

# ANNUAL REPORTS OF THE JUDICIAL SUPPORT AGENCIES 2002 FISCAL YEAR

## ACTIVITIES AND ACCOMPLISHMENTS

### TEXAS JUDICIAL COUNCIL OFFICE OF COURT ADMINISTRATION JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY TASK FORCE ON INDIGENT DEFENSE

#### INTRODUCTION TO THE REPORTS

*Reports for the fiscal year 2002 activities of the Texas Judicial Council, Office of Court Administration, Judicial Committee on Information Technology, and Task Force on Indigent Defense follow this introductory section.*

The 22-member **Texas Judicial Council** is the primary policy-making body responsible for studying and recommending changes to the current and future state of the judiciary. The Chief Justice of the Supreme Court and the Presiding Judge of the Court of Criminal Appeals serve as chair and vice-chair of the Council, respectively. The Chief Justice, the Governor of Texas, the Lieutenant Governor, and the Speaker of the House appoint the other members, which include ten judges, four legislators, and six citizen members from across the state. Together with the input of judges, legislators, public officials, members of the bar, and the public, the Council strives to improve the quality and efficiency of justice in Texas.

The headquarters staff of the **Office of Court Administration**, authorized at a budget level of 44.5 full-time equivalents, provides research support, as well as technical, legal, and administrative assistance, to the Texas Judicial Council, the Judicial Committee on Information Technology, other judicial boards and commissions, and all courts of the state. Acting under the direction and supervision of the Supreme Court and the Chief Justice, and managed by an administrative director, the Office of Court Administration conducts research and studies as well as provides management and technical assistance to provide uniform administration of the courts and efficient administration of justice throughout the state judicial system.

OCA also employs personnel (88.5 full-time equivalents) needed to administer the adjudication of Title IV-D (child support establishment and enforcement) cases within the expedited time frames established by Chapter 201.110 of the Texas Family Code and personnel (30.0 full-time equivalents) needed to administer the adjudication of substitute care and child protective services cases within the time frames established by Chapter 263 of the Texas Family Code.

The 15-member **Judicial Committee on Information Technology (JCIT)** was created in 1997 by Senate Bill 1417, the Judicial Efficiency Bill, during the 75<sup>th</sup> Legislature. The committee's mission is to establish standards and guidelines for the systematic implementation and integration of information technology into the trial and appellate courts in Texas.

The 13-member **Task Force on Indigent Defense** is charged with directing and monitoring the distribution of funds to counties to provide indigent defense services, developing policies and standards for providing legal representation and other defense services to indigent defendants, providing technical support to counties relating to indigent defense, and establishing a statewide county reporting plan for indigent defense information. The Office of Court Administration employs 5.0 full-time equivalents to support the activities of the Task Force.

# ANNUAL REPORT OF THE TEXAS JUDICIAL COUNCIL

## FISCAL YEAR 2002

### I. INTRODUCTION

The Texas Judicial Council (Council) was created in 1929 by the 41<sup>st</sup> Legislature to study and make recommendations for improving the administration of the Texas judicial system. Since its inception, the Council has collected comprehensive statewide statistics on the operation of Texas' courts. The Office of Court Administration (OCA) helps the Council fulfill its duties by collecting and annually publishing information on the docket activities of each appellate, district, county, justice, and municipal court in the state.

In 1997, the 75<sup>th</sup> Legislature passed House Bill 2297 which restructured the membership of the Council and placed it under the direct supervision of the Chief Justice. Those changes, along with legislative appropriations for the hiring of two full-time staff persons, substantially improved the Council's ability to address the most pressing issues facing Texas' judicial system.

This report discusses the activities, findings, and recommendations of the Texas Judicial Council since December 1, 2001.

### II. DUTIES, MEMBERSHIP, MEETINGS, AND COMMITTEES

**A. Duties.** Chapter 71, Government Code, charges the Council with the following duties:<sup>1</sup>

- continuously study the organization, rules, procedures and practice, work accomplished, results, and uniformity of the discretionary powers of the state courts and methods for their improvement;
- receive and consider advice from judges, public officials, members of the Bar, and citizens concerning remedies for faults in the administration of justice;
- design methods for simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in the administration of justice;
- file a complete detailed report with the Governor and the Supreme Court before December 2 of each year on Council activities, information from the Council's study, and Council recommendations;
- investigate and report on matters concerning the administration of justice that the Supreme court or the Legislature refers to the Council; and
- gather judicial statistics and other pertinent information from the several state judges and other court officials of the state.

**B. Membership** The Council consists of 22 members. Chief Justice Thomas R. Phillips serves *ex officio* as chair, and Presiding Judge Sharon Keller of the Court of Criminal Appeals serves *ex officio* as vice-chair. Chief Justice Phillips appointed the following judges to serve on the Council:

Chief Justice John H. Cayce (2<sup>nd</sup> Court of Appeals);  
Judge Al Green (Justice of the Peace Precinct 7, Harris County);  
Justice Ann McClure (8<sup>th</sup> Court of Appeals);

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<sup>1</sup> See §§ 71.031-71.035, Government Code.

Judge Orlinda L. Naranjo (Travis County Court-at-Law No. 2);  
Judge Jim Parsons (3<sup>rd</sup> District Court);  
Judge Glenn Phillips (Kilgore Municipal Court);  
Judge Penny L. Pope (Justice of the Peace Precinct 2, Galveston County);  
Presiding Judge Dean Rucker (318<sup>th</sup> District Court);  
Judge Rodolfo Tamez (Presiding Judge, Corpus Christi Municipal Court); and  
Judge Mike Wood (Harris County Probate Court No. 2).

Lieutenant Governor Bill Ratliff appointed Senator Royce West of Dallas (serving in his capacity as chair of the Senate Jurisprudence Committee) and Senator Robert Duncan of Lubbock to the Council. Speaker Pete Laney appointed Representative Senfronia Thompson of Houston (serving in her capacity as chair of the House Committee on Judicial Affairs) and Representative Pete Gallego of Alpine to represent the Texas House of Representatives on the Council.

Governor George W. Bush appointed the following citizen members to the Council:

Ms. Willie Jean Birmingham (Marshall);  
Mr. Joseph A. Callier, Esq. (Houston);  
Deacon Jose Luis Lopez (Uvalde); and  
Ms. Ann Manning, Esq. (Lubbock).

Governor Rick Perry appointed the following citizen members to the Council:

Mr. Lance Richard Byrd (Dallas); and  
Ms. Delia Martinez-Carian, Esq. (San Antonio).

**C. Meetings.** Since December 1, 2001, the Council conducted one public hearing on September 17, 2002 in Austin. Most of the Council's accomplishments were achieved after extensive study and examination in one of the six special committees appointed to work on the interim legislative mandates and judicial initiatives as discussed below.

**D. Committees.** The Council appoints special committees to conduct the majority of its work. Each committee is instructed to obtain input from the public, the Legislature, the Judiciary, and other interested parties and to submit its final recommendations to the Council for consideration. The following committees were active during the 2001-2002 reporting period:

- ▶ Committee on the Equalization of Appellate Court Funding
- ▶ Committee on District Courts
- ▶ Committee on Juries
- ▶ Committee on Judicial Data Management
- ▶ Committee on Judicial Training
- ▶ Committee on Prosecutors in Justice of the Peace and Municipal Courts.

### **III. LEGISLATIVE MANDATES : RECOMMENDATIONS TO THE 78<sup>TH</sup> LEGISLATURE**

**A. Committee on the Equalization of Appellate Court Funding.** In May 2001, the 77<sup>th</sup> Legislature attached a rider to Senate Bill 1 (the Appropriations Act) that required the Texas Judicial Council (Council) to "study issues involved in equalizing the funding of the sixteen appellate courts... [and to] include a comparison of current funding, staffing levels, caseload, and other appropriate variables."<sup>2</sup> In order to comply with this legislative charge, the Council formed the *Committee on the Equalization of Appellate Court Funding* (Committee) in June 2001. The Committee, chaired by Chief Justice John Cayce,

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<sup>2</sup> See Article IV of S.B. 1, the General Appropriations Act, 77<sup>th</sup> R.S. (2001).

conducted three public hearings and solicited input from several advisory members, the Legislative Budget Board (LBB), the Legislature, and the Council of Chief Justices. The Committee focused on developing a meaningful legislative appropriations process for Texas' appellate courts so as to ensure that sufficient funds are allocated for the preservation of public trust and for the protection of the rule of law. In January 2002, the Committee issued its final report *State Funding for Texas' Appellate Courts*. On September 17, 2002, the Council adopted the report and the following key recommendations:

1. The Texas Supreme Court and the Court of Criminal Appeals should continue to submit their respective individual LARs, separate and apart from the fourteen intermediate appellate courts, under the guidance of the LBB to the Legislature for funding consideration;
2. The fourteen intermediate appellate courts should submit a joint, but not consolidated, LAR on behalf of all of the intermediate appellate courts under the guidance of the LBB to the Legislature for funding consideration. The joint, but not consolidated, LAR will consist of the fourteen individual appellate court LARs presented in a single package, without consolidation;
3. While preparing the joint, but not consolidated, LAR for the fourteen appellate courts, each court should continue to take into account the many factors that can directly affect a court's budget including, but not limited to, the number of justices, the number of full time employees, the number of new case filings, and the number of total cases on the docket;
4. To enhance a court's ability to manage the limited state resources and to promote efficiency and productivity, the appellate courts should maintain the current budget flexibility features afforded to them by the legislature through the block grant concept including the exemptions from FTE and travel cap limitations and the preservation of any Article IX UB between years in a biennia. While the courts appreciate the concept of block grant funding, a uniform funding methodology for the allocation of state funds among the fourteen appellate courts will not produce fair and adequate results;
5. To facilitate and promote effective communication between the judiciary and the legislature, the Council of Chief Justices (CCJ) should continue to select an individual to serve as a representative of the fourteen intermediate appellate courts to provide invaluable testimony and supporting documentation to the legislature on behalf of and in the best interests of the fourteen intermediate appellate courts as a whole. However, due to the unique attributes of each of the fourteen appellate courts, each chief justice should maintain the discretion to testify before the legislature concerning the individual needs of his/her respective court; and
6. At the beginning of each legislative session, the CCJ should request that the legislature convene a joint subcommittee of House Appropriations and Senate Finance to separately address the LARs of the fourteen intermediate appellate courts such that the joint subcommittee could submit its recommendations to both the House and Senate for final approval.

