



TEXAS JUDICIAL COUNCIL

205 WEST 14TH STREET, SUITE 600 • TOM C. CLARK BUILDING • (512) 463-1625 • FAX (512) 936-2423
P. O. BOX 12066 • AUSTIN, TEXAS 78711-2066

CHAIR:
HON. THOMAS R. PHILLIPS
Chief Justice, Supreme Court

DIRECTOR:
MS. ELIZABETH KILGO, J.D.

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

TEXAS JUDICIAL COUNCIL

MINUTES OF MEETING

September 17, 2002
2:00 p.m.
Supreme Court Courtroom
201 W. 14th Street
Austin, Texas

COMMENCEMENT OF MEETING

On September 17, 2002, Chief Justice Thomas R. Phillips called the meeting of the Texas Judicial Council (Council) to order at 2:05 p.m. in the Supreme Court Courtroom in Austin, Texas.

ATTENDANCE OF MEMBERS

The Director of the Council, Ms. Kilgo, called the roll. The following members of the Council were present:

Hon. Thomas R. Phillips, Chief Justice, Supreme Court
Hon. Sharon Keller, Presiding Judge, Court of Criminal Appeals
Ms. Willie Jean Birmingham, City Commissioner, Marshall
Mr. Lance Byrd, President & CEO, Sendero Energy Inc., Dallas
Mr. Joseph Callier, Attorney, Houston
Ms. Delia Martinez Carian, Assistant Criminal District Attorney, San Antonio
Hon. John Cayce, Chief Justice, 2nd Court of Appeals
Hon. Robert Duncan, Senator, Lubbock
Hon. Pete Gallego, Representative, Alpine
Hon. Al Green, Justice of the Peace, Harris County, Precinct 7
Ms. Ann Manning, Attorney, Lubbock
Hon. Orlinda Naranjo, Judge, Travis County Court at Law #2
Hon. Jim Parsons, Judge, 3rd Judicial District Court
Hon. Glenn Phillips, Judge, Kilgore Municipal Court
Hon. Penny Pope, Justice of the Peace, Galveston County, Precinct 2
Hon. Rodolfo Tamez, Presiding Judge, Corpus Christi Municipal Court
Hon. Mike Wood, Judge, Harris County, Probate Court No. 2

Members not in attendance were: Deacon Jose Luis Lopez, Justice Ann McClure, Judge Dean Rucker, Representative Senfronia Thompson, and Senator Royce West.

With a quorum established, the Council took the following action:

INTRODUCTION

Chief Justice Phillips welcomed those in attendance and introduced the Council's newest member, Mr. Lance Byrd.

MINUTES OF THE PREVIOUS MEETING

The minutes of the June 6, 2001 Council meeting were reviewed and adopted.

UPDATE FROM THE COMMITTEE ON COURT FUNDING

Judge Lamar McCorkle briefed the Council on the Judicial Funding Priorities for the 2004-2005 Biennium as adopted by the Committee on Court Funding. Judge McCorkle also submitted a resolution to the Council regarding the judicial pay priority. Upon proper motion, the Council adopted the resolution.

UPDATE FROM THE TASK FORCE ON INDIGENT DEFENSE

Presiding Judge Sharon Keller, Chair of the Task Force on Indigent Defense (Task Force), reported on the work of the Task Force. Judge Keller also solicited comment on a proposed rule relating to the annual educational requirements of appointed counsel.

UPDATE FROM THE COMMITTEE ON JUDICIAL DATA MANAGEMENT

Judge Parsons reported on the work of the Committee on Judicial Data Management. In June 2002, the Committee held a public hearing and discussed a proposal by the Judicial Committee on Information and Technology (JCIT) to implement an electronic reporting option for the submissions of court data to the Office of Court Administration (OCA). The Committee voted to support the development of the web-based reporting option for the district courts, which is currently available to the municipal and justice of the peace courts. Further, in an effort to improve the accuracy and usefulness of data reported to OCA for publication in the annual report, the Committee requested that OCA 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 development of a 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 workgroup should collaborate with and seek input from the Judiciary, the Legislature, and the State Bar.

UPDATE FROM THE COMMITTEE ON THE EQUALIZATION OF APPELLATE COURT FUNDING

Chief Justice Cayce reported on the work of the Committee on the Equalization of Appellate Court Funding. Justice Cayce explained that the Committee submitted its report to the Legislature and the Legislative Budget Board (LBB) in March 2002 to meet the statutory

deadline. Justice Cayce identified the Committee's key findings and recommendations as follows: (1) the Texas Supreme Court and the Court of Criminal Appeals should continue to submit their respective individual LARs, separate and apart from the fourteen intermediate appellate courts; (2) the intermediate appellate courts should submit a joint, but not consolidated, LAR; (3) when developing appropriations requests, each intermediate appellate court should continue to take into account those factors affecting a court's budget including, but not limited to, the number of justices, the number of full time employees, the number of new case filings, and the number of total cases on the docket; (4) the appellate courts should maintain the current budget flexibility features afforded to them by the legislature through the block grant concept including the exemptions from FTE and travel cap limitations and the preservation of any Article IX UB between years in a biennia; (5) the Council of Chief Justices (CCJ) should continue to select an individual to serve as a representative of the intermediate appellate courts to provide testimony and documentation to the legislature; and (6) at the beginning of each legislative session, the CCJ should request that the legislature convene a joint subcommittee of House Appropriations and Senate Finance to separately address the LARs of the intermediate appellate courts.

Upon proper motion, the Council unanimously adopted the Committee's report and recommendations *State Funding For Texas' Appellate Courts* as previously submitted to the Legislature and the LBB.

