

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



FISCAL YEAR 2005

TEXAS JUDICIAL COUNCIL
CARL REYNOLDS, EXECUTIVE DIRECTOR
OFFICE OF COURT ADMINISTRATION
CARL REYNOLDS, ADMINISTRATIVE DIRECTOR

205 WEST 14TH STREET, SUITE 600
POST OFFICE BOX 12066
AUSTIN, TEXAS 78711-2066
(512) 463-1625
FAX: (512) 463-1648
WWW.COURTS.STATE.TX.US

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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 the current and future state of the judiciary.

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 policies and standards for defense services to indigent defendants.

The **Judicial Committee on Information Technology** was created to establish 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** is charged with performing licensing and regulatory functions for the court reporting profession, including approving the content of continuing education courses required for certification renewal and approving court reporting curriculums for public and proprietary schools and technical institutes.

The **Process Service Review Board** was established by order of the Supreme Court of Texas 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.

The **Guardianship Certification Board** is required to establish a certification process for individuals, other than volunteers, who act as private professional guardians or provide guardianship services to a ward of a guardianship program or to wards of the Department of Aging and Disability Services.



Office of Court Administration

2005 Activities of OCA by Division

Executive Operations - The OCA is led by an Administrative Director who also is the Executive Director of the Texas Judicial Council, and is supported by an Executive Assistant. The agency was ably guided by an interim director, Ms. Carrice Marcovich, for several months of FY 2005, and April 2005 marked the appointment of the fourth permanent director of OCA, Mr. Carl Reynolds, formerly General Counsel to the Texas Department of Criminal Justice.

In FY 2005, under the new director, OCA: consolidated eight divisions into the six named below; began a strategic planning process; planned a court security initiative for the Judicial Council; implemented dramatic changes to the OCA website, with more to come; started conducting site visits to the various trial and appellate courts; and developed a new emphasis on building the agency's "knowledge management" capabilities. In addition to assuming leadership and setting strategic direction for the entire agency, Executive Operations has been primarily responsible for service to the Process Service Review Board and the creation of the Guardianship Certification Board.

The **Research and Court Services Division** serves as a resource for the courts in key areas of judicial administration. The division provides consultation on recommended best practices in administrative operations, works to establish innovative court programs, serves to increase public accessibility to the courts and helps develop and implement programs designed to increase the collection of fines and court costs. This division also collects, analyzes, and publishes information related to court activities throughout the state. Statistics collected focus on significant issues and accomplishments in the judicial arena and are used for identifying opportunities for improvement in the judicial system.

During the fiscal year, 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.

Collections Improvement Project. In FY 2005, division staff implemented the Office of Court Administration's Model Court Collections Program in the district courts in Burnet and Cooke counties; in the county-level courts of Burnet, Burleson, Cooke, Fannin, Goliad, Jones, Kaufman, Maverick, Mitchell, Moore, Somervell, and Victoria counties; in the justice courts in Cooke, Goliad, and Smith counties; and in the municipal court of each of the following cities: Cedar Hill, Copperas Cove, Crowley, La Joya, Marshall, San Angelo, and Waco. The division also assisted in expanding the model court collections program to the district courts in Aransas, Jones, Lubbock, and Nolan counties; in the juvenile courts in Kerr and Nolan counties; and in the justice courts in Aransas, Lubbock, Midland, Taylor and Tom Green counties. By the end of FY 2005, 51 counties, 17 cities, and 252 courts (including district, county-level, justice, and municipal courts) in the state were using the Office of Court Administration's Model Court Collections Program.

Additionally, division staff provided collections technical assistance to Bosque, Brazoria, Burleson, Chambers, Colorado, Comal, Cooke, Dallas, Falls, Fannin, Grayson, Jefferson, Jones, Kaufman, Maverick, Midland, Montague, Moore, Orange, Parker, Potter, Randall, Smith, Somervell, Taylor, Tom Green, Uvalde, Wichita, and Williamson counties, as well as to the cities of Amarillo, Cedar Park, Florence, Fort Worth, Georgetown, Houston, Kennedale, Kerrville, La Joya, Luling, Odessa, San Angelo, San Antonio, and San Marcos. Further, the division evaluated how collections are handled in the counties of Gregg, Hardin, Maverick, Montague, Newton, Potter, Somervell, and Uvalde, and in the cities of Georgetown, Houston, La Joya, Lavon, San Marcos, and Sherman, and made collections improvement recommendations.

During the 79th Regular Session, the legislature passed SB 1863. Article 10 of SB 1863 requires cities with a population of 100,000 or more, and counties with a population of 50,000 or more, to implement collections improvement programs based in part on OCA's Model Court Collections Program by either April 1, 2006 or April 1, 2007. A total of 78 counties and cities are affected over the 2006-07 biennium. Prior to September 1, 2005, in compliance with bill requirements, OCA: 1) identified the counties and cities that are able to implement a program by April 1, 2006 versus April 1, 2007; and 2) posted on the office's website the components of OCA's Model Court Collections Program. In addition, OCA hosted a stakeholders meeting, in Austin, on July 5, 2005, to discuss the implementation of OCA's Model Court Collections Program. Attendees included representatives from the Texas Association of Counties, Texas Municipal League, County and District Clerks Association, and Justice of the Peace and Constables Association.

