

**GOVERNANCE OF THE TEXAS JUDICIARY:  
INDEPENDENCE AND ACCOUNTABILITY**

**REPORT OF THE  
TEXAS COMMISSION  
ON JUDICIAL  
EFFICIENCY**

**Volume 1**

**November 1996**

# THE TEXAS COMMISSION ON JUDICIAL EFFICIENCY

Dr. Herbert H. Reynolds, Chair

Diana Clark  
Senator Rodney Ellis  
Judge Pat Ferchill  
Representative Pete P. Gallego  
Judge Joseph H. Hart  
Judge John C. Hawkins, Jr.  
Judge Cyndi Taylor Krier  
The Honorable Myra A. McDaniel

General Counsel—Anthony Haley

Drayton McLane, Jr.  
Senator John T. Montford  
Judge Horacio Peña, Jr.  
The Honorable William S. Sessions  
R. Dary Stone  
Chief Justice Linda Thomas  
Representative Senfronia Thompson

Project Consultant—Dr. Ingo Keilitz

#### Interns:

Ronald Reynolds  
Robert Strauss, III

The Commission's work was made possible by support from:

The Texas Office of Court Administration  
The Texas Legislative Council  
The State Bar of Texas  
The Office of the Attorney General  
The State Justice Institute



This report was prepared with financial support from the State Justice Institute. Points of view expressed are those of the Commission on Judicial Efficiency and do not necessarily represent the official positions or policies of the State Justice Institute.

# THE TEXAS COMMISSION ON JUDICIAL EFFICIENCY

In Reply, Please Refer to  
Case No. \_\_\_\_\_

State of Texas,  
County of \_\_\_\_\_  
The Honorable \_\_\_\_\_  
County Clerk,  
\_\_\_\_\_

State of Texas,  
County of \_\_\_\_\_  
The Honorable \_\_\_\_\_  
County Clerk,  
\_\_\_\_\_

Very truly yours,  
\_\_\_\_\_  
State Clerk

The undersigned, \_\_\_\_\_,  
County Clerk of \_\_\_\_\_,  
do hereby certify that \_\_\_\_\_  
is the true and correct copy of \_\_\_\_\_  
as the same appears in the \_\_\_\_\_  
of the \_\_\_\_\_



This document is prepared by the State of Texas and is subject to the provisions of the Public Information Act. Any person who wishes to obtain a copy of this document should contact the State of Texas at the following address: \_\_\_\_\_



## TEXAS COMMISSION ON JUDICIAL EFFICIENCY

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

DR. HERBERT H. REYNOLDS  
CHAIR

TEL: (512) 463-1625

FAX: (512) 463-1648

a.haley@access.texas.gov

DIANA CLARK  
SENATOR RODNEY ELLIS  
JUDGE PAT FERCHILL  
REPRESENTATIVE PETE GALLEGOS  
JUDGE JOSEPH H. HART  
JUDGE JOHN C. HAWKINS, JR.  
JUDGE CYNDI TAYLOR KRIER  
THE HONORABLE MYRA A. McDANIEL  
DRAYTON McLANE, JR.

SENATOR JOHN T. MONTFORD  
JUDGE HORACIO PEÑA, JR.  
THE HONORABLE WILLIAM S. SESSIONS  
R. DARY STONE  
CHIEF JUSTICE LINDA THOMAS  
REPRESENTATIVE SENFRONIA THOMPSON

ANTHONY HALEY  
GENERAL COUNSEL

November 7, 1996

The Honorable George W. Bush  
Governor

The Honorable Bob Bullock  
Lieutenant Governor

The Honorable Pete Laney  
Speaker of the House of Representatives

Dear Fellow Texans:

It is our privilege and pleasure to present to you Volume I of the Report of the Texas Commission on Judicial Efficiency in response to the directive of the Seventy-Fourth Legislature of Texas to the Chief Justice of the Supreme Court of Texas to establish such a Commission to make its Final Report to the Legislature in writing no later than January 15, 1997.

In the Amended Order of November 8, 1995 creating the Commission, the Chief Justice named the sixteen of us and stated "the Commission is directed to compile and submit to the Seventy-Fifth Legislature findings and recommendations regarding Information Technology, Funding Parity, Staff Diversity within the Court System, and Judicial Selection." The Chief Justice further stated that "because the matters encompassed in the Commission's charge are of such breadth and importance that the Commission will require the assistance and expertise of a broad range of Texans, it is ordered that four Task Forces are established to investigate and report to the Commission as to each particular area of inquiry." Subsequently the Chief Justice and the Chair of the Commission, after appropriate consultation, appointed approximately 150 individuals to the Task Forces.

At this time, we are submitting to you primarily the recommendations of the Commission that cover the work of the Task Forces on Information Technology, Funding Parity, and Staff Diversity within the Court System. A preliminary report on Judicial Selection is included; but the major work of that Task Force will be presented in Volume II, which will be sent to you before January 15, 1997 as directed.

The Commission is grateful, as we know you are, to the 150 individuals who have served so diligently and discerningly as Task Force members. Dozens of meetings have been held in Austin and in various places throughout

the State in the accomplishment of the Task Force work, and most of this has been done at the personal expense of the individuals involved. Thus, although the work has been most expansive, it has not been expensive because of the devotion of our fellow citizens.

It is our firm belief that we have made sound recommendations to you and to the members of the Legislature and we shall anticipate that highly tangible support will be forthcoming to improve the role of the Texas Judiciary, our third branch of government. Concomitantly, we anticipate greater independence and accountability on the part of the Texas Judiciary to the considerable benefit of all Texans.

Respectfully yours,

Dr. Herbert H. Reynolds, Chair

Diana Clark

Rodney Ellis

Pat Ferchill

Pete P. Gallego

Joseph H. Hart

John C. Hawkins, Jr.

Cyndi Taylor Krier

Myra A. McDaniel

Drayton McLane, Jr.

John T. Montford

Horacio Peña, Jr.

William S. Sessions

R. Dary Stone

Linda Thomas

Senfronia Thompson

# **GOVERNANCE OF THE TEXAS JUDICIARY: INDEPENDENCE AND ACCOUNTABILITY**

Report of the Texas Commission on Judicial Efficiency

## **VOLUME 1**

### **TABLE OF CONTENTS:**

<b>INTRODUCTION AND OVERVIEW OF RECOMMENDATIONS</b>	<b>1</b>
<b>FUNDING PARITY</b>	<b>7</b>
<b>Toward State Funding of the Courts</b>	<b>7</b>
<b>Judicial Compensation</b>	<b>9</b>
<b>COURT PERFORMANCE MEASURES AND STANDARDS</b>	<b>13</b>
<b>Trial Courts</b>	<b>14</b>
<b>Courts of Appeals</b>	<b>15</b>
<b>Court of Criminal Appeals</b>	<b>15</b>
<b>Supreme Court</b>	<b>15</b>
<b>STAFF DIVERSITY</b>	<b>17</b>
<b>Active Recruitment</b>	<b>17</b>
<b>Measuring Staff Diversity</b>	<b>18</b>
<b>Expanding Opportunities</b>	<b>18</b>
<b>INFORMATION TECHNOLOGY</b>	
<b>JUDICIAL SELECTION</b>	<b>23</b>
<b>Fine Tuning the Present System</b>	<b>23</b>
<b>Changing the Methods of Voting</b>	<b>24</b>
<b>Changing the Methods of Selection</b>	<b>24</b>
<b>Next Steps</b>	<b>24</b>
<b>JUDICIAL BRANCH PLANNING</b>	
<b>APPENDICES:</b>	
<b>APPENDIX A: Report and Recommendations of the Information Technology Task Force of the Commission on Judicial Efficiency</b>	
<b>APPENDIX B: Fiscal Impact of Recommendations</b>	
<b>APPENDIX C: Task Forces of the Commission on Judicial Efficiency</b>	
<b>APPENDIX D: Panelists, Witnesses, and Attendees of Public Hearings</b>	

# GOVERNANCE OF THE TEXAS JUDICIARY INDEPENDENCE AND ACCOUNTABILITY

Report of the Texas Commission on Judicial Ethics  
Volume 1

## TABLE OF CONTENTS

### BACKGROUND AND OVERVIEW OF REFORMS

Executive Summary  
 Overview and Scope of the Report  
 Judicial Commission

### COURT REFORMS: JUDGES AND CLERKS

1993 Reforms  
 1995 Reforms  
 1997 Reforms  
 1999 Reforms

### 2003 REFORMS

2003 Reforms  
 2003 Reforms  
 2003 Reforms

### JUDICIAL ETHICS

The Texas Judicial System  
 Changing the Ethics of Judges  
 Changing the Ethics of Judges  
 2003 Reforms

### JUDICIAL ETHICS REFORMS

### APPENDICES

- Appendix A: Court and Government of the State
- Appendix B: Judicial Ethics
- Appendix C: Judicial Ethics
- Appendix D: Judicial Ethics
- Appendix E: Judicial Ethics
- Appendix F: Judicial Ethics
- Appendix G: Judicial Ethics
- Appendix H: Judicial Ethics
- Appendix I: Judicial Ethics
- Appendix J: Judicial Ethics
- Appendix K: Judicial Ethics
- Appendix L: Judicial Ethics
- Appendix M: Judicial Ethics
- Appendix N: Judicial Ethics
- Appendix O: Judicial Ethics
- Appendix P: Judicial Ethics
- Appendix Q: Judicial Ethics
- Appendix R: Judicial Ethics
- Appendix S: Judicial Ethics
- Appendix T: Judicial Ethics
- Appendix U: Judicial Ethics
- Appendix V: Judicial Ethics
- Appendix W: Judicial Ethics
- Appendix X: Judicial Ethics
- Appendix Y: Judicial Ethics
- Appendix Z: Judicial Ethics

TEXAS COMMISSION ON JUDICIAL ETHICS  
 1500 WEST LOOP SOUTH, SUITE 1500  
 DALLAS, TEXAS 75203  
 (214) 767-7000  
 www.tcxje.org

# INTRODUCTION AND OVERVIEW OF RECOMMENDATIONS

Independence, accountability, self-governance, and strength through cooperation and interdependence. These are the themes of the fourteen recommendations for the Texas court system in this first volume of the Report of the Commission on Judicial Efficiency. The recommendations cover the areas of funding parity, court performance measures, information technology, staff diversity within the court system, and long-term planning. A second volume, covering the issue of judicial selection, will be published in January, 1997.

Few decisions and actions today will have more of an impact on the future of Texas than those made by and affecting the Texas Court system. In addition to interpreting the law, the Texas courts are an important symbol of government. Today, accelerating change in all segments of society demand that the Third Branch, along with its sister branches, anticipate and respond positively to that change with all of its authorities—formal, informal and symbolic—all of its competencies, and all of its resources, much more than it has in the past. Collapsing boundaries between public institutions, and between the public and the private sectors, demand that the Third Branch develop and maintain good working relations with its sister branches and other institutions and agencies. Strength and integrity will come from sophisticated interdependence rather than isolation.

The Texas courts must be agents of positive change rather than reactive spectators, they must be independent and self-governing to preserve the public trust and confidence in the rule of law, yet they must be accountable publicly for their performance. This independence with accountability permits government by law, access to justice, and timely resolution of disputes with equality, fairness and integrity. Independence and accountability engenders public trust and confidence. Finally, the courts must preserve and protect their proper functions while, at the same time, demonstrating respect for their coequal partners in government.

The recommendations in this report are an invitation to the Texas Judiciary to meet these challenges—interdependence and accountability, self-governance, and forming partnerships for positive change—and to the Texas Legislature to help it do so.

## FUNDING PARITY

Achieving the goal of equal, accessible, affordable and prompt justice requires more uniformity, predictability, and accountability than the current court system in Texas provides. Funding parity—adequate and stable levels of funding to staff, to equip and to serve the courts of Texas regardless of location—lies at the very heart of the challenge to achieve this goal.

The most promising method to achieve the goal of adequate and stable resources for the courts is for the State to assume the major responsibility for funding of the Third Branch of Texas Government and its State court system. The Commission recognizes that legislative priorities and the complexities of the Texas court system will not permit the immediate implementation of this goal and, therefore, recommends gradual implementation in accordance with a long-range plan for State-funding of the courts.

- **Recommendation 1: Full State Funding of the Fourteen Courts of Appeals.** Beginning in the 1998-1999 Biennium, the Legislature should provide appropriations for full and uniform funding of the fourteen intermediate Courts of Appeals, including the salaries and fringe benefits of all judges and other court personnel, housing, equipment, supplies and all other operating costs.

**Recommendation 2: Full State Funding of the District Courts.** In the 2000-2001 Biennium, and in quest of full and uniform funding of the entire Texas court system, the Legislature should provide full state funding of the District Courts.



**Recommendation 3: Establishment of an Emergency Contingency Fund.** In the 1998-1999 Biennium, the Legislature should establish an emergency fund to assist trial courts, especially those in the rural areas, in defraying the costs of capital murder cases and other extraordinary criminal and civil cases associated with inordinate expenses.

**Recommendation 4: Strategic Planning by the Texas Judicial Council.** The goal of funding parity should be implemented in accordance with a long-range strategic plan developed and overseen by the Texas Judicial Council.

## JUDICIAL COMPENSATION

Unless current and prospective members of the Texas State judiciary are provided adequate compensation—relative to similarly situated members of the Federal bench, judges in other states, and lawyers with comparable experience in private practice and public service in Texas—the most able and experienced individuals are less likely to join or to remain in the ranks of the Texas judiciary.

The Commission makes its specific salary recommendations based on several benchmarks, separately incomplete but together compelling, including: the income of lawyers in Texas in private practice and in public service, salaries paid judges in other states, and the salaries of Federal judges. All these benchmarks considered, the Commission determined that the recommended salaries of the Justices of the Texas Supreme Court and the Judges of the Court of Criminal Appeals should not be lower than that of the lowest paid federal judicial officer, and that this benchmark should be the reference point for the determination of the salaries of Justices of the intermediate Court of Appeals and Judges of the District Courts

- **Recommendation 5: Judicial Compensation.** In the 1998-1999 Biennium, the salaries of the Justices of the Supreme Court and the Judges of the Court of Criminal Appeals should be raised to \$122,912. The salary of a Justice of the intermediate Courts of Appeals should be set at 95 percent and a Judge of the District Courts at 90 percent of that amount.

- **Recommendation 6: Establishment of a Judicial Compensation Commission.** The Legislature should establish a Judicial Compensation Commission, an independent body charged exclusively with the responsibility of setting judicial wages. The recommendations of the Commission take effect after a period of time (90, 120 or 180 days) unless rejected by either house of the Legislature.

The difficulties encountered by the Commission in considering judicial compensation, if nothing else, led it to Recommendation 6. Nine states currently have judicial compensation commissions. The major advantage over the present system in our State of such an independent commission is that it fixes responsibility for setting judicial wages in a body charged exclusively with the responsibility to determine appropriate judicial compensation.

