



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

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TEXAS JUDICIAL COUNCIL COMMITTEE ON JUDICIAL DATA MANAGEMENT

NOTES OF MEETING NOVEMBER 19, 2008 Office of Court Administration Austin, Texas

ATTENDANCE OF MEMBERS

The following members of the Committee were present:

Judge Monica Gonzalez, San Antonio Municipal Court
Judge Valencia Nash, Justice of the Peace, Dallas County Precinct 1 Place 2 (Advisory Member)

Additionally present were Mary Cowherd, OCA Deputy Director and Director of Research and Court Services, and Angela Garcia, OCA Manager of Judicial Information. Judge Glenn Phillips, Presiding Judge, Kilgore Municipal Court (Chair); Judge Russell Casey, Justice of the Peace, Tarrant County Precinct 3 Place 1; Judge Lamar McCorkle, Judge of the 133rd District Court in Harris County (Advisory Member); Judge Olen Underwood, Presiding Judge of the Second Administrative Judicial Region (Advisory Member); and Ms. Bonnie Wolbrueck, retired Williamson County District Clerk (Advisory Member), were not present.

INTRODUCTION

Mary Cowherd gave the Committee an explanation of the history and mission of the Judicial Data project. She also pointed out that the proposed instructions needed some additional work, including the addition of instructions about how criminal and civil cases are to be counted on the reports. Angela Garcia then gave the members an overview of the major changes that had been proposed to the justice and municipal court report forms by the OCA Justice and Municipal Court Data Workgroup. (See Addendum.)

DECISIONS OF COMMITTEE

The Committee made the following decisions regarding the monthly reporting changes recommended by the OCA Justice and Municipal Court Data Workgroup:

1. Show cause hearings held: Judge Gonzalez agreed with the inclusion of *Show Cause Hearings Held* in the new reports but recommended that this data element be moved from the Additional Activity section to the Criminal section to better reflect the significance these proceedings have in terms of justice and municipal court workload.

2. Compliance dismissals: Judge Gonzalez thought that the items in this section needed additional clarification so that courts would not be confused about where to count a case.

- The instructions should be very clear that a case is to be counted in only one of the compliance dismissal categories, even though a person's requirements for deferred disposition may include one or more of the other compliance dismissal categories listed on the form.
- Change the name of the case category, *All Other Compliance Dismissals*, to *All Other Transportation Code Compliance Dismissals* in order to clarify what these cases are.
- Move *Dismissals After Proof of Financial Responsibility* just before *All Other Transportation Code Compliance Dismissals*. These two categories are similar in nature and should be grouped together.

3. Forcible Entry and Detainer: Judge Nash pointed out that *Forcible Entry and Detainer* cases are commonly called "*evictions*." To clarify that forcible entry and detainer cases are eviction cases, this case category should be renamed, "Forcible Entry and Detainer (Eviction)."

4. Non-suits: Judge Nash remarked that nonsuits (civil cases dismissed by the plaintiff when the plaintiff decides not to proceed with the case) are not captured on the proposed justice court form and should be added. She indicated that these dismissals are common and are different in nature than cases dismissed for want of prosecution (where the plaintiff does not do something within a certain time period).

5. Other Magistrate Orders: Add another category to count all other orders issued by a magistrate that are not covered in the current proposal.

6. Discussion of Outstanding Issues: The Committee was asked to review the results of a survey that was sent to members of the OCA Justice and Municipal Court Data Workgroup and make a decision on each of these issues, as the response rate to the survey by the workgroup members had been very low.

a. Survey results regarding indigency:

1. Report the number of indigent hearings held?

Yes:	4	100%
No:	0	0%

2. Report the dollar amount of fines waived for indigency?

Yes:	2	50%
No:	2	50%

3. Report the number of cases in which fines were waived for indigency?

Yes:	3	75%
No:	1	25%

The Committee decided that it would be extremely difficult, if not impossible, to track the number of indigency hearings with any accuracy because so many of them involve judges asking defendants informally about their ability to pay. The Committee also decided that the dollar amount of fines waived for indigency, as well as the number of cases in which fines were waived for indigency, should be reported.

b. Survey results regarding partial vs. full satisfaction of fine/courts costs by community service:

4. Report the total number cases in which community service partially or fully satisfied the fine or court costs together rather than separately?

Yes:	2	50%
No:	2	50%

The Committee thought that the current proposal, which lists partial and full satisfaction of fines and court costs separately, should be left as is.

c. Survey results regarding civil dispositions involving payment of a civil/administrative penalty:

6. a) Should an item be added in the Civil Dispositions section of both reports to capture cases in which a person just pays the civil/administrative penalty (similar to a fine)?

Yes:	2	50%
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No: 2 50%

b) If you answered “Yes” to 6.a. above, should that item be called “Uncontested Dispositions?”

Yes: 0 0%

No: 2 100%

c) If you answered “No” to 6.b., please indicate what you would call that item:

- Uncontested Civil Dispositions
- Agreed Civil Dispositions

The Committee agreed that these types of dispositions do not really fit into the civil disposition categories used in the current proposal, but they should be reported. The Committee said that these matters do not fit the current disposition categories, including agreed judgment. The Committee asked OCA to obtain a recommendation as to what these dispositions should be called from Ryan Turner with the Texas Municipal Courts Education Center.

ADDENDUM

Overview of Changes to JP and Municipal Monthly Reports RECOMMENDED BY THE OCA JUSTICE AND MUNICIPAL COURT DATA WORKGROUP

Made justice and municipal court reports identical wherever possible

- Most important area where consistency needed was juvenile activity

Made justice and municipal court reports more consistent with district and county reports

- Added pending cases, active and inactive pending designations
- Workgroup strongly recommended that district and county-level court reports include revenue just like justice & municipal court reports do

Improved terminology used on current reports

- *Fined* changed to *Uncontested Dispositions*
- *Trial by Judge* (which included any appearance before judge, incl. guilty or nolo pleas) changed to *Convictions—Guilty Plea or Nolo Contendere; Convictions—By the Court*
- Terminology used for magistrate activity in juvenile cases changed to be more correct and clear

Municipal court form modified to capture civil activity being handled by the courts: bond forfeitures (nisi), dangerous dogs, red light camera violations, etc.

Categories added to fix places where lots of activity is being handled by the courts but there was no place on the current report form to report those cases

- All other compliance dismissals (see pg. 7 of municipal court instructions for list)

Added information on cases in which jail credit was given and expanded information collected on cases in which community service was completed in order to satisfy fines so that people looking at the revenue figures would have more information about what is actually happening in terms of assessing and collecting fines, fees, and court costs