Juvenile Law Referees. The division was awarded a \$200,985 Juvenile Justice Accountability Incentive Block Grant to continue this project for a sixth year. The purpose of the project is to hold juvenile offenders more accountable for their actions by providing additional judicial officers and support staff to efficiently and effectively process the large volume of juvenile cases in Hidalgo and Bexar counties. The participating counties agreed to provide a cash match of \$129,148, resulting in total project support of \$330,133 for the period of the grant, August 1, 2004 through July 31, 2005. Grants received by the Office of Court Administration from federal or state sources are – as is this grant - primarily pass-through grants which go to local participating governments or courts to cover the project costs under the grant. The local government or court also generally provides the preponderance of any local matching funds required as a condition of the grant. The Office of Court Administration's participation under the grant project usually occurs on an "in-kind" basis and takes two forms: (1) Research and Court Services staff participate in the actual research, analysis, and report-writing phases of a grant project; and (2) Office of Court Administration staff serve as grant manager or fiscal agent in administering the grant by reviewing expenditures and filing necessary grant reports to the funding agency.

Judicial Data Workgroup. Acting on a mandate of the 78th Texas Legislature (under Office of Court Administration Rider 7, HB 1, 2003) and a request of the Texas Judicial Council's 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) and juvenile cases. In time, all levels of trial courts will be brought into the process, but because the number of data elements is so extensive, the division inaugurated the review in August 2004 by convening a sub-workgroup of district judges and district clerks to evaluate data collected for criminal cases in the district courts. During FY 2005, reviews of the data elements for criminal and juvenile cases in the district courts were completed and proposals for change were developed. After an opportunity for input from other interested individuals and entities, the recommendations of the full district court workgroup will be forwarded to the Committee on Judicial Data Management for its consideration and possible adoption.

Texas Judicial System Annual Report. Acting on a mandate of the 78th Texas Legislature (under Office of Court Administration Rider 7, HB 1, 2003) and a request of the Texas Judicial Council's Committee on Judicial Data Management to "streamline" the annual report, division staff redesigned the publication. All detailed statistical information on court activity was removed from the publication, though it is still published on the agency's website. The new annual report provides synopses of court activity and trends, as well as general information about the judicial system in Texas.

Trial Court Judicial Data Management System. Implemented in FY 2004, OCA's Trial Court Judicial Data Management System allows for electronic submission of monthly activity reports from the trial courts. During FY 2005, the Office of Court Administration continued to promote electronic reporting and to assist courts with the electronic submission of their case activity data. As a result of this effort, 49 percent of reporting entities in Texas were submitting their activity electronically by the end of the fiscal year, compared to 29 percent at the end of the previous fiscal year.

The **Information Services Division** provides staff support for the Judicial Committee on Information Technology; technical support for a network infrastructure for the appellate courts and judicial agencies; and technical and training assistance statewide to users in the judiciary, as well as services for internal use within the Office of Court Administration. The division also develops, implements, and promotes automated systems to facilitate improved court efficiencies and to advance the establishment of technology standards throughout Texas courts.

During FY 2005, along with its routine service duties, the Information Services Division:

- replaced obsolescing file-server computers, printers for all appellate courts, and computers for child protection courts;
- completed the Trial Court Interface Project, which involved development of standard interfaces from OCA-verified commercial case management software applications to OCA and DPS, for required reporting from trial courts as well as electronic filing of court documents;
- implemented memoranda of understanding with trial courts to provide funding for OCA-verified commercial case management software in return for electronic reporting to OCA;
- completed the Trial Court Infrastructure Project, in collaboration with the County Information Resource Agency, to provide broadband Internet connectivity to trial courts in return for electronic reporting to OCA; and
- deployed the specialty court case management system—a software application customized for the special needs of child protection courts and child support courts that also provides a central repository for reporting.

The **Indigent Defense Division** supports the Task Force on Indigent Defense by overseeing the distribution of funds to counties for indigent defense services; developing policies and standards for legal representation and other defense services for indigent defendants; providing technical support to counties with respect to indigent defense; and establishing a statewide county reporting plan for indigent defense information. Accomplishments for FY 2005 are discussed in the report for the Task Force.

The **Legal Division** provides legal advice to agency management and judicial officers, and administers the child support courts and child protection courts programs by providing legal advice and administrative support to the presiding judges of the administrative judicial regions and to the associate judges and their staff. The division also researches and publishes procedure manuals for district and county clerks, promulgates model forms, and facilitates other legal assistance to the judiciary. The human resources officer for the OCA is part of the Legal Division and administers the human resources function for the agency.

