



Texas Judicial Council

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DIRECTOR'S REPORT

FEBRUARY 2015



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COMMITTEE ON COURT RESOURCES

Shared Solutions

OCA continues to support and encourage the 13 teams that committed to plan for system improvements through the Shared Solutions 2.0 program. Several teams have reported progress. The teams receive quarterly newsletters from OCA which highlight team progress and provides resources in the areas that were identified as characteristics of an effective court system. The most recent [newsletter](#) was published in January 2015.

Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

The Texas Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) continues to assess the state's system of guardianship and alternatives, address policy and practice issues, and serve as an ongoing problem-solving mechanism. Judges Gladys Burwell, Polly Spencer, and Glenn Phillips serve as judicial representatives on the WINGS steering committee. The WINGS Steering Committee held a conference call on January 29, 2015, to begin planning the next full meeting of the WINGS group.

OCA released a report on guardianship issues in Texas courts in November. The study involved an analysis of guardianship practices in 14 counties and included a review of programs and processes that have improved the management of guardianship cases. The report also identified opportunities for enhancing the courts' service to this population. The report is available at http://www.txcourts.gov/media/701080/GUARDIANSHIP-STUDY_11-12-14-Final.pdf.

LEGISLATIVE APPROPRIATIONS REQUEST UPDATE

Judicial Branch Requests

The courts and judicial branch agencies submitted their legislative appropriations requests to the legislature and Governor in August 2014. The branch submitted a coordinated budget among the courts and judicial branch agencies for Fiscal Year 2016-2017 totaling just over \$1 billion for the biennium.

In the current biennium, the Judicial Branch budget comprises just .38% of the state's budget.
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Highlights of the requests are below:

- Supreme Court of Texas
 - \$5 million from the Sexually Oriented Business Fund to provide basic civil legal services for victims of sexual assault;
 - \$4 million for basic civil legal services for veterans (in coordination with a request from the Texas Veteran's Commission for additional funding for Veterans Courts);

- Court of Criminal Appeals
 - Funding to normalize attorney and staff salaries with those in the Supreme Court
- 14 Courts of Appeals
 - \$6.4 million in “similar funding for same size courts” to recruit and retain attorneys and professional staff
 - Two additional staff attorneys for the 3rd Court of Appeals (Austin) to focus on administrative law appeals, which take significantly more resources to process
 - Three additional staff attorneys for the 2nd Court of Appeals (Fort Worth) to focus on increased workload
- Office of Court Administration
 - \$2 million for grants to counties to implement electronic filing
 - Four additional child protection courts
 - Salary increases for associate judges and court coordinators
 - \$4.5 million for technology support and to replace aging technology hardware/software for the Judicial Branch
 - \$1.1 million to implement the guardianship compliance pilot project to monitor guardianship cases
- Texas Indigent Defense Commission
 - \$196.8 million to increase state funding for indigent defense to offset increase county costs
 - \$6.2 million to provide sustained funding for the Statewide Regional Public Defender for Capital Cases
- State Prosecuting Attorney
 - Restore \$29,470 in funding cut in previous biennia to cover operational costs
- Office of Capital Writs
 - Change method of finance to fund 47% of the office’s expenses from general revenue and 53% from the Indigent Defense Fund (currently 100% is funded from indigent defense)
- State Commission on Judicial Conduct
 - Funding for an additional staff attorney and increases in salary amount for attorneys
- State Law Library
 - Additional librarian position and increases in salaries for staff
- Judiciary Section, Comptroller’s Department
 - Increases in the operational costs of the special prosecution unit in Walker County

Legislative Hearings

The courts and judicial agencies presented the requests to the [Senate Finance Committee](#) on February 2 and to the House Appropriations Committee, Subcommittee on Articles I, IV and V, on February 18.