## PERFORMANCE MEASURES

The Commission recognizes the need to balance the interests of independence, comity, and accountability in the Texas State judiciary's relationships with the executive and legislative branches of Texas Government, as well as with the public. It supports, in principle, the Legislature's intent to incorporate accountability into its appropriations process in the form of performance standards, key performance levels and "investment budgeting." The Commission believes that a call for adequate and stable State funding of the courts, for example, is more likely to be heeded if accompanied by the adoption and use of uniform performance measures and performance standards by all levels of Texas courts.

**Recommendation 7: Court Performance Measures and Standards.** With the advice and assistance of the Judicial Compensation Commission and the Office of Court Administration, the Texas courts should establish, adopt, and regularly report uniform measures and standards of court performance.

- (a) Trial Courts.** To assess how efficiently the trial courts are keeping up with incoming cases, but with allowances for extraordinary circumstances such as the filing of capital or mass tort cases, each year the trial courts should dispose

of at least as many cases as are filed—a disposition rate or “clearance ratio” of 1.0.

- (b) **Court of Appeals.** Two measures of intermediate appellate court performance should be reported: case disposition rate (clearance ratio) and the time to disposition (average time between case submission and disposition).
- (c) **Court of Criminal Appeals.** Two overall measures of performance are recommended: case disposition rate (clearance ratio), calculated separately for death penalty cases, petitions for discretionary review and applications for writ of *habeas corpus*; and the time to disposition (average time between filing or application to issuance of an opinion) calculated separately for the three types of cases.
- (d) **Supreme Court.** Two overall measures of performance should be reported: case disposition rate and time to disposition (average time between filing of a case and release of an opinion). In addition, the Supreme Court should regularly obtain and report several more detailed measures of the time to disposition including: (i) average time between filing and the granting or denying of an application, petition or motion; (ii) the time between the granting of an application, petition or motion and submission (oral argument) of the case; (iii) the time between submission and the release of an opinion; and (iv) the time between filing and the release of a per curiam opinion.
- (e) **Office of Court Administration.** To ensure completeness, accuracy, reliability and statewide comparability of measures, the Office of Court Administration, under the direction of the Texas Judicial Council, should design, develop and establish statewide data collection and reporting methods that are, as much as possible, consistent with national reporting standards.

## STAFF DIVERSITY

The value of a culturally and racially diverse court system needs no argument. The awareness and competence that such a diverse system brings has important positive

effects on the administration of justice. Judicial branch personnel who understand and are sensitive to the cultural reference points of the disputants who come before the court are more likely to administer, and, importantly, be perceived to administer, impartial justice.

The courts stand as an important and visible symbol of government. Ensuring that those who work in the courts are representative of the populations that they serve instills public confidence and trust. Equal treatment of all persons before the law is essential to the concept of justice. Extended to its own employees, this concept requires every court to operate free of bias in its personnel practices and decisions and to achieve a staff diversity. Fairness in the recruitment and development of court personnel creates organizational competence.

The Commission’s focus on staff diversity is not all encompassing. For the courts to be truly representative of the state’s population, there must be a qualified, representative pool of judicial candidates. Therefore, recognizing that the value of diversity extends to all court employees, and not only judges, it directs its five recommendations for staff diversity toward the non-judge attorney positions in the Texas court system. Together, these recommendations encourage the judicial branch, the bar, and the state’s law schools to cooperate in identifying and providing opportunities and support for law students and recent law graduates who show an interest in legal careers with the courts.

- **Recommendation 8: Recruitment Program.** To increase the minority applicant pool for law clerk and other attorney support staff positions throughout the Texas judicial system, the Texas Judicial Council should design and establish a statewide recruitment program to be developed and administered by the Office of Court Administration. The recruitment program also should be the focal point of coordinated efforts by the Judicial Branch, the Texas State Bar and local bar associations, law firms, and law schools to facilitate the exchange of information about employment opportunities at all levels of the Texas court system for law students and recent graduates.
- **Recommendation 9: Annual Reporting of Demographic Data on Law Clerks and**

**Attorney Staff Positions in the Texas Court System.** The Office of Court Administration should regularly receive and annually report a demographic profile of legal staff employed at all levels of the Texas court system.

**Recommendation 10: Encouragement of Judicial Clerkships.** In coordination with the Office of Court Administration's Recruitment Program (Recommendation 8), the State Bar of Texas and local bar associations should encourage law firms to hire and to give appropriate credit to prospective associates who have served or who are considering serving as judicial clerks.

**Recommendation 11: Student Loan Repayment Fund.** To ensure that the burden of repayment of sizable student loans is not a significant disincentive for students interested in pursuing clerkships and other attorney staff positions in the courts, the Legislature should establish a fund to subsidize the repayment of loans of those with proven need who accept clerkships or temporary attorney positions in the courts.

**Recommendation 12: Judicial Internship Program.** The Judicial Branch should cooperate with law schools in establishing a judicial internship program.

## INFORMATION TECHNOLOGY

Despite the widespread recognition that rapidly emerging information technology has applications for improved judicial administration, its integration in the Texas courts, with some notable exceptions, is yet to be accomplished. The Commission believes that the unique needs and pressing challenges for rapid access to and exchange of information facing the Texas courts can only be met by a statewide comprehensive information and communication system that is readily accessible both to those who run the courts and those who are served by the courts. The Commission seeks a system in which court users are active participants, local court access is enhanced, quality and meaningfulness of information are emphasized more than quantity, and technology honors valued traditions.

For court personnel, the creation of such a system would mean timely, accurate and complete informa-

tion that is easily accessed, used and effectively communicated. For the public, litigants, and agencies that regularly have "business" with the courts, such a system would provide ready and appropriate access to information that heretofore has been available only at considerable costs of time, resource, and manpower. Efficiency and effectiveness, the Commission believes, are predicated on the appropriate use of information technology within and among courtrooms and courts, and between the courts and those served by the courts at all levels—municipal, justice of the peace, county, district and appellate.

### **Recommendation 13: State Judicial Committee on Information Technology.**

- (a) In order to make Texas court information and services accessible, affordable and timely, the Supreme Court should establish a standing committee, the State Judicial Committee on Information Technology, to provide leadership in bringing desperately needed information technology into the Texas court system and to advise the courts on an ongoing basis on the application of technology to the operations throughout the Judicial Branch. The Committee should develop and oversee the building by 1999 of a coordinated statewide computer communication network and comprehensive justice information system.
- (b) In its development of the various components of the coordinated computer network and comprehensive justice information system, the Committee should be guided by the recommendations of the Commission's Information Technology Task Force (see Appendix A of full report).
- (c) The development and initial building of the statewide network and coordinated justice information system should be funded by state appropriations of \$5,325,000 in the next biennium. Necessary maintenance and enhancements of the network and system should be funded on an ongoing basis by user fees and access charges (Appendix A), and such other means the Legislature deems appropriate.

Hailed as the printing press of the technology era, the critical importance of the Internet and related technology is beyond debate. Yet, the revolution in computer-based information technology is so rapid, and its opportunities so vast, that only a “discovery mode,” in the words of a member of the Commission’s Task Force on Information Technology, will guide its prudent application and use by the Texas court system. By specifically recommending only the process by which a coordinated communication network and justice information system should be developed, and by leaving the building blocks of the network and system to be “discovered” by the standing committee within the guidelines of the recommendations of the Task Force on Information Technology (Appendix A), the Commission believes it has struck the proper balance between the urgency to take the first step and the deliberate care necessary to take full advantage of rapidly emerging information technology.

### **JUDICIAL LONG-RANGE PLANNING**

Bound by the principle of precedent in judicial decisionmaking, courts historically have been reactive institutions in dealing with strategic and organizational issues. As one pundit remarked, courts are driving into the future with their eyes on the rearview mirror. Consequently, courts have been slow to develop the capacity to anticipate and to plan for the future. Accelerating changes in society will put increasing pressures on the courts to act swiftly to emerging threats and opportunities in accordance with long-range, strategic plans. Gathering in Williamsburg, Virginia in March 1996 for the National Conference on the Future of the Judiciary, the Nation’s state court leaders ranked the “institutionalization of strategic planning, research and evaluation” third in importance among 27 actions in a “leadership agenda for the Courts.”

**Recommendation 14: Judicial Branch Long-Range Planning Function.** The Supreme Court should establish and fund a permanent long-range, strategic planning function in the Texas Judicial Branch that develops strategic plans, assists in the development of strategies for change, continually evaluates the effectiveness of the strategies, and

actively consults with all levels of the Texas court system, and the other branches of Government. Adequately funded, this planning function should be established as an arm of the Office of Court Administration and operated under the direction of the Texas Judicial Council.

### **JUDICIAL SELECTION**

The Commission’s Judicial Selection Task Force is charged with investigating and reporting to the Commission on what method for selecting and retaining judicial officers would best serve the people of Texas. The Task Force has yet to complete its work. Volume 2 of the Commission’s report will include its recommendations for judicial selection.

The Task force has completed its information gathering and is at present considering what specific recommendations it will make to the Commission. It faces several alternatives for changing the way Texas selects its judges. The alternatives fall generally into three categories: fine-tuning the present system; changing the method of voting for members of the judiciary; and changing the methods of selecting the members of the judiciary.

Although no major legislative overhaul of judicial selection has occurred in Texas in this century, the current system is nonetheless in a sense a new one with which we have only a couple of decades of experience. The system that prevailed in Texas for most of the Twentieth Century, characterized by gubernatorial appointment, uncontested re-election, and long tenure, has yielded to one perceived to be driven by partisan politics and interest-group financing of campaigns. These new trends in judicial selection have contributed to several areas of serious concern, including a lack of diversity, the politicization of judicial campaigns and service, and perceived loss of qualified judicial candidates.

### **ORIGINS AND WORK OF THE COMMISSION**

The Texas Commission on Judicial Efficiency was established on October 6, 1995 by the Chief Justice of Texas in response to a request by the Seventy-Fourth Legislature and an appropriation of \$100,000 to the

Supreme Court for the sole purpose of establishing and operating the Commission.<sup>1</sup> Its mandate directed the Commission to compile and submit to the Seventy-Fifth Legislature findings and recommendations regarding appropriate levels of funding and funding parity at the various levels of the Texas court system, staff diversity within the system, information technology, and methods for selecting and retaining judicial officers who would serve the people of Texas. In addition to the funds appropriated by the Legislature, the Commission secured additional funding from the State Justice Institute, a non-profit organization created and funded by Congress to support innovation and planning in the state courts.

Mandate defined, the Chief Justice appointed sixteen individuals to serve as Commissioners, as listed in the letter of transmittal. In creating the Commission, the Chief Justice received advice from the Governor, the Presiding Judge of the Court Criminal of Appeals, the Chief Justices of the Courts of Appeals, various judges of other courts of Texas, the President and various members of the State Bar of Texas, and others. The Lieutenant Governor designated two members of the Senate, and the Speaker of the House of Representatives designated two members of the House to serve on the Commission. Dr. Herbert H. Reynolds, Chancellor of Baylor University, was designated as Chair of the Commission. Mr. Anthony Haley was employed as the Commission's Executive Director and General Counsel to serve under the direction of the Chair of the Commission. Finally, court management consultant Dr. Ingo Keilitz, former vice president of the National Center for State Courts and senior research fellow of the Executive Leadership Center of Mount Vernon College, assisted the Commission in national research, strategic planning, and writing.

The Commission convened in Austin and held six plenary sessions on October 9, 1995; February 5, 1996; May 10, 1996; August 19 and 20, 1996, September 6, 1996, and September 20, 1996. All of these meetings were open to the general public.

To assist the Commission, the Chief Justice and the Chair of the Commission established four task forces<sup>2</sup> to investigate and report its findings and recommendations to the Commission: the Funding Parity Task Force, the Staff Diversity Task Force, the Information Technology Task Force and the Judicial Selection Task Force. A justice of the Supreme Court of Texas, a judge of the Court of Criminal appeals, a member of the Texas Judicial Council, and a representative of the Office of Court Administration were designated to serve *ex officio* on each task force. In conducting their inquiries, the task forces met on multiple occasions, held numerous public hearings and consulted with organizations and individual experts on various aspects of policies, principles, methods and structures related to their particular areas of inquiry.<sup>3</sup>

Three of the task forces—the Funding Parity Task Force, chaired by the Honorable Jack Hightower, former Supreme Court Justice; the Staff Diversity Task Force, chaired by Ms. Susana Aleman, Assistant Dean of Student Affairs for the University of Texas School of Law; and the Information Technology Task Force, chaired by Dr. Donald Hardcastle, Director of Computing and Information Systems, Baylor University—submitted their written findings and recommendations to the Commission in September, 1996. The Judicial Selection Task Force, chaired by Mr. Tom Luce, Esq., has completed its inquiry and was, at the time of this writing, considering what specific recommendations it will make to the Commission.<sup>4</sup>

The Commission considered and debated the findings and recommendations of the three task forces in its plenary sessions. Although a few recommendations were adopted as presented by the task forces, in most cases, the recommendations served as the initial formulation of the Commission's recommendations that were shaped by lively debate and further inquiry. Several drafts of the recommendations in this first volume of the Report of the Commission were circulated for review and comment.

1. TX. S. CT., misc. Docket No. 95-9220, Order creating the Texas Commission on Judicial Efficiency, October 6, 1995

2. See Appendix C for listing of task force members.

3. See Appendix D for listing of attendees.

4. See section, "Judicial Selection" of this report.

# FUNDING PARITY

Achieving the goal of equal, accessible, affordable and prompt justice requires more uniformity, predictability, and accountability than the current court system in Texas provides.<sup>5</sup> Funding parity—adequate and stable levels of funding to staff, to equip and to serve the courts of Texas regardless of location—lies at the very heart of the challenge to achieve this goal.

## TOWARD STATE FUNDING OF THE COURTS

*The courts' role as a co-equal partner in a tripartite form of government is critical and adequate funds to fulfill their mission is necessary for them to play their part. Courts are a separate and equal branch of government and under the Constitution must be funded. Our system of justice is founded upon the principle of the independence of the judiciary. Inadequate funding threatens the integrity of the courts and the impartial administration of justice. Texans have a constitutional claim to adequate funding of their courts. The difficulty lies in determining what is an adequate level of funding and what are acceptable methods to ensure the distribution of State and local funds based on needs and responsibilities of each court.*

The most promising method to achieve the goal of adequate and stable resources for the courts is for the State to assume the major responsibility for funding of the Third Branch of Texas Government and its State court system. The Commission recognizes that legislative priorities and the complexities of the Texas court system will not permit the immediate implementation of this goal and, therefore, recommends gradual implementation in accordance with a long-range plan for State-funding of the courts.

