

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



FISCAL YEAR 2008

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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.

The **Judicial Compensation Commission** is responsible for making a report to the Texas Legislature each even-numbered year recommending the proper salaries to be paid by the state for all justices and judges of the Supreme Court of Texas, the Court of Criminal Appeals of Texas, the courts of appeals and the district courts. The Office of Court Administration provides administrative support for the JCC.



Office of Court Administration

2008 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 2008, the Director has been deeply involved in the Task Force to Ensure Judicial Readiness in Times of Emergency which was appointed in November 2007 by the Supreme Court of Texas. This task force began design and implementation of an emergency program to prevent or manage disrupted court operations throughout the state in emergencies. The group is identifying existing gaps in court security, abilities to operate and other preparedness

functions and response policies, procedures, and programs within the Texas judiciary and has developed an interim plan to work with court officials and others outside the judicial system. The Director has continued to ensure OCA's involvement in activities designed to improve court outcomes for children who have been abused or neglected, working with staff for the Supreme Court, and the Department of Family and Protective Services. Since work began, the Texas Data-Enabled Courts for Kids (TexDECK) project completed the functional requirements study (FRS) phase of the project. These functional requirements are now being utilized by OCA to design, develop, and implement a new child protection case management system to improve case tracking and management, data sharing, and court performance in child abuse and neglect cases.

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 2008, the division's activities included the development or continuation of programs and projects designed to increase the collection of court costs, fees, and fines; 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.

In FY 2008, OCA continued to engage in numerous activities to implement the program, or assist in refining the processes of previously implemented programs, including providing technical assistance and training to the affected counties and cities; assisting or offering assistance with local voluntary collection improvement program efforts; began assisting the Comptroller of Public Accounts (CPA) with improving the accuracy of the population of cases from which the CPA auditors select their samples to determine the pre-mandatory program collection rate for mandated programs; continued developing, in cooperation with the CPA, a methodology for conducting compliance audits required for the Collection Improvement Program; began conducting simulated compliance audits to identify any deficiencies and assisting programs with correcting any deficiencies found before the CPA auditors conduct the official compliance audit; continued assisting programs with the use of the web-based collection reporting system developed by OCA and Texas A& M University to track collection activity and results; held a public meeting in Austin to discuss the proposed rules for the Collection Improvement Program, which had been published in the Texas Register, and the comments submitted; and published and adopted final rules.

As of August 31, 2008, 74 of the 78 counties and cities required to implement a program had either fully or partially implemented the model. In addition, 14 voluntary programs were at least partially implemented in 12 cities (Castle Hill, Clyde, Cross Plains, Frisco, Hallsville, La Grulla, Lockhart, Marion, Mercedes, Mission, Murphy, and New Braunfels) and two counties (Hale and Lampasas) during FY 2008.

Weighted Caseload Study. OCA contracted with the National Center for State Courts (NCSC) to conduct a weighted caseload study of the district courts. The study was started in FY 2007, and was completed in June 2008 with the publication of the final study report.

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 judicial officers 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.

During the month of October 2007, a sample group of judicial officers reported on the amount of time they spent handling cases and performing non-case-related activities (e.g., travel, continuing education, vacation). From that data, case weights were constructed. The case weights represent the average amount of time judicial officers spend on the handling of cases in the district courts. The case weights were then applied to filings in individual counties in order to calculate judicial workload. The overarching conclusion of the study is that there is a need for approximately

650 full-time equivalent judicial officers to manage and resolve the annual number of cases filed, an increase of about 8 percent over current levels. The results indicate that 31 counties need additional judicial officer resources to adequately handle existing workload.

OCA staff provided much assistance to the NCSC in conducting the study. During FY 2008, this included developing training materials and coordinating the training of the judicial officers participating in the time study on how to complete the time reporting form; assisting in the development of the weighting scheme used in calculating the case weights and establishing accurate counts of judicial officers and filings; coordinating the final meeting of the Judicial Needs Assessment Committee, which was comprised of judges and court administrators and was created to provide guidance and oversight to the weighted caseload study; and assisting in the preparation of the final study report.

Judicial Data Workgroup. Acting on a mandate of the 80th Texas Legislature (under OCA Rider 7, H.B. 1, 2007) 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. 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, and justice/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, statutory county courts, and probate.)