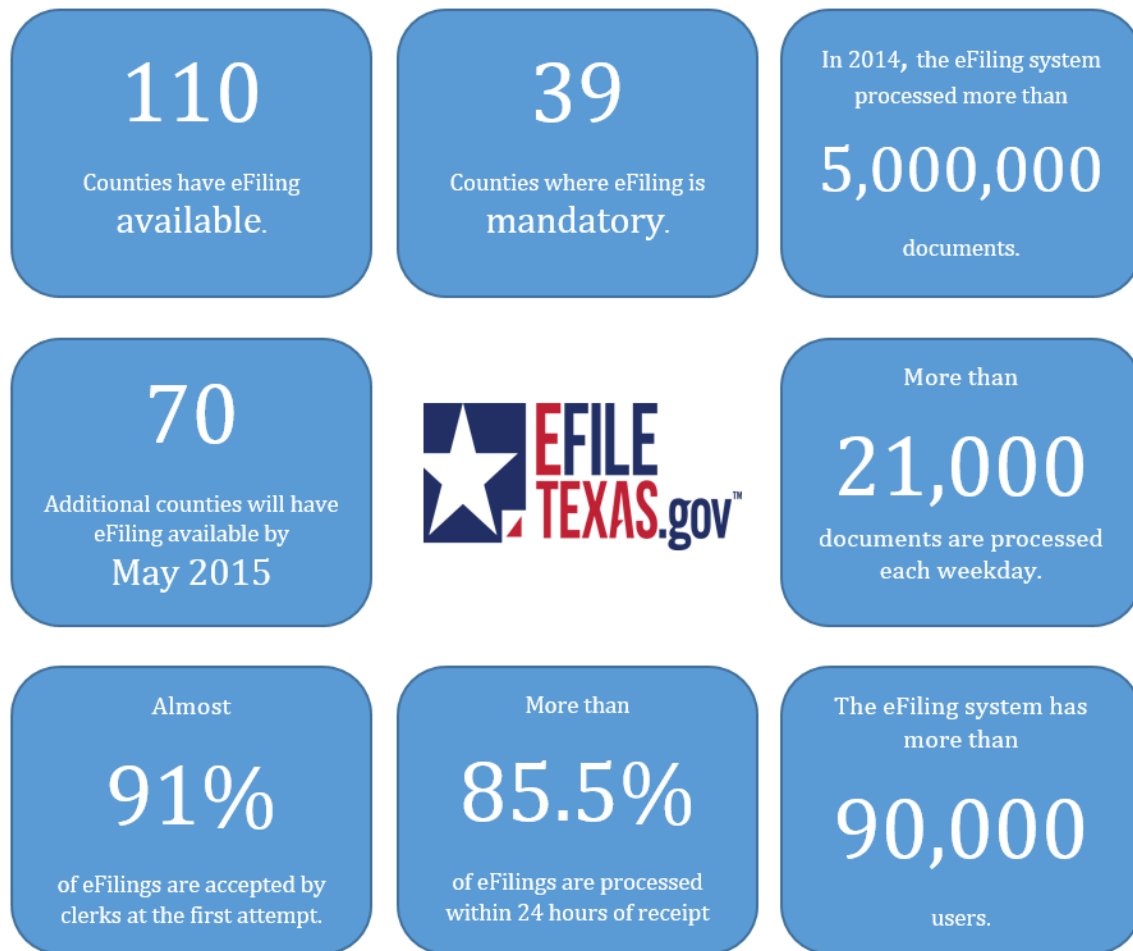
TECHNOLOGY & DATA

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 two high courts, the 14 intermediate appellate courts and five judicial branch state agencies. The division also provides staff to coordinate and facilitate the work of the Judicial Committee on Information Technology (JCIT).