**B. Committee on District Courts.** In May 2001, the 77<sup>th</sup> Legislature attached a rider to Senate Bill 1 (the Appropriations Act) that required the Texas Judicial Council (Council) to "prepare a report on current district court locations, populations served, docket activity and other appropriate variables that would inform a legislative determination on the need for creating additional district courts."<sup>3</sup> The rider also instructed the Council to collect statistics regarding the use of visiting judges and the efficiency of the current district court system. In order to comply with this legislative charge the Council formed the *Committee on District Courts* (Committee) in June 2001. The Committee, chaired by Representative Pete Gallego, recognized that both the Judiciary and the Legislature need an objective and reliable methodology to determine the location of any additional district courts in Texas. As a result, the Committee focused on developing appropriate criteria that would enable lawmakers to properly assess and identify those counties

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<sup>3</sup> See Article IV of S.B. 1, the General Appropriations Act, 77<sup>th</sup> R.S. (2001).

that are in need of additional judicial resources. After holding three public hearings, conducting extensive research, and soliciting input from the Legislature, the Presiding Judges of the nine administrative judicial regions, and the Judiciary, the Committee submitted its final work product to the Council for approval. On September 17, 2002, the Council adopted the Committee's report *Assessing Judicial Workload in Texas' District Courts*, which included the following key recommendations:

1. The 78<sup>th</sup> Legislature should strive to fulfill its constitutional duty to equitably distribute judicial districts across the state;
  2. The Texas Legislature should consider the implementation of statewide uniform jurisdiction for courts at the same level;
  3. The 78<sup>th</sup> Legislature should appropriate the necessary funding to the Office of Court Administration and the Texas Judicial Council, for the implementation of a judicial workload assessment (weighted caseload study) for Texas' judicial districts to be conducted by the National Center for State Courts (NCSC) or some other comparable entity. The Legislature should also consider appropriating the necessary funding for a judicial workload assessment of Texas' entire trial court system;
  4. The 78<sup>th</sup> Legislature should consider the implementation of a standardized procedure that would allow for the establishment of any additional district courts only as they are needed and only after a quantitative and qualitative review;
  5. The Presiding Judges of Texas' nine administrative regions should develop and implement a Visiting Judge Reporting Form to be submitted to the Office of Court Administration (OCA) at least annually for inclusion in the Annual Report of the Texas Judicial System;
  6. In an effort to improve the administration of and accessibility to Texas' district courts, judges and court personnel should continually strive to implement improvements in case management strategies, technology, and administrative procedures;
  7. The Judicial Committee on Information Technology (JCIT) should continue its ongoing efforts to improve the technology that is available to the trial courts to promote internal efficiency; and
  8. The Office of Court Administration (OCA) should continue its ongoing efforts to simplify the Annual Report of the Texas Judicial System by developing an automated reporting system, monitoring the quality of the data, improving court compliance, and streamlining the analysis of statewide trends and key statistical factors.
- C. Committee on Juries.** In 2001, the 77<sup>th</sup> Legislature passed Senate Bill 395 by Senator Robert Duncan, which directed the Texas Judicial Council (Council) to "conduct a study to examine jury service in each county of this state; collect and examine information relating to reimbursement of expenses for jurors and other incentives for jury service." The Council was also required to collect and examine demographic and statistical information regarding each county's prospective and empaneled jurors. To comply with this charge, the Council created the *Committee on Juries* (Committee) in June 2001. The Committee, chaired by Senator Duncan, conducted two public hearings and solicited input from the 254 counties, the Legislative Budget Board, the Legislature, and the Judiciary. The Committee plans to issue its preliminary report and recommendations in December 2002.
- D. Committee on Judicial Data Management.** In June 2001, pursuant to a rider attached to Senate Bill 1 (the Appropriations Act),<sup>4</sup> the Council formed the *Committee on Judicial Data Management* (Committee), chaired by Judge Jim Parsons, to provide general assistance and guidance to the Office of Court Administration (OCA) in its effort to streamline, revise, and simplify the annual report of the Texas judicial

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<sup>4</sup> See Article IV of S.B. 1, the General Appropriations Act, 77<sup>th</sup> R.S. (2001).

system. With a goal of increasing the accuracy and efficiency of the current reporting process, the Committee met in June 2001 to discuss alternative data submission options such as electronic data reporting and web-based reporting. After addressing the fiscal and statistical impacts of various reporting options, the Committee recommended, in part, that the OCA maintain the current summary-level database and pursue the web-based reporting option for the district and county courts. The Committee also requested that the OCA organize a workgroup of interested parties to examine the current data elements, propose any additional elements, develop clear definitions and directions, and explore the feasibility and usefulness of a cover sheet for civil case filings. The Committee plans to submit its final recommendations to the Council for approval in 2003.

#### IV. OTHER LEGISLATIVE PROPOSALS

**A. Judicial Campaign Finance.** In October 1999, the Supreme Court of Texas created the Judicial Campaign Finance Study Committee (Study Committee) and asked the Study Committee to “propose both rule and statutory changes to improve the way in which campaigns for the Texas judiciary are financed.”<sup>5</sup> In February 1999, the Study Committee issued its final report and recommendations to the Supreme Court. The Court then held two public hearings with invited public testimony on the Study Committee’s report. As part of its disposition of the Study Committee’s recommendations, the Court directed the Texas Judicial Council (Council) to review the suggestions that: (1) limits be placed on the amount of campaign funds that judges can retain between elections; (2) limits be placed on judges’ use of political contributions to make donations to political organizations; and (3) voter guides be developed to inform the public about judicial candidates. As a result, in August 1999, the Council created the *Committee on Judicial Campaign Finance* (Committee), chaired by Judge David Patronella, to study the issues outlined in the Court’s directive and to develop recommendations for consideration by the full Council. The following legislative recommendations, which were filed during the 77<sup>th</sup> Regular Session but did not become law, were addressed by the Council in September 2002:

- ▶ **Judicial Contribution Limit.** Senate Bill 822 by Senator Royce West would have established that for the purposes of contribution limits and limits on the reimbursement of personal funds, the primary and the general elections would be considered a single election for unopposed judicial candidates. That recommendation passed the Senate, but died in House Committee. The Council voted to support the legislative proposal during the upcoming 78<sup>th</sup> Legislative Session.
- ▶ **Judicial Contribution Prohibition.** Senate Bill 823 by Senator Royce West and House Bill 167, as substituted, by Representative Pete Gallego would have prohibited unopposed judicial candidates, including independent and write-in candidates, from accepting political contributions. Judicial candidates would still be permitted to receive contributions during the 210 days prior to the filing deadline. After receiving a public hearing, each proposal died in committee. The Council voted to support the legislative proposal during the upcoming 78<sup>th</sup> Legislative Session.
- ▶ **Judicial Elections.** House Bill 1117 by Representative Toby Goodman was similar to one of the Council’s recommendations. The proposal would have required a candidate for office to the supreme court or court of criminal appeals who chose to pay the filing fee to also submit a petition with a minimum of 100 signatures from each of the five state senatorial districts. The bill, which was passed by the 77<sup>th</sup> Legislature, was vetoed by the Governor in June 2001. The Council voted to support the legislative proposal during the upcoming 78<sup>th</sup> Legislative Session.
- ▶ **Cross-Filing in Judicial Elections.** House Bill 2884 by Representative Pete Gallego would have provided that a candidate for office to the supreme court, the court of criminal appeals, a court of appeal, a district court, or a statutory county court could seek nomination in the primary and/or general election as the nominee of one or more parties. The Council left the proposal pending.

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<sup>5</sup> See Misc. Docket No. 99-9112, Page 1, citing Order in Misc. Docket No. 98-9179, Par.1.