During the past several years, the workgroups and sub-workgroups have met and developed recommendations regarding changes to the district court, statutory county court, and constitutional county court monthly reports and instructions.

In FY 2008, the Committee on Judicial Data Management completed its consideration of the proposed changes to the monthly reports and instructions for the district courts, statutory county courts, and constitutional county courts recommended by the OCA sub-workgroups, as revised by a group of judges who served on the various OCA sub-workgroups, along with representatives from the Supreme Court, Court of Criminal Appeals and Legislature. The proposed reporting forms and instructions, as amended by the Committee, were forwarded to the full Judicial Council for its consideration. At its May 23, 2008 meeting, the Council amended the proposed monthly reporting forms and instructions and approved them, as amended.

Also, in FY 2008, the review of the data elements for justice and municipal courts was undertaken by the OCA Justice and Municipal Court Data Workgroup. That workgroup met on March 14 and May 16, 2008. The workgroup approved and submitted its recommended changes to the Committee on Judicial Data Management in fall 2008.

Research and Court Services staff provided extensive support for this project, including the drafting of forms, instructions, and model case cover sheets, as well as presentations and other informational campaigns to make clerks and judges aware of the upcoming changes.

Judicial Information Program. The Judicial Information section implemented two new reporting requirements established by the 80th Legislature.

Effective September 1, 2007, House Bill 1380 (Code of Criminal Procedure, article 102.017(f)) requires local administrative judges to submit a written report regarding any security incident involving court security that occurs in or around a building housing a court for which the judge serves as local administrative judge not later than the third business day after the date the incident occurred. In FY 2008, OCA received 210 incident reports, approximately half of which were from the district courts.

Also effective September 1, 2007, Senate Bill 705 (Government Code, section 72.087) requires the judge or clerk of a court to submit to a written record of any case involving the trial of a capital offense before a jury, whether or not the death penalty was sought, or any case in which the defendant is found guilty of a capital offense by a judge and is sentenced by a jury. In FY 2008, OCA received reports for 58 cases.

Judicial Information program staff also gathered information needed for the new Judicial Compensation Commission to begin its work.

Court Services Program. OCA began in 2007 a court services program to consult, evaluate, and help implement case management and other administrative programs to help courts run more efficiently. During FY 2008, OCA staff provided on-site training on case management, calendar management, and other administrative matters to district judges and court coordinators at their respective offices in Brown, Palo Pinto and Wharton counties, as well as to a Title IV-D child support associate judge and his court coordinator at their office in McLennan County; provided on-site training on how to assign visiting judges, schedule motion to recuse hearings, and other administrative matters to the new assistant to the Presiding Judge of the Third Administrative Judicial Region; assisted the courts in Tom Green County with scheduling the Yearning for Zion child protection cases, which involved the emergency removal of over 400 children; and made an on-site visit to Hidalgo County to evaluate how Title IV-D cases are processed in the district clerk's office and entered by the staff in the district clerk's office and the court coordinators for the Title IV-D child support courts into their respective case management systems and offered recommendations for improvement.

OCA began a project at the end of August 2007 to develop a court coordinator handbook for new court coordinators in district, statutory county, and specialty courts. A committee comprised of 16 court coordinator and court manager members was created to assist OCA in the preparation of the handbook. In addition, 10 judges serve as advisory members to the committee.

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 2008 are discussed in the report for the Task Force.

The **Legal Division** continued to provide legal support for numerous entities within the judiciary and to oversee the administration of the specialty courts programs on behalf of the presiding judges of the nine administrative judicial regions. Legal staff served as liaisons to or provided legal support to the Judicial Compensation Commission; the Texas Judicial Council; the Conference of Regional Presiding Judges; the Council of Chief Justices; the Permanent Judicial Commission on Children, Youth and Families; the Task Force to Ensure Judicial Readiness in Times of Emergency; the Texas Partnership for Family Recovery; the Judicial Districts Board; the Task Force on Indigent Defense; the Guardianship Certification Board (GCB); and the Court Reporters Certification Board (CRCB). Division attorneys drafted new rules and amendments for the Texas Judicial Council's new judicial data reporting requirements, for the GCB, the CRCB, the Judicial Committee on Information Technology, and the collections improvement program. The division updated the district clerk procedure manual and the model jury summons and model felony judgment forms. A division attorney worked extensively on the agency's automated registry project, including assisting with procurement and the numerous inter-agency contracts required for the project. Legal Division attorneys began working with the Legislative Committee of the Texas Judicial Council to draft resolutions and legislation for the 81st

Legislative Session. A division attorney also made presentations throughout the year to judges, clerks, law students, and judicial law clerks on issues including the Texas court system, charging instruments in municipal court, court costs, and legislative updates.

