

COURTEX

TEXAS JUDICIAL BRANCH NEWS

FALL, 2006

First Issue

From the OCA Director

This is an experiment. We have so much going on, and we need a way to communicate about those activities, both inside and outside OCA. And, we suspect there are a number of potential contributors of information out there, who will help provide useful content for the Texas Judicial Branch community. We have been nervous about starting something like a newsletter, because there is an imperative to continue, but we need to do it, and we hope you will look forward to each quarter. Well, as they used to sing on Looney Tunes, "On with the show, this is it!" - [Carl](#)

Court Tech

Supreme Court Webcasting

Chief Justice Jefferson has placed a high priority on giving the Supreme Court the ability to broadcast video of oral arguments over the Internet, in order to make the justice system more accessible to the public, and to provide an educational tool. Under an arrangement negotiated between OCA and St. Mary's Law School, St. Mary's will provide the resources needed to make the Chief's vision a reality. Information Services Director Bruce Hermes has steered the project, working with St. Mary's, the Chief Justice, Justice Paul Green - the Court's technology liaison, and Court Clerk Blake Hawthorne. An architect is on the job, and work is underway, with a projected go-live date for oral arguments on January 23, 2007.

Judicial Committee on Information Technology

JCIT continues to evaluate the implementation of new case management systems with a goal to help establish state-wide uniformity, and work with [TexasOnline](#) to implement eFiling by the district and county clerks, so far in 28 counties. JCIT has committee meetings and a full meeting scheduled for December 8, 2006, 9:00 a.m.-5:00 p.m., Capitol Extension, Legislative Conference Center, Room E2.002A. More information is available on the [JCIT website](#).

Appellate Court Websites

The Council of Chief Justices approved a move to production for their new web pages at their September 11th meeting, and the pages went into production for the [intermediate courts of appeals](#) (3rd Court of Appeals is shown in the link) on September 25th. The Supreme Court and Court of Criminal Appeals sites should go live later in the Fall, and the Texas Courts Online look will change this season as well - keep checking the [Texas Courts Online website](#).

Texas Appeals Management and E-Filing (TAMES)

TAMES is a proposed project to bring the appellate courts into the eFiling evolution, subject to legislative funding of OCA's exceptional item for roughly \$3.5 million in the next biennium. OCA's [Legislative Appropriations Request is available online](#).

Court Professions

Texas Association for Court Administration

TACA is holding its 30th annual education conference as this publication is developed. I (Carl) provided the keynote address, and pledged to work for a greater connection between the members of TACA and the OCA; my resolve to begin this newsletter is a direct outgrowth of that pledge. [TACA](#) is supported by the Correctional Management Institute of Texas, at Sam Houston State University, and the new director of the CMI is Doug Dretke, former director of the Correctional Institutions Division of TDCJ. Doug and I are eager to collaborate on building this connection, and on advancing the profession of court administration in Texas.

Court Reporter Certification Board

An internal audit of the Court Reporters Certification Division of OCA was conducted in May 2006, to determine whether adequate internal controls were in place for processing of certifications for court reporters, registrations for court reporting firms, and complaints filed against court reporters and court reporting firms.

- Nineteen recommendations were made to strengthen controls and streamline work processes to achieve additional efficiencies and improve effectiveness. Some of the recommendations have already been implemented with others in progress or under consideration by the Board. Key audit observations include the following:

- License and renewal applications are effectively processed with applicants meeting all requirements for certification and registration. Adequate processes are established for continuing education requirements but are not efficient.
- The current automated system on which licensee data resides is ineffective and unreliable.
- Complaint procedures are ineffective and inefficient.
- Formal policies in various areas need to be developed and adopted.

The [Court Reporters Certification Board](#) will continue to follow up on audit recommendations through fiscal year 2007. The Board meets three times per year.

Guardianship Certification

The 79th Texas Legislature passed Senate Bill 6, reforming adult and child protective services, and creating the [Guardianship Certification Board](#) (GCB) to establish a certification process. The new requirement applies starting on Sept. 1, 2007, to individuals who are private professional guardians or provide guardianship services to wards of guardianship programs or to wards of the Texas Department of Aging and Disability Services.

The GCB has developed, for consideration and adoption by the Supreme Court, proposed Rules governing guardianship services; the GCB has also adopted Minimum Standards for the provision of guardianship services, which were referred for comment to the [Guardianship Advisory Board of the Health and Human Services Commission](#).

On October 21st, 2006, the OCA entered into a contract with the [National Guardianship Foundation](#) (NGF) to provide examination services. NGF will administer the examination seven times in

geographically diverse areas of the State beginning in March, 2007 through July, 2007, and twice yearly thereafter, in conjunction with meetings of the [Texas Guardianship Association](#). The GCB will certify guardians who pass the NGF and Texas specific portions of the exam. Guardians must renew their certification every two years thereafter.

The OCA provides administrative support and other resources to the GCB. OCA's Legal Division employed Attorney Katie Bond to work with the GCB, CRCB and PSRB. More recently, OCA employed Tony Franco as the Guardianship Certification Program Director.