- B. Visiting Judge Program.** In November 1998, the Council submitted to the 76<sup>th</sup> Legislature several legislative proposals for improving the visiting judges' program. Those recommendations, which were filed as Senate Bill 263 by Senator Robert Duncan, were passed by the Senate and died in House Committee. In December 2000, the Council agreed to submit those same recommendations to the 77<sup>th</sup> Legislature. Those recommendations, which were filed as Senate Bill 397 by Senator Robert Duncan, died in Senate Committee. In September 2002, the Council voted to support the proposal during the upcoming 78<sup>th</sup> Legislative Session.
- C. Judicial Districts Board.** The state's district courts have not been comprehensively redistricted since 1883 and the work of the Judicial Districts Board after the last census was not addressed by the Legislature. The Council created the *Committee on Judicial Redistricting* (Committee) to study and make recommendations to improve the method of reapportioning judicial districts in Texas. The Committee developed a legislative proposal that would abolish the Judicial Districts Board but retain the constitutional provision that requires the Legislative Redistricting Board to reapportion state judicial districts. In January 1999, the Council agreed to submit the recommendation to the 76<sup>th</sup> Legislature. That recommendation, which was filed as Senate Bill 412/Senate Joint Resolution 20, was passed by the Senate and died in House committee. In December 2000, the Council agreed to submit that same recommendation to the 77<sup>th</sup> Legislature. The proposals, filed as House Bill 1473/House Joint Resolution 61 by Representative Pete Gallego and Senate Bill 394/Senate Joint Resolution 15 by Senator Robert Duncan, died in committee. In September 2002, the Council left the recommendation pending until the next Council meeting.

## V. JUDICIAL COUNCIL INITIATIVES

- A. Committee on Judicial Training.** Currently, a number of associate judges, masters, magistrates, and referees may not receive sufficient judicial education or training. Yet, these individuals are serving in a judicial capacity and are subject to judicial sanctions. In June 2001, the Council formed the *Committee on Judicial Training* (Committee), to study and make recommendations regarding the need for judicial education and training of associate judges, masters, magistrates, and referees. The Committee, chaired by Justice Ann McClure, held its first public hearing on November 7, 2002 and plans to submit its recommendations to the Council for approval in December 2002.
- B. Committee on Prosecutors in the Justice of the Peace and Municipal Courts.** In June 2001 the Council formed the *Committee on Prosecutors in the Justice of the Peace and Municipal Courts* (Committee) to identify, study, and make recommendations regarding those municipal and justice of the peace courts that do not have a prosecutor. The Committee, chaired by Judge Glenn Phillips, has begun its preliminary investigation into the matter and plans to meet in late December.
- C. Committee on the Judicial Voter Information Guide.** As a result of the passage of House Bill 59 by Representative Robert Puente regarding the making of a voter information guide for judicial elections, the Council formed the *Committee on the Voter Information Guide* (Committee). Chief Justice Phillips offered the assistance of this Committee to the Secretary of State for the development and implementation of the voter information guide.

## VI. OTHER COUNCIL ACTIVITIES

- A. Student Loan Repayment Program.** The 77<sup>th</sup> Legislature appropriated funds by rider to the Texas Judicial Council to maintain the student loan repayment program which was created by the 76<sup>th</sup> Legislature for those individuals who accept clerkships or temporary attorney positions in the appellate courts.<sup>6</sup> The rider allocated \$255,763 to the program for each fiscal year of the biennium (for a total of \$511,526). In fiscal year 2002, there were 67 eligible applicants. Pursuant to the administrative guidelines as developed with assistance of the state's law schools, the staff of the Higher Education Coordinating Board, the Judiciary, and members of the Bar, applicants received a loan reimbursement in the amount of \$3,830.26 for 12 months of service at an appellate court.

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<sup>6</sup> See Article IV of S.B. 1, the General Appropriations Act, 77<sup>th</sup> R.S. (2001).

**B. Hate Crime Reporting.** House Bill 587 by Representative Senfronia Thompson relating to the investigation and prosecution of certain hateful acts was passed by the 77<sup>th</sup> Legislature and signed by the Governor in May 2001. To comply with the reporting requirements in the bill, the Office of Court Administration (OCA) developed a reporting form entitled "Report of a Request for a Hate Crime Finding." This form, along with a cover letter, was forwarded to each district and county clerk in August 2001. Since December 1, 2001, the OCA has received a total of six reports.



ANNUAL REPORT OF THE  
**OFFICE OF COURT ADMINISTRATION**  
FISCAL YEAR 2002

## I. INTRODUCTION

The Office of Court Administration was created in 1977 by the 65<sup>th</sup> Legislature to provide support and technical assistance to Texas courts at all levels, thereby providing the public access to a judicial system that is efficient and just.

The duties of the Office of Court Administration and its administrative director are set forth in sections 72.011 – 72.027, Government Code. According to section 72.011:

- (a) The office of court administration is an agency of the state and operates under the direction and supervision of the supreme court and the chief justice of the supreme court.
- (b) The office shall exercise the powers and perform the duties or functions imposed on the office by this chapter or the supreme court.

The **Mission Statement** of the Office of Court Administration is:

**To promote Justice by providing Leadership and Service to the Texas Judicial System.**

*The Office will provide **leadership** by developing and implementing policies which enhance the Texas Judicial System; fostering court adaptation to future change; securing sufficient resources for state and local courts; strengthening the leadership role of the courts; providing innovative models for the organization and administration of the courts; and encouraging collaboration with and within all courts in Texas.*

*The Office will provide **service** by offering technical assistance; promoting knowledge; informing; educating; and generally supporting courts and judicial organizations.*

## II. SUMMARY OF AGENCY DUTIES AND ACTIVITIES

The following is a brief synopsis of the duties and activities of each division at the Office of Court Administration (OCA).

### *Divisions*

- A. Research, Court Services, and Judicial Information.** The Research, Court Services, and Judicial Information Division serves as a resource for the courts in key areas of judicial administration. The division provides consultation on recommended best practices in administrative operations, works to establish innovative court programs, serves to increase public accessibility to the courts, and helps develop and implement programs designed to increase the collection of fines, fees, and court costs. Moreover, division staff collect, analyze, and publish information related to court activities throughout the state. The statistics collected focus on significant issues and accomplishments in the judicial arena and are used for identifying opportunities for improvement in the judicial system. The division also produces the Texas Judicial System Annual Report and the Texas Judicial System Directory. An expanded discussion of the activities and accomplishments of the Research and Court Services Department is included in Section IV.
- B. Judicial Planning.** The Judicial Planning Division directs strategic and long range planning for the Texas Judicial System. It provides staff support for the Texas Judicial Council in its effort to study the organization and work accomplished by the state's courts and methods for their improvement. The division consults with all levels of courts and the other branches of government to evaluate the effectiveness of planning and operational strategies, including the development of recommendations to the legislature. A

more comprehensive presentation of the work products of the Judicial Planning Division is included in the annual report of the Texas Judicial Council.

- C. Information Services.** The Information Services Division provides staff support for the Judicial Committee on Information Technology (JCIT). Division staff research, plan, and implement the latest technological innovations that best meet the strategic direction of the JCIT to facilitate improved court efficiencies and to promote establishment of technology standards throughout the Texas courts. The division also provides technical support of the desktops and network infrastructure for the appellate courts, as well as technical support for case management software for the appellate and trial courts. A more comprehensive description of the accomplishments of the JCIT and the Information Services Division follows this report on the OCA.
- D. Indigent Defense.** The Indigent Defense Division supports the Task Force on Indigent Defense in directing and monitoring the distribution of funds to counties to provide indigent defense services, developing policies and standards for providing legal representation and other defense services to indigent defendants, providing technical support to counties relating to indigent defense, and establishing a statewide county reporting plan for indigent defense information. A more comprehensive description of the accomplishments of the Task Force follows this report on OCA.
- E. Legal.** The Legal Division attorneys render legal advice to OCA management and to judicial officers and boards. The Legal Division produces the District Clerk Procedure Manual and County Clerk Procedure Manual, and promulgates legislatively-mandated forms such as the model jury summons and questionnaire and the standard felony judgment form. It provides training to judges and clerks on relevant matters of law. It also assists the presiding judges in administering the Title IV-D Masters Program and the Foster Care Courts Program. An expanded discussion of the activities and accomplishments of the Legal Division is included in Section IV below.
- F. Finance and Operations.** The Finance and Operations Division provides technical assistance to appellate courts and other judicial entities in their business operations. The division also provides administrative, accounting and budgetary support to agency management and employees, as well as to other judicial boards and commissions.
- G. Human Resources.** The Human Resources (HR) Division provides services in support of OCA's efforts to recruit, hire, train, compensate and retain the skilled workforce needed to support the judiciary. The division is available as a technical resource to assist judicial officers, courts, boards, and commissions with a variety of human resources issues, including drafting of personnel policies and procedures, assisting with personnel-related compliance audits, recruiting of staff, and providing training for judges and clerks on various personnel topics. The HR Division also takes a leadership role in keeping the courts abreast of current employment laws, trends, and mandates required for effective human resources management.

### **III. STRATEGIC PLANNING AND CUSTOMER SERVICE**

#### **A. Strategic Plan**

On June 3, 2002, OCA submitted its first, formal strategic plan to the Legislative Budget Board and the Governor's Office. In the plan, OCA identified two agency goals: (1) Improve Processes and Report Information, and (2) Complete Specialized Court Program Cases.

The first goal includes strategies for Court Administration, Information Technology, Docket Equalization, Assistance to Administrative Judicial Regions, and Indigent Defense. The second goal includes the Title IV-D (Child Support) Masters and Assistants Program and the Foster Care Courts Program. A complete copy of the Strategic Plan for Fiscal Years 2003-07 can be found at OCA's Website:

[http://www.courts.state.tx.us/oca/strategic\\_plan/table\\_of\\_contents.htm](http://www.courts.state.tx.us/oca/strategic_plan/table_of_contents.htm)

## B. Customer Service Survey

As part of the strategic planning process, OCA completed a customer service survey. Customers were asked to respond to statements in the survey using a numerical scale, with “5” signifying “Strongly Agree” and “1” indicating “Strongly Disagree.” The survey instrument covered staff knowledge and courtesy, proper routing (communication) of the requests or inquiries, timeliness of responses, complaint handling, clarity and comprehensiveness of website and printed information, overall service quality, and suggestions for improvement of service delivery.

