

**ANNUAL REPORTS
OF THE
JUDICIAL SUPPORT AGENCIES,
BOARDS, AND COMMISSIONS**



FISCAL YEAR 2007

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Introduction to the Judicial Support Agencies, Boards, and Committees

The **Office of Court Administration** provides information and research, technology services, budgetary and legal support, and other administrative assistance to a variety of judicial branch entities and courts, under the supervision of the Chief Justice of the Supreme Court of Texas and an Administrative Director reporting to the Chief Justice.

The **Texas Judicial Council** is the primary policy-making body responsible for studying and recommending changes to improve the administration of justice.

The **Task Force on Indigent Defense** is a standing committee of the Texas Judicial Council that oversees the distribution of funds to counties to provide indigent defense services, and promulgates policies and standards for services to indigent defendants.

The **Judicial Committee on Information Technology** establishes standards and guidelines for the systematic implementation and integration of information technology into the state's trial and appellate courts.

The **Court Reporters Certification Board** performs licensing and regulatory functions for the court reporting profession.

The **Process Server Review Board** performs regulatory functions for persons authorized to serve process.

The **Guardianship Certification Board** performs regulatory functions for individuals (other than attorneys and corporate sureties) who act as private professional guardians, individuals (other than volunteers) who provide guardianship services to wards of guardianship programs, and individuals who provide guardianship services to wards of the Department of Aging and Disability Services.



Office of Court Administration

2007 Activities of OCA by Division

Executive Operations - The OCA is led by an Administrative Director, Mr. Carl Reynolds, who also is the Executive Director of the Texas Judicial Council, and is supported by an Executive Assistant. The Director provides leadership and strategic direction, represents the agency to the Legislature and interest groups, and is responsible for the agency's performance.

In FY 2007, the Director solidified OCA's involvement in activities designed to improve court outcomes for children who have been abused or neglected, working with new staff for the Supreme Court, and in a deepening collaboration with the Department of Family and Protective Services. Work began in earnest on the Texas Data-Enabled Courts for Kids project, with oversight by the Task Force on Child Protection Case Management and Reporting, to improve case tracking and management, data sharing, and court performance in child abuse and neglect cases. The Director also propelled OCA's new involvement in the access to justice arena, with an appointment to the Task Force to Expand Legal Service Delivery and a variety of other collaborations.

The Director was also closely involved in the implementation of the Guardianship Certification Board and the mandatory Collection Improvement Program (discussed below). The Director's Assistant continued service as clerk to the Process Server Review Board, now assisted by a full-time employee dedicated to this entity.

Research and Court Services Division - During FY 2007, the division's activities included the development or continuation of programs and projects designed to increase the collection of fines, fees, and court costs; to improve the administrative operation of the courts; and to improve reporting accuracy and compliance. Highlights of these programs and projects are noted below.

Collection Improvement Project OCA's Collection Improvement Program is a set of principles and processes for managing cases when defendants are not prepared to pay all court costs, fees, and fines, at the point of assessment and when time to pay is requested. In 2005, the Texas Legislature enacted S.B. 1863 (Code of Criminal Procedure, article 103.0033), which requires cities with a population of 100,000 or more, and counties with a population of 50,000 or more, to implement collection improvement programs based on OCA's model Court Collection Improvement Program. A total of 78 counties and cities are affected over the 2006-07 biennium, with 38 counties and cities required to implement programs by April 1, 2006, and the remaining number by April 1, 2007.

In FY 2007, OCA continued to engage in numerous activities to implement the program including providing technical, administrative support, and training to the affected counties and cities in recently created implementation regions; holding a meeting for all county and city officials and staff and community supervision department directors and staff in each of the six regions to discuss Code of Criminal Procedure, article 103.0033 and its requirements; visiting the local officials and staff in each of the 40 counties and cities required to implement a program by April 1, 2007, and assisting or offering assistance with local collection improvement program efforts, both mandatory and voluntary; began developing, in cooperation with the Comptroller of Public Accounts, a methodology for conducting compliance audits required for the Collection Improvement Program; identifying and distributing grant funds for collection software to qualifying programs; implementing and encouraging the use of the web-based collection reporting system developed by OCA and Texas A& M University to track collection activity and results; and, publishing for public comment proposed rules for the Collection Improvement Program.

In FY 2007, division staff implemented OCA's Collection Improvement Program in 37 of the 40 counties and cities required to implement programs in 2007. Of the total 78 cities and counties required to implement a collection improvement program, 74 are either fully or partially implemented. In addition, 11 voluntary programs were implemented in seven cities (Brenham, Whitney, League City, Victoria, Edinburg, Alton, and Harlingen) and four counties (Collingsworth, Roberts, Moore, and Wise).