By any measure, the Judicial Branch is not a place of big government growth in Texas. The State currently appropriates less than one-third of one percent of the total State budget to the judicial branch through Article IV of the General Appropriations Act. This

percentage has decreased in recent years. The State does not provide any funding for the constitutional county courts or justices of the peace courts, which are funded by the counties, or for municipal courts, funded by municipalities. State court judges question the necessity of seeking funding for State courts from county officials. A considerable number feel their independence is threatened by their dependence on local discretionary funding. Analogous state legislature or executive branch reliance on county and municipal discretionary funding would strain common sense and professional forbearance.

County governments are reluctant to assume even greater financial responsibility to achieve funding parity for a growing State court system. A large part of the difficulty in addressing the disparity of State court funding lies in the complex structure and size of the Texas court system. The only courts *totally* funded by State appropriations are the Texas Supreme Court, the Court of Criminal Appeals, and the Court of Appeals for the Third District (except for a small county salary supplement paid to the six justices) which sit in the State Capitol.

Clearly, the fourteen intermediate appellate courts are State courts, yet all but one must seek funding from counties and municipalities within their jurisdictions for such items as furnishings, equipment, operating expenses, support personnel and salary supplements. All but one of the courts are housed in quarters provided by county and municipal government, a workable arrangement so long as it does not compromise the independence and integrity of the court. Not surprisingly, these piecemeal funding arrangements create wide disparities in working conditions and court operations.

- **Recommendation 1: Full State Funding of the Fourteen Courts of Appeals.** Beginning in the 1998-1999 Biennium, the Legislature should pro-

---

<sup>5</sup> Similar beliefs have been expressed by others in Texas who have researched and recommended reform. See, for example, most recently *Citizens' Commission on the Texas Judicial System: Report and Recommendations* (1993); and Texas Research League, *Texas Courts, Report 1: The Texas Judiciary, A Structural-Functional Overview* 61-64 (1990).

vide appropriations for full and uniform funding of the fourteen intermediate Courts of Appeals, including the salaries and fringe benefits of all judges and other court personnel, housing, equipment, supplies and all other operating costs.

- **Related Recommendations:** Recommendation 2 (Full State Funding of the District Courts), Recommendation 4 (Strategic Planning by the Texas Judicial Council), and Recommendation 14 (Judicial Branch Long-Range Planning Function).

The Commission recommends that the State start toward the goal of State-funding of the courts with the fourteen intermediate Courts of Appeals. One suggested method for determining the appropriate level of funding is the creation of a three-judge court model. This would entail the determination of costs of necessary support personnel, operating expenses, and basic requirements reasonably necessary to support the model, and the State appropriations required to operate a court of any size based upon the model. At all levels, however, courts should have the discretion and the necessary flexibility to expend appropriated funds to address local needs.

- **Recommendation 2: Full State Funding of the District Courts.** In the 2000-2001 Biennium, and in quest of full and uniform funding of the entire Texas court system, the Legislature should provide full state funding of the District Courts.
- **Recommendation 3: Establishment of an Emergency Contingency Fund.** In the 1998-1999 Biennium, the Legislature should establish an emergency fund to assist trial courts, especially those in the rural areas, in defraying the costs of capital murder cases and other extraordinary criminal and civil cases associated with inordinate expenses.

**Related Recommendations:** Recommendation 1 (Full State Funding of the Fourteen Courts of Appeals), Recommendation 4 (Strategic Planning by the Texas Judicial Council), and Recommendation 14 (Judicial Branch Long-Range Planning Function).

Within the trial courts (at least at the district level and some statutory county level courts) there is interest in exploring a unified court system in the main funded by

the State. Toward this end, these courts should also be funded by the State, perhaps with some contributions from counties. The State could fund these courts by establishing models for urban, rural and multi-county trial courts. These models would define the parameters of financial operations of the courts based on available revenues and estimated expenses.

The State currently funds only the base salary of district court judges. Salary supplements, furnishings and housing, supplies, equipment, operating expenses, support personnel and other expenses required to provide court services are funded by the counties. Counties also fund the operation of the administrative judicial regions (the State supplements the presiding judges' salaries). The Commission believes that the State should assume full financial responsibility for its trial courts, but that at the least the judges' salaries and those of key court personnel, including court administrators, court reporters, clerks of the State funded courts, should be funded by the State.

Counties provide space for all constitutional county courts, statutory county courts, statutory probate courts and justice of the peace courts. They fund all operating expenses and personnel salaries except for partial salary compensation from the State for some of the statutory and probate courts.

Although the statutory county courts are county courts, they function as State courts in practice, having been conferred greater jurisdiction over the years. Many believe that some of these courts should become district courts with commensurate State support.

Moreover, a significant number of municipal courts have been created. Only a small number are courts of record. The Commission believes that these courts would benefit from additional education and training that would accrue to the ultimate benefit of the people. For example, these courts could function more efficiently with a uniform system of fines collection. The revenue from fees collected is substantial. The State might consider assuming the collection of certain fees in conjunction with its assumption of increased financial support.

- **Recommendation 4: Strategic Planning by the Texas Judicial Council.** The goal of funding pari-

ty should be implemented in accordance with a long-range strategic plan developed and overseen by the Texas Judicial Council.

**Related Recommendation:** Recommendation 14 (Judicial Branch Long-Range Planning).

The Commission concludes that carefully planned and executed full State-funding will help solve a number of problems now facing the State courts. First, Texans are entitled to uniformity, predictability and accountability in the implementation of many new State and Federal laws passed in the past 20 years. The impact on court dockets of the multiplicity of court causes of action that have been created is significant. State law requires judicial impact statements for all new legislation, but this requirement is largely ignored in practice. The Bar has responded to the proliferation of laws by the creation of specialty sections and the Judicial Branch in the urban areas has created specialty trial courts (e.g., drug courts). Decisions concerning the proper responses to these new laws and mandates should be made by judicial branch professionals who are in the position to decide these technical issues, not by, for example, a diverse group of commissioners of the 254 Texas counties who may not have the requisite experience and background.

Second, State-funding is likely to reverse the negative effects of the “churning” of judicial appointments. Retention of competent judges is central to judicial efficiency. State funding that creates conditions of employment attractive to the most competent members of the Judiciary is likely to increase retention.

Finally, courts exist to administer justice, resolve disputes in an impartial manner and assure due process. They are not designed or equipped as revenue-generating systems. Huge sums of money in fines and fees remain uncollected at all levels of the Texas court system. State funding of the courts and State responsibility for fine and fee collection hold the promise of relieving the courts of a responsibility they are not designed to discharge and, at the same time, increasing the flow into State coffers.

The Third Branch must have the financial resources to meet both its constitutional obligations as well as Texans' needs for civil and criminal justice. With the foregoing four recommendations the Commission believes that the Judicial Branch must take the initiative in addressing the disparity of funding in the Texas court system.

## JUDICIAL COMPENSATION

Unless current and prospective members of the Texas State judiciary are provided adequate compensation—relative to similarly situated members of the Federal bench, the judiciary of other states, and lawyers with comparable experience in private practice and public service in Texas—the Texas judiciary will not attract the most able attorneys to the bench and will not retain experienced judges.

**Recommendation 5: Judicial Compensation.** In the 1998-1999 Biennium, the salaries of the Justices of the Supreme Court and the Judges of the Court of Criminal Appeals should be raised to \$122,912. The salary of a Justice of the intermediate Courts of Appeals should be set at 95 percent and a Judge of the District Courts at 90 percent of that amount.

**Related Recommendation:** Recommendation 6 (Establishment of a Judicial Compensation Commission)

In establishing the salary levels in Recommendation 5, the Commission considered several benchmarks that separately provide an incomplete picture but together strongly support the recommendation. First, the Commission reviewed the income of private lawyers in Texas relative to Texas judges, a comparison that alone should not be determinative but, nonetheless, is illuminating. According to the results of a State Bar survey of Texas attorneys,<sup>6</sup> the median income of all private practitioners in 1994, including recent law graduates, was \$86,700, slightly more than a District Judge with many more years of experience earns in State salary. Forty-two percent earned more than \$100,000 in 1994, more than the current salary of the Chief Justice of Texas. A direct comparison of compensation by years of experience increases the disparity even



more between the earnings of Texas judges and private practitioners. For example, the estimated median income of private practitioners with 11 to 15 years of legal experience, comparable to that of most District Court judges, is \$124,048. Despite these disparities, the Commission appreciates, as do most Texas judges, that public service has its own virtues and the bench offers unique rewards not found in private practice.

The Commission next reviewed the salaries paid State court judges in other states. Currently, Texas judges are underpaid compared to their counterparts in most states, especially the most populous states. The National Center for State Courts' Information Service's latest survey of judicial salaries places Texas 32nd, 26th, and 20th among all states in salaries paid judges of the courts of last resort, intermediate appellate courts and trial courts, respectively, and last among the 13 states with populations over six million.<sup>7</sup> The current pay of Texas Supreme Court Justices and Courts of Criminal Appeals Judges is currently \$5,778 below the national average of \$100,464 for justices of state courts of last resort. Comparisons of salaries for judges of the Courts of Appeals and District Courts yield similar disparities. Under Recommendation 5 (see Fiscal Note below), the salaries paid judges of Texas' highest courts would trail only those of California, Illinois, Pennsylvania, New Jersey and the District of Columbia.

Finally, the Commission reviewed wages paid Federal judges and magistrates. The yearly salary of the lowest paid Federal judicial officers, United States Magistrate Judges and Federal Bankruptcy Judges, currently is \$122,912. The authority and responsibility of the highest judicial officials of the Texas court system easily exceed those of Federal magistrates and bankruptcy judges. For example, Federal Circuit Judges, District Judges and Magistrate Judges hearing cases filed under Federal diversity jurisdiction in Texas must apply laws interpreted and established by Texas appellate judges.

Although comparisons of authority and responsibility align the Justices of the Texas Supreme Court and Judges of the Court of Criminal Appeals with Federal Circuit Judges, or at least Federal District Court Judges, receiving an annual salary of \$141,700 and \$133,600, respectively, the Commission recommends that the salaries of Texas' highest judicial officers be paid at least as much as the *lowest* paid Federal judges.<sup>8</sup>

All these benchmarks considered, the Commission determined that the recommended salaries of the Justices of the Texas Supreme Court and the Judges of the Court of Criminal Appeals should not be lower than that of the lowest paid federal judicial officer, and that this benchmark should be the reference point for the determination of the compensation of salaries of Justices of the intermediate Court of Appeals and Judges of the District Courts.

*Fiscal Note: The fiscal impact of Recommendation 5 on State appropriations is \$15,731,000 as noted in the table on page 12.*

- **Recommendation 6: Establishment of a Judicial Compensation Commission.** The Legislature should establish a Judicial Compensation Commission, an independent body charged exclusively with the responsibility of setting judicial wages. The recommendations of the compensation commission take effect after a period of time (90, 120 or 180 days) unless rejected by either house of the Legislature.
- **Related Recommendations:** Recommendation 4 (Strategic Planning by the Texas Judicial Council), Recommendation 5 (Judicial Compensation), Recommendation 7 (Court Performance Measures and Standards), and Recommendation 14 (Judicial Branch Long-Range Planning Function).

The difficulties encountered by the Commission in considering judicial compensation, if nothing else, led

---

The National Center for State Courts' regularly surveys and reports judicial salaries in the States, U.S. Territories, and the Federal court system. The latest survey, National Center for State Courts, 21(2) SURVEY OF JUDICIAL SALARIES 1-11 (Fall 1996), reporting salaries as of July 1, 1996, was in print at this writing and was provided to the Commission by Ms. Deanna Parke of the Information Service on October 17, 1996.

The District of Columbia pays the members of its highest court the same salary as that paid Federal Circuit Judges and pays members of its trial bench the salary of Federal District Judges. The District of Columbia Courts are, however, established by Congress, under Article 1 of the U.S. Constitution, as are Federal Courts below the Supreme Court.

it to Recommendation 6. Nine states currently have judicial compensation commissions.<sup>9</sup> Most commissions are relatively small with five or six members. An important and distinctive feature of the American Judicature Society model statute<sup>10</sup> is the designation of who appoints the members. The Governor, the Lieutenant Governor, the Speaker of the House, the President of the State Bar, and the Chief Justice of the Supreme Court each appoints one member of the commission.

*The major advantage over the present system in our State of an independent judicial compensation commission is that it fixes responsibility for setting judicial wages in a body charged exclusively with the responsibility to determine appropriate judicial compensation.* In five of the states that have judicial compensation commissions, the commission's recommendations are not binding. In three of the states, the recommendations of the commission are binding unless amended or rejected by both houses of the state legislature or by the lower house of the legislature. In one state (Washington), the recommendation of the compensation commission becomes law unless rejected by voter referendum.

A judicial compensation commission holds several key advantages over the present method. First, a standing commission is focused solely on the task of setting judicial compensation. Responsibility for this important task is placed in the hands of a small, carefully selected group who is solely dedicated to discharging that one responsibility. Unlike the

Legislature, it will have the time and mandate to address its charge regularly and systematically.

Second, a compensation commission can establish accountability for the judiciary even in the absence of detailed performance criteria. The commission enforces accountability, in part, by granting large, small or no raises to the judiciary as it sees fit, according to performance standards it deems proper. Certainly, performance should be the major factor in determining compensation. There is no reason to believe that the Governor, the Lieutenant Governor, the Speaker of the House, the President of the State Bar, and the Chief Justice of the Supreme Court would appoint members to the commission who would approve a pay raise not deserved.

When Texas legislators vote to increase judicial salaries, they unintentionally benefit themselves because their retirement pensions are tied to the wage of district judges. This has made legislators wary of raising judicial salaries because of the possibility of perceived conflict of interest. A final advantage of a judicial compensation commission is that it removes this conflict by placing major responsibility for judicial compensation on an independent body. Legislators may welcome this shield from undeserved charges of conflict of interest, especially if they retain the right to reject the commission's recommendations, as they do under the statute proposed by the American Judicature Society and under the statutes of all states with salary commissions except Washington State.