The survey was sent to the chief justices and court clerks of the sixteen appellate courts, as well as to the presiding judge of each of the nine Administrative Judicial Regions. The survey was also sent to a proportional, stratified, random sample of 515 trial courts (approximately 20 percent of the customer base of 2,587 trial courts). In total, 556 customers were surveyed.

Overall, respondents expressed a high level of satisfaction with OCA services. More than 98 percent of all respondents rated their overall satisfaction between a “3” and “5.” As shown below, the average score was 4.41.

### OVERALL CUSTOMER SATISFACTION

	<i>% Respondents Indicating Satisfaction</i>	<i>Lowest Score Received</i>	<i>Highest Score Received</i>	<i>Mean Score</i>
<b>Overall, I was satisfied with my experience. (n=152)</b>	<b>98.6 %</b>	<b>1</b>	<b>5</b>	<b>4.41</b>

The complete report on customer service can be found at OCA’s website:

[http://www.courts.state.tx.us/oca/CSR\\_FY02.htm](http://www.courts.state.tx.us/oca/CSR_FY02.htm)

## IV. ACCOMPLISHMENTS IN FISCAL YEAR 2002

### A. RESEARCH AND COURT SERVICES DEPARTMENT

During fiscal year 2002, the department’s activities included the development and continuation of numerous programs and projects designed with the purpose of increasing the collection of fines, fees, and court costs, improving the administrative operation of the courts, and increasing the public’s accessibility to the courts. The highlights of the programs and projects of the Research and Court Services Department are as follows:

- 1. Collections Improvement Project.** Assisted in implementing OCA’s model fine collections programs in the county-level courts in Medina and Gillespie counties, the justice courts in Wichita County, and the municipal court in the City of Odessa. Also, OCA provided technical assistance to the existing fine collections programs in Bexar, Bowie, Cameron, Dallas, El Paso, Galveston, Harris, Hidalgo, Jefferson, Kerr, Lubbock, Montgomery, Randall, San Patricio, and Tom Green counties. Further, OCA evaluated how collections are handled in the City of Lockhart and in Aransas, Grayson, Hood, Travis, and Wharton counties and made collections improvement recommendations. By the end of fiscal year 2002, 34 counties, 4 cities, and 156 courts (including district, county-level, justice, and municipal courts) in the state were utilizing fine collections programs.
- 2. Rural Court Delay Reduction Program.** Obtained a \$96,966 grant from the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program to continue a rural court delay reduction program for a fourth and final year. The program was originally implemented in six district

courts that serve a total of 18 counties. Due to the success of the program in the 21<sup>st</sup> and 335<sup>th</sup> District Courts, the commissioners courts in the counties served by those courts agreed to fund, starting on June 1, 2001, the court coordinator position originally created and funded under this grant project. As a result, during the fourth year of the project, a total of four district courts that serve a total of 14 counties continued to receive grant funding. This grant project provided trained court coordinators to assist judges in drug and criminal case management through the use of OCA's case management software and the implementation of innovative case management techniques, including differentiated case management. The participating counties agreed to provide a cash match of \$32,322, resulting in a total project cost of \$129,288. The grant period was June 1, 2001 through May 31, 2002.

3. **Criminal Differentiated Case Management Pilot Project.** Obtained a \$161,369 grant from the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program to continue the implementation of a criminal differentiated case management system in the district courts in Lubbock and Hidalgo counties. The goal of the project was to improve the criminal case management system in each of the project counties to enable the district courts to dispose of criminal cases in a more expeditious manner and make better use of existing judicial resources. The participating counties agreed to contribute a cash match of \$53,790, resulting in a total project cost of \$215,159. The grant period was September 1, 2001 to August 31, 2002.
4. **Juvenile Law Referees.** Obtained a \$190,803 Juvenile Justice Accountability Incentive Block Grant to continue the project for a third year. The purpose of the project was to hold juvenile offenders more accountable for their actions by providing additional judicial officers and support staff to efficiently and effectively process the large volume of juvenile cases in Hidalgo and Bexar counties. The participating counties agreed to provide a cash match of \$126,403, resulting in a total project cost of \$317,206. The grant period was August 1, 2001 through July 31, 2002.
5. **Case Management Review of Grayson County Courts.** Conducted a case management review of three district courts and two county courts at law in Grayson County in order to gain an understanding of the manner in which cases were processed. During the period May 2000 to November 2001, OCA gathered statistical and other information, performed site visits to interview participants involved in processing cases, and analyzed the information collected to identify opportunities for improvement in the case management system. A final report of findings and recommendations was released in December 2001.
6. **Financial Management Counseling Pilot Project.** Obtained a \$40,000 grant from the State Justice Institute to implement a pilot project in Dallas County designed to improve the services provided to offenders referred to the Dallas County Criminal Courts Collections Department. The goal of the project, which involved the hiring of a financial management counselor ("FMC"), was to improve the collections rate of the department by assisting offenders who requested assistance with personal debt management for the purpose of paying their court-ordered fines, fees, and court costs. The grant period was May 1, 2000 to April 30, 2002. A final evaluative analysis report of the pilot project was published in April 2002. Due to the success of the project, the Dallas County commissioners court agreed to continue funding the FMC position after grant funding for the pilot project ended.
7. **Trial Court Technology Survey - 2001.** In August 2001, OCA and JCIT surveyed all trial courts, district clerks, and county clerks in the state to determine their technology capabilities and needs. Because of the technical nature of the information sought, considerable follow up with the courts and clerks was required. A final report on the survey results was released in August 2002.
8. **Court Costs and Fees Handbook for County Clerks and District Clerks.** Drafted a handbook to aid clerks and others by providing up-to-date information on various topics concerning court costs and fees in criminal cases. The handbook was published in September 2001.
9. **Court Financial Management Handbook for Texas Counties.** Drafted a handbook to aid judges, clerks, county auditors, and others by providing up-to-date information on various topics regarding justice, county-level, and district court financial management. The handbook was published in April 2002.

The grants received by OCA (from federal, state, or other sources) for projects, such as those described in 2., 3., 4. and 6. above, are primarily pass-through grants which go to local participating governments or courts to cover the project costs under the grant. The local government or court also generally provides the preponderance of any local matching funds required as a condition of the grant. Generally, OCA participation under the grant project occurs on an “in-kind” basis and takes two forms: (1) Research and Court Services research staff participate in the actual research, analysis, and report-writing phases of a grant project; and (2) OCA staff serve as grant manager or fiscal agent in administering the grant by reviewing expenditures and filing necessary grant reports to the funding agency. By providing this assistance at minimal or no cost to the grant, OCA can maximize the use of grant funds for the local participant.

## **B. LEGAL DIVISION**

During fiscal year 2002, the Legal Division provided legal counsel and assistance to OCA management and to judicial officers and boards. Some of the major projects for which the division has taken a leadership role are as follows:

- 1. Task Force on Indigent Defense.** A division attorney served as acting interim director of the Task Force on Indigent Defense, ensuring that OCA and the counties implemented the Fair Defense Act before the Task Force was appointed, and providing legal counsel and assistance.
- 2. Information Services.** The division assisted the Judicial Committee on Information Technology in its Judicial Data project and its Electronic Filing project, and rendered assistance throughout the year on procurements and technology contracts important to the success of various projects of JCIT.
- 3. Judicial Redistricting.** The division’s general counsel served as counsel to the Judicial Districts Board and provided assistance to the Senate Jurisprudence Committee in its judicial redistricting charge.
- 4. Training.** OCA attorneys served as faculty to the Texas County and District Courts Association, the State Bar of Texas, the Texas Justice Court Training Center, the Texas Municipal Courts Education Center, the Texas Association of Counties, the County and District Clerks’ Association, and other entities.
- 5. Assistance to the Presiding Judges.** OCA’s Legal Division also enhanced the services provided to the presiding judges of the administrative judicial regions. For the Title IV-D Masters Program, Legal staff assisted with the administration of employment evaluations of the masters and assistants. For the Foster Care Courts program, Legal staff assisted with the implementation of six new courts. Legal staff also assisted with judicial training for the Title IV-D masters and the Foster Care Courts staff. The presiding judges met as a board to administer the Title IV-D Masters Program and the Foster Care Courts Program seven times between September 1, 2001 and August 31, 2002. The Legal Division provided administrative support at these meetings.
- 6. Title IV-D Masters Program.** Through a cooperative agreement with the Office of the Attorney General, OCA receives state and federal funds to administer the Title IV-D Masters Program. The program consists of 41 masters who hear child support cases, their 39 assistants, and two court monitors. OCA pays the salary and travel expenses for the Title IV-D Masters Program staff. OCA also maintains an automated case management system to support the Title IV-D Masters Program. The system permits the masters, assistants, and court monitors to monitor their caseloads and report caseload information to their presiding judges.
- 7. Foster Care Courts.** During fiscal year 2002, six new foster care courts were established, for a total of 14 foster care courts. Two more courts will begin operations in FY 2003. Currently, each

court serves between four and 17 counties; a total of 124 counties are served by these courts. The Legal Division's Foster Care Courts' attorney also worked with the Legislative Budget Board and the Governor's Office to develop performance measures for the Foster Care Courts. The performance measures will count the number of hearings and the number of children receiving a final order within each fiscal year.