Judicial Data Workgroup. Acting on a mandate of the 79th Texas Legislature (under OCA Rider 8, S.B. 1, 2005) and a request of the Texas Judicial Council Committee on Judicial Data Management, the division continued working with judges and clerks on an extensive review of the data elements currently used by trial courts in reporting court activity in criminal, civil (including family law) juvenile, and probate cases. This review was inaugurated in 2004. In time, all levels of trial courts will be brought into the process. Because the number of data elements is so extensive, OCA decided to create a workgroup for each level of trial court (i.e., district, county, justice, and municipal), divide the workgroup for the district courts into three sub-workgroups (i.e., criminal, civil, and juvenile), and divide the workgroup for the county-level courts into three sub-workgroups (constitutional county courts, county courts at law, and probate data) During FY 2007, the review of the data elements for constitutional county courts, county courts at law, and probate, guardianship, and mental health cases was completed and proposals for change were developed. The proposals for the probate, guardianship, and mental health data, however, were not finalized until FY 2008. On April 20, 2007, a group of judges who served on the various OCA workgroups and sub-workgroups, along with representatives from the Supreme Court, Court of Criminal Appeals, and the Legislature, met to review all the proposed monthly report changes, except the proposed probate, guardianship, and mental health data changes, prior to the submission of the proposed changes to the Committee on Judicial Data Management for its consideration.

Weighted Caseload Study. OCA contracted with the National Center for State Courts to conduct a weighted caseload study of the district courts. The purpose of a weighted caseload study is to develop an objective and accurate method to measure the workload of the courts in order to assess how many judges are needed to handle that workload. The recommendation for conducting a weighted caseload study originated with the Texas Judicial Council in 2000. In 2005, the Legislature (79th Regular Session) passed S.B. 729, which directed OCA to contract with a nonprofit organization that specializes in providing consulting services to courts to conduct a weighted caseload study of the district courts. The legislature, however, did not provide funding for the study. OCA identified agency cost savings, and obtained a \$100,000 grant from the State Justice Institute and \$21,126 in federal Court Improvement Project funds, for the study. A Judicial Needs Assessment Committee (JNAC), which is comprised of judges and court administrators,

was created to provide guidance and oversight to the weighted caseload study. JNAC met for the first time on February 23, 2007 to discuss the purpose and design of the weighted caseload study. It met again on May 18, 2007 to further discuss those matters. During the month of October 2007, a sample group of judges will be asked to report on the amount of time they spend handling cases and performing non-case-related activities (e.g., travel, continuing education, vacation). The project is scheduled to be completed by March 31, 2008.

Criminal Justice Process Study: Midland County. At the request of the Midland County Commissioner's Court, OCA provided assistance to Midland County by evaluating the criminal justice practices of the county and the impact of those practices on the local county jail inmate population. The request was made in an effort to help county officials plan for future expansion of the local jail facilities. Through onsite visits to Midland County to allow for firsthand observation of local practice, interviews of criminal justice practitioners, and extensive data analysis, OCA made a number of recommendations to Midland County officials. Examples of the recommendations included pursuit of a countywide, integrated criminal justice information management system; improved communication between law enforcement personnel and local prosecutors in an effort to reduce delays in the formal filing of criminal charges; more frequent magistration of inmates; and more extensive use of pretrial services among the incarcerated misdemeanor population.

Court Services Program. OCA began in FY 2007 a court services program to consult, evaluate, and help implement case management and other administrative programs to help courts run more efficiently. OCA staff provided on-site training on case management, calendar management, and other administrative matters to judges and court coordinators in Atascosa, Bexar, Fayette, Jefferson, Tom Green, Webb, and Zapata counties.

Court Security Incident Reporting. In 2007, the Texas Legislature (80th Regular Session) passed H.B. 1380 (Code of Criminal Procedure, article 102.017(f)), which requires a local administrative judge to provide OCA with a written report regarding any court security incident that occurs in or around a building housing a court, starting September 1, 2007. OCA prepared and distributed the incident reporting form with instructions in early August 2007.

Information Services Division - OCA works to improve information technology at all judicial levels in Texas. In addition to providing information technologies (IT) for its agency work and for the various boards it supports, OCA provides IT for the state's sixteen appellate courts, the State Law Library, the State Prosecuting Attorney, and the State Commission on Judicial Conduct (SCJC). These bodies use computers, desktop software, line-of-business software applications, Internet access, wide area and local area networks, and websites provided and maintained by OCA. The line-of-business software applications OCA maintains includes certification management for OCA's regulatory boards, case management for the child-protection and child-support specialty courts, case management for SCJC, and court case management for appellate courts. Additionally, OCA supports the meetings and activities of the Judicial Committee on Information Technology.

Appropriations for fiscal years 2008-09 for information technology total \$11.7 million. Of this amount, \$4.8 million is dedicated to providing information services to the trial courts. For the FY 2008-09 biennium, the OCA received a combination of state and federal funding for three new information technology initiatives. Texas Data Enabled Courts for Kids (TexDECK), funded by a Supreme Court of Texas Court Improvement Program grant from the federal Administration for Children and Families, will integrate data from various sources to provide judges better data while serving abused and neglected children. The Texas Appeals Management and E-Filing System (TAMES) project will provide for electronic filing and document management in the appellate courts. The Automated Registry System will coordinate the sharing of information from various state agency databases and the judicial system.

The **Indigent Defense Division** supports the Task Force on Indigent Defense by administering the distribution of funds to counties for indigent defense services; developing policies and standards for legal representation and other defense services for indigent defendants; promoting local compliance with the core requirements of the Fair Defense Act through evidence-based practices; providing technical support to counties with respect to indigent defense; and establishing a statewide county reporting plan for indigent defense information. Accomplishments for FY 2007 are discussed in the report for the Task Force.