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 program director assisted the presiding judges in establishing two new child protection courts. In addition, the program director worked with the information services division and with the child support courts workgroup and the child protection courts workgroup to revise the case management system for both programs and to request funding for a rewrite of the Child Support Case Management system. The program director facilitated the annual Child Protection Court training in Austin attended by the Associate Judges and coordinators.

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, budgetary, and human resources issues.

In FY 2008, the division took on responsibility for purchasing office supplies, phone service, and other operational goods and services for the Title IV-D Child Support Courts program. Previously these items were purchased by the Office of the Attorney General as part of an interagency contract with OCA for funding of the Child Support Courts program. Division staff participated in several projects initiated by the State Comptroller's Office concerning Enterprise Resource Planning. Staff members responded to surveys and served on committees studying statewide accounting and travel requirements. Human Resources staff oversaw a new initiative to review all agency policies on a biennial basis. In addition, division staff coordinated responses to an audit by the Texas Workforce Commission on the agency's equal employment opportunity policies and procedures, receiving high marks for compliance. Division staff continued to provide training to other OCA employees on human resources policies, as well as purchasing, travel, and property procedures. Staff completed a variety of financial reports, including the Annual Financial Report, quarterly performance measures reports, a biennial revenue report to the Legislative Budget Board, and multiple grant reimbursement requests. Finance staff also completed the biennial legislative appropriations request and worked with the courts of appeals on their coordinated requests for "similar funding for same-size courts." The division implemented new procedures to provide reimbursements to counties for indigent inmate defense, a function previously performed by the State Comptroller's Office. Division staff also continued to oversee the internal audit function to ensure OCA programs are operating in an effective and cost-efficient manner.

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 2008 are discussed under the report for the CRCB.

The **Guardianship Certification Program** serves as staff to the Guardianship Certification Board (GCB), the entity that certifies certain individuals who provide guardianship services in Texas. Its primary responsibility is to carry out the daily business of the GCB and perform the necessary administrative functions to implement and enforce statutory requirements. These functions include processing applications for certification, provisional certification and re-certification in accordance with GCB guidelines; developing procedures and forms; maintaining program and GCB records; and disseminating information on the GCB's rules, minimum standards and policies. Accomplishments for FY 2008 are discussed under the report for the GCB.



Texas Judicial Council

In FY 2008, the Council held three public hearings in Austin, on December 7, 2007, March 7, 2008 and May 23, 2008. The Council primarily focused on coordinating policy goals for the 81st legislative session.

Legislation. The Council began discussion of the 81st Legislature with plans to create more workgroups in order to gather issues from a broad perspective of stakeholders of the judiciary.

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. The Legislative Committee was re-established to prepare for the 81st Legislative Session and the Committee on Judicial Data Management was also 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 monthly reports for the district and county courts. During the past several years, the workgroups and subgroups have met and developed recommendations regarding changes to the district court, statutory county court, and constitutional county court monthly reports and instructions. (Note: One of the recommendations was to create a separate report for statutory county courts.)

In FY 2008, the Committee on Judicial Data Management completed its consideration of the proposed changes to the monthly reports and instructions for the district courts, statutory county courts, and constitutional county courts recommended by the OCA sub-workgroups, as revised by a group of judges who served on the various OCA sub-workgroups, along with representatives from the Supreme Court, Court of Criminal Appeals and Legislature. The proposed reporting forms and instructions, as amended by the Committee, were forwarded to the full Judicial Council for its consideration at its meeting on December 7, 2007. Notice of the Council’s intent to repeal the existing monthly court activity reporting rules and to adopt new monthly reporting rules was published in the Texas Register on March 21, 2008, with a 30-day comment period. At its May 23, 2008 meeting, the Council considered the comments that were received, repealed the existing reporting rules, and adopted the new reporting rules and approved the proposed reporting forms and instructions, as amended at that meeting.

In FY 2008, OCA created a Justice and Municipal Court Data Workgroup to review the data elements for justice and municipal courts. That workgroup met on March 14 and May 16, 2008. The workgroup approved and submitted its recommended changes to the Committee on Judicial Data Management in fall 2008.

