

ANNUAL REPORTS OF THE JUDICIAL SUPPORT AGENCIES 2003 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 2003 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 **Office of Court Administration (OCA)** provides research support, as well as technical, legal, and administrative assistance, to the Texas Judicial Council, the Judicial Committee on Information Technology, the Task Force on Indigent Defense, 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, OCA conducts research and studies and 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 needed to administer the adjudication of Title IV-D (child support establishment and enforcement) cases within the expedited time frames established by Chapter 201 of the Texas Family Code and personnel needed to administer the adjudication of child protection 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. 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.



TEXAS JUDICIAL COUNCIL

2002-2003 Report of Activities and Recommendations

I. Introduction

The Texas Judicial Council (Council) was created in 1929 by the 41st 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 75th 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, 2002.

II. Duties, Membership, Meetings, and Committees

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

- 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;

¹ See §§ 71.031-71.035, Government Code.

- 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:

Justice Sherry Radack (1st Court of Appeals);
 Justice Ann McClure (8th Court of Appeals);
 Judge Dean Rucker (318th District Court);
 Judge Sharolyn Wood (127th District Court);
 Judge Orlinda Naranjo (Travis County Court-at-Law No. 2);
 Judge Polly Jackson Spencer (Bexar County Probate Court No. 1);
 Judge Melissa Goodwin (Justice of the Peace Precinct 3, Travis County);
 Judge Al Green (Justice of the Peace Precinct 7, Harris County);
 Judge Allen Gilbert (San Angelo Municipal Court); and
 Judge Glenn Phillips (Kilgore Municipal Court).

Lieutenant Governor David Dewhurst appointed Senator Robert Duncan of Lubbock (serving in his capacity as chair of the Senate Jurisprudence Committee) to represent the Senate. The other Senate position remained vacant. Speaker Tom Craddick appointed Representative Will Hartnett of Dallas (serving in his capacity as chair of the House Committee on Judicial Affairs) and Representative Todd Smith of Bedford 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, 2002, the Council conducted one public hearing on April 1, 2003 in Austin. Most of the Council's accomplishments were achieved after extensive study and examination in one of the five special committees appointed to work on the 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 2002-2003 reporting period:

Committee on Juries
 Committee on Judicial Data Management
 Committee on Judicial Training
 Committee on Public Access to Court Records
 Committee on Prosecutors in Justice of the Peace and Municipal Courts

III. Legislative Mandates

A. Committee on Juries. In 2001, the 77th Legislature passed Senate Bill 395 by Senator Robert Duncan, which directed the Texas Judicial Council (Council) to conduct a jury service study that included an examination of information relating to incentives for jury service and the reimbursement of juror expenses in each county of the state.² The Council was also required to examine demographic and statistical information concerning 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. In December 2002, the Committee issued its final report *Jury Service: Participation and Pay in Texas*.³ On April 1, 2003, the Council adopted the report and the following key recommendations:

- The 78th Legislature should consolidate and clarify the existing juror statutes such that any inconsistencies or variances are simplified or eliminated. A new chapter in the Texas Government Code should include, but not be limited to, standardized qualifications and exemptions for civil and criminal petit jurors, Grand Jurors and Grand Jury Commissioners;⁴
- The Secretary of State, prior to issuing a jury list to a particular county, should take steps to minimize the inclusion of any duplicate names and/or known felons;
- While safeguarding the integrity of the jury lists issued by the Secretary of the State, the 78th Legislature should provide county officials with greater flexibility with which to maintain the accuracy of their individual jury wheel. Further, county officials should implement methods to update their jury lists that include, but are not limited to: (1) cross-referencing the juror list with the U.S. Postal Service change of address forms; and (2) requesting that the Department of Public Safety update the names of felons on a quarterly, rather than annual, basis;
- County officials should devise juror-processing practices that focus on the needs of jurors. Juror accommodations might include, but are not limited to: (1) implementing an on-line scheduling service to coordinate the personal schedules of prospective jurors while ensuring randomness (e.g., Travis County's I-Jury Online Impaneling System); (2) adequately informing prospective jurors about the jury selection process; (3) efficiently processing prospective jurors to reduce or eliminate needless waiting; (4) maintaining comfortable and clean facilities; (5) providing or making available food and drinks; (6) providing internet access where practicable; (7) providing free public transportation and parking; and (8) notifying jurors, in advance, when a case settles so as to eliminate the need for a courthouse appearance;
- While the Committee acknowledges and commends those counties that have already improved their juror pay, the Committee finds that for a majority of Texas' counties, an increase in juror pay is still desirable where appropriate local funding sources are available;
- The Office of Court Administration should work with each county to determine the feasibility of an increase in juror pay; and
- The Texas Judicial Council with the assistance of the Office of Court Administration should design and maintain a website that helps the citizens of Texas better understand and appreciate their vital civic duty of jury service. The website should contain generalized information applicable across the state and provide links to other state resources including the more specific juror information provided by the localities on their individual court websites.

² See S.B. 395, 77th R.S. (2001).

³ See *Jury Service: Participation and Pay in Texas*, Texas Judicial Council (2002).

⁴ See S.B. 518, 78th R.S. (2003). The bill, which was filed by Senator Duncan to address this recommendation, was passed by the Senate and died in the House due to time constraints.

Although the Committee believed that an increase in juror pay would enhance Texas' jury system and should be a future consideration for the Texas Legislature, the Committee was unable to submit that recommendation due to statewide fiscal constraints.

