



TEXAS JUDICIAL COUNCIL

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TEXAS JUDICIAL COUNCIL COMMITTEE ON JUDICIAL DATA MANAGEMENT

NOTES OF MEETING OCTOBER 19, 2007 Office of Court Administration Austin, Texas

ATTENDANCE OF MEMBERS

The following members of the Committee were present:

Hon. Sharolyn P. Wood, Judge, 127th District Court, Harris County (Chair)
Mr. Joseph A. Callier, Attorney at Law, Callier & Garza, Houston (Member)—participating by phone
Hon. Delia Martinez-Carian, Associate Judge, Title IV-D Court, Bexar County (Member)
Hon. Olen Underwood, Presiding Judge, 2nd Administrative Judicial Region (Advisory Member)
Ms. Bonnie Wolbrueck, District Clerk (retired), Williamson County (Advisory Member)

Additionally present were Mary Cowherd, Deputy Director for Research and Court Services, Angela Garcia, Manager of Judicial Information, and Carl Reynolds, Administrative Director, of the Office of Court Administration. Judge Lamar McCorkle, Judge of the 133rd District Court in Harris County (Advisory Member), was not present due to a conflict in his schedule; he had another meeting scheduled at the same time.

DISCUSSION OF OUTSTANDING ISSUES

1. Appointments and Fees Reports: Judge Wood notified the Committee that the request from Carl Reynolds to explore the possibility of adding the Appointments and Fees Report to the district and county court monthly activity reports had been withdrawn. After exploring the issue, OCA determined that it would be best to keep the two reports separate. The Committee agreed with that determination.

2. Dismissals with or without prejudice: The Committee listened to a presentation (via conference call) by Judge Sally Montgomery, Dallas County Court at Law No. 3, who had submitted a request to the Committee to consider breaking the disposition category for cases non-suited or dismissed by plaintiff into two categories indicating whether the case was dismissed with or without prejudice. She stated that cases dismissed with prejudice represent much greater workload (e.g., the case may have gone through to a full jury trial). In addition, cases dismissed without prejudice may reflect future workload because they may potentially be refiled. She also stated that this is a very important issue for Dallas County.

The Committee thanked her for her suggestion but decided that the proposal was not reflective enough of a difference in workload to justify the cost of implementing this change statewide, especially considering that only Dallas County was asking for this change. The Committee encouraged Dallas County to count those dismissal statistics locally.

3. Other Proceedings Section: Judge Wood asked the Committee to reevaluate the proposals for the Other Proceedings section. She pointed out that expunctions, nondisclosures, seizures and forfeitures, and occupational licenses are civil matters. She questioned whether they represented enough workload or were significantly different enough from any other civil case category to justify counting them separately.

Bonnie Wolbrueck and Angela Garcia also pointed out the difficulties that many clerks have with the current Other Proceedings section of the criminal report due to the way their offices and case management systems are set up (the civil and criminal divisions in clerk offices, as well as the reporting by those divisions, are often completely separate). As a result, the data reported in this section is inaccurate and incomplete.

The Committee decided that expunction, nondisclosure, seizure and forfeiture, occupational license, and bond forfeiture cases should be reported under All Other Civil Cases in the Civil section of the proposed reporting forms.

In addition, the Committee decided that there was not a good reason to capture separate data on writs of habeas corpus and post-conviction writs of habeas corpus in criminal cases since this information is already reported by the Court of Criminal Appeals.

The Committee decided that writs of habeas corpus should be reported as All Other Cases Added under the appropriate case category in the civil, criminal, juvenile or probate section since they are filed in the original case and given an ancillary number. In family law cases, a writ of habeas corpus should be reported under All Other Cases Added in the Post-Judgment Actions—Enforcement category.

4. Pro se litigants in civil cases: Carl Reynolds asked the committee to consider adding an item to the reports tracking the number of pro se litigants in civil cases. There is a perception that the number of pro se litigants is growing and may have a significant effect on the judiciary. The Committee

discussed the logistics of collecting this information and agreed that any information collected would be unreliable because the status of litigants may change frequently during the life of a case and is not even accurately known at the time of disposition.

Instead, Judge Wood offered to provide data from Harris County to give Mr. Reynolds some concrete information on this topic.

5. Medication hearings: Ms. Garcia presented a request from Judge Guy Herman, Presiding Judge of the Statutory Probate Courts, to add more detailed information on medication hearings—applications filed, dismissed, granted and denied. Judge Herman noted that psychoactive medication hearings make up approximately one-third of a probate court's mental health docket and are used in lieu of creating a guardianship in which the guardian would consent to medicine being given to the ward.

The Committee agreed to include the requested information.

6. Report instructions: Ms. Wolbrueck suggested various improvements to the instructions for the Family Law section. Committee members were asked to further review the materials in detail over the next couple of weeks and communicate any suggested improvements to Ms. Garcia by November 9, 2007.

The proposals, incorporating all changes approved during this meeting, as well as any other improvements suggested by the Committee, will be presented at the next Judicial Council meeting on December 7, 2007.

Judge Wood notified the Committee that the goal for implementation of the reporting changes is now September 1, 2009.