Hate Crime Reporting. Article 2.211 of the Code of Criminal Procedure provides that in each case that a request is made for an affirmative finding that an offense was committed because of bias or prejudice under Article 42.014, the clerk of the district or county court shall report that request to the Texas Judicial Council and include a statement whether the affirmative finding was entered in the judgment in the case. OCA has not received any reports of hate crimes since June 2006.



Task Force on Indigent Defense

Introduction and Background to Indigent Defense. FY 2008 marks the seventh 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 2008, 15 counties established public defender offices with the two newest being a regional office to serve Bowie and Red River Counties and a West Texas Capital Regional Public Defender created by Lubbock County to serving 65 counties. The total Texas population receiving constitutionally guaranteed assistance to counsel has increased from 324,412 persons in FY 2002 to 442,246 persons in FY 2007, a 36 percent increase. Over this same period, from FY 2002 to FY 2007, indigent defense expenses have increased from \$114 million to \$161 million, a 41 percent increase.

In FY 2008, the Task Force and its committees held 12 public meetings. The Task Force also met in April to focus on strategic planning with regards to 1) program accountability and monitoring practices; 2) allocation of new funding and issues related to the current formula; and 3) policies and standards and legislative initiatives.

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 year, the Task Force will present proposals to the 81st Legislature (*a summary of the proposed legislation is available at www.courts.state.tx.us/tfid*). At its year-end August meeting, the Task Force approved eight recommendations for the upcoming 81st Regular Session of the Texas Legislature, which were then also approved by the Texas Judicial Council. The full list of proposals is available [here](#).

On June 23, 2008, the United States Supreme Court decided *Rothgery v. Gillespie County*, 128 S. Ct. 2578 (2008), which will have a significant impact on the timing of appointing of counsel to indigent defendants. The Court held that "a criminal defendant's initial appearance before a judicial officer, where he learns the charge against him and his liberty is subject to restriction, marks the start of adversary judicial proceedings that trigger attachment of the Sixth Amendment right to counsel." The main impact of the ruling is to speed up the time-frame for appointment of counsel for defendants who are out of custody on bond by requiring appointment prior to the filing of criminal charges by the prosecutor.

Review of Dallas County Public Defender. Dallas County requested technical assistance from the Task Force on the appellate division of the public defender's office and on appropriate caseloads for attorneys in the trial division of the public defender's office. Staff conducted site visits in late June and early July and released a [report](#) on the office on July 15th, 2008. This was followed by a presentation of its key findings to the Dallas County Commissioners Court on July 28th, 2008. Key findings from report include the following:

- High quality and timely briefs filed by appellate division;
- Appellate division provides additional services such as spot legal research to assist trial defenders with legal issues arising at trial and writes monthly written case summaries of new opinions from the Court of Criminal Appeals;
- Cost per hour of appellate division is about \$72 versus \$100 for private assigned counsel; and
- Caseloads for trial attorneys in Dallas County Public Defender are substantially higher than national standards, other states, as well as being the highest among Texas public defender offices surveyed.

Review of Cameron County's Indigent Defense System. Cameron County requested that the Task Force conduct a system-wide analysis of its indigent defense processes. The Task Force teamed with the Spangenberg Group, a nationally recognized research and consulting firm specializing in improving justice delivery systems to the poor, and Mr. David Slayton, Director of Court Administration, Lubbock County. In an attempt to document local processes for managing the requirements of the Fair Defense Act, we interviewed representatives from various departments in the criminal justice system, observed a variety of court proceedings, and examined records relating to indigent defense. We determined that the County would benefit from the establishment of a pretrial services department focused on processing requests for counsel and would be better served by either a public defender office or a rotational appointment system than by the existing contract defender system. The Task Force provided technical assistance funds for establishing this pretrial services department and provided additional funds for the creation of a jail strike force to ensure that all indigent persons in jail had appointed counsel.

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:

- Blueprint on Creating a Public Defender Office in Texas (Second Edition, June 2008)
- Review of Dallas County Public Defender: Appellate Division and Caseload Standards (July 2008)
- Key Provisions of the Fair Defense Act for Visiting Judges (revised October 2008) .