**Comparison of Current and Recommended Salaries of the  
Chief Justice and the Justices of the Supreme Court, the Presiding Judge  
and Judges of the Court of Criminal Appeals, the Chief Justices and Justices  
of the Courts of Appeals, District Judges, and District Attorneys**

	Present Salary	Proposed Salary	Difference	Number of Judges	Total Additional Cost per Year	Present Maximum Supplement	Proposed Maximum Supplement
Chief Justice, Supreme Court; Presiding Judge, Ct. of Criminal Appeals	\$97,470	\$123,412	\$25,942	2	\$51,884	0	0
Justices, Supreme Court; Judges, Court of Criminal Appeals	\$94,686	\$122,912	\$28,226	16	\$451,616	0	0
Chief Justices, Courts of Appeals	\$90,482	\$117,226	\$26,784	14	\$374,976	\$3,704	0
Justices, Courts of Appeals	\$89,952	\$116,766	\$26,814	66	\$1,769,724	\$3,734	0
District Judges	\$85,217	\$110,621	\$25,404	396	\$10,059,984	\$7,469	0
<b>SUBTOTAL, Judges</b>	<b>\$42,659,428</b>				<b>\$12,708,184</b>		
District Attorneys	\$85,217	\$110,621	\$25,404	119	\$3,023,076		
<b>TOTAL, Active Salaries</b>	<b>\$52,800,251</b>				<b>\$15,731,260</b>		

# COURT PERFORMANCE MEASURES AND STANDARDS

The Commission recognizes the need to balance the interests of independence, comity and accountability in the Texas State judiciary's relationships with the executive and legislative branches of Government, as well as with the public. The judiciary must assert and maintain its independence. Its responsibility to interpret the Constitution and laws enacted by the Legislature and the Executive Branch require impartiality and the freedom from undue influence. However, independence without accountability is incompatible with the principle of checks and balance of our democratic form of government.

In order to ensure the confidence, trust and cooperation of its sister branches and the public, the courts must respond to the legitimate demands for fiscal and administrative accountability. The Commission, therefore, supports, in principle, the Legislature's intent to incorporate accountability into its appropriations process in the form of performance standards, key performance levels and "investment budgeting." The Commission believes that a call for adequate and stable State funding of the courts (see previous section of this report), for example, is more likely to be heeded if accompanied by the adoption and use of uniform performance measures and performance standards by all levels of Texas courts.

For quite some time, the Texas courts have accounted for the volume and composition of its workload. Unfortunately, the accounts generally have not been accessible and meaningful to those unfamiliar with the unique processes and procedures used to resolve cases at the various levels of the Texas court system. They

have failed to answer for those served by the courts fundamental questions of efficiency. Are the courts, for example, keeping up with their incoming caseloads? What is the average time it takes to resolve cases?

With Recommendation 7, below, the Commission aims to establish public accountability for court performance by the reporting of a manageable number of relatively simple and generally uniform measures of court performance in the area of expedition and timeliness of case processing. Although not the only area critical to court performance,<sup>11</sup> the efficiency of case processing is fundamental to the administration of justice. Delay causes injustice and hardship. It is a primary cause of diminished public trust and confidence.

The Commission recognizes that the recommended measures of efficiency, e.g., case disposition rate or clearance ratio, are used most effectively for assessing and improving individual courts as organizations or systems, or groups of courts, over extended periods of time, not for evaluating the performance of individual judges over a limited period of time. Indeed, the recommended measures generally are not intended for evaluating individual judges.<sup>12</sup> It also recognizes that in the best organizational environment, measures are used by the people who obtain them.

- **Recommendation 7: Court Performance Measures and Standards.** With the advice and assistance of the Judicial Compensation Commission and the Office of Court Administration, the Texas courts should establish, adopt and regularly report uniform measures and standards of performance.

---

11. In addition to expedition and timeliness, the Commission on Trial Court Performance Standards identified four other areas of court performance: access to justice; fairness, equality and integrity; independence and accountability; and public trust and confidence. Commission on Trial Court Performance, Trial Court Performance Standards with Commentary (1994).

12. This view reflects the general position of the Commission on Trial Court Performance expressed in the Trial Court Performance Standards with Commentary (1994), endorsed by the Conference of Chief Justices, the Conference of State Court Administrators, the National Association for Court Management, the National College of Probate College, the Judicial Council of California and numerous other national and state court organizations.

- (a) **Trial Courts.** To assess how efficiently the trial courts are keeping up with incoming cases, but with allowances for extraordinary circumstances such as the filing of capital or mass tort cases, each year the trial courts should dispose of at least as many cases as are filed—a disposition rate or “clearance ratio” of 1.0.
- (b) **Court of Appeals.** Two measures of intermediate appellate court performance should be reported: case disposition rate (clearance ratio) and the time to disposition (average time between case submission and disposition).
- (c) **Court of Criminal Appeals.** Two overall measures of performance are recommended: case disposition rate (clearance ratio), calculated separately for death penalty cases, petitions for discretionary review and applications for writ of *habeas corpus*; and the time to disposition (average time between filing or application to issuance of an opinion) calculated separately for the three types of cases.
- (d) **Supreme Court.** Two overall measures of the Court’s performance should be reported: case disposition rate and time to disposition (average time between filing of a case and release of an opinion). In addition, the Supreme Court should regularly obtain and report several more detailed measures of the time to disposition including: (i) average time between filing and the granting or denying of an application, petition or motion; (ii) the time between the granting of an application, petition or motion and submission (oral argument) of the case; (iii) the time between submission and the release of an opinion; and (iv) the time between filing and the release of a per curiam opinion.
- (e) **Office of Court Administration.** To ensure completeness, accuracy, reliability and statewide comparability of measures, the Office of Court Administration, under the direction of the Texas Judicial Council, should design, develop and establish statewide data collection and reporting methods that are, as much as possible, consistent with national reporting standards.

**Related Recommendations:** Recommendation 4 (Strategic Planning by the Texas Judicial Council), Recommendation 6 (Establishment of a Judicial Compensation Commission), and Recommendation 14 (Judicial Branch Long-Range Planning Function).

## TRIAL COURTS

Trial courts should regularly monitor whether they are keeping up with their incoming caseloads. A key indicator of court performance is the ratio of case dispositions to case filings (or clearance ratio): the number of cases that are disposed in a given period divided by the number of filings in the same period for identifiable case types. The Commission recommends that an appropriate measure and performance goal for the District Courts and the statutory County Courts is the ratio of 1.0 dispositions to case filings (clearance ratio):

*Each year the trial courts should dispose of at least as many cases as are filed, i.e., a disposition rate or clearance ratio of 1.0 or higher.*

This measure of disposition rate or clearance ratio, also generally recommended for the other levels of Texas courts, is calculated by dividing the number of cases disposed by the number of cases filed in each year (or some other period of time). The resulting clearance ratio represents the court’s annual efficiency in case disposition. For example, if 100 cases are filed in a given year, and the court disposes 100 cases, the resulting clearance ratio is 1.0. If the court disposes 120 cases, and begins to erase its case backlog, the resulting ratio is 1.2. If it only disposes 80 cases, the clearance ratio is 0.8.

If a court disposes of fewer cases than filed in a given period, a growing backlog of cases is inevitable and increasing delay ensues. Knowledge of clearance ratios of various case categories over a period of several years can help pinpoint emerging difficulties and the case processing points where improvements must be made.

The usefulness of this measure and performance goal, and similar measures recommended for the higher courts (see below), depends on common terminology (e.g., filing, disposition), definitions (e.g., “submission” and “opinion”) and usage for reporting caseloads by volume and composition and by jurisdiction. To ensure

completeness, accuracy and comparability, the Commission recommends in paragraph (e) that the Office of Court Administration devise and implement standard statewide data collection and reporting procedures for all levels of the Texas court system that are, as much as possible, consistent with national reporting standards (e.g., that of the National Center for State Court's Court Statistic Project).

## COURTS OF APPEALS

The Commission recommends that the following two measures of intermediate appellate court performance currently in use by the Legislature be adopted as general policy by the Courts of Appeals:

- (1) *Case disposition rate or clearance ratio*
- (2) *Average time between submission and disposition (civil and criminal cases)*

The first measure is comparable to that recommended for the trial courts (see above). It is calculated by dividing the total number of cases disposed by the number of cases filed during the same reporting period. The second measure addresses the question of the average time it takes the Courts of Appeals to resolve its cases. It is the average time, reported in days, between the submission date (generally, the date of oral arguments) and the date the court renders a decision in a civil or in a criminal case.

## COURT OF CRIMINAL APPEALS

In paragraph (c) of Recommendation 7, the Commission recommends that the Court of Criminal Appeals, as a matter of general policy, adopt and regularly report two general measures of expedition and timeliness of case processing that are similar to those recommended for other the levels of Texas court system and that are currently reported to the Legislature:

- (1) *Case disposition rate or clearance ratio*
- (2) *Time to disposition: average time between filing or application and the issuance of an opinion in the case*

Although the two measures of disposition rate and time to disposition are quite similar across the levels of courts, unique case types and methods of case processing distinguish the variations used by the courts. The

Court of Criminal Appeals calculates both measures separately for its three major case types: (1) petitions for discretionary review (PDRs); (2) death penalty cases; and (3) applications for writs of *habeas corpus*.

According to the definitions currently in use, the disposition rate of PDRs (i.e., those which are granted) is calculated by dividing the total number of PDRs granted by the total number disposed by issuance of opinions. Similarly, for death penalty cases and for writs of *habeas corpus*, the disposition rates are calculated by dividing the numbers of cases filed by opinions rendered.

Time to disposition measures also are taken separately for the three major case types. The measures differ according to the unique case processing events that initiate the case type—the day the Court grants a PDR; the filing of the first document in a death penalty case; and the filing of an application for a writ of *habeas corpus* with the Court. For all three case types, time to disposition is measured (in days) from the initial case event until the Court issues an opinion in the case.

## SUPREME COURT

The Commission recommends, in paragraph (d) of Recommendation 7, that the Supreme Court adopt and regularly report two overall measures of expedition and timeliness comparable to those recommended for the trial courts, the Courts of Appeals and the Court of Criminal Appeals:

- (1) *Case disposition rate or clearance ratio*
- (2) *Average time between filing and opinion (time to disposition)*

For the Supreme Court, the case disposition rate or clearance ratio, a measure of whether the Court is keeping up with its incoming caseload, is the number of all cases disposed of in any reporting period divided by the number of applications for writ of error (the bulk of the Court's caseload), petitions for writ of *habeas corpus*, motions for leave to file petitions for writ of mandamus, prohibitions and injunctions, certified questions, attorney disciplinary appeals and other cases filed or reinstated by grant of a motion for a rehearing during that same reporting period.

The general measure of time to disposition is one likely to be of most interest to those served by the Court, i.e., the average time it takes the Court to resolve or “process” a case from its filing to the Court’s issuance of an opinion. This is the average time (in days) from the day a case is “docketed” in the Supreme Court’s Clerk’s office to the day the Court releases a signed opinion and judgment.

The Commission recommends that the Supreme Court obtain and regularly report four additional measures that supplement the overall measure of time to disposition. These measures may be of less general interest but, nonetheless, prove beneficial to the Court’s ongoing efforts to assess and improve the efficiency of its case processing.

Three of the measures focus on the average times between various case processing events or activities. The first, the average time (in days) between filing and granting or denying of an application, petition or motion, is the average time from the day a case is

docketed by the Clerk of the Court to the day the Court releases an order announcing its decision granting, overruling, denying or dismissing the application, motion, or petition.

The second supplemental measure, the average time from the Court’s granting of an application, petition or motion to the day of submission, is a measure of the next segment of the Court’s case processing time. It is a measure of the time from the court’s decision to grant an application, petition or motion to the day the litigants make oral arguments to the Court (i.e., submission).

The third measure is the average time (in days) from submission to the release of a signed opinion in the case. This is the time from the day of oral arguments presented to the Court to the day the Court issues a signed opinion and judgment disposing of the cause. The final recommended measure focuses on the average time (in days) it takes the Court to dispose of appeals with unsigned opinions, i.e., the time between filing and release of a *per curiam* (unsigned) opinion.

# STAFF DIVERSITY

The value of a culturally and racially diverse court system needs no argument. The awareness and competence that such a diverse system brings has important positive effects on the administration of justice. Judicial branch personnel who understand and are sensitive to the cultural reference points of the disputants who come before the court, are more likely to administer, and, importantly, be perceived to administer, justice.

The courts stand as an important and visible symbol of government. Ensuring that those who work in the courts are representative of the populations that they serve instills public confidence and trust. Equal treatment of all persons before the law is essential to the concept of justice. Extended to its own employees, this concept requires every court to operate free of bias in its personnel practices and decisions and to achieve a staff diversity. Fairness in the recruitment and development of court personnel creates organizational competence.

*The Commission's focus on staff diversity is not all encompassing. For the courts to be truly representative of the state's population, there must be a qualified, representative pool of judicial candidates. Therefore, recognizing that the value of diversity extends to all court employees, and not only judges, it directs its five recommendations for staff diversity toward the non-judge attorney positions in the Texas court system. Together, these recommendations encourage the judicial branch, the bar, and the state's law schools to cooperate in identifying and providing opportunities and support for law students and recent law graduates who show an interest in legal careers with the courts.*

## ACTIVE RECRUITMENT

In 1996, the fourteen intermediate Courts of Appeals alone employed 138 staff, research and "briefing" attorneys. In the past seven years, of the 153 briefing and staff attorneys in the Supreme Court, for example, only 13 (8.5%) represent racial and ethnic minorities. As the state's demographic profile changes, the racial and ethnic disparity between those who run the courts and those who are served by them must not be allowed to

widen. For the courts to achieve diversity among its law clerks and staff attorneys, for the courts to become truly representative of the state's population, there must be a qualified, representative pool of judicial candidates. Such change will not occur without steady and active efforts of the Judicial Branch in cooperation with the bar and law schools.

**Recommendation 8: Recruitment Program.** To increase the minority applicant pool for law clerk and other attorney support staff positions throughout the Texas judicial system, the Texas Judicial Council should design and establish a statewide recruitment program to be developed and administered by the Office of Court Administration. The recruitment program also should be the focal point of coordinated efforts by the Judicial Branch, the Texas State Bar and local bar associations, law firms, and law schools to facilitate the exchange of information about employment opportunities at all levels of the Texas court system for law students and recent graduates.

The recommended program should be designed according to successful models in New Jersey, Oregon and Washington. The successful New Jersey Law Clerk Recruitment Program, located in the Administrative Office of the Courts, for example, is widely recognized as unique and innovative model for other states. It is national in scope, allowing the judicial branch to draw a large pool of approximately 1,000 applicants each year to fill over 400 law clerk positions at all levels of the court system. As a result of its program, the New Jersey Judiciary is able to attract first rate law clerks and has been able to attain both excellence and diversity in its law clerk workforce. In 1986, 9.7 percent of all law clerks represented minorities. By 1996, minority representation increased to 14.7 percent.<sup>13</sup>

The recommended program will be administered by the Office of Court Administration under the policy direction of the Texas Judicial Council. The Office of Court

---

<sup>13</sup> Report of the Committee on Minority Concerns, 1994-1996 Rules Cycle



Administration will employ a program administrator to direct the day-to-day operations of the program.

Activities and results of the recommended program should include, but not be limited to:

- (1) creation and dissemination of paper and electronic announcements of employment opportunities for law students and recent graduates;
- (2) uniform applications for employment throughout the Texas judicial system;
- (3) a directory of Texas courts;
- (4) a law clerk/attorney resume "book";
- (5) the coordination of projects by bar associations to facilitate exchange of information regarding employment opportunities in the courts;
- (6) mentoring programs utilizing current and former judges and law clerks/attorneys;
- (7) inclusions of the Texas court system in career orientation programs and law placement programs;
- (8) formal classroom presentations in cooperation with law school career services offices; and,
- (9) the creation and implementation of a diversity education program to be integrated into existing education programs.

