Interpreter Grant Program Act, which would provide direct funding to state and territorial courts to support court interpreter initiatives.

Adopted as proposed by the CCJ/COSCA Access, Fairness and Public Trust Committee at the 2013 Annual Meeting on July 31, 2013.

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 12

In Support of State Supreme Court Leadership to Promote Procedural Fairness

WHEREAS, a fundamental role of courts is to ensure fair processes and just outcomes for litigants; and

WHEREAS, the constitutional guarantee of due process is designed to ensure that court decisions are made through legally fair procedures; and

WHEREAS, extensive research demonstrates that in addition to providing legal due process, it is important also to meet the public's expectations regarding the process in order to increase positive public perceptions of the court system, reduce recidivism, and increase compliance with court orders; and

WHEREAS, a number of state courts have incorporated the key components of procedural fairness—voice (allowing litigants to be heard), neutrality (making decisions based on neutral, transparent principles), respectful treatment, and trust (the perception that the judge is sincere and caring)—into their judicial education programs, court performance measures, and public outreach information to focus attention on the importance of fair procedures as defined by the public; and

WHEREAS, resources have been developed to help the courts in addressing procedural fairness and incorporating such concepts into better decision-making, including two Policy Papers, *“Procedural Fairness: A Key Ingredient In Public Satisfaction”* and *“Minding The Court: Enhancing the Decision-Making Process,”* produced by the American Judges Association (AJA), and the website *“Proceduralfairness.org”*, created by AJA, the National Center for State Courts, and procedural fairness scholars; and

WHEREAS, embracing procedural fairness principles furthers judicial accountability associated with litigants’ perceptions of fair treatment, without reference to the merits of individual cases;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators encourage their members to take a leadership role in promoting the use of procedural fairness principles in their court systems; and

BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators encourage their members to consider implementing the following strategies in their courts to promote procedural fairness:

- (1) Measure litigant satisfaction based on, among other factors, procedural fairness, using a measurement instrument such as the National Center for State Courts' CourTools Access and Fairness measure;
- (2) Encourage the integration of research on procedural fairness and effective decision-making processes into judicial education programs;
- (3) Identify opportunities for judges to obtain honest feedback and mentoring to build self-awareness and continue to develop as leaders in their courtrooms;
- (4) Practice procedural fairness in the treatment of court personnel;
- (5) Champion procedural fairness principles in messages to and interactions with the public, the media, and other branches of government; and
- (6) Hold judges and court staff accountable for operating courts in which everyone is treated with respect, has the opportunity to be heard, and receives an adequate explanation of court orders.

Adopted as proposed by the CCJ/COSCA Access, Fairness and Public Trust Committee at the 2013 Annual Meeting on July 31, 2013.

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 13

Reaffirming Commitment to Access to Justice Leadership and Expressing Appreciation for Access to Justice Progress and Collaboration

WHEREAS, equal justice is fundamental to the American system of government under law; and

WHEREAS, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) have historically been committed to the fundamental principle of fair access to justice for all in civil matters; and

WHEREAS, ensuring access to justice in proceedings involving basic human needs, such as shelter, sustenance, safety, health or child custody, remains one of the Conferences' highest priorities; and

WHEREAS, CCJ and COSCA have previously adopted joint resolutions recognizing that a fundamental requirement of access to justice is access to the courts; and

WHEREAS, such resolutions include:

1. Resolution 23, Leadership to Promote Equal Justice, adopted in 2001, acknowledging that judicial leadership and commitment are essential to ensuring equal access to the justice system and to the achievement through nationwide effort of equal justice for all, and encouraging individual members in their respective states to establish partnerships with state and local bar organizations, legal service providers, and others to: remove impediments to access to the justice system, including physical, economic, psychological and language barriers; develop viable and effective plans to establish or increase public funding and support for civil legal services for individuals and families who have no meaningful access to the justice system; and expand the types of assistance available to self-represented litigants, including exploring the role of non-attorneys; and
2. Resolution 2, In Support of Efforts to Increase Access to Justice, adopted in 2008, encouraging the members of the conferences in each state and territory to continue to take steps to ensure that no citizen is denied access to the justice system by reason of lack of resources, or any other such barrier, and urging their members to take a leadership role in their respective jurisdictions to prevent denials of access to justice; and

