

TEXAS JUDICIAL COUNCIL

MINUTES OF MEETING

September 29, 1998

10 A.M.

Texas Law Center, Room 101

AUSTIN, TEXAS

COMMENCEMENT OF MEETING

Chairman Thomas R. Phillips called the regularly scheduled meeting of the Texas Judicial Council to order at 10:20 a.m. on September 29, 1998, in the Texas Law Center, Room 101, Austin, Texas.

ATTENDANCE OF MEMBERS

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

Chief Justice Thomas R. Phillips
Presiding Judge Michael J. McCormick
Justice Marilyn Aboussie
Mr. James Brickman
Mr. Joseph Callier
Judge Martin J. Chiuminatto, Jr.
Judge Stella Ortiz-Kyle
Judge David Patronella
Judge David Peeples
Mr. Diego Pena
Judge Penny Pope
Judge Robin Smith
Ms. Sharon Warfield Wilkes

Members not in attendance were Judge Jim Parsons, Mr. James Boswell, Ms. Kathleen Cardone, Senator Rodney Ellis, and Senator Robert Duncan. Chief Justice John Hill Cayce, Representative Pete Gallego, Representative Senfronia Thompson, and Judge Mike Wood arrived after roll was called. With a quorum established, the Council took the following action:

MINUTES OF THE PREVIOUS MEETING

The minutes of the June 25th Council meeting were adopted with one revision.

PRESENTATION BY OFFICE OF COURT ADMINISTRATION

Jerry Benedict, Administrative Director of the Office of Court Administration, gave the Council a presentation on the work of the OCA and the need for a central planning committee for the state judiciary.

Mr. Benedict also recommended that the Council create a committee to look into increasing the diversity of law clerk recruitment in Texas courts.

The Council discussed the need for a strategic planning committee to help unify the voice of the judiciary. It was noted that the Judicial Council is uniquely well-placed to work with the various constituency groups concerned with the judiciary (eg., Texas Center for the Judiciary, Judicial Section of the State Bar, etc...). It was also noted that judicial impact statements produced by the Council would help achieve a more unified voice for the state judiciary *vis-a-vis* the Legislature.

The Council created a Committee on Strategic Planning to address these issues.

The Council discussed the issue of law clerk recruitment.

The Council created a Committee on Law Clerk Recruitment for the Courts.

PRESENTATION ON COURT INTERPRETER CERTIFICATION

Bill Hewitt, of the National Center for State Courts, presented a Model Court Interpreter Act developed by the NCSC that would create a set of standard qualifications and a certification process for court interpreters.

The Council requested that Mr. Hewitt submit and distribute to all the members a formal proposal at some point in the future.

LEGISLATIVE UPDATE

Denise Davis, Director of the Texas Judicial Council, referred the Council to an article in the Benchmarks Newsletter as a means of providing an update on current legislative activity.

REPORTS FROM THE COUNCIL COMMITTEES DISCUSSION AND ACTION BY THE COMMITTEE

COMMITTEE ON TRIAL COURT REORGANIZATION

Judge Martin Chiuminatto briefed the Council on the Committee's meeting on August 26th. Judge Chiuminatto stated that Council staff is currently conducting research, and the Committee will be meeting in the near future to discuss its recommendations.

COMMITTEE ON COURT RECORDS

Judge Mike Wood reported to the Council on the progress of the Supreme Court's administrative rule governing public access to judicial records.

COMMITTEE ON VISITING AND RETIRED JUDGES

Chief Justice John Cayce reported on the article submitted to the Texas Bar Journal regarding the Committee's proposed legislation on visiting and retired judges. Chief Justice Cayce also briefed the Council on feedback that has been received from the legal community on this proposed legislation.

Chief Justice Cayce reported on the progress of the Committee in developing a rule which would create a peer review process for visiting judges.

The Council discussed various aspects of the Committee's proposals as well as proposals put forward by the Judicial Section of the State Bar.

REPORT OF THE OFFICE OF COURT ADMINISTRATION (CONT.)

Mary Cowherd, Research Director for the Office of Court Administration, briefed the Council on a survey that had been administered concerning public trust and confidence in the courts and the legal profession. The final report will be completed on December 5, 1998.

Jeffrey Vice, of the Office of Court Administration, briefed the Council on the issue of storing criminal records at the intermediate appellate level.

The Council discussed various issues relating to the funds and space required to store criminal records.

The Council created a Committee on Criminal Records Storage to look into these issues.

REPORTS FROM THE COUNCIL COMMITTEES DISCUSSION AND ACTION BY THE COMMITTEE (CONT.)

COMMITTEE ON JUDICIAL REDISTRICTING

Chief Justice Phillips restated the Council's proposal to abolish the Judicial Districts Board. He also mentioned that the House Judicial Affairs Committee had endorsed this proposal.

COMMITTEE ON JUDICIAL SELECTION

The Council discussed some of the many problems associated with reforming Texas' method of judicial selection. It was suggested that the Committee focus on finding two or three proposals that have already been put forward by other groups. The Council could then vote to endorse or not endorse the proposals.

COMMITTEE ON JUVENILE REFORM/IMPACT ON THE COURTS

Judge Penny Pope presented the Council with the Committee's proposed legislation relating to juvenile justice issues.

The Council discussed and voted on the proposed legislation. Judge Deanna Burnet, of Dallas County, briefed the Council on the use in Dallas County of the federal juvenile accountability block grant.

Mr. Jim Bethke, of the Office of Court Administration, also testified on the federal block grant.

The Council moved to endorse the participation of the Judicial Committee on Information Technology with the Dallas County Juvenile Crime Enforcement Coalition in the development and installation of a county-wide juvenile justice information system.

The Council moved to hold consideration of creating a state or county juvenile council until next meeting.

OTHER BUSINESS

Billy Phillips, of Houston, testified on allegations of corruption against certain judges in Houston.

Al Johnson, of Texans for Justice, testified to express his groups's dissatisfaction with Texas' visiting judge program.

DATE OF NEXT MEETING

The date and location of the next Council meeting will be determined.

ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 1:35.

Chief Justice Thomas R. Phillips
Chairman