- B. Committee on Judicial Data Management.** In June 2001, pursuant to a rider attached to Senate Bill 1 (the Appropriations Act),⁵ 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 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 OCA is currently assembling the workgroup, which is expected to hold its first meeting early next year. The Committee will continue to provide assistance to the OCA as needed and will take further action on these issues upon receipt of the workgroup's final recommendations.

IV. Judicial Council Initiatives

- A. Committee on Judicial Training.** The Judicial and Court Personnel Training Fund (JCPTF) was created by the 69th Legislature to provide funding for the continuing legal education of judges at all levels of the Texas Judiciary. The 76th Legislature added full-time judicial officers including associate judges, masters, magistrates, and referees among those who were eligible to receive training from the fund. However, the Title IV-D masters and foster care associate judges appointed pursuant to Chapter 201 of the Family Code were not included in those amendments. Because these judicial officers serve in a judicial capacity and are subject to judicial sanctions, the Council was concerned as to whether foster care associate judges and Title IV-D masters receive sufficient judicial education and training.

In June 2001, the Council created the *Committee on Judicial Training* (Committee), chaired by Justice Ann McClure, to study and make recommendations regarding the need for additional judicial education and training of associate judges, masters, magistrates, and referees. During a public hearing held on November 7, 2002, the members discussed the duties of the IV-D masters and foster care associate judges, noting that these judicial officers handle child support and child protection cases that may involve issues of paternity, abuse, custody, and visitation. Given the enormous responsibility and sensitivity of such matters, the Committee determined that the JCPTF should be made available to these judicial officers. As a result, the Committee drafted a legislative proposal, which was later approved by the Council, that would include full-time IV-D masters and associate judges appointed pursuant to Chapter 201 of the Family Code among those judicial officers who are entitled to receive funding for continuing legal education from the JCPTF. That recommendation, which was filed as House Bill 2157 by Representative Will Hartnett and sponsored by Senator Robert Duncan, was passed by the Legislature, signed by the Governor, and became effective on September 1, 2003.⁶

- B. Committee on Public Access to Court Records.** Due to technological advances, court records are becoming easier to access and have the potential to be "broadcast" through the Internet. To address this issue, the Council created the *Committee on Public Access to Court Records*. Given the constitutional underpinnings of both courts and privacy, the committee must develop a comprehensive

⁵ See Article IV of S.B. 1, the General Appropriations Act, 77th R.S. (2001).

⁶ See H.B. 2157, 78th R.S. (2003).

statewide policy that balances the important interests of public access, personal privacy, public safety, and the integrity of the judicial process. The Committee, which is chaired by Judge Polly Jackson Spencer, will hold an organizational meeting before the end of the year.

- C. **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, is making preparations to meet early next year.

V. Other Legislative Recommendations

- A. **Judicial Campaign Finance.** In October 1998, 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.”⁷ 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 proposals, which were developed by the Committee and supported by the Council, were filed during the 78th Regular Session:

- ***Judicial Contribution Monetary Limits.*** One of the primary purposes of the Judicial Campaign Fairness Act, as adopted by the 74th Legislature, was to promote the perception among Texas citizens that their judges are fair and impartial. Despite that legislation, the issue of whether “justice is for sale in Texas” has continued to be a frequent topic of contention among political and media commentators, and is compounded when a judge either receives a rather large political contribution or solicits funds at a time when there is no immediate electoral justification, such as when the judge is unopposed. In January 2001, the Committee recommended that the Council support a proposal that would provide that, for purposes of the applicable contribution limits and the limits on the reimbursement of personal funds, the primary and general elections are considered to be a single election if the judicial candidate is unopposed in the primary or has no opposition in the general election. That recommendation, which was filed with Council support as Senate Bill 822 by Senator Royce West in the 77th Legislature, passed the Senate and died in House Committee. In September 2002, the Council agreed to support the proposal during the 78th Regular Legislative Session. House Bill 2158, filed by Representative Will Hartnett and sponsored by Senator Royce West, was passed by the Legislature, signed by the Governor, and became effective on September 1, 2003.⁸
- ***Judicial Contribution Time Limits.*** To reduce a candidate’s ability to accumulate excess campaign funds, the Committee recommended that the Council support legislation that would limit the time period during which unopposed judicial candidates could receive political contributions in connection with each election in which the person was involved. In February 2001, the Council submitted the recommendation to the 77th Legislature. That proposal, which was filed by Senator Royce West as Senate Bill 823, died in Senate Committee. In September 2002, the Council voted to support the proposal during the 78th Regular Legislative

⁷ See (Misc. Docket No. 99-9112, Page 1, citing Order in Misc. Docket No. 98-9179, Par.1).

⁸ See H.B. 2158, 78th R.S. (2003).

