



TEXAS JUDICIAL COUNCIL

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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

April 1, 2003
2:00 p.m.
Supreme Court Courtroom
201 W. 14th Street
Austin, Texas

COMMENCEMENT OF MEETING

On April 1, 2003, Chief Justice Thomas R. Phillips called the meeting of the Texas Judicial Council (Council) to order at 2:00 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. Melissa Goodwin, Justice of the Peace, Precinct 3, Travis County
Hon. Al Green, Justice of the Peace, Precinct 3 Place 2, Harris County
Hon. Will Hartnett, Representative, Dallas
Hon. Polly Jackson Spencer, Judge, Probate Court #1, Bexar County
Deacon Jose Luis Lopez, Executive Director, Housing Authority of Crystal City, San Antonio
Ms. Ann Manning, Attorney, Lubbock
Hon. Ann McClure, Justice, 8th Court of Appeals, El Paso
Hon. Orlanda Naranjo, Judge, Travis County Court at Law #2
Hon. Sherry Radack, Chief Justice, 1st Court of Appeals, Houston
Hon. Dean Rucker, Judge, 318th Judicial District, Midland
Hon. Rodolfo Tamez, Presiding Judge, Corpus Christi Municipal Court
Hon. Sharolyn P. Wood, Judge, 127th Judicial District, Harris County

Members not in attendance were Senator Robert Duncan, Judge Glenn D. Phillips, and Representative Todd Smith.

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

INTRODUCTION

Chief Justice Phillips welcomed those in attendance and introduced the Council's new members, Judge Melissa Goodwin, Representative Will Hartnett, Judge Polly Jackson Spencer, Justice Sherry Radack, and Judge Sharolyn Wood.

MINUTES OF THE PREVIOUS MEETING

The minutes of the September 17, 2002 Council meeting were reviewed and adopted.

LEGISLATIVE UPDATE

Ms. Kilgo updated Council members on the status of several bills previously endorsed by the Council.

Chief Justice Phillips provided an overview of and the Council discussed several pieces of legislation filed during the current legislative session, which directly affect the Council or the Office of Court Administration.

The Council endorsed HB 2157 relating to the use of the judicial and court personnel training fund and HB 3273 relating to the use of funds to provide trial courts with technical support equipment.

The Council endorsed HB 2319 in part. The council endorsed Section 41 of the bill relating to the requirement that Justice of the Peace Courts and Municipal Courts report certain types of cases to the Office of Court Administration on their monthly reports. The Council took no action on the remainder of the bill.

The Council considered, but took no action on HB 866, HB 1240, HB 2191, HB 2923, HB 3518, SB 328, SB 444, SB 496, SB 1403, and SB 1418.

Chief Justice Phillips then provided an overview of and the Council discussed several pieces of legislation filed during the current legislative session, which significantly affect the judiciary in general.

The Council endorsed the following legislation:

- HJR 13 proposing a constitutional amendment prohibiting judicial candidates from accepting political contributions except during the year preceding and the six months following an election and changing the terms of office of certain justices and judges;
- HB 823 relating to associate judges in certain family law matters;
- HB 883 relating to the powers of an associate judge under the Family Code;

- SB 164 / HB 466 relating to the recording of jury deliberations in civil and criminal proceedings;
- SB 518 relating to the qualification for service as a petit juror;
- HB 1066 relating to the continuance of the municipal court technology fund;
- SB 1046 relating to court filing fees used to provide basic civil legal services to the indigent;
- HB 2843 relating to legal and judicial ethics; and
- HB 3385 relating to the assignment of certain judges by the Chief Justice of the Supreme Court.

The Council opposed HJR 67 / SJR 40 proposing a constitutional amendment abolishing the court of criminal appeals and establishing one Supreme Court with civil and criminal jurisdiction.

The Council considered, but took no action on HB 10, HB 94, HB 820, HB 1140, HB 1213, HB 1412, HB 1768, HB 1945, HB 1986, HB 2083, HB 2127, HB 2549, HB 2656, HB 2657, HB 2658, HB 2753, HB 2916, HB 3026, HB 3273, HB 3518, HJR 42, HJR 44, HJR 64, HJR 67, SB 532, SB 1196, SB 1722, and SJR 41.

While considering these bills, the Council developed issues for further study during the legislative interim. These topics include e-filing issues, the influx of school-discipline related case to the justice and municipals courts, and issues addressed in HB 1768 relating to the assignment of court costs and fees in cases before the Commission on Judicial Conduct.

UPDATE FROM THE COMMITTEE ON JURIES

Ms. Delia Martinez Carian 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 were included in the Committee's final report, which was submitted to the office of the Governor, the office of the Lieutenant Governor, and the office of the Speaker of the House of Representatives. Ms. Kilgo reminded the Council members that an informational website for jurors and prospective jurors will be ready to go online after the legislative session is complete.

Upon proper motion, the Council unanimously adopted the Committee's report, *Examining Juror Pay and Other Ways to Encourage Jury Service in Texas*, and the recommendations included therein.

TASK FORCE ON INDIGENT DEFENSE

The Task Force on Indigent Defense developed and adopted new rules establishing minimum continuing legal education training requirements for attorneys to be eligible for appointment in criminal and juvenile cases. The rule allows an attorney who is currently certified in criminal or juvenile law by the Texas Board of Legal Specialization to be exempt from the requirement. The rule also has emergency provisions, which allow exception to the rule when no qualified attorney is available. Upon proper motion, the Council unanimously ratified the proposed rule.

UPDATE FROM THE COMMITTEE ON JUDICIAL TRAINING

Justice Ann McClure reported on the work of the Committee on Judicial Training.

UPDATE FROM THE DIRECTOR OF THE OFFICE OF COURT ADMINISTRATION

Ms. Alicia Key reported on the fiscal status of the Office of Court Administration (OCA) in the current budget cycle. She reported that the OCA has been able to meet budget reduction requests by the legislature by limiting the scale of some projects, but would not be forced to lay off staff. The revised OCA budget has received favorable treatment by the legislature thus far.

DATE OF NEXT MEETING

The Council determined that the next meeting should take place in June of 2003.

ADJOURNMENT

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

Thomas R. Phillips
Chair