*Fiscal Note: Recommendation 8 includes a request for legislative appropriations of approximately \$71,860 in 1998 and \$61,160 in 1999 to support the creation, implementation of the program. These budget estimates include, in decreasing amounts, expenses of a program administrator, travel, equipment and supplies.*

### **MEASURING STAFF DIVERSITY**

It is difficult to manage what one cannot measure—and what gets measured, gets attention. This maxim is applicable to the strategic management of staff diversity and is the impetus behind Recommendation 9.

**Recommendation 9: Annual Reporting of Demographic Data on Law Clerks and Attorney Staff Positions in the Texas Court System.** The Office of Court Administration should regularly receive and annually report a demographic profile of legal staff employed at all levels of the Texas court system.

**Related Recommendations:** Recommendation 4 (Strategic Planning by the Texas Judicial Council), Recommendation 8 (Recruitment Program), and Recommendation 14 (Judicial Branch Long-Range Planning Function). Recommendation 9 contemplates an annual report from each of the trial and appellate courts to the Office of Court Administration.

### **EXPANDING OPPORTUNITIES**

Providing opportunities and support for minorities who might have an interest in a legal career in the Texas court system is in the shared interest of the judicial branch, the bar, and the law schools.

**Recommendation 10: Encouragement of Judicial Clerkships.** In coordination with the Office of Court Administration's Recruitment Program (Recommendation 8), the State Bar of Texas and local bar associations should encourage law firms to continue to hire and give appropriate credit to prospective associates who have served or who are considering serving as judicial clerks.

**Related Recommendation:** Recommendation 8 (Recruitment Program).

The added experience and enhanced skills (e.g., writing) are benefits that judicial clerks bring to private law firms. The firms that provide bonuses or credits to judicial clerks provide an incentive for future associates to serve in a clerkship position prior to joining a firm.

Based on a survey of the 50 largest law firms in Texas, The Commission is satisfied that the Texas bar generally recognizes the value of judicial clerkships. The hiring practices of private law firms do not seem to stand as an impediment to the hiring of minority law clerks, e.g., when a prospective candidate, who would otherwise consider a judicial clerkship, is "lured" by the attractions of a law firm employment upon graduation. The great majority (96 percent) of the law firms responding to the survey reportedly give "time-to-partner" and salary credit to judicial clerks. Twenty-three percent pay a bonus to former judicial clerks. Of the firms that employed former clerks, 40 percent reported employing minorities. Significantly, all firms respond-

ing to the survey expressed a willingness to serve as part of a mentoring program for minority law students.

Many law students and recent graduates who might be motivated to pursue public service via a clerkship or staff attorney position in the courts are often heavily burdened by education loans. A typical law graduate carries \$40,000 to \$50,000 in debt; many have debts in excess of \$100,000. Texas law clerkships and staff attorney positions carry a relatively low salary, driving those who would otherwise consider these positions to higher paid positions in the private sector in order to repay their loans. Nationally, efforts are underway to allow all borrowers to consolidate their loans and extend repayment periods. These efforts will take time to take effect. The establishment of a fund created specifically for law clerks and staff attorneys will create enhanced opportunities for law graduates to accept judicial clerkships and other staff attorney positions in the courts.

- **Recommendation 11: Student Loan Repayment Fund.** To ensure that the burden of repayment of sizable student loans is not a significant disincentive for students interested in pursuing clerkships and other attorney staff positions in the courts, the Legislature should establish a fund to subsidize the repayment of loans of those with proven need who accept clerkships or temporary attorney positions in the courts.

The recommended loan repayment fund should be established by the Legislature and administered by the

Office of Court Administration under the direction of the Texas Judicial Council. Among its functions, this office will define the criteria for assistance (e.g., financial need) and the procedures for fund administration. An advisory group, including law school deans, should be established to advise the office.

*Fiscal Note: The annual amount of the fund is estimated to be \$571,725. This figure is based on estimates of 121 briefing attorneys employed by the courts each year, an average monthly debt obligation of approximately \$425 and \$625 for students attending public and private law schools, respectively, and a requirement to repay debts after a six-month automatic deferment (i.e., the loan repayment fund would be used to repay only nine months of obligations).*

- **Recommendation 12: Judicial Internship Program.** The Judicial Branch should cooperate with law schools in establishing a judicial internship program for Texas appellate and trial courts.

Minority law students, especially, are unaware of the public service employment opportunities, other than the bench, that are available to them within the Texas court system. Judicial internships increase that awareness by making it a part of the law school curriculum.

A statewide internship program will provide additional legal assistance to the courts. It promises to give minority students confidence and the encouragement to seek public service employment as law clerks and staff attorneys.



# INFORMATION TECHNOLOGY

Despite the widespread recognition that rapidly emerging information technology has applications for improved judicial administration, its integration in the Texas courts, with some notable exceptions, is yet to be accomplished. The Commission believes that the unique needs and pressing challenges for rapid access to and exchange of information facing the Texas courts can only be met by a statewide comprehensive information and communication system that is readily accessible both to those who run the courts and those who are served by the courts. The Commission seeks a system in which court users are active participants, local court access is enhanced, quality and meaningfulness of information are emphasized more than quantity, and technology honors valued traditions.

For court personnel, the creation of such a system would mean timely, accurate and complete information that is easily accessed, used and effectively communicated. For the public, litigants, and agencies that regularly have "business" with the courts, such a system would provide ready and appropriate access to information that heretofore has been available only at considerable costs of time, resources, and manpower. Efficiency and effectiveness, the Commission believes, are predicated on the appropriate use of information technology within and among courtrooms and courts, and between the courts and those served by the courts at all levels—municipal, justice of the peace, county, district and appellate.

## *Recommendation 13: State Judicial Committee on Information Technology.*

- (a) In order to make Texas court information and services accessible, affordable and timely, the Supreme Court should establish a standing committee, the State Judicial Committee on Information Technology, to provide leadership in bringing desperately needed information technology into the Texas court system and to advise the courts on an ongoing basis on the application of technology to the operations throughout the Judicial Branch. The Committee should develop and oversee the building by 1999 of a coordinated statewide

computer communication network and comprehensive justice information system.

- (b) In its development of the various components of the coordinated computer network and comprehensive justice information system, the Committee should be guided by the recommendations of the Commission's Information Technology Task Force (Appendix A).
- (c) The development and initial building of the statewide network and coordinated justice information system should be funded by state appropriations of \$5,325,000 in the next biennium. Necessary maintenance and enhancements of the network and system should be funded on an ongoing basis by user fees and access charges (Appendix A), and such other means the Legislature deems appropriate.

**Related Recommendations:** Recommendation 4 (Strategic Planning by the Texas Judicial Council) and Recommendation 14 (Judicial Branch Long-Range Planning Function).

The establishment of the State Judicial Committee on Information Technology, and the Committee's work, should be guided by the structure and experiences of, and knowledge gained by, the Telecommunications Infrastructure Fund Board. The Committee should represent the interests of all levels (i.e., appellate, district, county-level, municipal justice of the peace courts) and components or functions (e.g., district attorney, clerk of court, commissioners, court reporter, court administrator, and data services) of the Texas court system, as well as the Legislature, the private bar, and the public. Members of the Committee should be appointed by the Supreme Court and selected for their experience, expertise or special interest in technology in the courts. The Office of Court Administration (OCA) should staff the Committee and be represented by a non-voting, ex-officio member of the Committee.

Hailed as the printing press of the technology era, the critical importance of the Internet and related tech-

nology is beyond debate. Yet, the revolution in computer-based information technology is so rapid, and its opportunities so vast, that only a "discovery mode," in the words of a member of the Commission's Task Force on Information Technology, will guide its prudent application and use by the Texas court system. *By specifically recommending only the process by which a coordinated communication network and justice information system should be developed, and by leaving the building blocks of the network and system to be "discovered" by the standing committee within the guidelines of the recommendations of the Task Force on Information Technology (Appendix A), the Commission believe it has struck the proper balance between the urgency to take the first step and the deliberate care necessary to take full advantage of rapidly emerging information technology.*

In directing the Committee along the guidelines provided by the recommendations of its Task Force on Information Technology (Appendix A), the Commission generally recommends the building as soon as possible of a coordinated statewide computer and communication (e.g., by electronic mail and videoconferencing) network linking all Texas courts, as well as a justice

information system that is capable of generating and transmitting information electronically (e.g., one that is accessible by a state justice system "Web Home Page," a directory of information available via the Internet).

The Commission believes that courts at all levels require the appropriate computer hardware and software technology to take full advantage of this statewide network and information system including: computers, printers, modems, local area networks, Intranets, e-mail and Internet access, electronic data interchange, videoconferencing equipment, integrated voice response systems, on-line research capabilities and CD-ROM libraries and other courtroom technology. To provide the necessary local and network support for the statewide information and communication system, the Commission recommends, again generally along the guidelines provided by its Task Force on Information Technology, the creation of the capacity to provide training and technical assistance to users of the system. Finally, the Commission recommends that financial support of this coordinated statewide system would come from a combination of direct state appropriations, user fees and access charges.

# JUDICIAL SELECTION

The Commission's Judicial Selection Task Force is charged with investigating and reporting to the Commission on what method for selecting and retaining judicial officers would best serve the people of Texas. The Task Force has yet to complete its work. Volume 2 of the Commission's report will include its recommendations for judicial selection.

The Task force has completed its information gathering and is at present considering what specific recommendations it will make to the Commission. It faces several alternatives for changing the way Texas selects its judges. The alternatives fall generally into three categories: fine-tuning the present system; changing the methods of voting for members of the judiciary; and changing the methods of selecting the members of the judiciary.

## FINE TUNING THE PRESENT SYSTEM

There are those who believe that concerns about our current system can best be addressed by changes targeted to particular problems. They support the view that **the current system, while not perfect, is one that by and large has served the people of Texas well for over a century and should not be abandoned but, instead, repaired.**

Supporters of this approach find it preferable for several reasons. **First**, it is politically realistic. While two-thirds of both houses of the Legislature might agree that the current system is flawed, there is no such agreement on the nature of the flaws, much less their remedies. **Second**, to the extent the complaints that the current system is politically based are sound, those complaints are best addressed by political rather than structural means. That is, whether partisan sweeps in any given election, for example, are good or bad may depend more on one's partisan affiliation than on the nature of the contested office. **Third**, many of the proposals for change bring their own jurisprudential, philosophical and practical difficulties. For example, in subdistricting proposals, who gets the "extra" courts if the number of courts is not evenly divisible by the number of subdistricts? What happens to venue and jury selection?

**Fourth**, most systemic changes will require Federal approval under Section 5 of the Voting Rights Act.

**Finally, and most importantly**, according to those supporting the *status quo*, the present system ably accomplishes its primary purpose. They argue that the current system of judicial selection has served Texans well over a century, and could do so for another if specific repairs are made to address specific flaws. There are no assurances that radical changes in judicial selection would result in better judges or better justice than the current system affords, and to abandon that system before even trying to provide specific remedies for specific problems would be a disservice to Texas. An example of such remedies is the Judicial Campaign Fairness Act, an attempt to change how elections are financed. Another is a proposal for listing the judicial candidates separately from other candidates to avoid straight party voting.

## CHANGING THE METHODS OF VOTING

The Task Force will consider reforms relating to how demographic and geographic factors affect the judiciary that is elected. Both the population and the number of judges in individual districts affect the relative strength of a vote for a member of the bench.

**Subdistricting.** Many see the lack of electoral success of minority judicial candidates as a direct consequence of the requirement that all district judges face election on a county-wide basis rather than in smaller "subdistricts." Because judicial districts can be no smaller than counties, the population of the districts varies dramatically. As of 1990, Texas included 39 judicial districts, many containing several counties, with a population of fewer than 40,000. In contrast, Harris County, with a population 70 times as large, is an undivided electoral district of 59 district court judges. The Task Force is considering modifications of the judicial districts guided by the modifications proposed in Senate Bill 313/Senate Joint Resolution 26, Senate Bill 1570, House Bill 811, Senate Bill 70, House Bill 3145, and House Bill 3146/House Joint Resolution 124. The Task Force is also considering proposals for changing judicial

districts in light of the 1966 United States Supreme Court opinion in *Bush v. Vera*, in which the Court held that racial considerations cannot be the predominant consideration in the drawing of congressional districts.

**Cumulative Voting.** Another alternative considered is a form of cumulative voting of judges. Cumulative voting is a modified method of election whereby voters are allotted the same total number of votes as there are elective positions. However, unlike traditional voting, where voters are restricted to casting one vote for each candidate, cumulative voting permits voters to cast all allotted votes for a single candidate or a limited number of candidates. For instance, in a district in which nine judgeships are up for election, a cumulative voter could allocate his or her nine votes evenly among the candidates. Or the cumulative voter could give all nine votes to a single candidate. In this hypothetical district, any voting bloc comprising over ten percent of the voting population can elect one of the nine judges if its voting power is concentrated on that single candidate. As such, it has been suggested that a cumulative voting system avoids the vote dilution that may result from the election of judges in multi-member districts. The Task Force is considering proposals to elect judges by using a cumulative voting approach, as well as variations of cumulative voting schemes similar to those found in House Bill 2240.

## **CHANGING THE METHODS OF SELECTION**

Reforms in this category are based in the belief that the process of contested partisan elections is responsible for the “politicization” of the judiciary, a concern to many who believe that the dignity of the judiciary is compromised by aggressive or negative campaigning.

**Nonpartisan Elections.** Several states use nonpartisan elections to select members of their judiciary. The Texas Constitution does not require that judges be selected by partisan elections. While currently there are no statewide nonpartisan elected positions in Texas, elections for certain positions in municipalities and districts are nonpartisan. The Task Force is considering proposals similar to those in Senate Bill 313/Senate Joint Resolution 26, Senate Bill 1970, House Bill 811, and House Bill 1182, relating to the election of district judges on a nonpartisan basis.

**Merit Appointments and Retention.** Historically, the gubernatorial appointment of judges to fill vacancies on the bench has been the chief means whereby judges are initially placed on the bench. Several other states use appointment by the governor as the means of placing judges on the bench, and nonpartisan retention elections as the means of determining whether judges stay on the bench. Others use gubernatorial appointments from a list of names prepared by a nominating committee. The Task Force is considering whether the states that use a merit selection-retention election scheme have had success in addressing the problems currently facing Texas. In addition, the Task Force is considering whether proposals for appointment and retention elections, like those in Senate Bill 313/Senate Joint Resolution 26, and Senate Bill 1570, or proposals creating nominating merit committees to guide appointments like those embodied in Senate Bill 77/Senate Joint Resolution 10, and House Bill 810/House Joint Resolution 60, would be effective methods for selecting Texas judges.