Session. House Bill 1583, as substituted, was authored by Representative Pete Gallego, passed the House and died in Senate Committee.⁹

- **Judicial Elections.** During the 77th Regular Legislative Session, Representative Toby Goodman filed House Bill 1117, which was supported by the Committee and the Council. 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.¹⁰ The bill, which was passed by the 77th Legislature, was vetoed by the Governor in June 2001. In September 2002, the Council voted to again support the proposal during the 78th Regular Legislative Session. Representative Toby Goodman filed a modified proposal that would require such candidates to submit a petition containing a minimum of 50 signatures from each court of appeals district. House Bill 296 was passed by the Legislature, signed by the Governor, and became effective on September 1, 2003.¹¹

- B. **Visiting Judge Program.** In November 1998, the Council submitted to the 76th Legislature a legislative proposal to improve the visiting judges' program. That recommendation, which was filed as Senate Bill 263 by Senator Robert Duncan, was passed by the Senate and died in House Committee. In December 2000, the Council agreed to submit the same recommendation to the 77th Legislature. That recommendation, which was filed as Senate Bill 397 by Senator Duncan, died in Senate Committee.¹² In September 2002, the Council voted to support the proposal during the upcoming 78th Regular Legislative Session. Senator Duncan successfully attached an amendment containing those recommendations to House Bill 3306 which was passed by the Legislature, signed by the Governor, and became effective on June 18, 2003.¹³

VI. Other Council Activities

- A. **Student Loan Repayment Program.** The 77th Legislature appropriated funds by rider to the Texas Judicial Council to maintain the student loan repayment program which was created by the 76th Legislature for those individuals who accept clerkships or temporary attorney positions in the appellate courts.¹⁴ The rider allocated \$255,763 to the program for each fiscal year of the biennium (for a total of \$511,526). In fiscal year 2003, there were 57 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 of \$4,031.43 for 12 months of service at an appellate court.
- 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 77th Legislature and signed by the Governor in May 2001.¹⁵ 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."¹⁶ This form, along with a cover letter, was forwarded to each district and county clerk in August 2001. In the first three months of reporting (September 1, 2001 to December 1, 2001), the OCA did not receive any Hate Crimes reports. During the next twelve months of reporting (December 1, 2001 to December 1, 2002), the OCA received a total of six reports. Since December 1, 2002, the OCA has not received any Hate Crimes reports.

⁹ See H.B. 1583, 78th R.S. (2003).

¹⁰ See H.B. 1117, 77th R.S. (2001).

¹¹ See H.B. 296, 78th R.S. (2003).

¹² See S.B. 397, 77th R.S. (2001).

¹³ See H.B. 3306, 78th R.S. (2003).

¹⁴ See Article IV of S.B. 1, the General Appropriations Act, 77th R.S. (2001).

¹⁵ See H.B. 587, 77th R.S. (2001).

¹⁶ See *Report of a Request for a Hate Crime Finding*, Office of Court Administration (2001).

- C. **Committee on the Judicial Voter Information Guide.** The 77th Legislature passed House Bill 59 by Representative Robert Puente regarding the making of a voter information guide for judicial elections.¹⁷ As a result, the Council formed the Committee on the *Voter Information Guide* (Committee), which has remained available to assist the Secretary of State with the development and implementation of the voter information guide as needed.

¹⁷ See H.B. 59, 77th R.S. (2001).

ANNUAL REPORT OF THE OFFICE OF COURT ADMINISTRATION FISCAL YEAR 2003

I. INTRODUCTION

The Office of Court Administration was created in 1977 by the 65th Legislature to provide support and technical assistance to Texas courts at all levels. The duties of the Office of Court Administration and its administrative director are set forth in chapter 72 of the Texas Government Code.

The **Mission Statement** of the office is:

The Office of Court Administration will 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 III.
- 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 and other judicial entities, including the State Prosecuting Attorney, State Law Library, and Court Reporters Certification Board. The division further provides technical support for case management software for the appellate courts and a limited number of 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 and Human Resources.** The Legal Division at the Office of Court Administration gives legal advice to agency management and judicial officers. It administers the Title IV-D Associate Judges Program and the Foster Care Courts Program by providing legal advice and administrative support to the presiding judges of the administrative judicial regions and to the associate judges and their staff. The division researches, writes, and publishes procedure manuals for district and county clerks, promulgates model forms, and facilitates other legal assistance to the judiciary. The human resources officer for the Office of Court Administration is part of the Legal Division and administers the human resources function for the agency. An expanded discussion of the activities and accomplishments of the Legal Division is included in Section III 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.

III. ACCOMPLISHMENTS IN FISCAL YEAR 2003

A. RESEARCH AND COURT SERVICES DEPARTMENT

- 1. Recipient of the 2003 Justice Achievement Award.** The Research and Court Services Department and the Dallas County Clerk's Office received the prestigious National Association for Court Management's (NACM's) 2003 Justice Achievement Award for their joint project, the "Dallas County Financial Management Counseling Pilot Project."

NACM's Justice Achievement Award program was established to publicly recognize courts and related organizations for meritorious projects and exemplary accomplishments that enhance the administration of justice. OCA's project was selected from twenty-one projects nominated for the award. This is a great honor for OCA and the state of Texas.

This project, which was funded in part by a State Justice Institute grant, was designed to complement the services provided to offenders referred to the Dallas County Criminal Courts Collections Department. The grant period for the pilot project was May 1, 2000 to April 30, 2002. The project targeted offenders with high debt to income ratios (i.e., the "working poor") for whom the addition of fines, fees, and costs to their debt load would likely cause them to default on their personal financial obligations, court-ordered fines, fees and costs, or both. Under the project a financial management counselor (FMC) was hired to provide financial counseling to participating offenders. The FMC evaluated an offender's financial situation, provided personal debt management counseling, and, when requested, worked with an offender's personal creditors to delay or reduce monthly payments while the offender participated in the program. Without suffering severe financial setbacks, a large percentage of program participants were able to fully meet their court-ordered obligations.

