

TEXAS JUDICIAL COUNCIL

MINUTES OF MEETING

December 14, 2000

10:30 A.M.

SUPREME COURT COURTROOM

201 W. 14th Street, 1st Floor

AUSTIN, TEXAS

COMMENCEMENT OF MEETING

On December 14, 2000, Chief Justice Thomas R. Phillips called the regularly scheduled meeting of the Texas Judicial Council (Council) to order at 10:45 a.m. in the Supreme Court Courtroom in Austin, Texas.

ATTENDANCE OF MEMBERS

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

Hon. Thomas R. Phillips, Chief Justice, Supreme Court
Hon. Marilyn Aboussie, Chief Justice, 3rd Court of Appeals
Mr. James R. Brickman, Dallas
Mr. Joseph Callier, Houston
Ms. Delia Martinez Carian, San Antonio
Hon. John Hill Cayce, Chief Justice, 2nd Court of Appeals
Hon. Martin J. Chiuminatto, Jr, Judge, Kleberg County Court at Law
Hon. Pete Gallego, Representative, Alpine
Deacon Jose Luis Lopez, San Antonio
Hon. Jim Parsons, Judge, 3rd Judicial District Court
Hon. David Patronella, Judge, Justice of the Peace Pct. 1 Pl. 2
Hon. David Peeples, Judge, 224th District Court
Hon. Penny L. Pope, Judge, Justice of the Peace Pct. 2 Pl. 1
Judge Robin Smith, Presiding Judge, City of Midland
Hon. Rodolfo Tamez, Presiding Judge, Corpus Christi Municipal Court
Hon. Mike Wood, Judge, Probate Court No. 2

Members not in attendance were: Senator Robert Duncan, Senator Rodney Ellis, Ms. Ann Manning, and Representative Senfronia Thompson.

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

MINUTES OF THE PREVIOUS MEETING

The minutes of the September 14, 2000 Council meeting were adopted.

LEGISLATIVE UPDATE AND INTERIM COMMITTEE STUDIES

Ms. Denise Davis discussed SB 129 filed by Senator Duncan relating to the appointment and nonpartisan retention or rejection of appellate justices and judges and to the elimination of a straight-party vote in connection with district judges. Ms. Davis also discussed SJR 3 filed by Senator Duncan proposing a constitutional amendment providing for gubernatorial appointment to fill vacancies in the offices of appellate justices and judges and for nonpartisan retention elections for those justices and judges. Ms. Davis informed the Council about the 76th Session Interim Reports that have been completed to date.

Chief Justice Phillips raised the issue as to whether the Council members wanted to re-file the bill from last session relating to the assignment of certain retired or former judges as visiting judges. The Council elected to re-file the bill.

Chief Justice Phillips also inquired as to whether the Council members wanted to re-file the judicial districts board bill from last session relating to the abolition of the Judicial Districts Board. The Council elected to re-file the bill.

UPDATE ON COMMITTEE ON COURT FUNDING

Ms. Davis discussed some of the preliminary numbers relating to the 10 Judicial Funding Priorities. Ms. Davis informed the Council that the biennial amount for many of the priorities still needs to be determined. The Council addressed the concern that the funding for indigent representation cannot be determined until some concrete legislative proposals are made.

Judge McCorkle addressed the Council regarding the judicial pay raise funding priority. The Council decided to address both the judicial pay raise and the judicial retirement issues at the next Council meeting.

Judge Chiminatto submitted to the Council for its approval a resolution relating to the uniform state funding for statutory county courts at law. Upon proper motion, the Council unanimously adopted the resolution.

The Council discussed a resolution submitted by Senator Ellis relating to criminal indigent representation in Texas. Chief Justice Aboussie made some revisions to the proposed resolution. No action was taken. Any further edits should be forwarded to Denise Davis. Ms. Davis will send out copies of the various proposals and suggestions for revisions to the council members for their review prior to the next meeting.