The **Legal Division** maintained its traditional role of providing legal support for numerous entities within the judiciary and overseeing the administration of the specialty courts programs on behalf of the presiding judges of the nine administrative judicial regions. Specific activities are noted as follows:

Legal Research, Publications and Training. The division provided legal support to the Texas Judicial Council during the legislative session, provided weekly legislative updates to judicial branch stakeholders, and compiled and published the legislative edition of the [Texas Judicial Report](#). (See www.courts.state.tx.us/tjc/pdf/80th_leg_update). Legal staff served as liaisons to or provided legal support to several judicial branch entities, such as Supreme Court task forces on Child Protection Case Management and Reporting, Jury Assembly and Administration, and Justice of the Peace E-Filing Rules, as well as the Texas Partnership for Family Recovery, the Judicial Districts Board, the Task Force on Indigent Defense, the Guardianship Certification Board, and the Court Reporters Certification Board. A division attorney drafted rules for the agency's collection improvement program, which were published in the Texas Register. Division attorneys also made presentations throughout the year to judges, clerks, law students, and judicial law clerks on issues including the Texas court system, new legislation, magistration, contingency planning, and court interpreters.

Specialty Courts Program. The specialty courts program includes the child protection courts and the child support courts programs. Throughout the year division staff supported the efforts of the presiding judges of the administrative judicial regions in administering the specialty courts program. The specialty courts program director ensured that audit recommendations for the specialty courts were implemented. The child protection court and child support court advisory groups continued to meet to set priorities and make business decisions for the courts' case management system and other program matters. The program director facilitated the transition of purchasing and support functions for the child support courts from the Office of the Attorney General to the Office of Court Administration, which began September 1, 2007. The child protection courts judges and coordinators and the child support courts assistants attended program-sponsored training conferences in Austin.

The **Finance and Operations Division** manages the fiscal and operational support activities of OCA, including purchasing, accounting, payroll, budgeting, financial reporting, human resources, property inventory, and facilities management. Division staff members consult with OCA program managers on a variety of financial and contractual issues, and answer questions from the Legislature, the public, and other interested parties on judicial funding and state appropriations to the courts and judicial agencies. The division coordinates preparation of the agency's strategic plan, legislative appropriations request, and quarterly performance measures. Finance and Operations staff work with the clerks of the appellate courts on issues related to accounting, purchasing, financial reporting, and human resources. In addition, the division provides support to the appellate courts and the Presiding Judges of the administrative judicial regions regarding legislative and budgetary issues.

In FY 2007, division staff streamlined procedures to improve the processing of purchases and payments. Staff developed fiscal notes and supported OCA and the appellate courts during the legislative session. The division also coordinated renovations to office space to accommodate staff and contract workers for new information technology projects and other legislative initiatives approved by the 80th Legislature.

The **Court Reporters Certification Division** serves as staff to the Court Reporters Certification Board (CRCB), the governing body that oversees the licensing and regulation of the court reporting profession in Texas. Primary responsibilities include administration of the court reporters exam, certification of court reporters, registration of court reporting firms, and the conduct of disciplinary hearings on complaints filed against court reporters and court reporting firms. Accomplishments for FY 2007 are discussed under the report for the CRCB.



Photo courtesy of TexasCourthouses.com

Llano County Courthouse



Texas Judicial Council

In FY 2007, the Council held three public hearings in Austin, on September 20, 2006, January 26, 2007, and May 1, 2007. The Council primarily focused on coordinating policy goals for the 80th legislative session, and monitoring and providing assistance to the 80th Texas Legislature.

Legislation. The Council adopted 26 resolutions recommending that the Texas Legislature enact legislation on a wide variety of issues, or provide funding for certain initiatives, affecting the Judicial Branch. Most issues identified by the Council were addressed by the legislature, including: court security incident reporting; judicial longevity pay; creation of a judicial compensation commission; enhancement to judicial retirement; compensation parity for statutory county courts at law; apprenticeship for certified guardians; authority for the guardianship certification board, and the appellate courts, to obtain criminal history; associate judge residency requirements; expansion of locations for court during a disaster; OCA grantmaking authority; clean-up for indigent defense statutes; improved payment process for indigent defense counsel; and removal of the sunset provision on the lawyer legal services fee.

Weighted Caseload Study. See the report of the Office of Court Administration on page 2.

Committees. Often the Council appoints committees to study issues affecting the administration of justice. Other than those working on legislative issues, only one committee, the Committee on Judicial Data Management, was active during the reporting period.

Committee on Judicial Data Management. Section 71.035 of the Texas Government Code provides that “the council shall gather judicial statistics and other pertinent information from the several state judges and other court officials of this state.” In an effort to improve the accuracy and usefulness of the data reported to the Office of Court Administration (OCA) each month for publication in the *Annual Statistical Report for the Texas Judiciary*, the Committee on Judicial Data Management asked OCA to:

“...assemble a workgroup of clerks and other interested persons or entities to make recommendations regarding: 1) the elimination of one or more of the current data elements; 2) the addition of one or more data elements; 3) the revision of one or more of the current data elements; 4) the clear and concise definition for each data element; 5) the development of a civil cover sheet; and 6) the improvement of the quality and accuracy of the annual report of the Texas judicial system.”