- 2. Department Programs and Projects**

During fiscal year 2003, the department's activities included the development and continuation of

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:

- a. Collections Improvement Project.** OCA assisted in implementing its model fine collections program in the county-level courts in Aransas, Nolan, Taylor and Travis counties (it should be noted that the program in Travis County was implemented as a pilot project); and assisted in expanding the model fine collections program to the justice courts in Randall County and to the county-level courts in Wichita County. OCA also provided technical assistance to the existing fine collections programs in Aransas, Bexar, Cameron, Dallas, El Paso, Galveston, Harris, Hidalgo, Jefferson, Kerr, Lubbock, Medina, Montgomery, Nueces, Nolan, San Patricio, Taylor, Tom Green and Ward counties, as well as to the existing fine collections programs in the City of Rockport, City of Garland, and the City of College Station. Further, OCA evaluated how collections are handled in the City of Cockrell Hill, City of Waco, and Chambers County and made collections improvement recommendations. By the end of fiscal year 2003, 32 counties, 5 cities, and 180 courts (including district, county-level, justice, and municipal courts) in the state were utilizing fine collections programs.
- b. Juvenile Law Referees.** OCA obtained a \$190,803 Juvenile Justice Accountability Incentive Block Grant to continue the project for a fourth 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 \$127,203, resulting in a total project cost of \$318,006. The grant period was August 1, 2002 through July 31, 2003.
- c. Technical Assistance Review of the Wichita County Public Defense System.** The purpose of this technical assistance project was to assist Wichita County's Office of the Public Defender (OPD) to improve the delivery of indigent defense services to the community. OCA staff conducted a review of the OPD to determine the impact of the Texas Fair Defense Act on providing legal services to indigent defendants, examine the management of and work processes for the OPD, and examine the impact of caseload on the OPD. During the period September 2002 to April 2003, OCA staff met with representatives from the courts, county commissioners court, district attorney's office, OPD, and county auditor's office, obtained data from the public defender and the county auditor as well as from the monthly case activity reports submitted to OCA by the district clerk and county clerk, and analyzed the information collected to identify opportunities for improvement. A preliminary report of findings and recommendations was completed and shared with Wichita County officials in April 2003. This technical assistance project prompted meaningful change in Wichita County to improve the delivery of indigent defense services.
- d. Study of Jail Population in Potter County.** OCA was requested to study jail overcrowding in Potter County and to make recommendations to reduce the overcrowding. During the period November 2002 to March 2003, OCA staff met with representatives from the district courts, county courts at law, district clerk's office, sheriff's office, and the district attorney's office to discuss jail overcrowding and case management issues; obtained case activity, jail population and other data; and analyzed the information collected to develop recommendations to help alleviate jail overcrowding. A report was released in March 2003, and a number of the study recommendations have been implemented by Potter County.
- e. Court Financial Management Handbook for Texas Cities.** OCA drafted a handbook to aid judges, clerks, and others by providing up-to-date information on various topics regarding municipal court financial management. The handbook was published in October 2002.

The grants received by OCA (from federal, state, or other sources) for projects, such as the one described in b. 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 2003, 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. District Clerk Procedure Manual and County Clerk Procedure Manual.** The division updated and re-wrote both procedure manuals and published them in hard copy and on the agency's web site. This is the first time the manuals have been available online to any interested party.
- 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. 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 and Foster Care Courts Program, legal staff assisted with the administration of employment evaluations of the program staff. The legal staff also assisted the presiding judges with strategic planning for the Title IV-D program. For the Foster Care Courts program, legal staff assisted with the implementation of one new court. Legal staff also assisted with 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 four times between September 1, 2002 and August 31, 2003. The Legal Division provided administrative support at these meetings. The general counsel also provided support to the presiding judges in their role as special committee for Rule 12 decisions.
- 4. 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 and their assistants. Pursuant to legislation effective September 1, 2003, the Title IV-D masters will be called Title IV-D associate judges.
- 5. Foster Care Courts.** During fiscal year 2003, one new foster care court was established, for a total of 15 foster care courts. Currently, each court serves between three and 18 counties; a total of 125 counties are served by these courts.
- 6. Specialty Court Case Management.** OCA has started work on a remotely accessible windows-based case management system for the Title IV-D Masters Program and the Foster Care Courts Program. The system will permit the Title IV-D masters and Foster Care Courts associate and visiting judges and their staff to monitor their caseloads and provide reports regarding caseload information and statistics. Legal staff has provided significant assistance in defining the program requirements

and procuring the contractor to create the program. The program will be completed in fiscal year 2004.

C. Finance and Operations

- 1. Internal Audit.** In December, 2002, OCA contracted with Jefferson Wells to provide internal audit services for the agency. During fiscal year 2003, the internal auditor conducted a risk assessment in order to develop an audit plan for the year. As a result of the risk assessment, two areas were selected for audit: Indigent Defense and the Finance and Operations division. In both audits, the overall assessment was good. Operational improvements recommended by the auditor are currently being implemented and agency management is pleased that the audit function is identifying ways to help the organization function more efficiently and effectively.

A risk assessment was completed for FY 2004 which identifies Information Services and Human Resources as the next areas to be audited.

- 2. Electronic Requisitions.** In FY 2003, OCA began developing procedures for the use of on-line requisitions for its employees and managers. This electronic solution, part of the agency's Micro Information Products accounting system will allow OCA to reduce manual processes associated with procuring goods and services and streamline the approval process. The system is expected to be implemented in early FY 2004.