In FY 2005, the Legal Division made presentations to trial court clerks on such issues as civil case filing fees, district and county clerk reporting requirements, court interpreters, and open records. The division staffed meetings for the presiding judges and the chief justices of the courts of appeals, and assisted the committee of presiding judges with Rule 12 open records appeals. It worked with the Supreme Court's rules attorney to compile and publish the Texas Rules of Civil Procedure online. Legal staff and the support staff processed, researched, and analyzed approximately 350 bills during the 79th Legislative Session. The Legal Division worked with the Information Services Division, the Help Desk, and specialty courts staff to roll out the specialty docket case management software for the child protection courts and child support courts.

The **Finance and Operations Division** manages the fiscal and operational support activities of OCA, including purchasing, accounting, payroll, budgeting, financial reporting, property inventory, and facilities management. Division staff 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 and quarterly performance measures. Finance and Operations staff work with the clerks of the appellate courts on issues related to accounting, purchasing, and financial reporting. 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 2005, Finance and Operations played a major role in completing a successful legislative budget cycle. While most of OCA's appropriation line items were cut by 5 percent (as directed by the state's leadership), the agency was able to retain 100 percent of its FY 2004-05 appropriations level funding for the Child Protection Courts and Indigent Defense programs. The division developed funding strategies to balance the remainder of OCA's reduced FY 2006 operating budget without the need for any staff layoffs and without cutting essential services to its customers. Finance staff also coordinated and reviewed over 350 fiscal notes during the legislative session, and assisted the courts of appeals and the Council of Chief Justices with their funding requests, which were favorably received by the Legislature and resulted in much-needed, additional funding for the courts.

Division staff coordinated the administrative activities associated with expanding the Model Court Collections Program, as authorized by SB 1863. Staff assisted in hiring five new employees, procuring computer equipment and office space for these staff, and establishing the budget for the expanded program.

The division coordinated internal audit activities that included an innovative approach to risk assessment, incorporating elements of the Governor's Fraud Prevention and Detection Initiative with other, traditional risk elements into the agency's Risk Assessment for FY 2005 - 2006. In addition to the risk assessment, an internal audit of the Judicial Information section of OCA was completed in FY 2005.

The division also developed a new system for tracking method of financing information in the agency budget; secured alternate storage space for OCA records that were at risk of damage caused by water pipe leaks in the former space; restructured property records for easier filing and records management; and implemented an improved, automated system for tracking indigent defense grants.

The **Court Reporters Certification Division** serves as staff to the Court Reporters Certification Board, which certifies to the Supreme Court individuals qualified to practice court reporting based on successful completion of the state exam and registers court reporting firms that provide court or shorthand reporting services to the public. Effective September 1, 2003, the Texas Legislature administratively attached the Court Reporters Certification Board (CRCB) to the OCA, bringing 3,068 court reporters and 300 court reporting firms at that time into the OCA service population. Accomplishments for FY 2005 are discussed under the report for the Board.



Texas Judicial Council

In September 2004, the Texas Judicial Council (Council) underwent a notable change in leadership as the chair of the Council, Chief Justice Thomas R. Phillips, retired from the bench after serving for almost 17 years on the Supreme Court of Texas. Shortly thereafter, Governor Rick Perry filled the vacancy by appointing Justice Wallace B. Jefferson to serve as the new chief justice. By virtue of his new post, Chief Justice Jefferson assumed the position of chair of the Council.¹

In FY 2005, the Council held two public hearings in Austin: one on January 18, 2005 and the other on July 12, 2005. While many of the Council's activities focused on monitoring the activities of and providing assistance to the 79th Texas Legislature, the Council continued its ongoing pursuit to improve the administration of justice through the efforts of its various committees.

Committee on Court Security. In July 2005, the Council formed the Committee on Court Security (Committee) to examine, analyze and make recommendations to the Council regarding court security and safety in Texas' state courts. Recognizing the necessity of providing safe and secure access to Texas' judicial system, the Committee will develop meaningful strategies and procedures to protect litigants, judges, court personnel, and the general public in courtrooms and courthouses across the State of Texas. The Committee will evaluate state and local security measures, assess local plans and practices, consider unique attributes and safety needs, and identify appropriate state and federal resources for the implementation of effective court security solutions. The Committee also will recommend safeguards for the personal security of court officials and their families.

Committee on Statutory County Courts. In January 2005, the Council formed the Committee on Statutory County Courts (Committee) to examine, study and make recommendations regarding the jurisdiction of Texas' statutory county courts at law. The Committee, which held two public hearings in February 2005, will focus on developing recommendations that provide for uniform jurisdiction of all statutory county courts, and will consider the potential impact of any jurisdictional changes on the caseload of both district courts and statutory county courts. To ensure judicial efficiency, quality, and consistency among the statutory county courts at law, the Committee will assess existing judicial resources, identify the need for additional resources, determine fair and adequate compensation for statutory county court at law judges, and make appropriate recommendations for change.