Electronic Filing

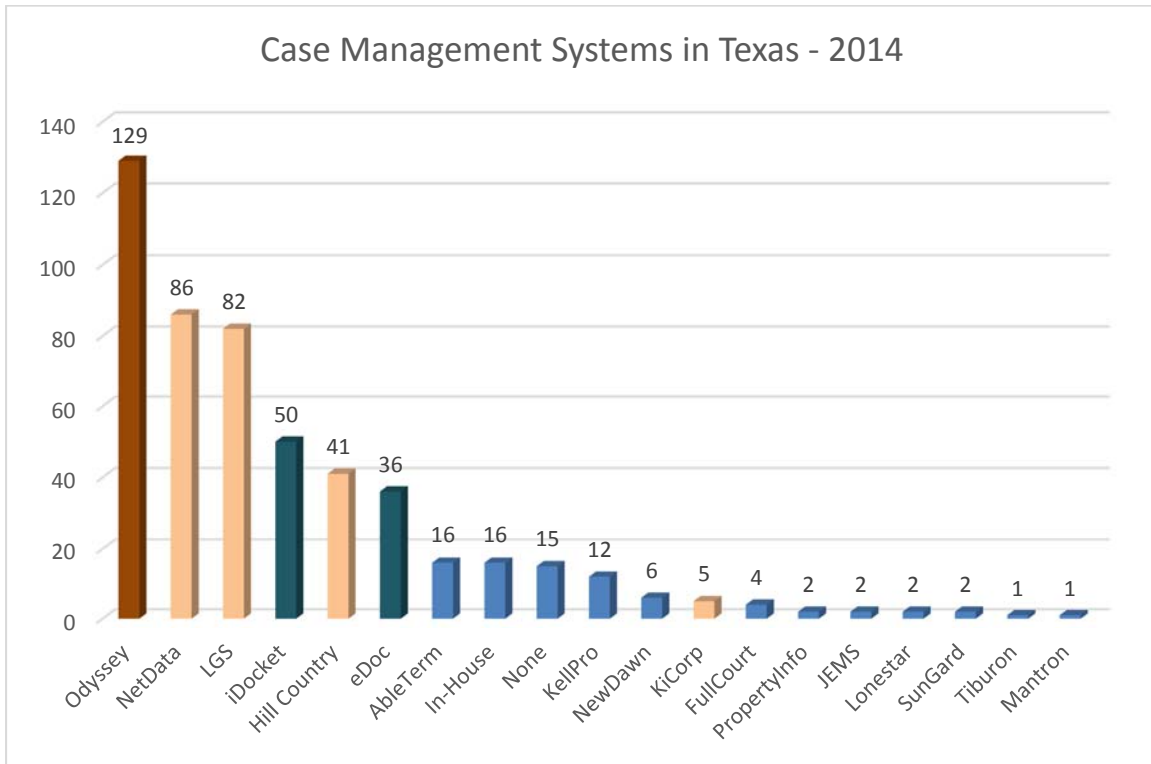
Working with Tyler Technologies, the selected eFiling vendor, OCA is managing the statewide electronic filing program. The project is on-track to meet the Supreme Court mandate that all civil filings be electronic by July 2016.



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. After surveying each county, OCA found that only ten counties in Texas do

not have any case management system today. OCA decided that efforts would be better spent in requesting grant funding for counties to implement eFiling rather than pursuing a statewide case management system.



Texas Appeals Management and Efiling System (TAMES)

The TAMES governance committee, comprised of appellate clerks, meets regularly to review and prioritize outstanding enhancement requests to the appellate case management system.

The governance group has prioritized two major enhancements to TAMES aimed at judges and attorneys:

- Auto-linking of citations – Inspired by the 5th 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. This feature is going through final testing in four of the appellate courts and will be implemented later this Spring for all 16 appellate courts.
- 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. This feature is currently under development and will more than likely be tied to enhancements to the Report Submission Portal (RSP) due out late this year.

CIP Technology

OCA completed work on the hearing reminder email system. This system allows interested entities (case workers, CASA volunteers, guardians and foster parents) to receive an email reminder of an upcoming hearing. This system is available to all OCA child protection courts. To date, it has more than 225 registrations, reminding users of almost 400 hearings that were upcoming.

OCA also continues the expansion of remote video conferencing. OCA has deployed video conferencing capabilities to 68 facilities (residential treatment centers, general residential operations, emergency shelters) and 24 courts. To date, in FY2015, more than 137 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 working to bring the total of connected courts to 28 by the end of FY 2015.

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).

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; participated in the production of the Annual Statistical 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. More than 150,000 statistical and other reports were received in FY 2014.

Judicial Council Monthly Court Activity Reports

A significant amount of Judicial Information's time is devoted on an ongoing basis to providing support to the trial courts and clerks and their information technology staff or case management vendors on reporting issues. Staff made presentations at seminars sponsored by the Texas Municipal Courts Education Center (New Clerks' Bootcamp) and the Texas Association of Counties (New District and County Clerks Training and the 2015 County and District Clerks' Association Education Roundup).