ANNUAL REPORT OF THE JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY FISCAL YEAR 2003

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 75th 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.

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. Of the eight current members whose terms expire August 31, 2003, five have been reappointed. Twenty-one 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, 2003 were:

MEMBER	POSITION	TERM EXPIRES
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. Jon Lindsay	State Senator, Houston	2005
Hon. Lamar McCorkle	Judge, 133rd Judicial District, Houston	2005
Hon. Ronnie McDonald	County Judge, Bastrop County, Bastrop	2005
Hon. Berta A. Mejia	Presiding Judge, City of Houston Municipal Court, Houston	2003
Judy D. Miller	Court Reporter, Tarrant County Criminal District Court #3, Fort Worth	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:

MEMBER	POSITION
Hon. Thomas R. Phillips	Chief Justice, Supreme Court of Texas, Austin
Hon. Marilyn Aboussie	Chief Justice, 3rd Court of Appeals, Retired, Austin
Hon. Charles Bacarisse	District Clerk, Harris County, Houston
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
John Hennessey	Director, Management Information Systems, Dallas County, Dallas
Jay Johnson	Education Program Manager, Texas Association of Counties, Austin
Hon. Mike Keasler	Judge, Court of Criminal Appeals, Austin
Alicia G. Key	Administrative Director, Office of Court Administration, Austin
Hon. Steve M. King	Judge, Tarrant County Probate Court #1, Fort Worth
Michael Milby	Clerk, US Texas Southern District, Houston
W. Frank Newton	Executive Director, Beaumont Foundation of America, Beaumont
Diane O'Neal	Clerk, 3rd Court of Appeals, Austin
Richard Orsinger	Attorney, State Bar of Texas, San Antonio
Hon. Joe M. Pirtle	Presiding Judge, Seabrook Municipal Court, Seabrook
Hon. Amalia Rodriguez-Mendoza	District Clerk, Travis County, Austin
Hon. Phyllis Stephens	District and County Clerk, Upton County, Rankin
Shelia Bailey Taylor	Chief Administrative Law Judge, Office of Administrative Hearings, Austin
Andrew Weber	Clerk, Supreme Court of Texas, Austin
Mitchel Winick	Education Director, Texas Center for Legal Ethics, Austin

III. Overview.

JCIT and OCA serve court officials and staff in over 2,600 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.

Under the guidance and strategic direction of JCIT, OCA 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, specialty courts (IV-D Masters and foster care), 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, trial court assistance, and telecommunications. All funded and unfunded projects are integrated into the Committee's planning and oversight. The JCIT Chair extended subcommittee membership to non-JCIT members from the public and private sectors to provide specialized expertise and experience.

The Committee and OCA have continued to coordinate closely with 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 2003 to improve justice information integration includes the Texas Department 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 and its County Information Resources Agency; 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. In 2003, JCIT surveyed its stakeholders to determine priorities for judicial information technology standards development in the next biennium.

IV. Accomplishments.

Under JCIT's guidance and strategic direction, JCIT and OCA produced the following accomplishments during fiscal year 2003.

A. Appellate Court Projects. The Office of Court Administration staff developed a Windows-based case management software for all appellate courts. Previously, OCA had converted 13 of the 14 intermediate courts of appeals to new case management software. In 2003, OCA converted the Court of Criminal Appeals to the Windows-based software, including its writs system. Also in 2003, OCA developed a new Windows-based case management and agenda system for the Supreme Court, which will be implemented in early fiscal year 2004.

In 2003, two additional intermediate appellate courts began use of the Texas Judiciary Online (<http://www.courts.state.tx.us>) website. Presently, 13 of the 14 courts of appeals use this website format. The Supreme Court and Court of Criminal Appeals are expected to convert to the Texas Judiciary Online website in early fiscal year 2004.

OCA upgraded the servers and operating systems in the Supreme Court in 2003. The Supreme Court was the last court included in the network upgrade project.

The Court of Criminal Appeals requested OCA's assistance in acquiring an imaging capability for its paper writs files. OCA researched solutions and assisted the court in implementing a new imaging system in 2003. The new system allows the court to create and index images of its paper files. In 2004, OCA will interface the court's electronic writs files to its newly installed case management system.

Appropriated funds provided for continued infrastructure and daily operations support for the 16 appellate courts, State Prosecuting Attorney, State Law Library, Court Reporters Certification Board, specialty courts (IV-D Masters and foster care), Texas Task Force on Indigent Defense, selected trial courts' electronic mail, and Office of Court Administration. Support provided included telecommunications (local and wide-area networks), electronic security, infrastructure upgrades and maintenance, technical support for hardware and software, software licensing, and help desk operations. The OCA Technology Infrastructure Support Team processed over 4,200 work orders in fiscal year 2003.

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 has 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 77th 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.

In 2003, JCIT and TexasOnline began a pilot project to test statewide electronic court filing in Texas. JCIT developed proposed rules for electronic court filing and presented the proposal to the Supreme Court's Rules Advisory Committee. The revised rules were approved by the Court for local adoption and use in the pilot project. The Court approved local rules for five pilot counties in 2003: Fort Bend, Bexar, Upton, El Paso, and Dallas. The

electronic filing local rules will be evaluated during the pilot and the recommended changes may be adopted by the Texas Supreme Court in revised Rules of Civil Procedure.