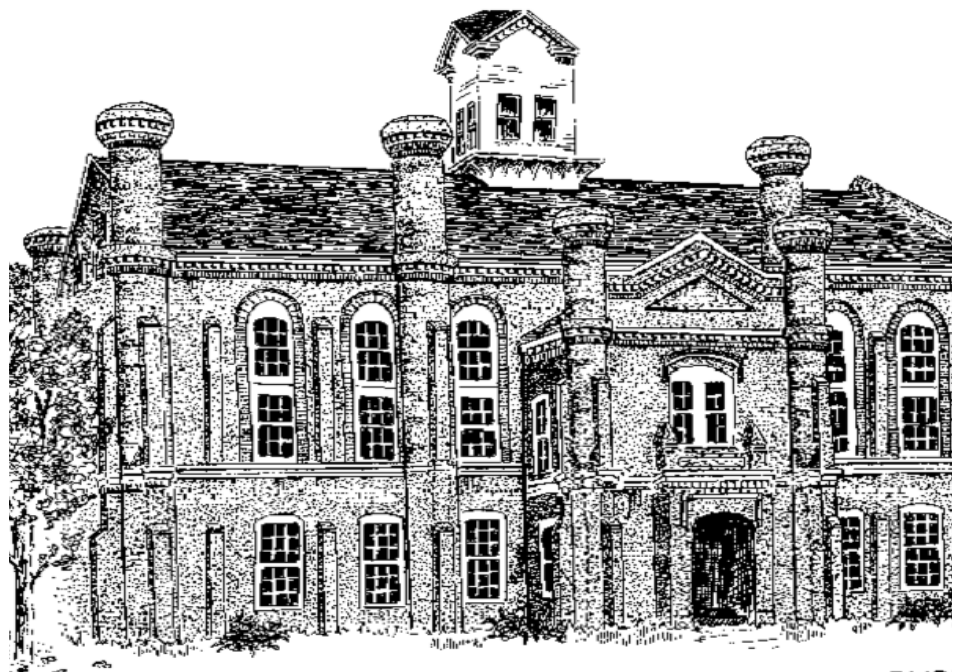
Committee on Juvenile Justice. In August 2004, the Council created the *Committee on Juvenile Justice* (Committee) to examine and make recommendations regarding the admissibility and verification of video magistrations made pursuant to Title 3 of the Texas Family Code. The Committee, which held a public hearing in November 2004, discussed the admissibility of a written statement which requires certification by the magistrate that the magistrate examined the child independent of law enforcement or the prosecuting attorney, and determined that the child understood the contents of the statement and knowingly and voluntarily waived his or her rights. In contrast, statements that are videotaped or recorded are admissible without verification by a magistrate that the statement was voluntarily made. In an effort to provide additional protection to juvenile offenders, the Committee drafted a legislative proposal that would amend §51.095 of the Family Code to allow a magistrate who provides juvenile warnings for a videotaped interrogation to require the officer to return the child and videotape to the magistrate for a determination of voluntariness. In those instances, the child's statement would not be admissible until the magistrate determined that the statement was given voluntarily. The proposal, which received the Council's support in January 2005, was passed during the 79th Regular Session as part of the omnibus juvenile bill, House Bill 1575 by Representative Harold Dutton, and became law on September 1, 2005.

1. See Tex. Gov't Code, § 71.018(a) (1985) (providing that the chief justice of the supreme court must also serve as chair of the Texas Judicial Council).

The Committee was also asked to study and make recommendations about juvenile justice as it relates to the public school system including failure to attend school and violations of standards of student conduct. During the November 2004 meeting, the Committee discussed the additional burden bestowed upon courts that preside over a large number of failure to attend cases filed throughout the school year. To help ensure that adequate resources are available to properly process these cases and other juvenile cases, the Committee submitted to the Council a legislative recommendation that would allow county, justice and municipal courts to employ juvenile case managers to assist in administering the juvenile dockets. The proposal, which received the Council's support in January 2005, was passed during the 79th Regular Session as part of the omnibus juvenile bill. Effective January 1, 2006, Article 102.0174 of the Code of Criminal Procedure allows the board of a municipality or the commissioners court of a county to create a juvenile case manager fund to finance the salary and benefits of juvenile case managers. To fund the account, defendants convicted of fine-only misdemeanor offenses in municipal, justice, county court, or county court at law may be required to pay a juvenile case manager fee of up to \$5 as a cost of court. The Committee will continue to examine those juvenile justice issues that arise in the public school system and impact the judiciary. The Committee will explore how failure to attend school and violations of standards of student conduct may be related to criminal offenses, and will solicit input from educators, law enforcement, the judiciary, the legislature, and other entities working to improve juvenile conduct and justice.