The review of the trial court data elements began in 2004. Because the number of data elements reported by the trial courts is so extensive, OCA decided to create a number of workgroups and sub-workgroups, comprised of judges and clerks, to review the district court and county court monthly reports. During the past several years, those groups have met and developed recommendations regarding changes to the district court, county court at law, and constitutional county court monthly reports. (Note: One of the recommendations was to create a separate report for county courts at law.)

On April 20, 2007, a group of judges who served on the various OCA workgroups and sub-workgroups, along with representatives from the Supreme Court, Court of Criminal Appeals, and the Legislature, met to review all the proposals, except the probate, guardianship, and mental health proposal, and to recommend additional changes prior to the submission of the proposals to the Committee on Judicial Data Management for its consideration.

On May 1, 2007, the Committee met to consider the proposed changes to the monthly reports for the district courts, county courts at law, and the constitutional county courts, except the proposed probate, guardianship and mental health data changes. At the full Judicial Council meeting held later that day, the Committee reported on the recommended changes, including those recommended by the Committee earlier in the day. The Council gave preliminary approval to adopt the changes so the Committee, with the assistance of OCA staff and members of the OCA workgroups and sub-workgroups, could begin preparing the instructions for the reports, with the understanding that the Committee would continue to refine the reports.



Task Force on Indigent Defense

Introduction and Background to Indigent Defense. FY 2007 marks the sixth fiscal year of a statewide indigent defense program in Texas. In January 2002, the Texas Fair Defense Act (FDA) became effective after its adoption by the Texas Legislature in 2001. The legislation established an organization to oversee the provision of indigent defense services in Texas, the Texas Task Force on Indigent Defense (Task Force), a permanent standing committee of the Texas Judicial Council, staffed as a component of the Office of Court Administration (OCA). The Task Force has authority to set statewide policies and standards for the provision and improvement of indigent defense, to grant state funds to counties for that purpose, and to monitor counties' compliance with policies and standards.

The mission of the Task Force is to improve the delivery of indigent defense services through fiscal assistance, accountability and professional support to State, local judicial, county and municipal officials. That mission supports the ultimate purpose of the Task Force, which is to promote justice and fairness to all indigent persons accused of criminal conduct, while doing so in a cost-effective manner that also meets the needs of the local community.

In FY 2002, seven counties utilized public defender offices with two of those acting as specialty defenders (serving only juveniles). By FY 2007, 15 counties were served by public defender offices with five offices focusing on specific populations (two juvenile defenders, one mental health defender, one misdemeanor defender, and one appellate defender). The total Texas population receiving constitutionally guaranteed assistance to counsel has increased from 324,412 persons in FY 2002 to 405,754 persons in FY 2006, a 25 percent increase. Over this same period, from FY 2002 to FY 2006, indigent defense expenses have increased from \$114 million to \$149 million, a 31 percent increase.

In FY 2007, the Task Force and its committees held 12 public meetings. Task Force activities are focused on three distinct but related strategic goals: 1) policies and standards development, 2) promoting local compliance with evidence-based practices, and 3) funding strategies.

Policies and Standards Development. The Task Force is given broad authority to develop policies covering a wide range of indigent defense issues. In approaching this process, the Task Force is always mindful of the potential costs associated with implementing additional requirements. In a system funded largely by the counties, the Task Force wants to ensure that any new requirements can be implemented in a cost-effective manner.

Part of this strategy is to make recommendations to the Legislature based upon information gathered by staff and input from key criminal justice stakeholders. This past year, the Task Force presented six proposals to the 80th Legislature, and four were signed by the Governor (*a summary of this new legislation is available at www.courts.state.tx.us/tfid*). Also, in part because of this process and a thorough documenting of the need for better funding in Texas, the 80th Legislature successfully increased indigent defense funding by 50 percent—the largest state increase since the inception of the Fair Defense Act in 2001. Texas currently ranks 43rd out of the 50 states, and last out of the ten most populous states, in what it spends on indigent defense per capita (\$6.43 per capita). The additional funds will provide needed relief to local governments and help Texas continue its efforts to develop a more effective indigent defense delivery system. Please see complete funding stream information for the Task Force contained in the FY 2007 Annual Report and Expenditure Report of the Task Force on Indigent Defense available at www.courts.state.tx.us/tfid.

Another key development during the past year was the creation and adoption of rules, which became effective on January 1, 2007, setting minimum standards for managing contract defender systems. The rules provide for an open attorney application and selection process by the judges or juvenile board in whose court(s) the attorney(s) will serve. The rules also require that certain specific items be included in a contract for indigent defense services and the contract be approved by the county. The rules were developed with assistance from a stakeholders' workgroup that looked towards national guidelines and Texas practice. The rules were promulgated with a detailed commentary to assist jurisdictions in implementing effective contract systems.