UPDATE ON THE SUBCOMMITTEE ON JURIES

Judge Mike Wood addressed the Council regarding the efforts of the Subcommittee on Juries. Judge Wood asked the Council staff to determine the costs associated with eliminating compensation to jurors for their initial appearance on Day 1, and increasing juror compensation to \$40/day for Day 2 and beyond. Judge Parsons informed the Council that the subcommittee plans to continue the El Paso pilot project and expects to submit its final report and recommendation to the Council for its approval at the next Council meeting.

UPDATE ON COMMITTEE ON MEDIA AND THE COURTS

Judge Robin Smith reported on the work of the Committee on Media and the Courts. Judge Smith discussed the committee's proposed uniform guidelines for media pooling. Judge Smith clarified that the proposed guidelines are not mandatory rules, and confirmed that the uniform guidelines are being developed to merely assist those judges who choose to allow cameras into the courtroom. Judge Smith highlighted some of the provisions including the written application requirement and the special rules for still cameras. Upon proper motion, the Council adopted the proposed *Uniform Court Rules for Coverage of Judicial Proceedings in Texas Trial and Appellate Courts*, and agreed to forward the proposal to the Rules Advisory Committee and the Legislature.

UPDATE ON COMMITTEE ON JUDICIAL PERFORMANCE MEASURES

Chief Justice Aboussie reported on the work of the Subcommittee on Appellate Court Performance Measures. Chief Justice Aboussie gave a brief history of the subcommittee's efforts to develop and recommend measures to evaluate the work of the individual justices on the courts of appeals. Chief Justice Aboussie discussed the measures currently implemented by the courts of appeals and the factors that impact the justice's ability to carry out their duties. Chief Justice Aboussie summarized the subcommittee's key findings and recommendations which included: (1) the Council of Chief Justices' Committee on Docket Equalization and Performance Measures should continue its efforts to develop and approve uniform data reporting standards among the courts of appeals; (2) the performance measures currently used by the courts of appeals should be used for internal caseload management by each court; (3) the courts of appeals should continuously find new ways to operate efficiently without sacrificing the quality of justice; and (4) the Office of Court Administration should continue to study whether the statistical data currently reported and published is presented in a clear and understandable format, and whether any additional data should be collected. Upon proper motion, the Council unanimously adopted the report entitled *Performance Measures: Appellate Courts* to be submitted to the legislature.

Mr. Brickman reported on the work of the Subcommittee on District Court Performance Measures. Mr. Brickman briefly summarized the subcommittee's key findings and recommendations which included: (1) revising the Office of Court Administrations's

current data collection and reporting methods in order to ensure that the courts and clerks consistently provide useful and accurate information to the public, the Judiciary, and the Legislature; and (2) ensuring that the legislature and the general public have adequate data to make useful statistical comparisons of district courts in similarly-sized counties and/or counties with comparable caseloads. Upon proper motion, the Council unanimously adopted the report entitled *Performance Measures: District Courts* to be submitted to the legislature.

UPDATE ON COMMITTEE ON CAMPAIGN FINANCE

Judge David Patronella reported on the work of the Committee on Campaign Finance. Judge Patronella informed the Council that Representative Gallego filed HB 167 relating to the regulation of political contributions to certain unopposed judicial candidates. Judge Patronella also informed the Council that Representative Cuellar filed HB 59 relating to making a voter information guide for judicial elections available to the public on the Internet.

UPDATE ON COMMITTEE ON LAW CLERK RECRUITMENT FOR THE COURTS

Ms. Delia Martinez Carian reported on the work of the Committee on Law Clerk Recruitment. Ms. Carian discussed the implementation of a Judicial Internship Program for Texas courts. Upon proper motion, the Council unanimously adopted the Judicial Internship Program for Texas appellate courts.

UPDATE BY OFFICE OF COURT ADMINISTRATION: JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY

Ms. Ann Fuelberg with Leapnet, Inc., discussed the development and implementation of a Data Management Pilot Project. Ms. Fuelberg requested the assistance of the Council regarding the uniform collection of court data for reporting purposes. Mr. Brickman and Judge Chiuminatto agreed to provide their assistance to the project.

DATE OF NEXT MEETING

The Council plans to meet again in mid-January.

ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at approximately 1:20 p.m.

Thomas R. Phillips
Chair