## **NEXT STEPS**

Although no major legislative overhaul of judicial selection has occurred in Texas in this century, the current system is nonetheless in a sense a new one with which we have only a couple of decades of experience. The system that prevailed in Texas for most of the Twentieth Century, characterized by gubernatorial appointment, uncontested re-election, and long tenure, has yielded to one perceived to be driven by partisan politics and interest-group financing of campaigns. These new trends in judicial selection have contributed to several areas of serious concern, including a lack of diversity, the politicization of judicial campaigns and service, and perceived loss of qualified judicial candidates.

The Task Force is united in its belief that there are serious problems with our system of selecting the judiciary that need to be addressed now. The Task Force’s mission in the next two months is to explore how these problems can be addressed in ways consistent with values that remain important to most Texans, including the accountability of the judiciary.

# JUDICIAL BRANCH PLANNING

Bound by the principle of precedent in judicial decisionmaking, courts historically have been reactive institutions in dealing with strategic and organizational issues. As one pundit remarked, courts are driving into the future with their eyes on the rearview mirror. Consequently, courts have been slow to develop the capacity to anticipate and to plan for the future. Accelerating changes in society will put increasing pressures on the courts to act swiftly to emerging threats and opportunities in accordance with long-range, strategic plans. Gathering in Williamsburg, Virginia, in March 1996 for the National Conference on the Future of the Judiciary, the Nation's state court leaders ranked the "institutionalization of strategic planning, research and evaluation" third in importance among 27 actions in a "leadership agenda for the Courts."<sup>14</sup>

**Recommendation 14: Judicial Branch Long-Range Planning Function.** The Supreme Court should establish and fund a permanent long-range, strategic planning function in the Texas Judicial Branch that develops strategic plans, assists in the development of strategies for change, continually evaluates the effectiveness of the strategies, and actively consults with all levels of the Texas court system, and the other branches of Government. Adequately funded, this planning function should be established as an arm of the Office of Court Administration operated under the direction of the Texas Judicial Council.

- **Related Recommendations:** Recommendation 4 (Strategic Planning by the Texas Judicial Council), Recommendation 7 (Court Performance Measures and Standards), Recommendation 9 (Annual Reporting of Demographic Data on Law Clerks and Attorney Staff Positions in the Texas Court System), and Recommendation 13 (State Judicial Committee on Information Technology).

The Judicial Branch currently lacks any permanent, coordinated process for long-range planning. Visions that inspire and motivate, purpose and goals that direct action, and well-formed strategies to achieve goals are left to short-lived, occasional efforts such as those of this Commission. **Upon the expiration of the Commission's efforts in January 1997, no capacity will exist within the Judicial Branch to plan for the future. Nor will there exist the means to evaluate the Judicial Branch's performance upon which its accountability ultimately must rest. As competition for state funding intensifies, well-articulated plans grounded in facts will be the only basis upon which efficiency can be assured.**

*Fiscal Note: For the Biennium budget, Fiscal Years 1998 and 1999, it is estimated that the recommended Judicial Planning Function can be established and made operational within the Office of Court Administration for a total of \$444,000, including annual salaries of \$162,000 annual operating expense of \$40,000, travel expenses of \$10,000, and one-time equipment and furniture costs of \$20,000.*

---

<sup>14</sup> National Center for State Courts, Conference Proceedings - National Conference on the Future of the Judiciary 3 (1996).



# JUDICIAL BRANCH PLANNING

The Judicial Branch is the most important branch of the federal government. It is the branch that interprets the law and ensures that the government operates within the limits of the Constitution. The Supreme Court is the highest court in the land, and its decisions are final. Below the Supreme Court are the federal appellate courts and the federal district courts. The Judicial Branch also includes the Federal Judiciary Administration, which is responsible for the day-to-day operations of the courts.

The Judicial Branch is a complex organization with many different components. It is important to have a clear plan for the future of the branch, so that it can continue to serve the people of the United States. This plan should take into account the needs of the courts, the needs of the judiciary, and the needs of the public. It should also take into account the changing demographics of the United States and the challenges that will be faced in the future.

The Judicial Branch is the most important branch of the federal government. It is the branch that interprets the law and ensures that the government operates within the limits of the Constitution. The Supreme Court is the highest court in the land, and its decisions are final. Below the Supreme Court are the federal appellate courts and the federal district courts. The Judicial Branch also includes the Federal Judiciary Administration, which is responsible for the day-to-day operations of the courts.

The Judicial Branch is a complex organization with many different components. It is important to have a clear plan for the future of the branch, so that it can continue to serve the people of the United States. This plan should take into account the needs of the courts, the needs of the judiciary, and the needs of the public. It should also take into account the changing demographics of the United States and the challenges that will be faced in the future.

The Judicial Branch is the most important branch of the federal government. It is the branch that interprets the law and ensures that the government operates within the limits of the Constitution. The Supreme Court is the highest court in the land, and its decisions are final. Below the Supreme Court are the federal appellate courts and the federal district courts. The Judicial Branch also includes the Federal Judiciary Administration, which is responsible for the day-to-day operations of the courts.

# **APPENDIX A:**

## **REPORT AND RECOMMENDATIONS OF THE INFORMATION TECHNOLOGY TASK FORCE OF THE COMMISSION ON JUDICIAL EFFICIENCY**

*Note: Demonstrating the use of the very technology it proposes, the Information Technology Task Force has made its report to the Commission on Judicial Efficiency available on-line on the Appellate Practice and Advocacy Section Internet Web site at: <http://www.txdirect.net/users/richard/tech-tf.htm>. The report that follows appears as it does to those accessing that Web site.*

# APPENDIX A

## RESEARCH AND DEVELOPMENT OF THE INTEGRATION TECHNOLOGY FOR THE CONSTRUCTION OF THE SYSTEM

The development of the system is a complex task that requires a deep understanding of the underlying technology and the specific requirements of the system. This appendix provides a detailed overview of the research and development process, including the challenges faced and the solutions implemented.

**Report and Recommendations**  
of the  
**Information Technology Task Force**  
**Texas Commission on Judicial Efficiency**

**August 19, 1996**

[Click [here](#) for general discussion of  
the Task Force recommendations]

**Contents**

INTRODUCTION 2

RECOMMENDATION 1: State Judicial Committee on Information Technology 3

RECOMMENDATION 2: State Judicial Information Technology Infrastructure 4

RECOMMENDATION 3: State Judicial System Web Home Page 5

RECOMMENDATION 4: State Telecommunications Infrastructure 5

RECOMMENDATION 5: Justice Information Management Systems 6

RECOMMENDATION 6: Trial Court Room Technology - No Recommendation 7

RECOMMENDATION 7: Court Office Technology 7

RECOMMENDATION 8: Legal Research in the Judicial System 8

RECOMMENDATION 9: Court Voice Automation Systems 8

RECOMMENDATION 10: Funding - Automation Fee 8

RECOMMENDATION 11: Funding - Time Payment Fee 9

RECOMMENDATION 12: Funding - Fees for Information Access 9

SPECIAL NOTES 9

FINAL "VOTES" ON RECOMMENDATIONS 10

FINAL "VOTES" ON RECOMMENDATIONS - Up Date 11

Funding Recommendations For First Two Years 12

## **INTRODUCTION**

The Information Technology Task Force had several primary objectives related to the implementation and utilization of new computer technology within the Texas judicial system, including:

1. To permit immediate access to appropriate court records, hearing scheduling, trial evidence and appellate review.
2. To make the Texas Judicial System more accessible to the public, lawyers and judges.
3. To encourage the development of an interconnected computerized state wide Texas Judicial System that allows for the electronic transfer of information and reports.
4. To embrace a new level of technology infrastructure for the Texas Judicial System that produces immediate benefits and sets the stage for the future application of emerging technologies.

The Task Force sees immediate and direct benefits through the use of the Internet and computer video conferencing as follows:

1. The advent of computer access to the Texas Judicial System through Internet will permit elected Judges and Clerks to devote more time and energy to the administration of justice, and less time to moving volumes of paper and answering telephone calls about scheduling.
2. Video conferencing with the computer technology will permit: criminal arraignments directly from jail to reduce the costs and dangers of moving prisoners; civil hearings will reduce the public's cost because lawyers and parties will not have travel expenses and time waiting to be heard; a cost-effective means for court/agency communication and an electronic forum for training programs via video conferencing.

The Task Force realizes that it cannot develop detailed recommendations for all items specified in its initial assignment. With the rapid changes taking place in technology and the complexity of the judicial system and its interaction with other agencies and the public, the details will take years to work through. It was concluded that the best way to proceed is to recommend a process which will allow continual progress to be made each year. Recommendation 1 specifies the appointment of a State Judicial Committee on Information Technology which will provide this process.

This Committee will then make recommendations concerning the development of a State Judicial Information Technology Infrastructure which is covered in Recommendation 2, with additional details given in other recommendations. The remaining recommendations deal with the establishment of user fees that will be needed to fund the development of the State Judicial Information Technology Infrastructure.

The State judicial system is comprised of 96 Appellate Judges, 387 District Judges, 254 Constitutional County Judges, 189 County Courts at Law Judges, 842 Justice of the Peace and 1215 Municipal Judges, 2983 total, plus court staff and other related offices and agencies.

## **RECOMMENDATIONS**

In order to bring about the desired changes necessary for greater efficiency and effectiveness of the judicial system, the Information Technology Task Force has developed the following recommendations. Some of these recommendations will require action by the State Legislature and some will require only actions by and cooperation of various courts and agencies. All must be accomplished to bring about the greatest

results.

### **RECOMMENDATION 1: State Judicial Committee on Information Technology**

The Supreme Court should appoint an autonomous standing committee representing appropriate aspects of the judiciary and non-lawyer citizens, who can provide leadership in bringing information technology into the judicial system, with the following responsibilities:

- a. Recommend minimum standards for e-mail, software (word processing, case management, etc.), information transfer, local area networks, Internet access, electronic data interchange (EDI), data dictionary and other technological needs of the judicial system.
- b. Recommend standardized guidelines for moving to a user friendly electronic based document system, including the creation of documents, court filings and flow of information within the judicial system in electronic form.
- c. Recommend minimum security guidelines for controlling access to and protecting the integrity and confidentiality of appropriate information.
- d. Recommend minimum standards for paperless litigation.
- e. Recommend guidelines for a State Judicial System Web Home Page.
- f. Recommend minimum standards for a Court Intranet (a private and secure internal Court network that makes specific court information available only to the Court staff).
- g. Recommend the necessary Court-related Statutes and Rules changes for the electronic filling of cases and supporting documents.
- h. Recommend pilot programs to be funded in order to test and demonstrate the application of emerging technologies to the judicial system, such as video conferencing facilities, EDI application requirements, client/server information access applications and court room technologies.
- i. Recommend priorities regarding funding for the various information technology needs of the judicial system.

The committee should reflect all aspects of the Judiciary, including: Supreme Court Judge, Court of Criminal Appeals Judge, Appellate Court Judge, District Court Judge, County Court at Law Judge, Municipal Court Judge, District Attorney, County Clerk, District Clerk, Justice of the Peace, Texas Association of Counties, Trial Lawyer, Court Reporter, State Representative, State Senator and Court Administrator. The Office of Court Administration (OCA) should be represented by a non-voting, ex-officio member of the committee. The committee may be composed of an executive committee, the committee and subcommittees as needed to deal with special issues.

**Cost:** Funding should be provided to cover the travel expenses of the committee membership to meetings. This is estimated to be \$25,000 annually.

**Discussion:** The appointment of an advisory State Judicial Committee on Information Technology is essential to provide direction and coordination to the development of a State Judicial Information Technology Infrastructure. Texas is behind a number of other states in this development. The committee

membership must reflect all aspects of the judiciary and have members who are knowledgeable of what information technology can offer to the judicial system. The membership should include membership from both large and small counties and municipalities. Without this body, which will provide vision, leadership and coordination, the State Judicial system will never develop the necessary coordinated and uniform technology infrastructure that is needed to best serve the needs of the State judicial system. The Committee can provide rapid advancement for those items not requiring legislative action and lay the ground work for other items that will require legislative action. It can recommend funding for pilot technology programs and review the resulting cost/benefit to determine future directions.

### **Discussion on Recommendation 1**

#### **RECOMMENDATION 2: State Judicial Information Technology Infrastructure**

A State Judicial Information Technology Infrastructure should be created to support the operations of the judicial system. This JITI should be developed under the guidance of the Judicial Committee on Information Technology which will set appropriate guidelines, priorities and minimum standards, and recommend appropriate allocation of funds. This JITI should include:

- a. Computers, printers, software and related items for the courts and support offices, within the State Judicial System. (See Rec. 7.)
- b. A state wide judicial computer network connecting all state courts, county courts and municipal courts with a link to the Internet, funded by the State. This network will be coordinated by the OCA and operated by the Department of Information Resources (DIR). (See Rec. 4.)
- c. Videoconferencing facilities should be developed, based on either computer and data network based systems or traditional videoconferencing systems, where cost saving, security and personnel time savings justify. These facilities should be available to Appellate, District, County, Municipal and Justice of Peace courts and local government agencies, as appropriate, for video testimony, arraignment and court/interagency communication. (See Rec. 4.)
- d. A state wide e-mail facility to support the judicial system, available for all courts that do not have their own system, funded by the State, operated by the OCA and with the support of the DIR. (See Rec. 7.)
- e. A State Wide Judicial Information Management System (JIMS), which serves as a depository for all information related to the judicial system, including court to court information, attorney to court information, court to state agency information and court to public information. A central JIMS should be funded by the State and operated by the OCA with the support of the DIR. The central facility will be the depository of information from all courts that do not have their own JIMS facilities and will have links to those that do have their own facilities. (See Rec. 3 and 5.)
- f. A Help Desk facility to assist those who have need of accessing information from the judicial system, and a training and support function to provide needed assistance to the judicial and government offices using the judicial system, funded by the State and operated by the OCA.
- g. Support methods will need to be developed to assist with the development and operation of local court and region LAN's (local area networks), computers systems and software.
- h. Voice response systems for accessing information in judicial information management systems and

office voice mail systems. (See Rec. 9.)

**Cost:** The cost of each of these items, except for 2f and 2g, will be included in the recommendations that follow. Item 2f will be partly provided by the OCA and will be covered by the funds they receive from the Automation Fee. (The fees recommended will be addressed in Recommendations 10, 11 and 12.) The Help Desk function operated by the OCA is estimated to cost \$350,000 annually. Some training expenses for item f, will be the responsibility of the local courts and will be funded from their revenues from the fees collected. The support called for in item 2g will be funded from the fees each court receives.