Process Server Rule Proposal

The Texas Supreme Court has proposed for comment a new rule setting standards for statewide certification of process servers and how complaints and discipline against them will be considered. Posted as an administrative [order](#) of the Court, the rule is designated Rule of Judicial Administration 14 and establishes:

1. Application for statewide certification must be sworn, using a form available from the Supreme Court clerk and on the Process Server Review Board web page, which is available in a link from the Court's web site.
2. An applicant must swear to have never been convicted of a felony or of a misdemeanor involving a crime of moral turpitude and must attach a fingerprint card criminal history obtained within the previous 90 days from the Texas Department of Public Safety.
3. An applicant must show proof of an approved process-service course

within the previous year and certificate from the course director.

The rule also covers procedures for renewing certification and for investigating complaints against process-servers; defines conduct that can lead to discipline and outlines how disciplinary actions can be appealed.

Rule 14 is the latest step in the Court's efforts to certify process-servers for statewide service that began in July 2005. A [prior administrative order](#) created a basic framework for the statewide certification process. The new rule provides additional guidance, particularly with respect to the appeals process.

Courts for Kids

The [Pew Commission](#) cited strengthening courts as an essential component of improving outcomes for children in foster care. In September 2005, Texas judicial and executive branch leaders, including Chief Justice Wallace B. Jefferson and Justice Harriet O'Neill, liaison to the Supreme Court Task Force on Foster Care, attended the first-ever National Judicial Leadership Summit on the Protection of Children. At this national summit, Texas was charged with developing an action plan to specifically address structural issues in the judicial system that limit the ability of courts to fulfill their obligation to protect children and move children safely and appropriately through the system.

Working from that plan, the Supreme Court has enacted Supreme Court policies to expedite parental termination appeals; created a new position - Staff Attorney for Children and Families - to be solely dedicated to these initiatives; and appointed the [Task Force for Child Protection Case Management and Reporting](#) to address one of the critical first steps of the Pew

Commission recommendations: developing a uniform computerized data system that will accurately track and analyze child protection cases.

To tackle the broader goals of ensuring safety, well-being and permanency of children in foster care, the Supreme Court is considering the creation of a statewide commission for children and families to act as an umbrella organization for the judiciary, child welfare agencies and community stakeholders. This model has been successful in New York and California and is strongly endorsed by the Pew Commission. Those interested in this proposal should contact Kristi Taylor, the Supreme Court's Staff Attorney for Children and Families, at: kristi.taylor@courts.state.tx.us.

Court Administration

Court Security

A survey of judges was conducted by the OCA, in collaboration with the Texas Judicial Council Committee on Court Security. Some findings: Judges in Texas experienced over 4,200 security incidents during a recent one-year period, with 64 of those incidents resulting in injury; over 40 percent of judges reported at least one incident; associate judges, who hear either child support or child protection cases, experienced an average of 6.4 incidents of disorderly behavior each; over half of all security events across courts occurred in criminal cases; and almost another third occurred in family law cases.

Using the survey results, the Committee on Court Security and the full Judicial Council have endorsed in concept to (1) ensure that local funds can be spent to protect associate

judges; (II) ensure accountability of the expenditure of those funds; (III) provide for court security incident reporting; and (IV) protect personal information about judges and their families. For further information on the survey contact mary.cowherd@courts.state.tx.us.

Collections Improvement Program

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. Of the 38 cities and counties mandated to implement this program by April 2006, all but two will be operational by the end of January 2007. Of the 40 cities and counties mandated to implement a program by April 2007, five are already operational or nearly so.

The mandated program also includes a requirement that the Comptroller of Public Accounts complete a pre-implementation collection rate audit within one year from the program implementation date. These audits are taking much longer to complete than initially estimated. Five city audits have been completed and one city and one county are in the final write-up stage. All other required audits are in progress.

The implementation of the Online Collection Data Reporting System began October 24, 2006. The goal for the operational Collection Improvement Programs is to have September 2006 collection data reported to OCA by November 10, October 2006 data by November 20 and for those that can, data reported back to April 2006 by November 30. See the [Collection Improvement Program website](#) for more information.

Indigent Defense

The Task Force on Indigent Defense meets on November 15th and will consider promulgating commentary to the contract defender program rules it previously adopted. The rules will become effective on January 1, 2007. The results of a statewide feasibility study for the establishment of public defender offices in Texas recently completed on behalf of the Governor's Criminal Justice Advisory Council will be presented. It will also award FY07 formula grants data and consider for release the FY08 Discretionary Grant Application packet. The public meeting will be held in the Capitol Extension 2E.20 (Betty King Committee Room) at 1:30 p.m. All program information may be viewed online at the [Task Force website](#).