Staff also make ongoing efforts to improve reporting completeness and data quality by working with clerks, courts, case management system vendors, and other local information

technology staff to correct various errors in reporting. Staff also produced a webinars for county clerks on the Judicial Council Municipal Court Activity Report and posted them online.

Publications

During the period, Judicial Information staff:

- produced the Summary of Texas Court Security Incidents report for 2014;
- compiled and analyzed court activity and other data to produce the 2014 Annual Statistical Report;
- updated the Judicial Directory database, which contains listings for more than 7,300 court-related personnel; and
- produced the annual Texas Judicial System Directory.

COURT SERVICES

Domestic Violence Resources Program

In December, OCA hosted representatives of the U.S. Department of Justice's Bureau of Justice Statistics (BJS) on November 18-19, 2014, for a site visit to review OCA's NICS Mental Health and Protective Order Record Improvement Project. The project was found to be in compliance with BJS guidelines.

In addition, OCA's Protective Order Resource Attorney presented at the following training events:

- Texas Municipal Courts Education Center's Regional Judges Seminars in Addison, Austin, and San Antonio;
- Texas Municipal Courts Education Center's Regional Clerks Seminar in San Antonio;
- Texas Justice Court Training Center's New Judges Seminar in San Marcos; and
- County and District Clerks Association of Texas College for New Clerks in San Marcos.

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; as well as free document translation services to all courts upon request and in-house document translation for OCA staff and projects.

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:

- Attended the 2015 County and District Clerks' Association of Texas Conference and gave a presentation on language access in Texas courts.
- Implemented an Interpreter Locator Listserv for statewide court staff to establish a forum where court staff can look for and find interpreters in exotic and rare languages for their court hearings. To date, 83 Texas courts have joined the Interpreter Locator Listserv. Languages requested thus far have been Japanese, Wolof and Mam.

Texas Court Remote Interpreter Service (TCRIS)

TCRIS staff has engaged in the following activities between November 14, 2014, and February 20, 2015:

- Provided interpretation services in 133 hearings held in 35 counties (Andrews, Austin, Bell, Brazos, Brewster, Collin, Coryell, Culberson, Dallas, Edwards, El Paso, Ellis, Falls, Freestone, Garza, Hardin, Harrison, Hutchinson, Jeff Davis, Kimble, Lampasas, Maverick, Medina, Montgomery, Palo Pinto, Parker, Presidio, Smith, Travis, Tyler, Van Zandt, Washington, Williamson, Wise and Wood counties). The interpretation services were provided in a variety of criminal and civil cases, including magistrations, plea hearings, arraignments and prove-ups.
- Translated written court documents relating to non-disclosure for OCA, court forms for Lakeway Municipal Court, and worked on a bilingual court glossary of 1,500 Texas specific legal terms during the time they were not interpreting.

Court Services Consultant

Promoting OCA Services

The Court Services Consultant provided resource material regarding OCA's services at two judicial conferences. A total of 178 judges were assisted in the areas of caseflow and court management, judicial data, collection improvement, language access and protective order reporting.

Assessing Case Management Procedures

- Work is underway in assessing the case management procedures used in Tarrant County. The review will encompass all criminal courts and the processing of criminal cases from filing to disposition. The final report is intended to inform the county's review of and possible revision to its differentiated case management plan.

- A manual review of cases and observation of case reporting procedures was conducted in Edwards County. The assistance provided by OCA will assist Edwards County in complying with reporting requirements of the Judicial Council.
- Webb County will be receiving assistance from the Court Services Consultant and staff from the Collection Improvement Program. This assistance from OCA will identify areas in which the county can implement uniform case management procedures and implement best practices. The review will support improvements the county plans to make to its collections practices.