**Discussion:** A JITI will allow the judicial system to rapidly move from a paper based system to an electronic document based system. Each District Court, Appellate Court, Court of Criminal Appeals and the Supreme Court should have computer facilities (computers, printers, software, network connection, e-mail, etc.) and training to support each member of the court staff, funded by the State. Network facilities will be required to connect these to state and local agencies. This infrastructure will allow the transition to a technology based judicial system to take place and will require several years to complete. Considerable coordination between the courts, state and local agencies will be required. There will be on going equipment replacement needs and annual support costs.

### Discussion on Recommendation 2

#### **RECOMMENDATION 3: State Judicial System Web Home Page**

The Office of Court Administration should set up a Web Home Page for the State Judicial System. This system will form a central Judicial Information Management System. This Web site should contain appropriate State judicial information and links to information from the various courts of the State. It should be a "directory" for accessing all Internet accessible information related to the State Judicial System. This system should be expanded as time and funds allow to service other information needs and services of the judicial system.

**Cost:** The expansion and support of the State Judicial System Home Page by the OCA will require funding. This funding in the future should come from both the User Fees for Information Access that will be collected by the OCA for "selling" some on-line information from this Home Page system, and the Automation User Fees that will be paid during the case filing process. (These fees are recommended later in this report.) **In order to get this system up and running in a timely way, initial start up funding should be provided for the first two years.** The estimated annual cost is \$125,000 to support this operation.

**Discussion:** The creation of a central Judicial Information Management System, included in **Recommendation 2e**, can be started now through the creation of the Web Home Page, and will allow the State to move forward in the transition to a technology based operation. Various courts now have Web Home Pages. The initial Web system should support the Supreme Court, Court of Criminal Appeals and Appellate Courts, provide opinions appropriate for public access, court orders, and oral argument schedules. The technology is now available to initiate these functions. It should then expand to include support for District Courts. The State Judicial System Home Page should provide an entry point for all information needs and services of the Judicial System.

### Discussion on Recommendation 3



## **RECOMMENDATION 4: State Telecommunications Infrastructure**

The Legislature should provide funding for the creation and operation of a State Telecommunications Infrastructure, which is composed of a State-wide Computer Network with a connection to the Internet, and a Videoconferencing Network, that will support educational institutions, hospitals, libraries, the State judicial system and other government agencies. This Network should be operated by the State Department of Information Resources (DIR) and have one or more connecting hubs in each county. The state wide computer network backbone to each county should be totally funded by the State with a connecting institution and agency only charged the annual cost of connecting from their location to the hub located in the county. The videoconferencing network should be operated on a usage fee basis. If the Legislature does not provide a State Telecommunications Infrastructure that the Judicial System can utilize, then the Judicial System will need to establish its own network through the DIR.

**Cost:** The State should fund a state computer network to support a number of agencies and institutions, including the judicial system, for approximately \$8,000,000 over a two year period with an annual operational cost of \$2,700,000. Since parts of this computer network now exist, detailed studies will be needed to determine the actual cost, which should be less than this estimate. If the State does not provide a state network, the estimated cost for a judicial computer network infrastructure will be \$7,000,000 over a four year period, with an annual operational cost of \$1,000,000, when it is completed. \$2,000,000 will be needed annually to build this system over a four year period. This amount will come from a portion of the Automation Fee of Recommendation 10. The video component of the system is considerably more expensive and should be provided by local funds from the user fees, as they are justified. The OCA link of the video network will cost an estimated \$225,000 annually.

**Discussion:** This recommendation will provide the state wide judicial computer network and videoconferencing network included in **Recommendation 2b and 2c**. This network should be a part of a State network that reached every county, however, if the State does not elect to develop a State network, then the Judicial System will need to develop its own. Many State agencies now have various types of computer networks operating state wide and the last Legislature (HB2128) created funding to support the development of computer and videoconferencing systems for education, libraries and hospitals. It is important that there be cooperation between current agencies operating and planning networks in order for the State to receive the greatest return in the investment. (Current studies are being conducted by the DPS, Criminal Justice and local police departments related to the DPS state network, and state networks are now operated by several agencies such as the Department of Transportation.) By combining these current and planned networks as technology allows, considerable savings should be realized by the State. It should be much less expensive to operate one or a few computer networks, compared to the (up to) twenty-eight networks reportedly now operated by various state agencies. The DIR now operates a computer and videoconferencing network that can be used as the foundation on which to build this state wide telecommunications infrastructure.

### **Discussion on Recommendation 4**

## **RECOMMENDATION 5: Justice Information Management Systems**

Every county or region with sufficient court caseloads to justify, should have a local Justice Information Management System (JIMS) that fully integrates all local agencies and parties that routinely interact with criminal, civil and family courts. This JIMS should include the ability to generate and transmit electronically, reports required by local and state agencies. Those counties or regions that do not have sufficient caseloads to justify their own JIMS should, through consolidation with other counties or through

contracting with an outside provider, establish a JIMS. State funding should be available to assist those counties that do not have the funding base to operate their own JIMSs. Plans for JIMS should be submitted to the State Judicial Committee on Information Technology for review and coordination .

**Cost:** The operation of the JIMSs will be funded from the fees that are included in Recommendations 10, 11 and 12. The OCA will need to develop a JIMS that can support information from the State Courts and provide support for those local areas that cannot provide their own. The OCA system is estimated to cost \$600,000 annually.

**Discussion:** A complete State Wide Judicial Information Management System, as specified in **Recommendation 2e**, will not exist until all local and state, courts and agencies are connected together through Internet accessible systems. Many counties do not have the caseload, funding or staff to create and operate their own local JIMS. The State should assist these in becoming a part of the state system. The OCA is the best agency for creating an office that will coordinate the flow of information between state and local agencies and the judicial system and for supporting those counties that do not have the means to provide their own JIMS. This JIMS should be modeled after the Harris County system including the creation of a local advisory board. The National Center for State Courts can be of assistance in the study and development phase of creating these JIMSs.

#### Discussion on Recommendation 5

### **RECOMMENDATION 6: Trial Court Room Technology - No Recommendation**

The Task Force has not come to a resolution regarding the Trial Court Room Technology issue. There are diverse opinions on this issue among the members. A committee studied the options for a number of months and did not reach an agreement. The introduction of other technologies within the judicial system, such as e-mail, Internet access, Web information based systems and video conferencing, will greatly influence the future direction to be taken in the use of technology in the court room. For these reasons no recommendation will be made. It will be a topic for the State Judicial Committee on Information Technology to deal with at an appropriate time.

**Discussion:** In the future the State Judicial Committee on Information Technology should establish guidelines for transcripts of statement of facts of trials and hearings to be in electronic formats; and also establish guidelines, where appropriate, for the use of automated instantaneous computer viewable transcripts of trials and hearings. The use of automated transcripts will add the trial and hearing records into the computer automated process to permit trial and appellate judges to rule more quickly. Other court room technologies should also be considered. One reason for appellate delays is the time required to produce transcripts of trials and hearings.

#### Discussion on Recommendation 6

### **RECOMMENDATION 7: Court Office Technology**

Courts at all levels and appropriate court related offices should have the necessary computers, printers, local area network, software, e-mail and Internet access in order to be full members of the State Judicial System. The trial judge and court related personnel should have computer access to the clerk's database on any particular case, i.e., the "electronic docket sheet." All judges should have access to appropriate information on various court (secure) Intranet and Internet information systems.

**Cost:** The cost of providing computers, printers and networks for the Supreme Court, Court of Criminal Appeals, 14 Appellate Courts and 386 District Courts is estimated to be \$9,500,000 with an annual support cost of approximately \$1,000,000. It is estimated to take up to six years to provide these facilities from the fees proposed, at \$2,000,000 annually. There are approximately 2200 other courts in the State.

**Discussion:** This recommendation relates to items in **Recommendations 2a and 2d**. This will enable the court to quickly determine the nature and status of pleadings, hearing or trial dates and other pertinent information. Progressing to electronic filing, i.e., the "paperless file", the court on its own computer will have ready access to review all pleadings and related documents filed in a specific case. With e-mail capability, the court's ability to communicate with counsel is greatly enhanced to allow timely dissemination of rulings, proposed orders and other matters. Inter-court communication is also facilitated using e-mail. A clerk's office should be computerized to the point that all information about a case is inputted in the clerk's database. The more difficult task is moving to the "paperless file" which will require electronic filing either on voluntary or mandated "by rule" basis. The question of whether it will entail imaging or text will need to be addressed as well as exploring if there is a market for reselling this information as a funding source.

### Discussion on Recommendation 7

## **RECOMMENDATION 8: Legal Research in the Judicial System**

On-Line research systems and CD-ROM libraries, including the SouthWestern Reporter, Statutes and Codes and the Texas Digest, should be included in a judge's "library". Access to a "judge's benchbook" should also be part of this basic library. Other computer research services should be made available. These resources should be available to all courts within the State. Training on the usage of these electronically available resources should be provided. Some pricing breaks can be obtained by having one State purchasing agent.

**Cost:** The cost of providing these services should be covered by the fees from Recommendation 10, 11 and 12. It is estimated that this will cost \$250 initially and \$100 annually for each court.

### Discussion on Recommendation 8

## **RECOMMENDATION 9: Court Voice Automation Systems**

Courts should be provided integrated voice response systems for playing back messages and for accessing information in judicial information management systems with options selected with the telephone keypad. In addition the court staff should have a voice mail system including voice menus and voice mail boxes.

**Cost:** A voice mail system that will support a court operation of 6 to 9 individuals will cost approximately \$2,500. These would be provided as funds become available from one of the local fees from Recommendations 10 and 11. A voice response system should be developed as a part of the JIMS and funded from the fees from Recommendation 10, 11 and 12.

**Discussion:** This recommendation, related to **Recommendation 2h**, addresses the problem of an inordinate amount of time dedicated by court personnel responding to phone inquiries. Technology will not eliminate the problem, however, it can reduce the time expended on the phone and promote more efficient use of time.

## Discussion on Recommendation 9

### **RECOMMENDATION 10: Funding - Automation Fee**

A Judicial Automation User Fee of \$10 should be approved by the Legislature which will apply to each (non traffic) court filing. This User Fee will apply to Justice of the Peace, Municipal, County, District and Appellate Courts. The fees will go to a state fund dedicated for judicial information and technology. Each local/state court and judicial agency can apply to the "board" set up to administer these funds for funding of legitimate court related information technology needs. The Legislature should not cut other court appropriations because of, or in relation to, the amount of funds generated by this or other technology user fees.

**Discussion:** It is estimated that there are one million non-traffic filings annually, which will produce more than \$10,000,000. The "board" that administers these funds could distribute 40% back to the local court based on number of filings, 20% for the development and support of the State Judicial Telecommunications Infrastructure, 15% to the OCA for central support of judicial information technology and 20% for the State Courts (Supreme, Criminal Appeals, Appellate and District) and 5% for special needs such as other courts that do not have funds to support their own information technology needs for computers, networks, etc. The funds going back to the "local court" should provide for appropriate judicial related technology needs including, in some cases, the County or District Clerks offices. The actual percentage distributions would be recommended by the "board." This "board" should be the State Judicial Committee on Information Technology.

## Discussion on Recommendation 10

### **RECOMMENDATION 11: Funding - Time Payment Fee**

A Time Payment User Fee should be approved by the Legislature that will be charged to all who do not pay their fines and court costs on the day they are imposed by the court and who request to pay these on a time-payment basis. This will be a locally collected fee for use in supporting local judicial information technology related needs such as computers, networks, etc.

**Discussion:** This legislation would extend a funding option to all jurisdictions that has been approved in the past for Harris County. This has been a very successful program for Harris County. There will be some details to be worked out in regard to this fee for it to not violate current statues. (At this time we do not have an estimate for the funds that will come from this fee.)

## Discussion on Recommendation 11

### **RECOMMENDATION 12: Funding - Fees for Information Access**

A user fee can now be charged for obtaining printed copies of judicial related information. This user fee should be applied reasonably to appropriate judicial related materials obtained electronically from judicial information systems, such as over the Internet from Web servers. The OCA and other JIMS regions should charge appropriate and allowed user fees for some materials that are provided electronically. These fees should be retained for support of the offices and agencies providing the information and operating the

systems.

**Discussion:** The amount of the fee will be determined by the cost of providing information from the system and the funds collected will be used to cover in-part or in-total the cost of providing this information. These systems could follow the example of the PACER Federal Court information system. In some cases these fees may be used to support the operation of a County or District Clerk's offices which directly relate to the judicial information system. Additional study will need to be made regarding this recommendation. There may be some limitations on how charges can be made for electronic copies of judicial information due to recent rulings. (At this time we do not have an estimate for the funds that will come from this fee.)

### Discussion on Recommendation 12

#### **Special Notes:**

1. Any funding legislation or requirement should include consideration for fee waiver for individuals unable to pay.
2. In recommending technological changes or additions to any aspect of the Texas Judicial system, the SJCIT should not usurp or interfere with duly authorized powers or responsibilities of other agencies or branches of state or federal government. In this respect, the SJCIT should be mindful of potentially conflicting jurisdictions, statutes and administrative rules of other state and federal agencies or branches of government.
3. The Legislature should not cut other court appropriations because of, or in relation to, the amount of funds generated by these judicial technology user fees.
4. Information available electronically should conform to the Open Records Act.

### Discussion on "Special Notes"

#### **Information Technology Task Force**

#### **Final "Votes" on Recommendations**

**August 16, 1996**

The following FAX votes indicate the support of the recommendations of the Task Force Members. Since we were not able to have additional meetings, Recommendation 6 on Trial Court Room Technology was not adequately considered, thus the "No Recommendation," and the diversity of the support on the issue. For this "vote" the members had only two days in which to review the final document and reply.

Strongly Moderately Moderately Strongly Support Support Neutral Oppose Oppose

RECOMMENDATION 1: 22 5

State Judicial Committee on Information Technology

RECOMMENDATION 2: 24 3

State Judicial Information Technology Infrastructure

RECOMMENDATION 3: 23 2 2

State Judicial System Web Home Page

RECOMMENDATION 4: 20 2 5

State Telecommunications Infrastructure

RECOMMENDATION 5: 21 5 1

Justice Information Management Systems

RECOMMENDATION 6: 5 2 7 2 4

Trial Court Room Technology - No Recommendation

RECOMMENDATION 7: 22 3 1 1

Court Office Technology

RECOMMENDATION 8: 22 1 3 1

Legal Research in the Judicial System

RECOMMENDATION 9: 15 9 3

Court Voice Automation Systems

RECOMMENDATION 10: 20 3 2 2

Funding - Automation Fee

RECOMMENDATION 11: 20 4 1 2

Funding - Time Payment Fee

RECOMMENDATION 12: 19 4 1 2 1

Funding - Fees for Information Access

**Information Technology Task Force**

**Final "Votes" on Recommendations**

**August 19, 1996**

The following FAX votes indicate the support of the recommendations of the Task Force Members. Since

we were not able to have additional meetings, Recommendation 6 on Trial Court Room Technology was not adequately considered, thus the "No Recommendation," and the diversity of the support on the issue. For this "vote" the members had only two days in which to review the final document and reply.