Promoting Local Compliance with Evidence-Based Practices. The Task Force is charged with promoting local compliance with the fiscal and legal requirements of the Fair Defense Act. An evidence-based practice strategy was selected as the best vehicle to promote compliance and to encourage improvements in outcomes related to indigent defense. The Task Force believes that issuing more compliance “rules” and requiring more monitoring reports may only lead to the promotion of “paper outcomes,” meaning that the outcomes become the production of the paperwork and not necessarily the production of a more effective indigent defense system.

The use of evidence-based practices moves away from this traditional and often ineffective approach. The purpose of an evidence-based practice is to encourage:

- Local commitment to conduct systematic periodic evaluation of indigent defense services to identify weaknesses and areas in need of improvement;
- State commitment to provide proactive technical assistance to localities as a means of improving the system; and
- State and local collaboration in developing evidence-based knowledge to guide future policy development at the local and state level.

By deploying an evidence-based practice strategy, the Task Force is able to provide local and state officials solid information to make informed decisions about indigent defense practices. This approach places the knowledge in the hands of those responsible for providing these services. Knowledge rather than anecdotes drives decision making. As a result of observing drivers to indigent defense processes, a jurisdiction may find ways to continually improve its service in cost-effective manners.

Toward this end, the Task Force published and disseminated the following reports this past fiscal year:

- Evidence for the Feasibility of Public Defender Offices in Texas (November 2006);
- Second Interim Report: An Analysis of the Newly Established Bexar and Hidalgo County Public Defender Offices after One Year of Operation (March 2007);
- The Costs and Benefits of an Indigent Defendant Verification Program (July 2007); and
- Indigent Defense in the Texas Juvenile Justice System (August 2007).

All reports are available on the website at www.courts.state.tx.us/tfid.

The Task Force also offers professional development educational programs to enhance understanding of the FDA. In FY 2007, Task Force staff made 14 presentations to more than 1,500 attendees at various professional associations. One of these presentations was the 4th Annual Indigent Defense Workshop sponsored by the Task Force. There were 100 attendees representing 25 counties. Attendees included elected officials and other key criminal justice stakeholders to address specific local indigent defense challenges. County team attendees quickly saw from presentations and small workgroup sessions that collaboration and integrated processes were the keys to success. This requires a complete shift of focus from individual players to the *entire process*. Many counties expressed willingness, even eagerness, to partner with other criminal justice entities in their respective counties to implement some of the ideas they got from the workshop. Technical assistance projects and ideas for innovative programs funded by discretionary grants frequently result from these workshops. The workshop demonstrated best practices and provided tools, such as a 90-day action plan, to address specific issues. The workshop resulted in Montgomery County creating a criminal justice committee to address issues pertaining to indigent defense in their jurisdiction.

To further promote best practices and accountability by transparency, the Task Force serves as a clearinghouse of indigent defense information via its website, at www.courts.state.tx.us/tfid, with public access to all county plans, expenditures, guides, model forms, rules, publications, e-newsletters and press releases.

Funding Strategies. Distribution of and accounting for state funds to counties are critical responsibilities of the Task Force. The Task Force grant program encourages compliance with state and federal requirements by requiring counties to meet provisions of the Texas Fair Defense Act in their local indigent defense plans in order to qualify for funding.

In FY 2007, the Task Force awarded over \$17 million to counties through five funding methods—\$11,750,371 in formula grants, \$2,340,576 in discretionary grants, \$132,280 in direct disbursements to rural counties, \$200,000 in reimbursements for counties with extraordinary expenses, and \$3 million in a new equalization disbursement. The

Expenditure Report contained in the FY 2007 Annual Report of the Task Force at www.courts.state.tx.us/tfid provides details of the expenses for each of the five funding methods.

In establishing funding strategies, the Task Force stays in continuous contact with key stakeholders and works closely with counties to develop programs to encourage improved indigent defense systems. Community stakeholder meetings have been fruitful in communicating the importance of counties improving their indigent defense systems. Local county staff works closely with Task Force staff to obtain information to improve their systems. Hundreds of phone calls from county staff were responded to by Task Force staff during the fiscal year, with an average resolution time of less than one day.

The Task Force authorized staff to publish the FY 2008 Discretionary Grant Request for Applications (RFA) during FY 2007. This timeline gives counties more time to plan, budget and implement new programs for the upcoming fiscal year. In April, several applications were submitted for consideration. The Task Force awarded the following discretionary grants at its August 24, 2007 meeting [reports on these programs will be in the FY 2008 Annual Report]:

- Bowie County - \$621,517 to establish a public defender's office serving Bowie and Red River counties.
- Lubbock County - \$650,685 to establish a regional capital murder public defender's office to serve an 85-county region in the 7th and 9th judicial regions.

Texas Innocence Projects. In 2005, the Texas Legislature, through the General Appropriations Act, directed funds to the state's four public law schools to support their work investigating claims of innocence by incarcerated individuals. The Office of Court Administration, Task Force on Indigent Defense is currently responsible for administering the \$800,000 allocation to three active programs. When an investigation reveals a potentially provable case of actual innocence the projects then work to pursue remedies for the inmate through the courts or clemency procedures. Innocence projects involve law students working under supervision of professors. Each school is eligible to receive up to \$100,000 per year from money the Legislature approved during the 80th Legislative Session.