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

In addition the Task Force received a grant from State Justice Institute for a research project entitled, *Representing the Mentally Ill Offender: An Evaluation of Advocacy Alternatives*.

The Task Force also offers professional development educational programs to enhance understanding of the FDA. In FY 2008, Task Force staff made 15 presentations to more than 800 attendees at various professional associations. One of these presentations was the 5th Annual Indigent Defense Workshop sponsored by the Task Force. The Task Force holds an annual workshop each year. In FY 2008 the workshop was held October 18-19, 2007. Twenty-four counties

were represented by court administrators, judges and commissioners for a total of 75 in attendance, including presenters and staff. The keynote speaker was Robert Spangenberg, a national indigent defense expert and president of The Spangenberg Group consulting firm. Attendees heard from a vast array of presenters from defense to prosecution. The workshop is a culmination of success stories based on evidence-based practices from studies and in some cases, examples of programs which were funded by Task Force discretionary grant funds. County attendees gain information about the programs that can be replicated in their own counties. For instance, there were presentations on public defender office programs, case management programs and information was provided from recent studies concerning indigence determination/verification and electronic filing systems. The highlight of the workshop is when attendees break into small workgroups and work with facilitators on ways they could improve processes in their counties. Attendees develop a 90-day action plan. Task Force staff follow up with the counties regarding the action plans to see what progress has been made and if any assistance is needed. Workshops have resulted in improvements in processes each year. Counties attending and actions taken: Collin County applying for an electronic integration system, Lubbock County applying for a defense system for mental health offenders, Nueces, indigent defense coordinator, Webb, juvenile unit in public defender office.

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 2008, the Task Force awarded over \$21 million to counties through six funding methods—\$11,742,978 in formula grants, \$3,047,124 in discretionary grants, \$140,213 in direct disbursements to rural counties, \$450,565 in reimbursements for counties with extraordinary expenses, \$5,000 for technical assistance, and \$6 million in an equalization disbursement. The Expenditure Report contained in the FY 2008 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 2009 Discretionary Grant Request for Applications (RFA) during FY 2008. 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. At its June 18th meeting, the Task Force awarded over \$1.2 million for five new discretionary grants. Bee County was awarded a \$478,384 grant to operate a regional public defender that will also serve Live Oak and McMullen counties. Lubbock County received a \$419,360 grant to implement Texas' first private defender program for cases involving mentally ill defendants. The Task Force also awarded Webb County \$330,218 to operate a juvenile public defender. These grants are the first of four years of funding. Red River County received a \$16,530 grant to purchase a video-teleconferencing system and Burnet County was awarded \$34,184 to hire an indigent defense coordinator.

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 continues to maintain the database that originally was funded 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 2008 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 2008 may be viewed and downloaded at www.courts.state.tx.us/tfid.



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Gonzales County Courthouse



Judicial Committee on Information Technology

Electronic Court Filing. The 75th Texas Legislature created the Judicial Committee on Information Technology (JCIT) and gave it a 12-point mission, including establishing an electronic court filing system (e-Filing) (Government Code §77.031(5)). To fulfill this mandate, JCIT continues to encourage trial courts to adopt electronic filing rules. As of November 2008, 36 counties and 48 district and county clerks have implemented electronic filing. There are 211 district courts, 70 county courts at law, nine probate courts, and eight JP courts using electronic filing. These jurisdictions cover approximately 70 percent of the state's population.

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 to any participating court from any one of the several certified service providers. It also allows courts to accept filings from the commercial filing services.

Work continued in FY 2008 to acquire funding for expansion of e-Filing into Texas appellate courts, which the Legislature funded \$2.3M to the Office of Court Administration (OCA) to begin the Texas Appeals Management and e-Filing System (TAMES) project in FY 2008. JCIT participates with the TAMES project steering committee and assists with developing rules of appellate procedure required to implement the project.

The 80th Legislature also directed the Supreme Court to create rules to permit e-Filing in the justice courts, which include over 820 courts. These rules were approved by the Supreme Court in December 2007, and as of December 1, 2008, nine justice courts are using e-Filing.

JCIT is working on standards for document filing types so that TexasOnline may efficiently implement e-Filing in courts and provide a familiar set of document types to attorneys, regardless of the court in which they are filing.

Trial Court Technology Support. Through FY 2008, more than 560 surplus computers had been directed to courts lacking equipment. New legislation enacted by the 80th Legislature authorized OCA to simplify the process for sending surplus computers to courts, and OCA transferred dozens more surplus computers and printers directly to trial courts in FY 2008.

