



TEXAS JUDICIAL COUNCIL

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CHAIR:
HON. WALLACE B. JEFFERSON
Chief Justice, Supreme Court

EXECUTIVE DIRECTOR:
CARL REYNOLDS

VICE CHAIR:
HON. SHARON KELLER
Presiding Judge, Court of Criminal Appeals

TEXAS JUDICIAL COUNCIL

MINUTES OF MEETING

January 26, 2007
1:00 p.m.

SUPREME COURT COURTROOM
201 W. 14th Street
Austin, Texas

COMMENCEMENT OF MEETING

On January 26, 2007, Chief Justice Wallace B. Jefferson called the meeting of the Texas Judicial Council (Council) to order at approximately 1:10 p.m. in the Supreme Court Courtroom in Austin, Texas.

With some members delayed, Chief Justice Jefferson suggested waiting to address action items until the other members arrive. He began by discussing the Council's work for the day and members' service to the Judicial Council, noting that some members would be transitioning out in the near future. Chief Justice Jefferson shared his appreciation for their work on the Council.

ATTENDANCE OF MEMBERS

Carl Reynolds of the Office of Court Administration (OCA) called the roll. The following members of the Council were present:

Hon. Wallace B. Jefferson, Chief Justice, Supreme Court
Hon. Sharon Keller, Presiding Judge, Court of Criminal Appeals
Ms. Willie Jean Birmingham, City Commissioner, Marshall
Hon. Allen C. Gilbert, Judge, Municipal Court, San Angelo
Hon. Beatriz Q. Gonzalez, Justice of the Peace, Precinct 3, Victoria County
Hon. Melissa Goodwin, Justice of the Peace Pct. 3, Travis County
Deacon Jose Luis Lopez, Executive Director, Housing Authority of Crystal City, San Antonio
Ms. Ann Manning, Underwood, Wilson, Berry, Stein & Johnson, Attorney at Law, Lubbock
Hon. Orlinda Naranjo, Judge, 419th Judicial District, Travis County
Hon. Kelly Moore, Judge, 121st Judicial District, Brownfield
Hon. Sherry Radack, Chief Justice, 1st Court of Appeals, Houston
Hon. Polly Jackson Spencer, Judge, Probate Court #1, Bexar County
Hon. Linda Thomas, Chief Justice, 5th Court of Appeals, Dallas

Hon. Sharolyn P. Wood, Judge, 127th Judicial District, Harris County

Members not in attendance were Lance Byrd, Joseph Callier, Delia Martinez-Carian, Senator Robert Duncan, Senator Chris Harris, Representative Will Hartnett, Judge Glenn Phillips and Representative Todd Smith. Others in attendance were Lisa Hobbs, General Counsel for the Supreme Court of Texas and Andy Barbee, introduced by Mr. Reynolds as a new Research Specialist for OCA.

Before beginning with reports, Chief Justice Jefferson informed the Council that he had received a proposal from Texans for Lawsuit Reform Foundation titled *Recommendations for Rationalization and Reform* and said some of the recommendations would be considered by the House and Senate and suggested the Council be familiar with it as well.

REPORTS

Task Force on Indigent Defense (TFID)

Presiding Judge Sharon Keller reviewed a summary report of proposed legislation prepared by Jim Bethke, TFID Director. She noted that two bills have been filed thus far; SB 159 by Senator Jeff Wentworth clarifying the process of creating a public defender office and SB 168 by Senator Rodney Ellis regarding the removal of Sunset Provisions on legal services fees. Another, which sets forth an improvement in the payment process for indigent defense services, has been drafted and should be ready for filing soon.

Judge Keller briefly noted the General Appropriations Act appropriated about \$15.7 million for indigent defense services and reduced the allocation for the innocence projects through the law schools from \$400,000 to \$300,000 this year because Texas Southern University did not create an innocence project.

She announced the next scheduled meeting of the Task Force is March 9, 2007, in the Court of Criminal Appeals Courtroom.

Additionally, Mr. Bethke is expecting four other bills to be filed.

Judicial Data Management Committee

Judge Sharolyn Wood reported that various OCA judicial data workgroups have met. Those workgroups are reviewing the data elements reported by the trial courts to the Council and OCA. She said they hope to have a Committee meeting soon and a full report to the Council at its next meeting. Judge Wood then referred to Mary Cowherd, Deputy Director for OCA. Ms. Cowherd noted that the groups were divided by subject matter and/or court level. The criminal, juvenile and civil district court sub-workgroups have all met and developed recommendations. The constitutional county court workgroup has also met and developed recommendations. The probate workgroup has met and is finalizing its recommendations.

Weighted Caseload Study

Mr. Reynolds introduced Mr. Brian Ostrom, Ph.D. who is a Principal Research Consultant for the National Center for State Courts (NCSC) in Williamsburg, Virginia. Mr. Ostrom is widely known in his profession as an expert in judicial needs assessment.

Mr. Ostrom presented an overview of what a weighted caseload study is and how it works. He stated that the results of the process have been helpful to state courts in getting the resources they need to provide quality and efficient service to the public. This process will be helpful to Texas in determining the need for judges. It will also allow for current management of resources and planning for the future.

He answered questions from the Council concerning how detailed the study will be and addressed concerns regarding overlapping jurisdiction. He responded that the study will focus on district courts and that overlapping jurisdiction will be addressed if possible. Due to the complexity of the Texas court system, further discussion will be needed to determine whether or not county courts at law should also be involved in the study.

Mr. Ostrom also reviewed the online reporting format that the judges will be using but added that the study will also rely on case filings information.

Next month, there are plans for a judicial advisory committee to meet to advise and comment on the project design, which includes a one-month time study of a sample group of district judges. A list of the advisory committee members will be distributed to the Council by Ms. Cowherd. Mr. Reynolds also stated his wish to have a liaison from the Council on the advisory committee.

Mr. Reynolds mentioned that grants for the study were received by OCA, one from the State Justice Institute for \$100,000 and another from the Court Improvement Project (CIP) for approximately \$21,000. CIP contributed funds because child protection cases and courts are included in the project. OCA came up with close to \$100,000 and NCSC was a contributor as well. Initially, the Legislature approved the study but without any funding. This current funding will only cover the first phase of the study.

After Mr. Ostrom concluded his presentation, Judge Keller noted that Chief Justice Jefferson had excused himself from the meeting and asked her to preside.

MINUTES OF PREVIOUS MEETING

Upon proper motion and vote, the minutes of the September 20, 2006, Council meeting were reviewed and adopted.

LEGISLATIVE ISSUES

Mr. Reynolds began with an update of the resolutions passed by the Council at the last meeting and where they are legislatively. Most have received legislative sponsorship or are close to receiving sponsorship with the exception of the Council of Chief Justices' regarding Authority for Appellate

Courts to Obtain Criminal History Information which has not sought out sponsorship yet. Both of the Court Reporters Certification Board resolutions were tabled at the last meeting and no further action has been taken.

Lisa Hobbs followed up by reporting on other legislation in the works that may be of interest to the Council.

Next, Katie Bond, Assistant General Counsel for OCA, introduced a resolution for the Guardianship Certification Board that would support provisional certification or apprenticeship for guardians. With a proper motion and vote, the Council adopted the resolution for recommendation to the Legislature.

OTHER BUSINESS/NEXT MEETING

Ms. Hobbs noted that Chief Justice Jefferson said before he left that he would aim to have the next meeting of the Council in mid-April.

ADJOURN

There being no further business before the Council, the meeting was adjourned at approximately 2:50 p.m.

Wallace B. Jefferson
Chair