3. Resolution 8, In Support of Access to Justice Commissions, adopted in 2010, noting that state access to justice commissions have achieved remarkable results and have been recognized as one of the most important justice-related developments in the past decade, and supporting the aspirational goal that every state and United States territory have an active access to justice commission or comparable body; and

WHEREAS, the number of states and territories with access to justice commissions has increased to 28, and numerous states and territories are planning or considering the creation of new access to justice commissions; and

WHEREAS, these and other efforts involving leadership on the part of the courts, in partnership with the bar, legal aid providers, and other stakeholders, are helping to secure access to justice for civil litigants; and

WHEREAS, the Public Welfare Foundation has provided major grants to the National Center for State Courts (NCSC) and the American Bar Association (ABA) to promote court leadership on access to justice and to support and expand the access to justice commission movement, along with other grants to support civil legal aid; and

WHEREAS, with the encouragement of the Public Welfare Foundation, the NCSC and the ABA are collaborating in their efforts to expand access to civil justice and successfully coordinating resources and technical assistance; and

WHEREAS, the Kresge Foundation has also made a major grant to the ABA to expand its support for access to justice commissions, along with other grants to support civil legal aid; and

WHEREAS, these initiatives are strengthening the momentum in promoting access to justice for civil litigants;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators:

1. Express their continuing support for the leadership roles that members are playing in their respective jurisdictions, in partnership with other stakeholders, in promoting access to justice, and commend them for the progress resulting therefrom; and
2. Reaffirm their support for the aspirational goal that every state and United States territory have an active access to justice commission or comparable body; and
3. Commend the Public Welfare Foundation, the Kresge Foundation, the National Center for State Courts, and the American Bar Association, for their collaborative efforts to expand access to justice for civil litigants across the country.

Adopted as proposed by the CCJ/COSCA Access, Fairness and Public Trust Committee at the 2013 Annual Meeting on July 31, 2013.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

RESOLUTION 14

In Recognition of William F. Dressel

WHEREAS, William F. Dressel will be retiring as President of the National Judicial College at the end of 2013; and

WHEREAS, William F. Dressel has served as President of the National Judicial College since 2000 and prior to joining the College he was a general jurisdiction trial judge in Fort Collins, Colorado for more than 22 years; and

WHEREAS, William F. Dressel has been an active member of the American Bar Association and its Judicial Division throughout his legal and judicial careers, serving as the principal author of the ABA's Trial Management Standards adopted by the House of Delegates in 1992; and

WHEREAS, William F. Dressel has been an active and loyal supporter of the Conference of Chief Justices and Conference of State Court Administrators, attending the annual meetings and always establishing effective lines of communication between the Conferences and the National Judicial College; and

WHEREAS, William F. Dressel has provided stability and continuity while being innovative and progressive in his approach to judicial education; and

WHEREAS, William F. Dressel is a person who combines experience, wisdom, dedication, hard work, and good cheer in leading the work of the National Judicial College which has allowed the College to prosper and grow even during difficult financial times; and

WHEREAS, William F. Dressel has been a leader in judicial education and judicial administration and a friend to judges and court administrators throughout this country;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and Conference of State Court Administrators express their deep appreciation to William F. Dressel for his thoughtful leadership, dedicated service, loyal support and guidance, and for his commitment to improving the state courts of this nation, and the Conferences extend to him their best wishes for a happy, healthy and productive retirement.

Adopted as proposed by the Conference of Chief Justices Board of Directors at the 2013 Annual Meeting on July 31, 2013.