Through August 31st, courts in three counties have begun accepting electronic filing through TexasOnline. The remaining two pilot counties will be implemented in early fiscal year 2004. The pilot is expected to conclude in 2004, once the exit criteria established by the Supreme Court have been met. If successful, the pilot will be followed by full implementation in 2004. Several counties are preparing for the implementation phase by adopting local rules in advance.

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. New legislation effective June 2003 requires that costs be certified by local governments before TexasOnline can approve the collection of cost-recovery fees.

JCIT continues to coordinate with the Texas Access to Justice Commission and its committees on providing electronic court filing services to indigent parties. In 2003, JCIT developed standards processes for e-filing by indigent parties, legal aid services, and *pro bono* attorneys. As part of the indigent e-filing initiative, JCIT also developed a standard affidavit of indigency for civil cases.

C. Telecommunications. OCA contracted with the County Information Resource Agency (CIRA)—part of the Texas Association of Counties (TAC)—in 2003 to extend broadband Internet connectivity to courts and clerks that have no Internet access or only limited dial-up service. Through the end of fiscal year 2003, 33 courts and clerks in 10 counties have been provided broadband access to the Internet. An additional 31 courts and clerks in nine other counties are expected to receive broadband services through this contract in early fiscal year 2004. In exchange for this improved Internet access, the recipient courts and clerks have agreed to submit monthly caseload reports to OCA electronically.

OCA requested appropriations for 2004—2005 to fund the continuation of its successful county connectivity project for the next biennium. JCIT's goal is to fund and install broadband hardware and initial connectivity in several additional rural counties. The funds were approved by the legislature in 2003, so the project will continue during the next fiscal year.

JCIT and OCA cooperated with the Department of Information Resources, County Information Resources Agency, and other agencies in a pilot project to test the efficiencies and effectiveness of consolidated telecommunications for county courthouses. The test provides broadband services in six counties to replace several currently existing dial-up circuits. The pilot began in late 2003 and will extend into fiscal year 2004. The results are expected to show that activities can share broadband telecommunications with improved results and at lower costs than are available through their individual, dedicated circuits.

D. Trial Court Assistance. Again in 2003, there was limited funding to directly assist trial courts, so the Committee sought innovative, no-cost solutions to meet several judicial requirements.

OCA established secure e-mail services for district and statutory county court judges and staff. Through this JCIT initiative in fiscal year 2003, over 280 accounts have been provided to give judges official state domain e-mail services to replace commercial e-mail addresses.

OCA contracted with CIRA in 2001 to provide secure e-mail services to rural Texas counties. Using OCA's hardware, CIRA has established secure e-mail accounts for over 860 officials in rural counties, including more than 260 judges and clerks. Through this JCIT initiative, CIRA also established and supports official county websites for 128 rural counties, more than 50% of Texas counties (see, for example, the Borden County website at <http://www.co.borden.tx.us>).

In 2001, a JCIT project was established which provided a portable wireless network with 20 student laptop computers for use by the four judicial training centers. In fiscal year 2004, this system was used to train over 340 judges and staff at training locations across the State of Texas.

JCIT assisted the judicial training centers in planning and hosting the first Texas Court and Local Government Technology Conference in conjunction with the Government Technology Conference in Austin in January 2003. The Texas Association of Counties served as sponsor, with the other three judicial training centers and JCIT providing co-sponsorship. The conference included seminars, technology demonstrations, and online legal research training, along with a wealth of vendor applications and products. For the 2004 conference, plans include expanded attendance and participation by 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; however, in late 2003 the FBI discontinued the toll-free dial-up service. No free alternative system has been found to replace this needed capability.

JCIT and OCA coordinated with the Department of Public Safety (DPS) and the Criminal Justice Policy Council to develop a federal grant application for \$800,000 to provide fingerprint capture capabilities for district and county clerks in selected pilot counties. This initiative is intended to improve the criminal history database by providing fingerprints for each criminal case disposition. The grant application is expected to be funded by the National Criminal History Improvement Program (NCHIP) in fiscal year 2004, with funding being provided directly to DPS.

Under JCIT's guidance, 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 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>).

E. Trial Court Case Management. The current version of OCA's case management system, used by more than 300 courts and clerks around the state, is more than 13 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. JCIT's Trial Court Case Management project's goal is to assist the courts in replacing the DOS-based system by providing statewide contracts for commercial case management systems.

JCIT and OCA developed the requirements, standards, and specifications for the replacement case management systems. The Department of Information Resources (DIR) released a case management system invitation to negotiate (ITN) in February 2003 to all interested commercial case management system providers. OCA and DIR verified all responses using the required standards. The contracts are being negotiated and are expected to be completed in early fiscal year 2004. Local governments will be able to purchase the verified case management software and services at the best available rates from the DIR statewide contracts.

OCA will support its existing DOS case management system through August 2005. File layout information is available for those courts that need that information for data conversion efforts. OCA will provide the DOS system to new users only through December 2004 and will conduct the final DOS case management training classes in June 2005. OCA will cease help desk support for the DOS system at the end of August 2005. After August 2005, OCA will not maintain the DOS system. Current customers are encouraged to purchase a replacement system from the statewide contracts before September 2005, in time to allow a smooth transition to their new systems.

To assist in replacing the OCA DOS system, a JCIT project was established to provide funds to selected trial courts in 2003. Fifty-six courts and clerks were identified to receive limited funding from OCA based on their needs. The recipients agreed to use the funds to replace the OCA DOS software in fiscal year 2004 and to submit monthly caseload reports to OCA electronically.