Committee on Juries. In June 2001, the Council created the *Committee on Juries* (Committee) to study jury service, in compliance with a directive of the 77th Texas Legislature. The Committee conducted two public hearings and solicited input from the 254 counties, the Legislative Budget Board, the Legislature, and the Judiciary. In April 2003, the Council adopted the Committee's report *Jury Service: Participation and Pay in Texas*. Among the Council's recommendations to improve the jury system was the suggestion that the Texas Legislature should standardize the qualifications for civil and criminal petit jurors. Given that recommendation, Senator Jeff Wentworth filed Senate Bill 451 during the 79th Regular Session. The bill, which became law on September 1, 2005, conforms the service qualifications for jurors in civil and criminal cases by providing that a person who has been convicted of misdemeanor theft is not eligible to serve as a juror in a civil case, just as they are not eligible to serve as a juror in a criminal case. Consequently, the Office of Court Administration updated the *Official Uniform Model Jury Summons & Questionnaire* and the *Juror Information Web Site* which can be accessed at www.courts.state.tx.us/jcouncil. Although the Council also believed that an increase in juror pay would enhance Texas' jury system and should be a future consideration for the Legislature, the Council was unable to submit that recommendation to the 78th Legislature due to the severe statewide fiscal constraints present in 2003. Nevertheless, during the 79th Regular Session, Senator Rodney Ellis filed Senate Bill 1704 to increase the minimum amount of juror pay to \$40, rather than \$6, for each day or fraction of each day served as a juror after the first day. Beginning January 1, 2006, the state must reimburse a county \$34 per day for the money paid to a grand or petit juror for each day served after the first day.

*Shelby County
Courthouse*





Task Force on Indigent Defense

Introduction and Background. Since 2002, when the Fair Defense Act was implemented during the 77th Texas Legislative Session, the mission of the Task Force on Indigent Defense has been to improve the delivery of indigent defense services through fiscal assistance, accountability and professional support to state, local judicial, county, and municipal officials. The purpose of the Task Force is to promote justice and fairness to all indigent persons accused of criminal conduct, including juvenile respondents, as provided by the laws and constitutions of the United States and Texas.

In FY 2005, the Task Force met eight times and focused strategically on the next five years.

Survey on Policies Development and Development of Five Year Strategic Plan. In preparation for developing a five year strategic plan, the Task Force sought input from stakeholders on priority areas for policies and standards development. More than 300 people completed the survey by ranking their priority areas. This input fed directly into the first of three main goals of the strategic plan, which is to improve indigent defense through the development of policies and standards. The initial areas of focus include the development of best practices to improve the process of determining indigence following the completion of a study on the issue. Other policy issues for initial development include the development of minimum standards for managing contract defender systems, as well as writing and publishing a short information booklet on indigent defense requirements in juvenile court. In death penalty cases, the Task Force will work collaboratively with the regional presiding judges and Court of Criminal Appeals to identify strategies to track attorneys' eligibility for public appointments under statutory qualification factors. It will also explore possible development of best practices for improving regional and local capital representation qualifications and develop strategies for mentoring new death penalty capable defense lawyers.

The second strategic goal is to promote local compliance and accountability with the requirements of the Fair Defense Act through an evidence-based practice. This strategy will involve state and local collaboration in developing knowledge about areas that need improvement and to guide future policy development.

The third strategic goal for the Task Force is to develop effective funding strategies to assure that state funds have maximum impact on the quality of services. In meeting this goal, the Task Force will act in three areas: 1) allocate and account for the distribution of state funds; 2) develop specific strategies to increase state funding; and 3) promote the effective use of state and local funds at the local level. The initiatives supporting this goal will that assure funds available for indigent defense services are utilized in the most effective way and are sufficient to meet the state's obligations.

Legislative Update. The 79th Regular Session adjourned May 31st with the governor signing a few indigent defense related bills:

- HB 1701, filed by Representative Terry Keel, streamlined state judicial reporting requirements by requiring indigent defense plan submission every other year, rather than every year, and modified the qualifications for attorneys in death penalty cases to require that such attorneys not have been found to have rendered ineffective assistance of counsel during the trial or appeal of any capital case by a federal or state court.
- SB 1704, filed by Senator Rodney Ellis, increased juror pay while providing the potential for additional state funding for indigent defense services. The bill created a new \$4 court cost, payable upon conviction for any offense excluding pedestrian or parking related offenses, which will be used to reimburse counties for the additional costs of increased juror pay. The bill provides that if the balance in the newly created jury service fund exceeds \$10 million, the overage goes to Task Force to assist counties for the costs of

providing indigent defense services. Although the amount of any increased funding for indigent defense is uncertain, it may reach approximately \$2 million in FY06 and \$13 million in FY07 and years thereafter.

- The General Appropriations Act, or SB 1, provided level funding for the Task Force based on existing revenue sources (court costs, legal services fee on attorneys, and surety bond fee). It also required that \$100,000 per year in Task Force funds be directed to each of the four public law schools in the state to fund innocence projects at those schools (University of Houston, University of Texas, Texas Tech University and Texas Southern University). The bill also provided for one additional FTE (for a total of seven FTEs) for the Task Force to hire a monitor to implement a substantive monitoring program.