The law schools at the University of Houston, University of Texas, and Texas Tech University each have an operational innocence project, while Texas Southern University established an innocence project in the summer of 2007.

The Task Force partnered with the Public Policy Research Institute at Texas A&M University to create a centralized, internet-based reporting system and applied for and received an \$11,000 grant to create the database from the Office of the Governor Criminal Justice Division. This coordinated online system eliminates confusion regarding which site is accountable for individual cases and makes better use of limited resources. The system standardizes performance data input by the Innocence Project sites then summarizes results in a form that is easily accessible to project administrators, legislators, members of the Criminal Justice Advisory Council, advocates, and the general public. By allowing concerned stakeholders to view performance results via the web, the State of Texas, the Office of the Governor, the Task Force, and the Innocence Projects will demonstrate openness and accountability to the public and show their commitment to redress of the wrongfully convicted. The link to the database is: <http://innocence.tamu.edu/Public>.

FY 2007 Annual Report for the Task Force. The Task Force is statutorily required to submit an Annual Report and Expenditure, and the full report for FY 2007 may be viewed and downloaded at www.courts.state.tx.us/tfid.



Photo courtesy of TexasCourthouses.com

Milam County Courthouse



Judicial Committee on Information Technology

Electronic Court Filing. The 75th Texas Legislature created the Judicial Committee on Information Technology (JCIT) to, among other things, establish an electronic court filing system (Government Code §77.031(b)). To fulfill this mandate, JCIT continues to encourage and enable trial courts to adopt electronic filing rules. As of September 2007, 29 counties and 38 district and county clerks have implemented electronic filing, representing a total of 260 district and county courts. These courts represent approximately 66 percent of the state's population.

Electronic court filing (e-Filing) enables filers and courts to connect electronically through the state's e-Government portal, TexasOnline (www.texasonline.com). The e-Filing architecture is designed to allow parties to file electronically in any participating court, using any of several certified service providers. It also allows courts to accept filings from the commercial filing services.

Work continued in FY 2007 to acquire funding for expansion of e-Filing into Texas appellate courts. This effort was rewarded when the Legislature funded \$2.3M to the Office of Court Administration (OCA) to begin the project in FY 2008.

The 80th Legislature also directed the Supreme Court to enable rules to permit e-Filing in the justice courts, which include over 820 courts, and should be operations in FY 2008.

Trial Court Technology Support. Through FY 2007, more than 448 surplus computers had been directed to courts lacking equipment, and new legislation will simplify the process of providing surplus computers to courts. New legislation enacted by the 80th Legislature authorizes OCA to simplify the process for sending surplus computers to courts, and OCA expects dozens more surplus computers and printers to be provided directly to trial courts in FY 2008.

Trial Connectivity, Collections, and Court Case Management. During FY 2007, OCA provided funding assistance to 35 county and district trial courts and 22 municipal courts to purchase court case management software. This was the first time for such strong support to municipal courts. Court case management software is available to local governments from four software vendors at the best available rates through DIR contracts.

With JCIT's guidance, in FY 2006-2007 OCA provided 31 counties and cities funding assistance to purchase court collections software. These counties and cities are implementing the OCA Collection Improvement Program as mandated by Article 103.0033, Code of Criminal Procedure, utilizing collections software to assist in their programs.

Judicial Information Technology Standards. OCA devotes a part of its information technology appropriation to court technology standards development, and JCIT provides guidance in the selection of efforts supported. In FY 2007 and beyond, OCA, DPS, and TDCJ have engaged in the Texas Path to NIEM project with JCIT's support. This project is intended to provide model data exchanges for use by courts and their business partners throughout Texas.

Support to OCA Projects. The 80th Legislature funded OCA to support two major new judicial information technology projects, the Texas Appeals Management and E-filing System (TAMES) and the Automated Registry, and OCA is working with JCIT for broad-based, diverse advice on how to construct and implement these projects in a way that best supports the activities of a variety of trial courts throughout the state.

Court Reporters Certification Board

The Court Reporters Certification Board (CRCB) was created in 1977 to certify and regulate court reporters. CRCB functions include certification of individual court reporters, registration of court reporting firms, assessment and collection of fees, approval of court reporting program curriculums submitted by public and private institutions, and enforcement of the rules and regulations governing the court reporting profession. The Board operates under the provisions of Chapter 52 of the Texas Government Code, and the Supreme Court of Texas serves as the Board's rulemaking authority. In 2003, the 78th Legislature administratively attached the CRCB to the Office of Court Administration (OCA) and directed OCA to provide administrative support to the CRCB in fulfilling its statutory responsibilities. The program is funded from examination and certification fees collected by the CRCB and deposited to the General Revenue Fund.

Mission Statement. The Mission of the Court Reporters Certification Board is to certify, to the Supreme Court of Texas, qualified court reporters to meet the growing needs and expectations of the public through statewide certification and accountability.

Organization. The Board, as the governing body, consists of 13 members appointed by the Supreme Court of Texas: one active district judge who serves as chair, two attorneys, two official court reporters, two freelance court reporters, two representatives from court reporting firms (one court reporter owned and one non-court reporter owned), and four public members. Appointments reflect a diverse geographical representation throughout the state. Board members are reimbursed for travel expenses in accordance with state rules and regulations and serve six-year terms.