In fiscal year 2004, JCIT will identify the extent of demand for a case management system to be hosted by an Internet application service provider (ASP). An ASP solution would provide courts Internet access to case

management software and case records hosted at a central site. This would assist courts and clerks that cannot afford local infrastructure or support for a case management system. If demand is determined to be sufficient, JCIT and OCA will seek a self-funding solution through the state's TexasOnline electronic government portal or through commercial vendors. Funding strategies being considered include a fee-per-case solution that could be supported, for example, by court technology fees.

The OCA staff developed system requirements and specifications for a specialty court case management system to support its foster care and IV-D Masters courts. The contract for the system's software development was awarded in 2003. The design phase was completed and development phase was begun in 2003. The system is scheduled for completion and implementation in the 2004—2005 biennium.

F. Trial Court Data Management. OCA 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 Trial Court Data Management project's goal was to replace a legacy database system, which was largely paper-based, with a new system which is more efficient and improves 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 2002 to replace its database and to develop and implement improved summary-level reporting capabilities. OCA evaluated vendor submissions and contracted for the required services in November 2002. Following system and user tests, OCA implemented the new database in July 2003.

OCA offered online reporting to municipal and justice courts as a substitute for paper reporting in fiscal year 2002. In 2003, over 440 of the eligible municipal and justice courts had signed up to submit their monthly reports over the Internet. With implementation of the new database in July 2003, web-based monthly reporting is now also available to all district and county clerks. Courts and clerks that wish to begin reporting online should contact the OCA Help Desk at 512-463-1642 to obtain a user ID and password.

With the improved database, all trial court monthly report data from fiscal year 1992 to present are now available to the public through the Texas Judiciary Online (TJO) website (<http://www.courts.state.tx.us>). Public reports can be generated for specified time periods and output in a variety of formats for ease of use. 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.

OCA's database provides access to the public judicial directory through Texas Judiciary Online (<http://www.courts.state.tx.us>). Using the Internet, the public can search the database by name, title, court type, city, county, or address to locate members of the judiciary.

G. Judicial Information Technology Standards. The legislature created 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 2003, JCIT adopted standards for the use of Windows 2000 Server operating systems in appellate courts. The Standards Subcommittee developed standard processes for electronic court filing by indigent parties and a standard form of agreement for parties to receive electronic service through the TexasOnline electronic court filing system.

The Standards Subcommittee developed a standard affidavit of indigency for parties in civil cases. JCIT developed the proposed standard affidavit, in response to requests from county and district clerks, as part of the ongoing electronic court filing project. The proposed affidavit is posted to the JCIT Standards website (<http://www.courts.state.tx.us/jcit/standards/ProposedStandards.htm>) for public comment. After comments have been reviewed, the proposed affidavit will be considered for adoption by the JCIT in 2004.

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 of Texas requested that JCIT provide a proposed policy for public access to court records. The Standards Subcommittee developed a proposed policy which was approved by the Committee and provided to the Texas Judicial Council for action as they deem appropriate.

JCIT's policies require that stakeholders be consulted on required judicial information technology standards. In 2003, JCIT conducted an online survey of stakeholders, receiving feedback from all levels of the judiciary. The results of the survey will guide JCIT's standards development during in the next biennium.

V. Summary.

Fiscal year 2003 was a busy, productive year for the Judicial Committee on Information Technology and the Office of Court Administration, one marked by significant progress, including: improving case management, web services, and infrastructure in appellate courts; expanding secure e-mail, official website hosting, broadband connectivity, and training services for trial courts; establishing statewide judicial information technology standards and processes; and implementing a statewide electronic court filing pilot project. Through JCIT's focus on meeting the information needs of the judiciary, many of the recommendations of the **1996 Information Technology Task Force of the Commission on Judicial Efficiency** were implemented. For 2004—2005, JCIT and OCA are committed to building on these successes.

**ANNUAL REPORT OF THE
TASK FORCE ON INDIGENT DEFENSE
FISCAL YEAR 2003**

I. INTRODUCTION

The *Texas Fair Defense Act* (the Act), enacted by the 77th Legislature, established the blueprint for meaningful interaction between state and local governments in providing legal representation and services to indigent defendants. Its mission was to improve the delivery of indigent defense services through fiscal assistance and specialized support to state, local judicial, county, and municipal officials, and to promote justice and fairness to all indigent persons accused of criminal conduct, including juvenile respondents, as required by the laws and constitutions of the United States and Texas.

The Act created the Task Force on Indigent Defense, the first state body to administer statewide appropriations and policies in this area. The Task Force serves as a standing committee of the Texas Judicial Council and is composed of eight ex officio members and five members appointed by the Governor.

Sharon Keller, presiding judge of the Court of Criminal Appeals, serves as chair to the Task Force. Olen Underwood, judge of the 284th District Court and presiding judge of the 2nd Administrative Judicial Region of Texas, serves as vice-chair. The Task Force accomplishes much of its work through its two committees: 1) Grants and Reporting; and 2) Policies and Standards. The Grants and Reporting committee is chaired by Glen Whitley, Tarrant County Commissioner, and the Policies and Standards committee is chaired by Knox Fitzpatrick, Dallas criminal defense attorney.