### **C. FINANCE AND OPERATIONS DIVISION**

- 1. MIP Accounting System.** In March 2002, OCA began using its new MIP (Micro Information Products) accounting system, which will allow the agency to interface with the state's Uniform Statewide Accounting System (USAS) to track financial data more effectively, while providing a wide variety of reporting capabilities that were not available in the past. As of August 31, 2002, OCA has completed implementation of the new system. All accounting data for FY 2002 has been entered, and FY 2003 data is being entered exclusively into the new system.
- 2. Internal Audit.** In FY 2002, OCA began planning to implement an internal audit function. The agency intends to contract with a vendor to provide internal audit services that comply with the Texas Internal Auditing Act, §2102.001 et seq. of the Texas Government Code. Section 2102.003 defines "state agency" as a department, board, bureau, institution, commission, or other agency in the executive branch of state government. Therefore, the OCA, being in the judicial branch of state government, is exempt from this requirement.

Despite OCA's statutory exemption, OCA's administrative director has determined it is in the best interest of the agency to implement internal auditing activities at OCA, using Chapter 2102 as its guide. The auditing services will assist the administrative director by furnishing independent analyses, appraisals, and recommendations about the adequacy and effectiveness of OCA's systems of internal control policies and procedures and the quality of performance in carrying out assigned responsibilities.

The internal auditing function will be implemented at OCA in FY 2003.

### **D. HUMAN RESOURCES DIVISION**

The Human Resources Division was created late in fiscal year 2001 as a separate division reporting directly to OCA's administrative director.

During fiscal year 2002, activities were focused on hiring a new director and reviewing, revising and/or developing agency policies and procedures related to human resources management. Accomplishments include successful resolution of an October 2001 personnel policy audit by the Texas Commission on Human Rights (TCHR); successful completion of a risk management review conducted by the State Office of Risk Management (SORM) in May 2002; revision of the agency's EEO training program; development of an agency Workforce Plan in support of the FY 2004-2005 Strategic Plan; and assisting in the recruitment and selection of 25 new employees across various programs (including the newly-formed Task Force on Indigent Defense).

Preliminary steps were taken to assist the appellate courts (through the Council of Chief Justices) in coordinating personnel policies and recruitment initiatives, such as the creation of a uniform employment application for the courts' legal personnel. In addition, the Human Resources Division responded to numerous inquiries from appellate court clerks, or served as intermediary between the clerks and other agencies (e.g. State Auditor, SORM, etc.), regarding a variety of human resources issues and concerns.

# ANNUAL REPORT OF THE JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY FISCAL YEAR 2002

## I. INTRODUCTION

The Office of Court Administration (OCA) provides staff for researching and planning activities, fiscal services, and administrative support to the Judicial Committee on Information Technology (JCIT). The 75<sup>th</sup> Legislature created the JCIT in 1997 in Senate Bill 1417, the Judicial Efficiency Bill. The committee's mission is to establish standards and guidelines for the systematic implementation and integration of information technology into the trial and appellate courts in Texas. Its goal is to coordinate the design and implementation of a statewide computer communications network and a comprehensive justice information system. The general powers and duties of JCIT are outlined in Section 77.031, Texas Government Code (Vernon 1997).

## II. MEMBERSHIP

The 15 voting members of the JCIT are appointed by the Chief Justice of the Supreme Court to represent all levels of the judiciary—including, but not limited to appellate court judges, appellate court clerks, district court judges, county court judges, statutory probate judges, justices of the peace, municipal court judges, district attorneys, court reporters, court administrators, district or county clerks, members of the legislature, attorneys, and the general public. Voting members serve four-year terms. Eight of the current members are serving terms set to end August 31, 2003, and seven of the current members are serving terms set to end August 31, 2005. All current voting member appointments were made on August 28, 2001. Seventeen additional members serve as non-voting liaison and advisory members of the committee, with no defined terms.

Members of the JCIT as of August 31, 2002 were:

<b>MEMBER</b>	<b>POSITION</b>	<b>TERM EXPIRES</b>
Peter Vogel, Chair	Partner, Gardere Wynne Sewell LLP, Dallas	2003
Dr. Don Hardcastle, Vice Chair	Professor, Baylor University, Waco	2003
Hon. Richard Barajas	Chief Justice, 8th Court of Appeals, El Paso	2005
Hon. George H. Boyett	Justice of the Peace, Brazos County Precinct 3, College Station	2003
Hon. Mike Cantrell	Commissioner, Dallas County, Dallas	2005
Hon. Scott Hochberg	State Representative, Houston	2005
Hon. Jay Johnson	Former Swisher County Judge, Austin	2005
Hon. Jon Lindsay	State Senator, Houston	2005
Hon. Lamar McCorkle	Judge, 133rd Judicial District, Houston	2005
Judy D. Miller	Court Reporter, Tarrant County Criminal District Court #3, Fort Worth	2003
Hon. Michael L. O'Neal	Presiding Judge, City of Dallas Municipal Court, Dallas	2003
Hon. Mark D. Owens	Judge, Ector County Court at Law Number 2, Odessa	2003
Bob Wessels	Criminal Courts Administrator, Harris County, Houston	2003
Hon. Hardy L. Wilkerson	District Attorney, 118th Judicial District, Big Spring	2005
Hon. Dianne Wilson	County Clerk, Fort Bend County, Richmond	2003

Non-voting Liaison and Advisory Members, who serve at the pleasure of the Chief Justice of the Supreme Court:

<b>MEMBER</b>	<b>POSITION</b>
Hon. Thomas R. Phillips	Chief Justice, Supreme Court of Texas, Austin
Hon. Marilyn Aboussie	Chief Justice, 3rd Court of Appeals, Austin
Hon. Charles Bacarisse	District Clerk, Harris County, Houston
Jerry Benedict	Administrative Director, Office of Court Administration, Austin
Troy Bennett	Clerk, Court of Criminal Appeals, Austin
Hon. Dana DeBeauvoir	County Clerk, Travis County, Austin
R. Michael Eastland	Executive Director, North Central Texas Council of Governments, Arlington
Hon. Reagan Greer	District Clerk, Bexar County, San Antonio
John Hennessey	Director, Management Information Systems, Dallas County, Dallas
Hon. Mike Keasler	Judge, Court of Criminal Appeals, Austin
Hon. Steve M. King	Judge, Tarrant County Probate Court Number 1, Fort Worth
Michael Milby	Clerk, US Texas Southern District, Houston
Diane O'Neal	Clerk, 3rd Court of Appeals, Austin
Richard Orsinger	Attorney, State Bar of Texas, San Antonio
Hon. Phyllis Stephens	District and County Clerk, Upton County, Rankin
Andrew Weber	Clerk, Supreme Court of Texas, Austin
Dean Mitchel Winick	Assistant Dean, Texas Tech School of Law, Lubbock

### **III. OVERVIEW**

JCIT and OCA serve approximately 20,000 court officials and staff in over 3,000 courts in regions, districts, counties, precincts, and municipalities throughout the state. The role of JCIT and OCA is to provide leadership and support to integrate justice information and to affect the seamless exchange of information across courts at all levels.

JCIT requested and received legislative appropriations for the 2002-2003 biennium to support OCA's current infrastructure and software applications for appellate and trial courts, to complete the design and implementation of a standardized appellate court case management system, to assist courts in replacing OCA's aging trial court case management system, and to replace the Judicial Council's court statistics database. The legislature also appropriated funds to upgrade OCA's current network that supports the 16 appellate courts, State Prosecuting Attorney, State Law Library, Court Reporters Certification Board, foster care courts and IV-D Masters, Texas Task Force on Indigent Defense, selected trial courts' electronic mail, and Office of Court Administration.

The JCIT Chair appointed subcommittees for each of the funded projects to provide planning guidance to the OCA staff. The Chair also appointed subcommittees to provide guidance for unfunded, targeted areas including standards, telecommunications, and trial court assistance. All funded and unfunded projects are integrated into the Committee's planning and oversight. Subcommittee membership is extended to non-JCIT members from the public and private sectors to provide specialized expertise and experience.

The Committee has continued to coordinate closely with its stakeholders—state agencies, local governments, and judicial associations—to define requirements and make the best use of scarce resources. The list of stakeholders that JCIT consulted during fiscal year 2002 to improve justice information integration includes the Texas Departments of Information Resources, Public Safety, Protective and Regulatory Services, and Criminal Justice; Criminal Justice Policy Council; Council of Chief Justices of the Courts of Appeals; Telecommunications Planning and Oversight Council; State Bar of Texas; Texas Association of Counties; Texas Tech University School of Law; Texas County and District Clerks Association; Texas Center for the Judiciary; Conference of Urban Counties; Texas Justice Court Training Center; Texas Municipal Court Education Center; Access to Justice Commission; and several counties and regional councils of government.



The Committee also surveyed each court and clerk in Texas to determine their technology needs and priorities. The results are published in the *Trial Court Technology Survey Report 2001*.

#### IV. ACCOMPLISHMENTS

JCIT's successes during fiscal year 2002 include these significant accomplishments.

- A. Appellate Court Projects.** JCIT, through the staff of the Office of Court Administration, completed development of Windows-based case management software for the intermediate appellate courts. Through August 31, 2002, OCA has converted 13 of the 14 intermediate courts of appeals to new case management software. OCA development and implementation work should be complete for the conversions for the remaining intermediate court, plus the Court of Criminal Appeals and Supreme Court, in fiscal year 2003.