Administrative Judicial Region Death Penalty Plans. Attorney qualification standards and attorney appointment lists were collected from each of the administrative judicial regions. All plans are published on the Task Force website, making them easily accessible to judges, attorneys interested in death penalty appointments, and the public. The plans are also posted along with indigent defense plans for each county in the respective region. All of the documents are also posted together at the following URL: <http://tfid.tamu.edu/IDPlans/RegionDocuments.asp>.

Major Studies and Publications. The Task Force issued its first comprehensive study in January 2005 entitled *Study to Assess the Impacts of the Fair Defense Act on Texas Counties*, which included three major findings. First, Texas is providing more defendants with indigent defense: since the Fair Defense Act was implemented, the number of individuals receiving appointed counsel has increased nearly 40 percent. Second, the counties studied are all complying with the “prompt appointment” provisions of the Fair Defense Act. Third, counties have flexibility in how they implement the requirements of the Fair Defense Act, and their choices may impact costs. Overall, counties that adopt a pro-active “problem-solving” approach to indigent defense and that are willing to experiment with new practices appear to be making progress toward improving and refining local systems.

The Task Force and Office of Court Administration, once again working with PPRI, also applied for and were awarded a grant of up to \$90,000 from the State Justice Institute to conduct a research study entitled *Evaluating the Impact of Direct Electronic Filing in Criminal Cases: Closing the Paper Trap*. The Task Force matched these funds with \$50,000 to complete the project, which is focusing on three counties that are at different stages of implementing direct electronic filing systems: Bexar, El Paso, and Harris. The study will examine the impact of direct electronic filing systems on misdemeanor case outcomes, identify challenges associated with implementing and maintaining such a system, and develop a replicable model of an ideal case processing system for consideration by state courts nationally. The study should be completed by February 2006.

Grants and Other Funding Provided to Counties for Indigent Defense Services. In FY 2005, the Task Force awarded formula grants to 217 counties in the amount of \$11,977,619 – an increase of \$1,277,619 over FY 2004. The Task Force also provided 23 direct disbursements totaling \$196,217 to rural counties not applying for grants but incurring some indigent defense costs. These funds support the overall indigent defense program in the counties and are the primary source of state assistance.

The Task Force also awarded discretionary (competitive) grants to 15 counties totaling \$2,129,641 for innovative programs such as public defender offices in Bexar and Hidalgo counties, mental health units in Dallas and El Paso counties’ public defender offices, and a three-county mental health contract defender service in East Texas. Other programs included video-teleconferencing systems, indigent defense coordinators, and a magistration project. The Task Force also paid out \$316,000 to six counties that had experienced extraordinary indigent defense expenditures, typically involving representation in capital murder cases.

Fiscal Monitoring. Monitoring visits were conducted in 18 counties during FY 2005. Thirteen visits involved fiscal monitoring, while technical assistance was the focus of the other five (in Cameron, Kerr, McLennan, Lee, and Bastrop counties). In addition, desk reviews were conducted of all counties’ expenditure reports for FY 2004. While monitoring the Task Force grants, three fiscal issues were identified for improvement:

- **Contract Defender Systems.** As a whole, contract defender systems have not maintained adequate documentation of statutory and fiscal requirements. The Task Force recommends an open selection process for attorneys meeting the objective qualifications set forth in the indigent defense plan.

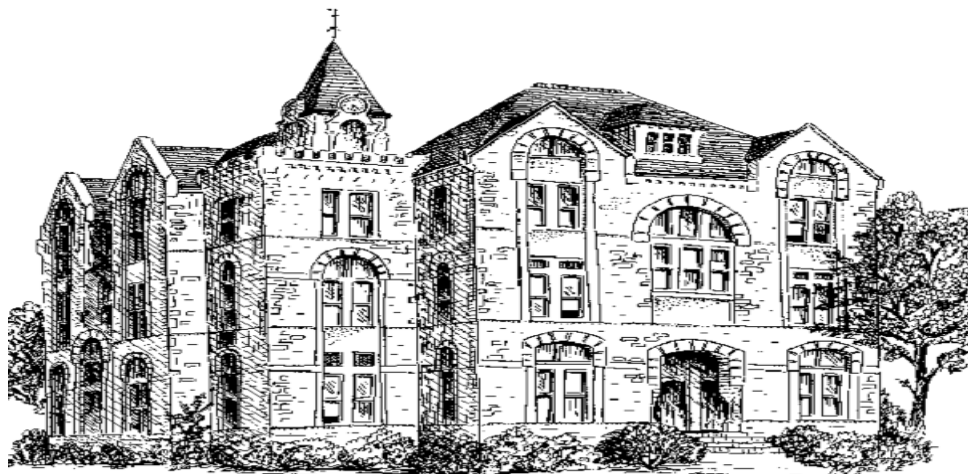
- **Continuing Legal Education (CLE) Requirement.** In some counties, the CLE requirements were not consistently documented for attorneys. Attorneys' CLE requirements must meet the Task Force standards and the county's local plan.
- **Records Management System.** In some counties, self-monitoring and/or internal reviews of local indigent defense plans are not adequately performed on a regular basis. Internal reviews are designed to provide reasonable assurance of compliance with the local plan process, and self-monitoring ensures familiarity with county policies and procedures and with financial and operational practices.