Training

- The new judge and court coordinator in the County Court at Law of Aransas County received on-site training in administrative matters, caseflow management, and case calendaring.
- The Court Services Consultant assisted in the coordinating the first OCA College for New Clerks. The four-hour program was delivered by OCA personnel and was designed for newly elected or appointed clerks. There were 90 new county and district clerks who took office during 2014. Eighty-five clerks attended the program, which was funded by a grant through the Court of Criminal Appeals. The program was the result of a joint effort between OCA, the Texas County and District Association of Texas and the Texas Association of Counties. The curriculum included presentations on 13 topics presented by seven OCA personnel.

Mental Health Courts

The Court Services Consultant received training from the Council of State Governments (CSG) on mental health courts. In return, OCA agreed to assist counties in developing a new mental health court or assisting an existing one. Two counties have expressed interest. Preliminary work has begun in assisting these counties with support from CSG.

Research

The Public Policy Research Institute at Texas A&M completed a study in December on asset forfeiture in Texas. The report was done at the request of the Legislature and was supported by funds appropriated to OCA specifically for the purpose. The study involved a review of forfeiture cases and practices in a sample of 20 counties. It also involved interviews with district attorneys and Department of Public Safety officials and the District Attorney from a sample of the counties.

The study looked at trends in forfeiture activity; the financial impact to counties and district attorneys of forfeiture practices; the use of forfeiture funds; an overview of the forfeiture reporting process; and other issues. The report is available at <http://www.txcourts.gov/media/782473/sting-report-final.pdf>.

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:

- 87 of the 87 counties and cities required to implement a program have either fully or partially implemented one. Under previous law, 91 counties and cities were required to implement the program. Senate Bill 387 passed by the 83rd Legislature, Regular Session (2013), 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. The three counties – Anderson, Cherokee, and Rusk – eligible for a waiver under this new law have requested and received a waiver. However, it should be noted that while Anderson and Rusk Counties requested waivers, they have also acknowledged the success of the program and affirmed their intent to continue it on a voluntary basis; and
- Harris County previously received a waiver and is therefore not required to implement 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.

- Preliminary reviews of all 87 counties and cities required to implement a program, have been completed. Of the total, 19 were audited by the CPA with all either passing their initial or subsequent official compliance audit; 27 were audited by OCA's CIP audit staff, with 20 passing (including the City of Laredo and the City of Grand Prairie which failed their initial audits but passed their follow-up audits) and 3 failing their initial audit. The 3 failing jurisdictions (Bastrop, Kaufman and McLennan Counties) are expected to pass their follow-up audit.

Since November 14, 2014, OCA:

- Conducted 11 "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.
- Continued drafting policies and establishing procedures for managing temporary waivers of the CIP reporting requirement in certain situations.
- Continued drafting policies and establishing procedures for training and managing compliance with data verification audits tentatively scheduled to begin in FY 2015.

Also, since November 14, 2014, OCA engaged in the following training and assistance activities:

- Conducted regional collections training workshops in Conroe, Lubbock, Amarillo, and Huntsville.

Made a collections presentation at Texas Court Clerks Association North Texas Regional meeting in Carrollton.

Audit

Since the beginning of Fiscal Year 2015, the Collection Improvement Program – Audit Section has issued reports for four (4) Compliance Audits. Of the four (4) jurisdictions audited, two (2) passed the audit. Both jurisdictions that failed are working within the statutory 180-day grace period to re-establish compliance before further action is taken. In addition, two (2) reports were issued for Post-implementation Rate Reviews. Audit staff are currently working on seven (7) Compliance Audits and three (3) Post-implementation Rate Reviews.

SPECIALTY COURTS PROGRAM

Child Protection Courts/Child Support Courts Program

A training for court coordinators will be held in August 2015, the first time such training has been held for child support coordinators in many years. An agenda is being developed. Training for child support associate judges will be held in conjunction with the Advanced Family Law Conference.

REGULATORY SERVICES

Judicial Branch Certification Commission (JBCC)

On September 1, 2014, the Judicial Branch Certification Commission (JBCC) began operation. The Judicial Branch Certification Commission (JBCC) was established by the Texas Legislature, 83rd Regular Session, in [Senate Bill 966](#). The nine member Commission oversees certification, registration, licensing, and regulation of Court Reporters and Court Reporting Firms, Guardians, Process Servers, and Licensed Court Interpreters.