OCA converted 11 of 14 intermediate appellate courts to the Texas Judiciary Online (<http://www.courts.state.tx.us/>) website and will convert the remaining courts as scheduled by the courts. Also, OCA developed a case notification system—CaseMail—to notify interested parties of case activities. Interested parties can sign up for CaseMail notices for any case in any appellate court that uses the Texas Judiciary Online website.

The servers and operating systems in all appellate courts except the Supreme Court were upgraded by OCA. The Supreme Court server upgrade will be completed in 2003. OCA also upgraded servers and operating systems for its supported judicial agencies (including the State Prosecuting Attorney, Court Reporters Certification Board, and State Law Library) in fiscal year 2002.

OCA continued infrastructure and daily operations support for its 24 supported entities and began negotiating a disaster recovery planning contract with the West Texas Disaster Recovery and Operations Center (WTDROC).

- B. Electronic Court Filing.** The legislature charged the Committee to “develop minimum standards for an electronically based document system to provide for the flow of information within the judicial system in electronic form and recommend rules relating to the electronic filing of documents with courts.” To fulfill this mandate, JCIT coordinated with the Department of Information Resources, the national judicial standards committees, and Texas clerks and courts.

JCIT adopted an electronic court filing strategy in fiscal year 2002 that allows filers and courts to connect electronically through the state's e-Government portal, TexasOnline. The 77<sup>th</sup> Legislature created TexasOnline to make government more accessible to Texas citizens through electronic means. The electronic filing system network architecture is designed to move documents from the filer's desktop computer to the filer's open-market services provider to TexasOnline and on to the clerk of the court. This system design takes advantage of lessons learned in earlier efforts in other states by allowing each filer to file electronically in any participating court using only one service provider. It also allows courts to accept filings from all commercial filing services without having to connect to each one individually.

JCIT worked closely with judges, clerks, and court staff in 2002 to develop recommended local rules for the electronic filing system. TexasOnline plans electronic filing pilot projects in Bexar and Fort Bend Counties beginning in fiscal year 2003, followed by implementation in a number of counties. The electronic filing local rules will be evaluated during the pilots and the results may be adopted by the Texas Supreme Court in revised Rules of Civil Procedure.

JCIT developed standards for the electronic exchange of data and the required document formats for electronic filings. JCIT recommended, and the TexasOnline Authority approved, a flat \$2.00 per-filing convenience fee to be collected by the pilot counties to recover direct implementation and operating costs.

JCIT developed and published a “white paper” to provide electronic court filing details to assist counties, courts, clerks, vendors, attorneys, and the public in planning for this capability. The JCIT's “Electronic

Filing White Paper,” is available online at <http://www.courts.state.tx.us/jcit/standards/Efiling/E-filingProjectwebsite.htm>

- C. Telecommunications.** JCIT, through the Office of Court Administration, developed and maintains a database of telecommunications and connectivity options for all Texas courts. The database is posted on the Texas Judiciary Online (<http://telecom.courts.state.tx.us/>) and is available to courts, clerks, local governments, state agencies, and the public to support planning efforts. The telecommunications database provides information to assist planners in determining available connectivity options for their locations. The database can display for each court location the type of services available (dial-up, digital subscriber lines, satellite, frame relay, etc.), and the estimated costs of each type of service. The database includes information on toll-free dial-up Internet service available through the FBI’s Law Enforcement Online (LEO).

JCIT’s resolution for a shared justice telecommunications network was updated and adopted in June 2002. The new vision statement defines requirements for planning, developing, testing, and funding a shared network, along with bandwidth, security, and quality of service standards. The updated requirements are available at <http://www.courts.state.tx.us/jcit/Resolutions/SharedJusticeNetwork.pdf>.

The JCIT Telecommunications Subcommittee, chaired by JCIT Vice Chair, Dr. Don Hardcastle of Baylor University, participated with the Department of Information Resources, Department of Public Safety, Texas Association of Counties, County Information Resources Agency, Texas Telecommunications Planning and Oversight Council, and other agencies to develop a strategy and plan for a statewide, consolidated telecommunications network. The network as envisioned would serve the judiciary as well as other state and local government entities and would fit the JCIT’s vision for a shared justice network. The potential cost savings from economies of scale and aggregated demand are attractive. The expected increases in quality of service for all users are promising. JCIT will continue to work to represent the interests of the judiciary in this coordinated enterprise.

JCIT is planning a county connectivity project for the next biennium that will extend broadband telecommunications to courts that have no telecommunications connectivity or only dial-up service. JCIT’s goal is to fund and install broadband hardware and initial connectivity in up to 60 rural counties.

- D. Trial Court Assistance.** The Committee had limited funding to assist trial courts in fiscal year 2002, so it sought innovative, no-cost solutions to meet several judicial requirements.

JCIT and OCA established secure e-mail services for district and statutory county court judges and staff. Through fiscal year 2002, JCIT and OCA provided over 280 accounts to give judges official state domain e-mail services to replace commercial e-mail addresses. For example, a judge can now use a government domain address such as [District.Judge@444th.courts.state.tx.us](mailto:District.Judge@444th.courts.state.tx.us) for official court business instead of having to use a commercial account.

JCIT and OCA contracted with the County Information Resources Agency (CIRA)—part of the Texas Association of Counties (TAC)—to provide secure e-mail services to rural Texas counties. Using OCA’s hardware, CIRA established secure e-mail accounts for over 160 officials in rural counties, including more than 60 judges and clerks. Through this JCIT initiative, CIRA also established and supports official county websites for 70 rural counties (see, for example, the Loving County website at <http://www.co.loving.tx.us/>).

In 2001, JCIT purchased a portable wireless network with 20 student laptop computers for use by the four judicial training centers. During fiscal year 2002, this system was used to train almost 200 judges and staff at training locations across the State of Texas.

JCIT assisted the judicial training centers in planning a Texas Court Technology Conference to be held in conjunction with the Government Technology Conference in Austin in January 2003. TAC will serve as sponsor, with the other three judicial training centers providing co-sponsorship. Conference plans include

seminars, technology demonstrations, online legal research training, and the National Center for State Courts' portable Courtroom 21.

JCIT, OCA, the Department of Public Safety (DPS), and CIRA coordinated to provide toll-free Internet access to rural courts through the FBI's Law Enforcement Online (LEO). Several rural judges and clerks signed up for this free Internet service in fiscal year 2002.

JCIT approved, and OCA submitted to the Governor's Office, a block federal grant application for \$2.36 million to provide electronic disposition and arrest reporting capabilities in selected counties. With the demands for homeland security improvements, all available criminal justice grant funds were dedicated to that requirement, so unfortunately JCIT's request was not funded for fiscal year 2003.

In late 2001, JCIT and OCA surveyed Texas trial courts to determine their information technology capabilities and their requirements. The results of the survey will be used to develop future projects to meet the technology needs of the courts. The resulting *Trial Court Technology Report - 2001* is available on the Texas Judiciary Online website at [http://www.courts.state.tx.us/publicinfo/tc\\_survey.pdf](http://www.courts.state.tx.us/publicinfo/tc_survey.pdf).

JCIT and OCA renewed the statewide contracts for online legal research services with leading vendors, adding public defenders to the eligible applicants. This contract provides significant cost savings for the judiciary over regular commercial rates. Rates and services are available to courts on the Texas Judiciary Online website at <http://www.courts.state.tx.us/jcit/contractdocs.htm>.

JCIT and OCA coordinated with the Texas Municipal Court Education Center on the development and implementation of a standardized electronic municipal court bench book. The municipal court bench book is available on the Texas Judiciary Online website at <http://www.courts.state.tx.us/publicinfo/2001benchbook/>.

JCIT and OCA, in partnership with Texas criminal justice professionals, defined, developed, and promulgated standard felony judgment forms pursuant to Section 42.01 of the Texas Code of Criminal Procedure. The standard forms are available for use by district courts, clerks, and attorneys throughout the state. The forms provide approved, standard language in a pull-down format for quick and accurate entry of required felony conviction and sentencing information for use by the Texas Department of Criminal Justice. The Texas Judiciary Online website provides these standard forms at <http://www.courts.state.tx.us/jcit/FelonyForms/TableofContents.htm>.

JCIT and OCA researched and published a database of statutory reporting requirements by courts and clerks to state agencies. The database serves as the cornerstone to define judicial data sharing opportunities and provides a ready reference for courts and clerks. The database is available on the Texas Judiciary Online website at <http://www.courts.state.tx.us/jcit/requirements/index.htm>.

JCIT and OCA established a district court electronic newsgroup for district court judges. As part of the newsgroup, OCA provides secure folders for discussion and collaboration among district judges on judicial issues. The newsgroup is designed primarily for district judges in rural counties who typically do not have other local judges available for consultation.

JCIT and OCA assisted trial courts in obtaining surplus computer items from state sources. Each month state agencies post surplus property item listings on the Comptroller's website. Eligible political subdivisions, including courts, can claim the items on a first come, first served basis. JCIT publicizes the availability of the items in its newsletters and on its website (<http://www.courts.state.tx.us/jcit/tsp.htm>). In fiscal year 2002, some courts and training centers were successful in acquiring computers and peripheral items through this program.

- E. Trial Court Case Management.** The current version of OCA's case management system, used by more than 450 customers around the state, is more than 10 years old. As OCA's software approaches the end of its life cycle, it becomes more difficult to interface with the newer Windows operating systems. Based on

legislative directions, JCIT's Trial Court Case Management project's goal is to replace the DOS-based system this biennium. The project will evaluate and verify commercial case management systems and make the systems available on statewide contracts through the Department of Information Resources (DIR).