In exchange for state fiscal assistance, each local judiciary is required to report its plan for delivering indigent defense services. The Task Force publishes these local plans on its website for all to view. The law also requires local county auditors to annually report county expenditures pertaining to criminal indigent defense services. The county expenditure reports are also published on the Task Force website.

Through the analysis of this local data and site visits, the Task Force monitors county compliance. The mission of the Task Force is advanced through the collection and publication of this local data as well as through the promulgation of uniform indigent defense policies and model forms.

II. MEMBERSHIP

OFFICERS:

Honorable Sharon Keller
Honorable Olen Underwood

Chair – Presiding Judge, Court of Criminal Appeals
Vice-Chair – Judge, 284th Judicial District,
Presiding Judge, 2nd Administrative Judicial Region

EX OFFICIO MEMBERS:

Honorable Sharon Keller
Honorable Robert Duncan
Honorable Terry Keel
Honorable Ann McClure
Honorable Orlinda Naranjo
Honorable Thomas Phillips
Honorable Todd Smith
Honorable John Whitmire

Austin, Presiding Judge, Court of Criminal Appeals
Lubbock, State Senator
Austin, State Representative
El Paso, Justice, 8th Court of Appeals
Travis County Court at Law #2
Austin, Chief Justice, Supreme Court
Bedford, State Representative
Houston, State Senator

MEMBERS APPOINTED BY GOVERNOR:

Mr. Eduardo Arredondo	Marble Falls, Attorney, Law Office of Eduardo Arredondo
Honorable Jon Burrows	Temple, Bell County Judge
Mr. Knox Fitzpatrick	Dallas, Attorney, Fitzpatrick, Hagood, Fisher & Holmes
Honorable Olen Underwood	Judge, 284 th Judicial District, Presiding Judge 2 nd Administrative Judicial Region of Texas
Honorable B. Glen Whitley	Hurst, Tarrant County Commissioner

III. OVERVIEW

The Task Force staff consists of 5 full-time employees: Director, Executive Assistant, Special Counsel, Grants Administrator and Budget and Accounting Analyst. In fiscal year 2002, the Task Force requested an additional FTE to fulfill the monitoring responsibility. That request was granted during the 78th legislature. A new employee will begin in November 2003 and a monitoring program will begin.

The Task Force and its committees met a total of 14 times during fiscal year 2003 to fulfill its responsibilities and duties under the statute.

During this biennium, the Task Force awarded approximately \$19 million in grant funds to all qualifying counties to improve indigent defense services. The Task Force has adopted permanent grant administration rules. Eligibility for grants is conditioned on compliance with fiscal and plan requirements. Counties fiscally qualify for funding if their annualized expenses are greater than the expenditures during their baseline year. Counties legally qualify if their plans are on file with the State and meet the minimum requirements established by the Task Force. The judiciary and counties are to be commended for their efforts in complying with the mandatory state reports and legal requirements imposed upon them as a result of these laws.

IV. RECAP OF 78TH LEGISLATURE

The 78th Texas Legislature adjourned its Regular Session having made no significant changes to the Fair Defense Act.

While leaving the substantive provisions of the law intact, the legislature appropriated more funds for indigent defense than in the prior biennium. This success was due in large measure to the efforts of the Task Force, members of the judiciary, county leaders and indigent defense advocacy groups. For fiscal years 2004-2005, the Task Force was appropriated \$12,226,545 and \$11,956,912, respectively, for a total of \$24,183,457. This compares to \$19,829,000 for fiscal years 2002-2003. The \$12,226,545 appropriated for fiscal year 2004 includes an estimated unexpended balance of \$268,632 from the previous biennium. Of the amount appropriated each year, \$685,500 is earmarked for the administration of the Task Force. Any court costs deposited in excess of \$24,183,457 for fiscal years 2004-2005 is appropriated to the Task Force for the same purpose.

In addition to the regular appropriations discussed above, two other bills were passed and signed by the governor that will increase funding to counties in support of this important function. The first is contained in the State Bar of Texas sunset bill – HB 599. It includes a provision creating a mandatory \$65 annual attorney bar association fee. One-half of the fees collected, an estimated \$1.74 million per year, is designated for “demonstration or pilot projects that develop and promote best practices for the efficient delivery of quality representation to indigent defendants in criminal cases at trial, on appeal, and in post-conviction proceedings.” Funds raised under this provision will not be available to the Task Force until late summer 2004.

The second new revenue source was contained in HB 1940 dealing with longevity pay for prosecutors that also added a new \$5 fee on all surety bonds taken for offenses other than those punishable by fine only. This surety bond

fee is designated for the Fair Defense Account and is estimated to raise \$503,000 in fiscal year 2004 and \$1.08 million in fiscal year 2005.

The Task Force was also approved to increase its staff from five to six. The Task Force plans to use this additional position in a grant and program monitoring capacity. Additional funding was not requested for this position; therefore this position will be absorbed within the existing administrative budget. The Task Force plans to have this position filled in November 2003.

V. SUMMARY

Through support of the Texas Legislature, the Governor's Office, county government, and the judiciary, the Task Force will continue its statewide dialogue with both the public and private stakeholders concerning indigent defense. During the past year, much of the dialogue has been turned into deliverables. In its short existence, the Task Force has created an efficient and collaborative infrastructure for the continuing implementation of the law and for future improvements to indigent defense procedures statewide.

For a complete version of the Task Force's 2003 Annual Report, please visit the website at www.courts.state.tx.us/tfid.