The Board uses five standing committees appointed by the Chair: 1) Rules, Standards, and Policies Committee; 2) Certification/Uniform Format Manual Committee; 3) Continuing Education Committee; 4) Legislative Committee; and 5) Review Committee. The Review Committee considers applicants with criminal convictions; a staff member, the CRCB Director, also serves on this committee.

Board and Committee Meetings Held (Austin). A total of nine meetings were held during FY 2007: four Board meetings, two facilitated dialogue meetings, one Certification Committee meeting, and two Rules Committee meetings.

The two facilitated dialogue meetings that were held on July 13, 2007 and August 24, 2007, respectively, addressed the subject of contracting, which continues to be an ongoing issue in the court reporting profession. The meetings were sponsored by the Board and OCA and were facilitated by the Center for Public Policy Dispute Resolution. Stakeholders served on the panel for the July 13, 2007 meeting, and Board members were panel participants for the August 24, 2007 meeting. An invitation for public comment produced 65 responses that were considered at the August 24th meeting. Issues were identified, and a decision was made to continue the collaborative effort and appoint a task force to possibly negotiate a rule or rules that would be beneficial to all concerned. The matter was set as an agenda item for further action for the Board meeting on September 29, 2007.

Complaints. The Board received a total of 32 complaints filed in FY 2007: 28 complaints filed against court reporters and four complaints filed against court reporting firms. The Board held three formal hearings, which resulted in disciplinary actions assessed against three court reporters.

Lawsuits. During FY 2007, three out of four lawsuits were resolved by settlement agreement and a court ruling in the Board's favor, and one lawsuit remained pending. No new lawsuits were filed.

Mediations. The Board participated in one mediation during the year in an effort to resolve a complaint set for a formal hearing in FY 2008. The parties were unable to reach an agreement and proceeded with the formal hearing in September 2007.

Certification of Individuals. The Board administered three exams to 324 applicants and issued 38 new certifications: seven in oral stenography and 31 in machine shorthand. The exam consists of an oral skills test and a written test. Applicants must pass both parts of the exam to be eligible for certification.

The Board renewed 1,417 individual certifications with approximately 63 percent renewing online through the Texas Online portal. Renewals are based on a two-year cycle. In order to renew their certifications, individuals must complete 1.0 continuing education units (10 hours) within the two-year period immediately preceding the certification expiration date.

Continuing Education (CE) Course Approvals. The Board processed 94 course approvals during the fiscal year to ensure that CE courses completed as a requirement for renewal are relative to the court reporting profession. The Board approves CE courses submitted by sponsors and individual court reporters.

Registration of Firms. The Board processed 41 new registrations for court reporting firms and renewed 147 firm registrations. Renewals are based on a two-year cycle with a December 31st expiration date.

Curriculum Approval for Court Reporting Firms. The Board approves court reporting curriculums for public community colleges, technical institutes and proprietary schools. There are currently 13 court reporting schools in Texas.

Public Information Requests – Rule 12. Staff processed 133 records requests.

Internal Audit. An internal audit of the Court Reporters Certification Program was conducted in May 2006 with 19 recommendations set out in the audit report published in FY 2007. The scope of the audit included:

- Certification of court reporters and registration of court reporting firms,
- The court reporter exam,
- Automated information systems,
- Continuing education for court reporters,
- Revenue reconciliation procedures,
- Complaint processing procedures and disciplinary actions,
- Operating practices and procedures.

In FY 2007, the Board performed an analysis and review of the recommendations and implemented five recommendations administratively, with the following actions scheduled for FY 2008: 1) the Access database, determined to be ineffective and unreliable, will be replaced with a new, more robust database; 2) recommendations concerning changes to the complaint function will be addressed and implemented; 3) a Request for Proposal will be offered regarding recommended alternatives for preparation and administration of the court reporters exam; and 4) the recommendations concerning policies and continuing education will be addressed once new complaint procedures are established and the new database is installed.

Customer Service. The Board surveys its external customers, examinees and licensees, to obtain feedback on services that the Board provides. Respondents rated their overall experience with the Board as good or excellent in 93.4 percent of cases. The satisfaction rate increased to 97.9 percent with neutral responses included.

Website. The Board maintains a website at www.crcb.state.tx.us that provides a wealth of information to the public and licensees alike including application forms, frequently asked questions, disciplinary actions, lists of licensees, and related links.

New Legislation. In 2007, the 80th Legislature passed two new bills that have a significant impact on the court reporting profession: HB 335 provides that an official court reporter must furnish a transcript not later than the 120th day after the date that the reporter receives the application for the transcript or the date the transcript fee is paid or indigency is established; and HB 1518 relates to circumstances under which court reporting firms and affiliate offices are considered to provide services in Texas.