Court Statistics

The Judicial Council Committee on Judicial Data Management asked OCA to create a workgroup to review and update court activity statistics collected by OCA to make them more useful and relevant. Since 2004, OCA work groups have developed recommendations for changes to the criminal, civil (including family law) and juvenile sections of the District Court Monthly Report. Another workgroup is finalizing recommendations for the reporting of more extensive probate, mental health and guardianship information. The Committee will consider those recommendations at its next meeting, to be scheduled in December. Any recommendations adopted by the Committee will be forwarded to the full Judicial Council for its consideration and adoption at its December meeting. OCA work groups will continue to meet in the coming months to develop recommendations for changes to the monthly reports for the county, justice,

and municipal courts. View the [work group proposals here](#).

In conjunction with the passage of an era in reporting using the old format, the OCA is planning a major publication for 2008 on trends in the Texas state court system. This volume will be open to approved articles from judges, clerks, court administrators, educators, students, journalists and other interested parties. If you would be interested in contributing to this publication, please contact:

angela.garcia@courts.state.tx.us.

Jury Assembly

In July, the Supreme Court of Texas established the Task Force on Jury Assembly and Administration. Thirty members were appointed to the Task Force including judges, state representatives, jury managers and others involved in the court system. Judge David Peoples of San Antonio was chosen to serve as the group's chair with University of Houston Law Professor Lonny Hoffman as Reporter. Justice Paul Green serves as the Supreme Court's liaison.

The Task Force has met three times to discuss and assess:

- the reliability of voter registration and driver's license lists from which the pool of prospective jurors is created.
- the desirability of standardizing local jury plans.
- the designation and training of local officials who shuffle and randomize juror lists and who summon jurors.
- ways to increase the rate of jurors who report for jury service and procedures to deal with those persons who disregard orders to report.
- record keeping in regard to juror excuses, exemptions and postponements.
- randomness and integrity in the formation of juror panels.

The Task Force expects to submit a report containing findings and recommendations to the Supreme Court by the end of December.

The Law Library

Rules of Civil Procedure

The Supreme Court of Texas has, for the first time, published online the Texas Rules of Civil Procedure. In addition, the Texas Rules of Appellate Procedure, Texas Rules of Evidence, and Rules of Judicial Administration are current and on the [Court's Rules webpage](#).

Rules of Appellate Procedure

The [Supreme Court Rules Advisory Committee](#) recently recommended amendments to the Rules of Appellate Procedure that would include the following addition to Rule 49.7: "A party may file a motion for en banc reconsideration, as a separate motion, with or without filing a motion for rehearing, within 15 days after the court of appeals judgment or order is rendered. Alternatively a motion for en banc reconsideration may be filed by a party no later than 15 days after the overruling of the same party's timely filed motion for rehearing or further motion for rehearing." The Supreme Court has not acted on this recommendation. The committee meets again on December 8, 2006.

Pro Se Assistance

Here are three good resources, the first two Texas-specific, for pro se litigants:

[The State Law Library](#)
[Texas Law Help](#)
[Self Help Support](#)

Judicial Branch Events

[Judicial Calendar](#)

NOVEMBER

6 - 11:00 a.m. Council of Chief Justices Meeting

Tom C. Clark Building, 6th Floor, Austin

13 - 3:00 p.m. Guardianship Certification Board

Tom C. Clark Building, 6th Floor, Austin

15 - 8:00 a.m. Task Force on Indigent Defense - Grants & Reporting Committee, Capitol, Room 2E.20 (Betty King Committee Room), Austin

10:00 a.m. Task Force on Indigent Defense - Policies & Standards Committee, Capitol, Room 2E.20 (Betty King Committee Room), Austin

1:30 p.m. Task Force on Indigent Defense Capitol, Room 2E.20 (Betty King Committee Room), Austin

DECEMBER

2 – 8 Texas Center for the Judiciary College for New Judges, Austin Marriott at the Capitol

7 – 8 Appellate Clerks Meeting, Third Court of Appeals Library, Price Daniel Building, Austin

8 9:30 a.m. Judicial Districts Board, Tom C. Clark Building, Austin, also, Presiding Judges Meeting (following adjournment of Judicial District Board) Tom C. Clark Building, 6th Floor, Austin

3:00 p.m. - 5:00 p.m. Judicial Committee on Information Technology, Capitol Extension, Legislative Conference Center, Level E2, room E2.002A, Austin

8 – 9 9:00 a.m. Supreme Court Rules Advisory Committee, Texas Law Center, Austin

About OCA

Our Mission: To Provide Resources And Information For The Efficient Administration Of The Judicial Branch Of Texas

OCA provides **resources** for the judicial branch:

- technical assistance, training, and research on court administration;
- staffing for judicial branch regulatory boards and policymaking bodies;
- information technology solutions, including the judicial information website;
- funding and standards for [indigent defense](#) services;

- fiscal and legal consultation for [appellate courts](#); and
- staffing and administration for [specialty courts](#).

OCA provides [information](#) about the judicial branch:

- statistics and analysis of court information and case activity;
- descriptions of court system structure and jurisdiction;
- legislative responses and reports about the courts and judiciary; and
- comparative policy studies and recommendations.

[OCA's organization chart.](#)
[OCA Divisions and contacts.](#)

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Please refer comments or questions about this newsletter or the Office of Court Administration to:

carl.reynolds@courts.state.tx.us

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