JCIT and OCA developed the requirements, standards, and specifications for the replacement case management systems. These requirements definitions were coordinated with DIR, which has agreed to release the case management system request for offers (RFO) in fiscal year 2003. OCA and DIR will evaluate responding case management systems and those that meet required functions and standards will be added to statewide contracts managed by DIR. Local governments will be able to purchase the verified case management software and services at the best available rates from the DIR statewide contracts. As part of the JCIT strategy, OCA will support its existing DOS case management system through August 2005. After August 2005, OCA will no longer support or maintain its DOS system. Current customers will be encouraged to purchase a replacement system from the statewide contracts before September 2005.

JCIT began coordination with TexasOnline, the state's electronic government portal, to host a self-funding, web-based case management system. The system will be primarily for courts and clerks that cannot afford local infrastructure or support. If established, the system will be hosted and maintained by TexasOnline at its facilities at the West Texas Disaster Recovery and Operations Center (WTDROC) and accessible to the courts and clerks via the Internet. Funding strategies being considered include a fee-per-case solution that could be supported, for example, by court technology fees. Once designed, the proposed solution will require approval by the TexasOnline Authority before it can be implemented.

The OCA staff gathered system requirements for a case management system to support its 16 foster care courts. The foster care system will be developed in fiscal year 2003.

- F. Trial Court Data Management.** The Office of Court Administration publishes the Annual Report of the Texas Judicial System and the annual Texas Judicial System Directory. Data for these two annual reports are compiled from caseload, proceedings, activities, and revenue statistics reported by trial courts each month as well as from the personal data sheets submitted by judges and clerks. The legacy system is largely paper-based and, due to multiple points of data entry, sometimes data errors occur. The Trial Court Data Management project's goal is to make this system more efficient by improving data submission, processing, and dissemination.

JCIT and the OCA project team developed the system specifications based on guidance and direction from the Texas Judicial Council, which establishes the data reporting requirements. OCA released its request for offers (RFO) in July 2002 to replace the existing database and to develop and implement improved summary-level reporting capabilities. OCA and JCIT will evaluate vendor submissions and contract for the required services in fiscal year 2003.

OCA posted all trial court monthly report data from fiscal year 2000 to present on the Texas Judiciary Online (TJO) website (<http://www.courts.state.tx.us/>). The courts and the public no longer must wait for an annual report to review statistics; the information is made available on the TJO website as soon as it is reported.

An interim goal of the data management project was to offer online reporting to municipal and justice courts as a substitute for paper reporting. That capability was implemented in fiscal year 2002 and by August 2002 over 180 of the eligible courts had signed up to submit their monthly reports over the Internet. When fully implemented, the project will also offer web-based reporting to district and county courts and clerks.

In cooperation with the Department of Public Safety, JCIT and OCA assisted 10 counties in improving their electronic reporting of criminal case disposition information. The ten counties had previously received federal grant funds for electronic reporting but were experiencing technical or process challenges that prevented them from achieving accuracy and timeliness standards. JCIT and OCA continue to monitor

electronic reporting and work with DPS to assist counties in meeting standards. JCIT and DPS have identified additional candidate counties for expansion of electronic reporting capabilities in fiscal year 2003.

JCIT and OCA participated in ongoing efforts to integrate justice information at all levels. Their efforts included working with the Department of Information Resources and justice agencies from the state and local level to develop the Texas Justice Information Integration Initiative (TJI3) Strategic Plan. JCIT and OCA also served as members of the State Agency Justice Information Coordinating Committee (SAJICC), which works to eliminate redundant reporting and to share justice information among agencies.

- G. Judicial Information Technology Standards.** The legislature authorized JCIT to develop standards for judicial information technology. JCIT's Standards Subcommittee is charged with researching, developing, and recommending judicial information technology standards for statewide use.

During fiscal year 2002, JCIT adopted standards for the security and protection of judicial information, judicial websites, and civil case management functions. JCIT also developed and adopted document and data exchange formats for electronic court filing. OCA developed proposed standards for Windows 2000 Server in appellate courts, which will be considered for adoption by JCIT in 2003.

Adopted standards can be viewed or printed from the JCIT website at <http://www.courts.state.tx.us/jcit/standards/standards.htm>. Standards in development and open for comment can be accessed on the JCIT website at <http://www.courts.state.tx.us/jcit/standards/ProposedStandards.htm>.

In August 2002, the Chief Justice of the Supreme Court requested that JCIT develop a proposed policy for public access to court records. The Standards Subcommittee began work on that task as fiscal year 2002 closed. The draft policy is expected to be approved in fiscal year 2003 and forwarded to the Texas Judicial Council for action.

## V. SUMMARY

Fiscal year 2002 was a busy, productive year for the Judicial Committee on Information Technology, one marked by significant progress, including: improving case management, web services, and infrastructure in appellate courts; providing secure e-mail and website hosting in trial courts; establishing statewide judicial information technology standards; and initiating a comprehensive electronic court filing project. JCIT focused on meeting the information needs of the judiciary. In doing so, JCIT implemented many of the recommendations of the 1996 Information Technology Task Force of the Commission on Judicial Efficiency. In the coming biennium, JCIT is committed to expand its successes.

ANNUAL REPORT OF THE  
**TASK FORCE ON INDIGENT DEFENSE**  
FISCAL YEAR 2002

## **I. INTRODUCTION**

The *Texas Fair Defense Act* (the Act) was enacted by the 77<sup>th</sup> Legislature and now is codified in Chapter 71 of the Government Code. It created the blueprint for interaction between state and local governments in providing legal representation and services for indigent defendants. It contains the following requirements for indigent defense representation: 1) prompt access to appointed counsel; 2) fair and neutral methods for selecting appointed counsel; 3) qualifications for appointed counsel; 4) financial standards and procedures for determining when a person is indigent; and, 5) procedures and fee schedules for appointed counsel, experts, and investigators.

The Act required the judges of county and district courts who handle criminal cases in each county and the county juvenile boards to prepare countywide procedures for timely and fairly appointing counsel to indigent defendants in criminal and juvenile cases, and to submit their countywide plans to the Office of Court Administration (OCA) by January 1, 2002. Each countywide plan was required to meet the statewide standards for indigent defense procedures specified in the Act.

The Act also created the Task Force on Indigent Defense (Task Force) to assist local governments in improving the delivery of indigent defense services. The Task Force is a standing committee of the Texas Judicial Council and is composed of eight ex officio members and five members appointed by the Governor. It is administratively attached to OCA but has fiscal independence. The Task Force's mission is advanced through state funding to counties and through development of uniform indigent defense policies and standards. In addition, the Task Force is monitoring county compliance through the collection of state-mandated indigent defense reports concerning county procedures and expenditures.

The Act became law on January 1, 2002, and the Governor made appointments to the Task Force on January 23<sup>rd</sup>. The Task Force met for the first time in February, and Chief Justice Tom Phillips appointed Sharon Keller, presiding judge of the Court of Criminal Appeals, to serve as chair. Judge Keller appointed as vice chair Olen Underwood, judge of the 284<sup>th</sup> District Court and presiding judge of the 2<sup>nd</sup> Administrative Judicial Region of Texas. To focus the efforts of the Task Force, the chair appointed two committees: the Grants and Reporting Committee and the Policy and Standards Committee. The director of the Task Force, Jim Bethke, was hired in March of 2002, and four other staff members were hired by the end of May.

## II. MEMBERSHIP

The members of the Task Force are as follows:

<b>Members of the Judicial Council Who Are Ex Officio Members of the Task Force</b> (Govt. Code Sec. 71.052)	
(1) presiding judge of the court of criminal appeals:	Presiding Judge <b>Sharon Keller</b> <b>*Chair of Task Force*</b>
(2) chief justice of the supreme court:	Chief Justice <b>Thomas Phillips</b>
(3) member of the senate appointed by the lieutenant governor to serve on the council:	Senator <b>Robert Duncan</b>
(4) member of the house appointed by the speaker to serve on the council:	Representative <b>Pete Gallego</b>
(5) one of the courts of appeals justices serving on the council who is designated by the governor to serve on the Task Force on Indigent Defense:	Justice <b>Ann McClure</b> (El Paso)
(6) one of the county court or statutory county court judges serving on the council who is designated by the governor to serve on the Task Force on Indigent Defense or, if a county court or statutory county court judge is not serving on the council, one of the statutory probate court judges serving on the council who is designated by the governor to serve on the task force:	Judge <b>Orlinda Naranjo</b> County Court at Law No. 2 (Travis County)
(7) chair of the Senate Criminal Justice Committee:	Senator <b>Ken Armbrister</b>
(8) chair of the House Criminal Jurisprudence Committee:	Representative <b>Juan Hinojosa</b>
<b>Task Force Members Appointed by the Governor</b> (Govt. Code Sec. 71.053)	
(9) one member who is an active district judge serving as a presiding judge of one of the nine administrative judicial regions;	Judge <b>Olen Underwood</b> , 284th District Court, presiding judge, 2 <sup>nd</sup> Administrative Judicial Region of Texas <b>*Vice Chair of Task Force*</b>
(10) one member who is a judge of a constitutional county court or who is a county commissioner;	Judge <b>Jon Burrows</b> of Temple, county judge of Bell County.
(11) one member who is a practicing criminal defense attorney;	<b>Knox Fitzpatrick</b> of Dallas, shareholder in the law firm Fitzpatrick, Hagood, Fisher & Holmes, L.L.P.
(12) one member who is a public defender or who is employed by a public defender; and	<b>Eduardo Arredondo</b> of Marble Falls, private practice and public defender for Burnet County
(13) one member who is a judge of a constitutional county court or who is a county commissioner of a county with a population of 250,000 or more	<b>Benny Glen Whitley</b> of Hurst, Tarrant County commissioner for precinct 3.