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 2008, OCA, the Department of Public Safety, and the Department of Criminal Justice established the Texas Path to NIEM (National Information Model) project with JCIT's support. This Path to NIEM project provided 28 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 TAMES and the Automated Registry. 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.



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Llano County Courthouse

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). The program is funded from 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 who have criminal convictions.

Board and Committee Meetings Held (Austin). A total of 21 meetings were held during FY 2008: 6 Board meetings, 1 facilitated Task Force meeting on contracting, 2 Review Committee meetings, 1 Continuing Education Committee meeting, 1 Certification Committee meeting, 4 Legislative Committee meetings, and 6 Rules Committee meetings.

A facilitated Task Force meeting was held on April 11, 2008 as a follow-up to two meetings in FY 2007 that were held on July 13, 2007 and August 24, 2007, respectively. The main focus of the meetings centers on contracting which continues to be an ongoing issue in the court reporting profession. The meetings are sponsored by the Board and OCA and were facilitated by the UT Center for Public Policy Dispute Resolution. The Task Force continues its efforts in FY 2008 to identify issues and possibly negotiate a rule or rules on contracting that would be beneficial to the profession.

Complaints. The Board received a total of 35 complaints filed in FY 2008—33 complaints filed against court reporters and 2 complaints filed against court reporting firms. The Board held 10 formal hearings, which resulted in disciplinary actions assessed against 7 court reporters and 1 court reporting firm.

Lawsuits. There were 3 lawsuits filed against the Board in FY 2008. By fiscal year-end, one lawsuit remained pending, one was withdrawn, and one was dismissed in court.

Mediations. There were no mediations conducted in FY 2008.

Certification of Individuals. The Board administered 3 exams to 344 applicants and issued 49 new certifications—13 in oral stenography and 36 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 1,093 individual certifications out of a licensee base of 2,657 licensees with approximately 69 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 of January 1st.

Continuing Education (CE) Course Approvals. The Board processed 102 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 54 new registrations for court reporting firms and renewed 125 firm registrations. Renewals are based on a two-year cycle with a January 1st 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 12 court reporting schools in Texas.

Public Information Requests – Rule 12. Staff processed 40 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 to increase efficiencies and improve cost effectiveness. 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, and
- Operating practices and procedures.

In FY 2007, the Board performed an analysis and review of the recommendations and implemented five recommendations administratively. In FY 2008, the Board made major strides on a number of recommendations as follows: 1) the Access database, determined to be ineffective and unreliable, was replaced with a new more robust licensing database, VERSA, in March 2008; 2) recommendations concerning major changes to the complaint function were incorporated in proposed rule revisions to be submitted to the Supreme Court for adoption in FY 2009; and 3) the Texas Court Reporters Association was awarded the bid to prepare and administer the court reporters exam in February 2008, a function previously handled by the Board.

Remaining recommendations concerning policies are to be addressed in the near future.

Customer Service. The Board surveys its external customers, examinees and licensees, to obtain feedback on services that the Board provides and CRCB responses contributed to a 98.2 percent rating in overall satisfaction by OCA customers from all divisions.

Website. The Board maintains a website at www.crcb.state.tx.us to provide information to the public on CRCB functions, including but not limited to, certification, complaints, forms, disciplinary actions, lists of licensees, and related links.

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. 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.courts.state.tx.us/MiscDocket/07/07903600.pdf>.

Mission Statement. 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.

Organization. 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.

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

Complaints. There were 25 complaints against process servers on the Supreme Court of Texas Statewide List of Certified Process Servers that were reviewed by the Board. Three process servers lost their certification as a result of disciplinary actions taken, one of which was pending from FY 2007. As of August 31, 2008, four complaints were pending investigation.

Approval of Applications. The Board received 1,141 applications. In July of 2008, the first cycle of certification renewal began. 418 renewal applications were received. Of both new applicants and renewal applicants, 39 were not approved for certification or renewal, 15 of whom requested reconsideration. The Board approved ten applicants who requested reconsideration (two of those were pending from FY 2007), and denied five (one pending from FY 2007). Only one request for consideration remained pending at the end of FY2008.

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, 2008, the total number of certified process servers had reached 3,038. The Board approved a total of 1,149 applications and 418 renewal applications in FY 2008.