Process Server Review Board

In June 2005, the Supreme Court of Texas approved amendments to Rules 103 and 536(a) of the Texas Rules of Civil Procedure governing statewide certification of process servers. The Court also issued a companion order (Misc. Docket No. 05-9122) to establish the framework for certification of those approved to serve process under the revised rules, to approve of certain existing civil process server courses, and to establish the framework for the Board to approve additional courses. This order also required the Office of Court Administration to provide clerical support to the Process Server Review Board (PSRB). The Supreme Court also approved a companion order (Misc. Docket No. 05-9123) that establishes the membership of the PSRB, and an order (Misc. Docket No. 05-9137) appointing a Chair. The Board consists of nine members and is a geographical representation of judges, attorneys, law enforcement, and process servers throughout the State. Board Members are not compensated for their services and do not receive reimbursement for actual travel and other expenses incurred while in the performance of their official duties.

The mission of the PSRB is to improve the standards for persons authorized to serve process and to reduce the disparity among Texas civil courts for approving persons to serve process by making recommendations to the Supreme Court of Texas on the certification of individuals and the approval of courses.

In FY 2007, the Supreme Court promulgated Rule 14 of the Rules of Judicial Administration (RJA), which governs Statewide Certification to Serve Civil Process; it may be found on the Court's website at <http://www.supreme.courts.state.tx.us/MiscDocket/07/07903600.pdf>.

Board Meetings Held. The PRSB held four meetings in Austin during the fiscal year.

Complaints. There were 29 complaints filed against process servers on the Supreme Court of Texas Statewide List of Certified Process Servers. Two process servers lost their certification as a result of disciplinary actions taken. As of August 31, 2007, six complaints were pending investigation.

Approval of Applications. The Board received 830 applications, 803 of which were approved. Of the 27 that were not approved, 18 were appealed or requested reconsideration. Six were later approved on appeal, four were denied. The remaining did not request reconsideration.

When the orders were adopted by the Supreme Court, effective July 1, 2005, 1,275 process servers were "grandfathered" by virtue of meeting pre-existing requirements in Harris, Dallas, and Denton counties. As of August 31, 2007, the total of grandfathered and certified process servers had reached 2,869. Thus, the Board approved a total of 809 applications in FY 2007.

Curriculum Approval for Process Server Training Schools. This fiscal year, the Supreme Court amended Misc. Docket No. 06-9142 and approved three new process server courses, with two additional schools pending the Court's approval. The Court also removed the Harris County restriction, allowing process servers trained at any school approved after October 27, 2006 to serve process in Harris County.

Website. The Board maintains a website at www.supreme.courts.state.tx.us/psrb.asp to provide information such as the Supreme Court orders establishing the membership of the Process Server Review Board and the appointment of its Chair; various forms, processes and procedures; and the Supreme Court Statewide List of Certified Process Servers.



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Navarro County Courthouse

Guardianship Certification Board

The Guardianship Certification Board (GCB) was created by the 79th Texas Legislature with the passage of Senate Bill 6, effective September 1, 2005. The bill established a certification requirement for certain individuals who provide guardianship services. Private professional guardians (other than attorneys and corporate fiduciaries), individuals (other than volunteers) who provide services to wards of guardianship programs, and individuals who provide guardianship services to wards of the Department of Aging and Disability Services must be certified by the GCB as of September 1, 2007.

The GCB is administratively attached to the Office of Court Administration (OCA). The GCB's primary staff, the guardianship certification program director, is an OCA employee; administrative support is also provided by the OCA. The GCB is comprised of eleven members appointed by the Texas Supreme Court and four public members appointed by the Supreme Court from a list of nominees submitted by the Governor's Office. The GCB members were appointed in early 2006.

The full GCB met seven times in FY 2007, including its regular quarterly meetings. The GCB has two permanent committees, the Rules Committee and the Minimum Standards Committee, each comprised of a committee chair and three other GCB members. The GCB has three review committees: the Application Review Committee, the Denial of Certification Review Committee, and the Disciplinary Review Committee. The review committees are each composed of a chair and two other GCB members, who serve on the committees for six-month terms. The Application Review Committee met three times; the other two review committees did not meet. No complaints were filed and no disciplinary action was taken in fiscal year 2007.

During FY 2007, the GCB finalized Rules Governing Guardianship Certification and Minimum Standards for the provision of guardianship services. The minimum standards were approved in December 2006, and the preamble was amended in January 2007. The Rules and amendments to the rules to incorporate the criminal history requirement and provisional certification were submitted to and adopted by the Supreme Court of Texas.

111 guardians were certified in fiscal year 2007, and 34 were provisionally certified. (Two of these moved from provisional to full certification; they are counted in the 111 certified guardians.) Certifications are valid for two years, and are renewable if the requirements for re-certification, including completion of continuing education hours, are met. Provisional certifications are also valid for two years, but may not be renewed unless a waiver is sought from and granted by the GCB.

Among the requirements for certification are successful completion of a Texas- specific and national exam on guardianship practices and principles. The Office of Court Administration awarded the contract for Guardianship Certification Examination Services to the National Guardianship Foundation, now known as the Center for Guardianship Certification (CGC). The CGC administered the exam ten times throughout Texas in calendar year 2007. Three exams will be scheduled in calendar year 2008, two to coincide with the Texas Guardianship Association's spring and fall conferences, and the third in the summer.



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Stephens County Courthouse

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