JBCC Certifications, Registrations, and Licenses

Court Reporters	2397 individuals and 422 firms
Guardianship	422 individuals
Process Servers	3584 individuals
Court Interpreters	508 individuals

Total FY2015 revenue amounts collected for all four of the programs, as of January 20, 2015:

- \$406,109.00

FY2015 revenue amounts collected by program:

- Court Reporters Certification - \$284,222.00
- Process Server Certification - \$95,065.00
- Licensed Court Interpreters - \$16,397.00
- Guardianship Certification - \$10,425.00

On January 23, 2015, the JBCC held the second meeting of the Commission. The Commission agenda may be found at <http://www.txcourts.gov/media/801593/JBCC-Agenda-Jan-23-2015.pdf>. During the January 23, 2015, Commission meeting the JBCC approved the agenda items below.

- Proposed Process Server Codes of Conduct for a 30-day public comment period
- JBCC Criminal Conviction Guidelines
- JBCC Administrative Dismissal Policy

Since the inaugural JBCC meeting, the Certification Division staff members have coordinated two Process Server Certification Advisory Board meetings, and the Guardianship Certification Advisory Board, Licensed Court Interpreters Advisory Board, and the Court Reporters Certification Advisory Board meetings.

- On December 16, 2014, we held the second Process Server Curriculum Committee meeting, followed by the second Process Server Advisory Board meeting. The Advisory Board reviewed the new curriculum and implementation for the 7-hour Process Server Certification Program pre-certification course. The advisory board voted to approve the newly developed curriculum, and return the curriculum to the Process Server Curriculum Committee to consider the examination component for the course providers who teach the course.
- The Advisory Board also reviewed and discussed the recommendation of the proposed Code of Conduct for the Process Server Certification Program. The

Board voted to recommend the Code of Conduct to the Judicial Branch Certification Commission (JBCC) for review and approval for a 30-day public comment period.

Certification Division Licensing Section Accomplishments

Since the consolidation of the JBCC, the licensing staff members have been developing the new licensing section certification processes for all the JBCC professions.

- Licensing staff have completed the two court interpreter oral examinations working with the vendor PSI. December 13, 2014: 5 applicants passed the oral examination.
- Licensing staff have sent approximately 200 LCI renewal letters, processed approximately 171 LCI new and renewal applications, and sent new certification cards.
- Licensing staff processed 1177 Court Reporter renewals, and 131 firm renewals expiring on December 31, 2014.
- Licensing staff sent notices to county clerks, guardianship programs, and private professional guardians for annual reporting due January 31, 2015.
- Licensing staff coordinated the guardianship examination on January 28, 2015. 26 candidates registered to take the exam at the UT Proctoring Center.

Certification Division Compliance Section Accomplishments

Since the consolidation of the JBCC, the compliance staff members have been developing the new compliance complaint and resolution processes for all the JBCC professions.

- Since September 1, 2014, we have received 29 complaints for investigation.
- On October 8, 2015, the first Process Server Complaint Review Committee convened.
 - During the meeting the review committee considered complaints for recommendation to the Commission.
- On November 21, 2014, the first complaint review committee meeting held with the JBCC.
 - The JBCC reviewed ten complaints, six dismissals and four penalty recommendations.
 - The Compliance staff has sent the correspondence relating to the recommendations.
- On January 7, 2015, the first Guardianship Certification Complaint Review Committee meeting to make recommendations to the JBCC on 3 complaints.

- On January 8, 2015, the second Process Server Compliant Review Committee meeting to make recommendations to the JBCC on 14 complaints.
- Compliance staff is in the process of coordinating additional complaint review committee meetings as the complaint investigations are completed.

Additional Certification Division Accomplishments

- Certification staff has been working on records retention schedule project and the new JBCC performance measures.
- Scanning Project: Completed 137 boxes of court reporter and court reporting firms licensing files. Reviewed the electronic scanned files to verify the project is correct.
- Certification staff moved to their new office space located on the 5th floor of the Tom Clark building.
- Additional information can be found on our JBCC web page located at <http://www.txcourts.gov/jbcc>.