UPDATE FROM THE COMMITTEE ON DISTRICT COURTS

Representative Gallego reported on the work of the Committee on District Courts. After holding three public hearings and conducting extensive research, the Committee submitted to the Council a final report with key recommendations that include: (1) the 78th Legislature should strive to fulfill its constitutional duty to equitably distribute judicial districts across the state; (2) the legislature should consider the implementation of statewide uniform jurisdiction for courts at the same level; (3) the legislature should appropriate the necessary funding to the OCA and the Council for the implementation of a judicial workload assessment (weighted caseload study) for Texas' judicial districts; (4) the legislature should consider the implementation of a standardized procedure that would allow for the establishment of any additional district courts only as they are needed and only after a quantitative and qualitative review; (5) the Presiding Judges of Texas' nine administrative regions should develop and implement a Visiting Judge Reporting Form to be submitted to the OCA on an annual basis; (6) judges and court personnel should continually strive to implement improvements in case management strategies, technology, and administrative procedures to improve the administration of justice; (7) the JCIT should continue its ongoing efforts to improve the technology that is available to the trial courts to promote internal efficiency; and (8) the OCA should continue its ongoing efforts to simplify the Annual Report of the Texas Judicial System by developing an automated reporting system, monitoring the quality of the data, improving court compliance, and streamlining the analysis of statewide trends and key statistical factors.

Upon proper motion, the Council unanimously adopted the Committee's report and recommendations *Assessing Judicial Workload in Texas' District Courts* and directed that it be submitted to the Legislature and the Governor.

UPDATE FROM THE COMMITTEE ON JURIES

Senator Duncan reported on the work of the Committee on Juries. After conducting two public hearings and compiling detailed juror data from the 254 counties, the Committee developed several recommendations. Those recommendations will be included in the Committee's final report and will be submitted to the Council for approval during the next Council meeting. Ms. Kilgo solicited comments from the members regarding a draft of an informational website for Texas jurors.

LEGISLATIVE UPDATE

Chief Justice Phillips discussed several pieces of legislation filed during the 77th Regular Session that did not pass.

Chief Justice Phillips provided an overview of HJR 61/HB 1473 relating to the abolishment of the Judicial Districts Board. Upon proper motion, the Council voted to table the proposal pending consultation with key legislators.

Chief Justice Phillips provided an overview of SB 397 by Senator Duncan relating to the assignment of certain retired or former judges as visiting judges. Upon proper motion, the Council voted to support the proposal during the upcoming 78th Legislative Session.

Chief Justice Phillips provided an overview of SB 822 by Senator West relating to contribution limits of judicial candidates. Upon proper motion, the Council voted to support the proposal during the upcoming 78th Legislative Session.

Chief Justice Phillips provided an overview of SB 823 by Senator West relating to the regulation of political contributions to unopposed judicial candidates. Upon proper motion, the Council voted to support the proposal during the upcoming 78th Legislative Session.

Chief Justice Phillips provided an overview of HB 1117 by Representative Goodman relating to the filing fee and petition requirements for judicial candidates of the two high courts. Upon proper motion, the Council voted to support the proposal during the upcoming 78th Legislative Session.

Chief Justice Phillips provided an overview of HB 2884 by Representative Gallego relating to cross-filing with more than one political party by candidates for certain judicial offices. Upon proper motion, the Council voted to table the proposal.

Senator Duncan provided an overview of SJR3/SB 129 relating to the appointment and nonpartisan retention or rejection of appellate justices and judges. Upon proper motion, the Council voted to support the proposal during the upcoming 78th Legislative Session.

Chief Justice Phillips introduced a proposal to increase the judicial terms of appellate court justices to 8-year terms and to increase the judicial terms for district courts, statutory county courts at law, and justice of the peace courts to 6-year terms. Upon proper motion, the Council voted to support the proposal during the upcoming 78th Legislative Session.

PRO HAC VICE

Mr. Griesel, Staff Attorney for the Supreme Court Rules Committee, provided the Council with a brief overview of a legislative proposal regarding a Pro Hac Vice fee. Justice Hankinson further discussed the proposal and requested the Council's comments and support. Upon proper motion, the Council unanimously voted to support the measure.

COURT LAW CLERK LOAN REPAYMENT PROGRAM

Ms. Kilgo reported on the Court Law Clerk Loan Repayment Program. Upon proper motion, the Council approved the eligibility of those candidates designated as Court Law Clerk II.

UPDATE ON APPROPRIATIONS

Ms. Bowman, OCA Chief Financial Officer, reported on the legislative appropriations requests of the OCA, the Council, the Task Force, and the JCIT. Ms. Bowman also discussed the need to annualize funding for the Task Force and the eight new Foster Care Courts.

UPDATE FROM THE JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY

Mr. Griffith, JCIT Director, updated the Council regarding the status of several JCIT initiatives. Mr. Griffith generally discussed the appellate and trial court projects accomplished in FY 2002-2003, and mentioned the effort to implement E-filing.

Chief Justice Phillips created the Committee on E-Filing that is charged with making policy recommendations to the Council regarding public access to court records that are filed electronically.

OTHER BUSINESS

Mr. Griesel reported on the status of proposed Rule 13, Peer Review of Visiting Judges, of the Rules of Judicial Administration. Mr. Griesel also discussed the status of the guidelines concerning media and the courts.

DATE OF NEXT MEETING

The Council scheduled the next meeting for Tuesday, January 21, 2003 at 2:00 p.m. in Austin.

ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at approximately 4:20 p.m.

Thomas R. Phillips
Chair