### **III. OVERVIEW**

In March 2002, the Task Force began the process of awarding approximately \$7 million in grant funds to all qualifying counties to improve indigent defense services. The Task Force adopted emergency grant administration rules and sent out grant application kits in April. The Task Force decided that Fiscal Year 2002 grant funding would be based on a population formula with a \$5,000 minimum funding level to qualifying counties. Eligibility for grants was conditioned on fiscal and plan requirements. Counties fiscally qualified for funding if their FY 2002 annualized expenses were greater than their baseline expenses in FY 2001. Counties could alternatively qualify by providing commitments to use grant funds to improve their indigent defense systems. The county plans also were required to provide for the prompt access to counsel required by the Act.

Grant applications were due by May 31<sup>st</sup>. Only 68 counties qualified on both fiscal and plan requirements at the time the original grant applications were submitted. Task Force staff contacted each of the counties that did not initially qualify for the grants, as well as those counties that did not apply, to assist them in meeting the requirements of the grant program. These phone calls resulted in numerous grant application addenda and plan supplements being submitted, and helped many more counties demonstrate their eligibility for grant funding. On July 22, 2002, after this process was completed, the Task Force approved grant awards totaling \$7,298,124 to 238 counties. Ten counties did not apply for grant funding and six counties did not qualify fiscally for funding. In late July, after submission of additional documentation, two of the six counties that originally did not qualify fiscally for the grant were awarded direct disbursements. Distribution of 238 grant awards and two direct disbursements was completed by September 3, 2002.

Simultaneous with the grant process, the Task Force began a preliminary analysis of the county plans for compliance with the Act. Professor Robert Dawson, of the University of Texas School of Law, graciously provided four law students to assist the Task Force in its analysis. This review indicated that 135 counties addressed each of the main requirements of the law.

This initial review of county plans was followed with a more in-depth review of county processes that focused on procedures for determining indigence and on minimum annual continuing legal education and experience requirements for attorneys handling appointments in criminal and juvenile cases. This more detailed review was completed at the direction of the Policies and Standards Committee, following its first meeting in May of 2002.

### **IV. ACCOMPLISHMENTS**

The Task Force accomplished much in FY 2002. It collected the local indigent defense plans totaling more than 8,000 pages, examined the plans for content and posted them on the Internet, distributed approximately \$7 million in grant funds, and began a statewide dialogue with many stakeholders concerning indigent defense. These accomplishments were consolidated into only eight months of activity. Furthermore, in what may be its greatest achievement, the Task Force has created an efficient and collaborative infrastructure for continuing implementation of the Act and for future improvements to indigent defense procedures statewide.

For a complete version of the Task Force's 2002 Annual Report, please visit the website at [www.courts.state.tx.us/tfid](http://www.courts.state.tx.us/tfid).



THE TEXAS FAIR DEFENSE ACT WAS PASSED DURING THE LAST LEGISLATIVE SESSION TO IMPROVE INDIGENT DEFENSE IN TEXAS (S.B. 7)

First Comprehensive Statewide Mandate for New Local Rules and Standards to Improve Indigent Defense

- Prompt access to appointed counsel
- Fair and neutral methods for selecting attorneys
- Qualifications for appointed counsel
- Financial standards and procedures for determining whether a person is indigent
- Procedures for fees and schedule for expenses for attorneys, experts and investigators

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First State Body to Administer Statewide Indigent Defense Policies

- Task Force on Indigent Defense as standing committee of the Texas Judicial Council with administrative support by Office of Court Administration
- Task Force to develop policies and standards related to indigent defense for the approval of the Texas Judicial Council

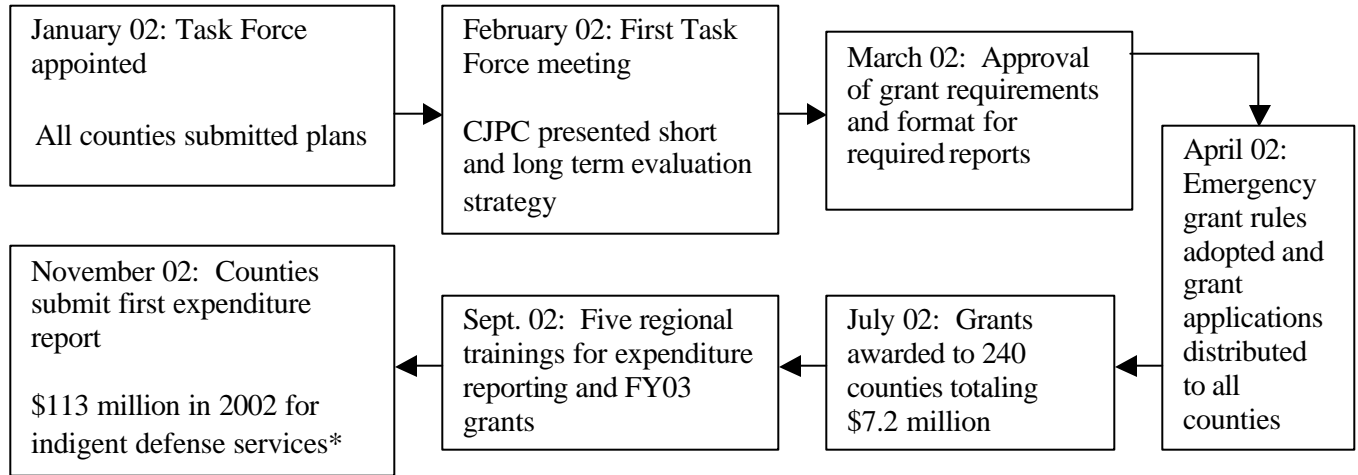
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First State Funding Dedicated to Assist Counties in Improving Indigent Defense

- Task Force to distribute grants to counties to improve indigent defense systems based on a county's compliance with certain legal requirements under S.B. 7 and policies developed by the Task Force.
  - Task Force was appropriated \$19.8 million for the 2002-2003 biennium for administration and grants.
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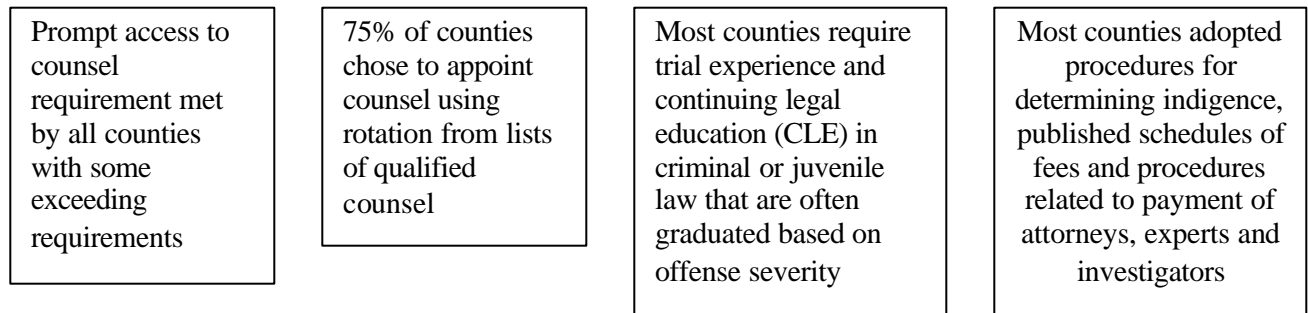
**ADMINISTRATIVE IMPLEMENTATION OF TEXAS FAIR DEFENSE ACT HAS BEEN SUCCESSFUL AND ALL COUNTIES HAVE SUBMITTED PLANS TO MEET THE NEW REQUIREMENTS**

**Task Force Established Basic Administrative and Reporting Infrastructure in a Short Time**



\* Based upon information reported to the OCA through December 3, 2002.

**Counties Have Submitted Local Plans Stating How They Will Meet Fair Defense Act Requirements**



**INDIGENT DEFENSE POLICIES SHOULD CONTINUE TO IMPROVE NEXT BIENNIUM AS  
NEW STANDARDS ARE PROMULGATED AND EVALUATION INFORMATION BEGINS TO BE  
GENERATED**

Task Force begins issuing policy and standards to improve the quality of indigent defense services

October 2002 minimum attorney CLE rules proposed/model forms for magistrate's warning and attorney fee voucher were adopted

Have the standards facilitated the implementation of the act?

Will consider standards for determining indigence, operations of public defender and contract defender systems

Have the standards increased costs for the counties?

Task Force will start reviewing indigent defense expenditures

LAR by Task Force for 2004-2005: \$20 million

What has been the impact of state funding?

Local expenditures increased from \$93 million in 2001 to \$113 million in 2002\*

\$19 million dedicated for grants to counties/ \$3.3 million exceptional item for additional grants making up for delay start-up first year revenue

What additional areas should the state consider funding to enhance services?

Task Force will start prioritizing areas to evaluate impact of policy and standards

Evaluation strategy should be implemented to start producing performance information in key areas

How well did counties perform in meeting prompt appointment requirement, how is the rotation system working, do attorney qualifications match type of cases?

\* Based upon information reported to the OCA through December 3, 2002.