Task Force Communication. The Task Force communicates in various ways to all stakeholders to promote education about the Fair Defense Act. Some of the ways it does so are with the following:

- **Data, plans, model forms and procedures, rules, online submission processes.** All 254 counties' indigent defense plans and expenditure reporting data are available to the public on the Task Force website at www.courts.state.tx.us/tfid. Through a password protected portion of the website, county officials may complete the annual expenditure report and the plan submission/verification process and update their contact information.
- **e-Newsletters.** In FY 2005, the Task Force issued four e-Newsletters. This publication is distributed to over 800 county personnel involved in indigent defense with email addresses collected on the PPRI database. The e-Newsletters are issued quarterly (following a full Task Force meeting) and inform county personnel of trainings, important deadlines, helpful best practices, legislative and program updates, and any other information that may assist counties with their indigent defense programs.
- **Presentations, Trainings and Outreach.** In FY 2005, the Task Force conducted presentations across the state to approximately 1,200 judges, county commissioners, defense attorneys, county employees, and other criminal justice stakeholders about their responsibilities and the responsibilities of the Task Force. This is accomplished in various ways. Task Force staff are frequently requested to present to various training organizations seminars. Staff also provide yearly regional trainings across the state to educate and update county personnel on the grant programs available and the fiscal reporting requirements. The Task Force also hosts an annual workshop for indigent defense coordinators each October.
- **Outside Publications.** In FY 2005, numerous publications, including County Progress (April 2005), Municipal Court Recorder (April-May 2005) and Legal Front (Winter 2005 - published by Texas Lawyers Care, the Pro Bono/Legal Services Support Project of the State Bar of Texas) contained articles featuring programs of the Task Force.

FY 2005 Annual Report for the Task Force. The Task Force is statutorily required to submit an Annual Report, and the full report for FY 2005 may be viewed and downloaded at www.courts.state.tx.us/tfid.

*Fayette County
Courthouse*





Judicial Committee on Information Technology

Electronic Court Filing. The 75th Texas Legislature charged the JCIT to “develop minimum standards for an electronically based document system to provide for the flow of information within the judicial system in electronic form and recommend rules relating to the electronic filing of documents with courts” (Government Code § 77.031(b)). To fulfill this mandate, JCIT has continued to encourage and enable trial courts to adopt electronic filing rules. As of August 31, 2005, 15 counties (Bee, Bexar, Burnet, Cameron, Collin, Dallas, El Paso, Fort Bend, Guadalupe, Harris, Hidalgo, Moore, Potter, Tarrant, and Upton) have implemented electronic filing, representing a total of 132 trial courts (89 district courts, 38 county courts, and 5 probate courts).

Electronic court filing enables filers and courts to connect electronically through the state’s e-Government portal, TexasOnline (www.texasonline.com), which was created by the 77th Texas Legislature to make government more accessible to Texas citizens through electronic means. The electronic filing architecture is designed to allow parties to file electronically in any participating court using a certified service provider of their choice. It also allows courts to accept filings from the commercial filing services without having to connect to each one individually.

Telecommunications. In FY 2005, the Office of Court Administration continued to work with the County Information Resource Agency (CIRA, part of the Texas Association of Counties) to extend broadband Internet connectivity to courts and clerks. By the end of FY 2005, 117 courts and clerks in 34 counties had been provided broadband access to the Internet. In exchange for this improved Internet access, the recipient courts and clerks agreed to submit their monthly court activity reports to the Office of Court Administration electronically. JCIT’s goal is to continue to fund and install broadband hardware and initial connectivity in additional rural counties, and the Office of Court Administration received appropriations for FY 2006-2007 to expand broadband connectivity.

Trial Court Technology. In January 2005, JCIT assisted the judicial training centers in planning and hosting the third Texas Court and Local Government Technology Conference in conjunction with the Government Technology Conference held in Austin. The Texas Association of Counties served as sponsor, with the other three judicial training centers and JCIT providing co-sponsorship. The conference included seminars, technology demonstrations, online legal research training, and a wealth of vendor applications and products.

JCIT and the Office of Court Administration assisted the Department of Public Safety (DPS) in acquiring a federal grant from the Federal Motor Carrier Safety Administration to provide trial courts with case management software, Internet connectivity, and computer equipment. A total of 181 courts shared approximately \$1.1 million in funding.

Since FY 2001, JCIT and the Office of Court Administration have provided a portable wireless training network with 20 student laptop computers for use by the four judicial training centers. Throughout FY 2005, this system was used to support training around the state for justices of the peace and court staff through the Justice Court Training Center.