Curriculum Approval for Process Server Training Schools. No curriculum was submitted to the Board during FY 2008 for approval.

Website. The Board maintains a website at www.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. 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.

Mission Statement. The mission of the GCB is to perform 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.

Organization. The GCB is comprised of 11 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. One public member resigned during the fiscal year, and a replacement was appointed.

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 also 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.

Board and Committee Meetings Held. The full GCB met four times in FY 2008 for its regular quarterly meetings. The Minimum Standards Committee did not meet during fiscal year 2008. The Rules Committee met three times. The Application Review Committee met eight times, the Disciplinary Review Committee met three times, and the Denial of Certification Review Committee met once.

Three amendments to the Rules Governing Guardianship Certification were submitted to and adopted by the Supreme Court of Texas. First, an amendment to the provisional certification rule provides that a provisionally certified guardian who applies for "full" certification within one year does not need to provide new criminal history reports to the GCB. Second, making a false statement or a material misrepresentation to the GCB was added as grounds to deny certification. Finally, a new rule providing for alternative dispute resolution was added.

Two new policies were adopted by the GCB in fiscal year 2008. As required by statute, the Division of Responsibilities Policy delineates the GCB's policy making responsibilities and the program management duties of the director. The Access to Board Records Policy addresses the privacy of applicants and documents that records are maintained and access is granted pursuant to Rule 12 of the Rules of Judicial Administration. Two changes were made to the Public Meetings Policy: GCB's full Board and committee meetings are recorded, except that consultations with attorneys in closed session need not be; and provisions for emergency meetings and emergency addition of items to an agenda were added. The Ethics Policy was also revised; changes included prohibited use of non-public information, members' conduct after GCB service and removal of a reference to the Open Meetings Act.

Complaints. Four complaints were filed in fiscal year 2008. Two complaints were dismissed and one was pending at fiscal year-end. No action was taken on the fourth because the violation alleged was cured before the GCB acted on the committee's recommendation. Two applications for certification were denied. One applicant successfully appealed, and one applied for and was granted provisional certification.

Certification of Individuals. 198 guardians were certified in fiscal year 2008, and 61 were provisionally certified. (Thirty individuals moved from provisional to "full" certification; they are counted in the 198 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 valid for only one two-year period, unless a waiver is sought from and granted by the GCB. Two applications for certification were denied. One applicant successfully appealed, and one applied for and was granted provisional certification.

Among the requirements for certification are successful completion of a Texas- specific and a national exam on guardianship practices and principles. The Center for Guardianship Certification (CGC) administers the exams under contract with OCA. Three scheduled exams, two coinciding with the Texas Guardianship Association's spring and fall conferences, and several hosted exams were given during calendar year 2008.

Judicial Compensation Commission

The Judicial Compensation Commission (JCC) was created by the 80th Legislature effective September 1, 2007.¹ It is responsible for making a report to the Texas Legislature no later than December 1 of each even-numbered year recommending the proper salaries to be paid by the state for all justices and judges of the Supreme Court of Texas, the Court of Criminal Appeals of Texas, the courts of appeals and the district courts. The Office of Court Administration provides administrative support for the JCC.

Organization. The Commission is composed of nine members who are appointed by the Governor with the advice and consent of the Senate to serve six-year terms. No more than three members serving on the Commission may be licensed to practice law. Board members are reimbursed for travel expenses in accordance with state rules and regulations.

Commission and Committee Meetings Held (Austin). Members of the Commission were appointed in May 2008. The Commission held its first meeting on June 30, 2008 at the Texas Law Center. The Public Comment Committee, created at the June 30 meeting, met at the Texas Law Center on August 25, 2008 to obtain public comment on issues related to judicial compensation. In the meantime, the Fact Gathering Committee worked with the staff of the Office of Court Administration and State Bar of Texas to collect and analyze data pertinent to the statutorily-required factors that must be considered by the Commission.

The Commission held three additional meetings in fiscal year 2009 to prepare and finalize its report.

Website. Additional information regarding the Commission and its report to the Legislature is available on the Commission's website at www.courts.state.tx.us/oca/jcc/jcc.asp.

¹ Acts 2007, 80th Legislature, Regular Session, Ch. 1090, September 1, 2007. Texas Government Code, Chapter 35.



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Stephens County Courthouse

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