Trial Court Case Management System. JCIT and the Office of Court Administration developed three additional contracts for case management systems to replace the Office of Court Administration’s DOS-based software developed and distributed in the 1980s. At the end of FY 2005, eight products were available. Local governments can now purchase the DIR-approved case management software and services at the best available rates through DIR contracts.

Judicial Information Technology Standards. JCIT’s Standards Subcommittee is charged with researching, developing, and recommending judicial information technology standards for statewide use. In FY 2005, the subcommittee began review of three case management functional standards areas for potential future adoption: 1) domestic relations; 2) criminal; and 3) juvenile.

Court Reporters Certification Board

The Court Reporters Certification Board is comprised of 13 members: 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. The Supreme Court of Texas serves as the Board's rulemaking authority.

The following activity occurred in FY 2005:

Public Hearing. The Court Reporters Certification Board held one public hearing in Austin on January 14, 2005. The public hearing resulted in recommendations to the Texas Supreme Court for rule changes that are still pending. There were 101 public attendees, of which 34 gave public comment at the hearing. Approximately 230 written comments were received, representing a 7 percent response rate from the court reporting community.

Board and Committee Meetings Held (Austin). Twelve meetings were held during the fiscal year: three Board meetings, two Continuing Education Committee meetings, three Testing Committee meetings, two Rules Committee meetings, one Certification Committee meeting, and one Legislative Committee meeting. Board meetings are held on Saturdays, and committee meetings are scheduled around the weekend of the Board meetings to save on travel expense.

Sunset Review. On October 28, 2004, the Board submitted a bill summary status to the Sunset Advisory Commission showing compliance with the 26 Sunset recommendations set out in SB 273, 78th Regular Session. The Board came under Sunset review in 2003.

Complaints. There were 61 hearings held by the Board on complaints filed against 53 court reporters and court reporting firms, resulting in two disciplinary actions taken.

Certification of Individuals. Three exams were administered to 314 applicants, and 50 new certifications were issued. Exams are held on the Friday before the Board meeting to minimize travel expense. The exam consists of a manual skills test (oral) and a written test. Both parts must be passed to be eligible for certification. Court reporters may be certified in the methods of machine shorthand or oral stenography (voice writers).

In FY 2005, 1,510 individual certifications were renewed, more than 50 percent of which were renewed online through the Texas Online portal. Renewals are based on a two-year cycle. Continuing education relevant to the court reporting profession is required for individuals to renew their certification, with 1.0 continuing education units (10 hours) to be completed within the two-year period preceding the certification expiration date of December 31st.

Continuing Education Course Approvals. 79 course approvals were processed during the fiscal year. Continuing education courses submitted by sponsors are approved by the Board, with the exception of courses sponsored by the National Court Reporters Association.

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. There was no approval activity in FY 2005.

Registration of Firms. 38 new court reporting firms were registered and 123 firm registrations were renewed. Renewals are based on a two-year cycle with a December 31st expiration date.

Public Inquiries and Open Records Requests. Staff responded to 7,270 phone calls and emails from the public and processed 154 open records requests.

Website. The Board has maintained a website since FY 2001 to provide information to the public including, but not limited to, the statute and rules under which the Board operates, various forms, processes and procedures, and other news items. The cost savings in postage from utilizing the website and email over the last four years is approximately 50 percent. The website can be viewed at <http://www.crcb.state.tx.us>.

Process Service Review Board

In June of 2005, the Supreme Court of Texas approved amendments to Rules 103 and 536(a) of the Texas Rules of Civil Procedure, effective July 1, 2005, 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 service 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 Service Review Board.

The Supreme Court also approved a companion order (Misc. Docket No. 05-9123) that establishes the membership of the Process Service Review Board, and an order (Misc. Docket No. 05-9137) appointing a Chair. The orders may be viewed at: <http://www.supreme.courts.state.tx.us/psrb.asp>.

In keeping with the orders adopted by the Supreme Court, the mission of the Process Service Review Board 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 2005, the Process Service Review Board held one meeting, at which four committees were established, to handle the following issues: complaints concerning process servers; a code of conduct for process servers; the effect of prior criminal history on certification to serve process; and the review of proposed curricula for the training of process servers.

When the orders were adopted by the Supreme Court, effective July 1, 2005, approximately 1,250 process servers were “grandfathered” by virtue of meeting pre-existing requirements in Harris, Dallas, and Denton Counties. As of the date of this publication, the total of grandfathered and certified process servers had reached approximately 1,575.

Guardianship Certification Board

The Guardianship Certification Board was created by SB 6, 79th Legislature, to establish a certification process for individuals, other than volunteers, who act as private professional guardians or provide guardianship services to a ward of a guardianship program or to wards of the Department of Aging and Disability Services. The Board is described and empowered in new Chapter 111, Government Code, is to be appointed by the Supreme Court of Texas, and is to be administratively attached to the Office of Court Administration. As of the date of this publication, the Board has not yet been appointed.