Strongly Moderately Moderately Strongly Support Support Neutral Oppose Oppose

RECOMMENDATION 1: 24 5

State Judicial Committee on Information Technology

RECOMMENDATION 2: 25 4

State Judicial Information Technology Infrastructure

RECOMMENDATION 3: 24 3 2

State Judicial System Web Home Page

RECOMMENDATION 4: 21 3 5

State Telecommunications Infrastructure

RECOMMENDATION 5: 21 5 1

Justice Information Management Systems

RECOMMENDATION 6: 5 2 7 2 5

Trial Court Room Technology - No Recommendation

RECOMMENDATION 7: 24 3 1 1

Court Office Technology

RECOMMENDATION 8: 23 2 3 1

Legal Research in the Judicial System

RECOMMENDATION 9: 17 9 3

Court Voice Automation Systems

RECOMMENDATION 10: 21 4 2 2

Funding - Automation Fee

RECOMMENDATION 11: 21 5 1 2

Funding - Time Payment Fee

## RECOMMENDATION 12: 19 5 1 3 1

Funding - Fees for Information Access

### **Funding Recommendations**

#### **For First Two Years**

#### **Information Technology Task Force**

#### **Texas Commission on Judicial Efficiency**

**August 20, 1996**

In order to jump start the Texas Judicial System into the new age of the Internet, World Wide Web, e-mail and other technologies where we are behind a number of other states, it is recommended that initial funding be approved for the first two years for priority recommendations. This will allow the Judicial System to move ahead and not have to wait until approved fees are collected, and enough funding is realized to support the initial move to a technology based Judicial System.

#### **RECOMMENDATION 1: State Judicial Committee on Information Technology**

**Funding:** It is recommending that funding be provided to cover the travel expenses of the Committee membership to meetings. **This is estimated to be \$25,000 annually. This is a first priority recommendation.**

#### **RECOMMENDATION 2: State Judicial Information Technology Infrastructure**

**Funding:** The Help Desk function operated by the OCA is estimated to cost \$350,000 annually. This is a first priority in that this operation must be in place in order to provide the support items included in other recommendations. **On a first priority one-half of these funds should be approved for each of the first two years and on a second priority the remaining one-half should be approved.** After the first two years, it is expected that the recommended fees, if approved, will cover this development and operation. Other funding for this Infrastructure will be included in the following recommendations.

#### **RECOMMENDATION 3: State Judicial System Web Home Page**

**Funding:** The development of the State Judicial System Home Page by the OCA will require funding. **In order to jump start this system in a timely way, initial funding of \$125,000 for each of the first two years should be approved. This is a first priority recommendation.** After the first two years, it is expected that the recommended fees, if approved, will cover this development and operation.

#### **RECOMMENDATION 4: State Telecommunications Infrastructure**

(a) The estimated cost for a judicial computer network infrastructure will be \$7,000,000 over a four year period, with an annual operational cost of \$1,000,000 when it is completed. \$2,000,000 will be needed annually to build this system over a four year period. **As a first priority, one-half of this \$2,000,000 annual funding should be approved each of the first two years and as a second priority the remaining one-half should be approved.** After the first two years, it is expected that the recommended fees, if approved, will cover this development and operation.



(b) The OCA link of the video network will cost an estimated \$225,000 annually. This is a second priority advanced funding recommendation.

### **RECOMMENDATION 5: Justice Information Management Systems**

**Funding:** The OCA will need to develop a JIMS that can support information from the State Courts and provide support for those local areas that cannot provide their own. The OCA system is estimated to cost \$600,000 annually. **In order to jump start this development it recommended that advanced funding of \$600,000 for each of the first two years be approved. One-half of these funds are a first priority for each of the first two years and one-half are a second priority.** After the first two years, it is expected that the recommended fees, if approved, will cover this development and operation.

### **RECOMMENDATION 7: Court Office Technology**

**Funding:** The cost of providing computers, printers and local networks for the Supreme Court, Court of Criminal Appeals, 14 Appellate Courts and 386 District Courts is estimated to be \$9,500,000 with an annual support cost of approximately \$1,000,000. It is estimated to take up to six years to provide these facilities from the fees proposed, at \$2,000,000 annually. **In order to jump start these State Courts into a technology based operation it is recommended that \$2,000,000 be approved for each of the first two years. One-half of these funds should be regarded as a first priority and one-half as a second priority for funding for each of the first two years.** After the first two years, it is expected that the recommended fees, if approved, will cover this development and operation.

Other recommendations are of a lower priority and can wait until the funding from the recommended fees will support their development and operation.

### **Summary Judicial Jump-Start Funding**

#### **Recommendations for Each of First Two Years:**

Recommendation Priority One Priority Two Priority One & Two

- |                               |           |           |           |
|-------------------------------|-----------|-----------|-----------|
| 1. Committee                  | \$25,000  | \$25,000  |           |
| 2. Infrastructure - OCA       | 175,000   | \$175,000 | \$350,000 |
| 3. Judicial Web Home Page     | 125,000   | 125,000   |           |
| 4. (a) Telecom Infrastructure | 1,000,000 | 1,000,000 | 2,000,000 |
| (b) OCA video conferencing    | 225,000   |           |           |
| 5. JIMS - OCA                 | 300,000   | 300,000   | 600,000   |
| 7. Court Office Technology    | 1,000,000 | 1,000,000 | 2,000,000 |
| Totals                        | 2,625,000 | 2,700,000 | 5,325,000 |

This report was provided to the The Appellate Advocate (Electronic Edition) by Anthony Haley, General Counsel for the Texas Commission on Judicial Efficiency.

Page created on Saturday, October 5, 1996.

Last updated October 7, 1996.

Send comments to the Webmaster.



# APPENDIX B:

## FISCAL IMPACT OF RECOMMENDATIONS

**Recommendation 3: Establishment of an Emergency Contingency Fund.** In the 1997-1998 Biennium, the Legislature should establish an emergency fund to assist trial courts, especially those in the rural areas, in defraying the costs of capital murder cases and other extraordinary criminal and civil cases associated with inordinate expenses. *Estimated costs: \$5,000,000 in fiscal year 1998 and \$5,000,000 in fiscal year 1999.*

**Recommendation 5: Judicial Compensation.** In the 1998-1999 Biennium, the salaries of the Justices of the Supreme Court and the Judges of the Court of Criminal Appeals should be raised to \$122,912. The salary of a Justice of the intermediate Courts of Appeals should be set at 95 percent and a Judge of the District Courts at 90 percent of that amount. *Estimated costs: \$15,731,260 in fiscal year 1998 for salaries only and \$15,731,260 in fiscal year 1999 for salaries only.*

**Recommendation 8: Recruitment Program.** To increase the minority applicant pool for law clerk and other attorney support staff positions throughout the Texas judicial system, the Texas Judicial Council should design and establish a statewide recruitment program to be developed and administered by the Office of Court Administration. The recruitment program also should be the focal point of coordinated efforts by the Judicial Branch, the Texas State Bar and local bar associations, law firms, and law schools to facilitate the exchange of information about employment opportunities at all levels of the Texas court system for law students and recent graduates. *Estimated costs: \$71,860 in fiscal year 1998 and \$61,160 in fiscal year 1999.*

**Recommendation 11: Student Loan Repayment Fund.** To ensure that the burden of repayment of sizable student loans is not a significant disincentive for students interested in pursuing clerkships and other attorney staff positions in the courts, the Legislature should establish a fund to subsidize the repayment of loans of those with proven need who accept clerkships or temporary attorney positions in the courts. *Estimated costs: \$571,725 in fiscal year 1998 and \$571,725 in fiscal year 1999.*

**Recommendation 13: State Judicial Committee on Information Technology.**

- (a) In order to make Texas court information and services accessible, affordable and timely, the Supreme Court should establish a standing committee, the State Judicial Committee on Information Technology, to provide leadership in bringing desperately needed information technology into the Texas court system and to advise the courts on an ongoing basis on the application of technology to the operations throughout the Judicial Branch. The Committee should develop and oversee the building by 1999 of a coordinated statewide computer communication network and comprehensive justice information system.
- (b) In its development of the various components of the coordinated computer network and comprehensive justice information system, the Committee should be guided by the recommendations of the Commission's Information Technology Task Force.
- (c) The development and initial building of the statewide network and coordinated justice information system should be funded by state appropriations of \$5,325,000 in the next biennium. Necessary maintenance and enhancements of the network and system should be funded on an ongoing basis by user fees and access charges, and such other means the Legislature deems appropriate. *Estimated costs: \$5,325,000 in fiscal year 1998 and \$5,325,000 in fiscal year 1999.*

**Recommendation 14: Judicial Branch Long-Range Planning Function.** The Supreme Court should establish and fund a permanent long-range, strategic planning function in the Texas Judicial Branch that develops strategic plans, assists in the development of strategies for change, continually evaluates the effectiveness of the strategies, and actively consults with all levels of the Texas court system, and the other branches of Government. Adequately funded, this planning function should be established as an arm of the Office of Court Administration and operated under the direction of the Texas Judicial Council. *Estimated costs: \$232,000 in fiscal year 1998 and \$212,000 in fiscal year 1999.*

# APPENDIX C:

## TASK FORCES OF THE COMMISSION ON JUDICIAL EFFICIENCY

### *Funding Parity Task Force*

Chair: The Honorable Jack Hightower, Former Supreme Court Justice

The Honorable Marilyn Aboussie, Court of Appeals Justice, Austin

Jim Allison, Esq., Austin

The Honorable Bud Arnot, Court of Appeals Chief Justice, Eastland

The Honorable Tom Bacus, County Court Judge, Wichita Falls

The Honorable Elaine Bizzell, County Clerk, Georgetown

The Honorable Dallas Brewer, County Judge, Plains

The Honorable Jimmy Carroll, Court of Appeals Chief Justice, Austin

L. Dean Cobb, Esq., Austin

The Honorable Murry Cohen, Court of Appeals Justice, Houston

The Honorable Dianne DeVasto, County Court Judge, Tyler

The Honorable Sarah Duncan, Court of Appeals Justice, San Antonio

The Honorable Robert Eckels, County Judge, Houston

The Honorable Sylvia Garcia, Municipal Judge, Houston

Morris Harrell, Esq., Dallas

Paul Hobby, Esq., Houston

J.D. Hudson, Jr., Waco

The Honorable Rob Junell, State Representative, San Angelo

Jose Lopez, District Court Coordinator, Crystal City

The Honorable Marvin Marshall, District Judge, Plainview

The Honorable Phillip Martinez, District Judge, El Paso

Lynn Nabers, Esq., Austin

The Honorable Bob Parks, District Judge, Monahans

The Honorable Richard Raymond, State Representative, Benavides

The Honorable Linda A. Rodriguez, County Court Judge, San Marcos

Rudy Rodriguez, Esq., Harlingen

The Honorable Peter Sakai, Associate District Judge, San Antonio

Ruth Soucy, Esq., Austin

The Honorable Max Townsend, County Judge, Seminole

The Honorable Linda Uecker, District Clerk, Kerrville

Susan Wendel, Texas Association of Counties, Austin

Bob Wessels, County Criminal Courts Manager, Houston

Paul Yetter, Esq., Houston

### *Ex Officio:*

The Honorable Thomas R. Phillips, Chief Justice, Supreme Court

The Honorable Mike McCormick, Presiding Judge, Court of Criminal Appeals

The Honorable Joe Spurlock, President, Texas Judicial Council

Jerry Benedict, Esq., Administrative Director, Office of Court Administration

Ana Maria Pozo, Esq., Director, Texas Children's Justice Act Project

**Staff Diversity Task Force**

Chair: Susana Aleman, Assistant Dean, University of Texas School of Law, Austin

Barbara Aldave, Dean, St. Mary's University School of Law, San Antonio

Mark Bayer, Esq., Dallas

The Honorable Hannah Chow, County Court Judge, Houston

Toya Cook, Esq., Austin

Vanessa Davila, Texas State Bar, Austin

Jesus Dovalina, Esq., Del Rio

Sandra Guerra, Esq., Professor, University of Houston Law Center, Houston

Martha Harris, Esq., Dallas

Mr. Daniel Hu, Esq., Houston

Leah Jackson, Associate Dean, Baylor University School of Law, Waco

Bill Jones, Esq., Houston

Faith Joseph, Esq., Thurgood Marshall School of Law, Houston

The Honorable Glenn Lewis, State Representative, Fort Worth

The Honorable Sam Medina, County Court Judge, Lubbock

Lino Mendiola, Esq., Austin

Frank Newton, Dean, Texas Tech University School of Law, Lubbock

Frank Read, Dean, South Texas College of Law, Houston

Paul Rogers, Dean, Southern Methodist University School of Law, Dallas

The Honorable Steve Russell, Spring Branch

Jai Sharma, Esq., Houston

Frank Stevenson, II, Esq., Dallas

Carl Stern, Esq., Houston

The Honorable Bonnie Sudderth, Municipal Judge, Fort Worth

P. Alex Vasquez, Esq., Dallas

Jimmy Vaught, Esq., Austin

Dale Wainwright, Esq., Houston

Frank Walwer, Dean, Texas Wesleyan University School of Law, Dallas

Leonard Woods, Esq., Austin

**Ex Officio:**

The Honorable Priscilla R. Owen, Supreme Court Justice

The Honorable Morris Overstreet, Court of Criminal Appeals Judge

Algenita Scott Davis, Esq., Texas Judicial Council, Houston

Jerry Benedict, Esq., Administrative Director, Office of Court Administration

***Information Technology Task Force:***

Chair: Donald L. Hardcastle, Ph.D., Waco

The Honorable Frank Andrews, District Judge, Dallas  
The Honorable Charles Bacarisse, District Clerk, Houston  
The Honorable Richard Barajas, Court of Appeals Chief Justice, El Paso  
Brian Berry, Plano  
The Honorable Earl Bullock, County Clerk, Dallas  
David Cabello, Esq., Houston  
The Honorable Martin Chuiminatto, County Court Judge, Kleberg  
The Honorable Ann Cochran, Houston  
The Honorable Garnet Coleman, State Representative, Houston  
Charles Curnow, Austin  
The Honorable John Delany, District Judge, Bryan  
Gene Draper, Criminal Justice Policy Council, Austin  
Peggy Foreman, Esq., Houston  
Ron Franklin, Esq., Houston  
Charles Friel, Ph.D., Huntsville  
The Honorable Charles Gonzalez, District Judge, San Antonio  
The Honorable Judith Guthrie, U.S. Magistrate Judge, Tyler  
Edward J. Harris, Austin  
Larry Hoover, Ph.D., Huntsville  
David Jackson, Court Reporter, Dallas  
The Honorable Lee Jackson, County Judge, Dallas  
The Honorable John Knowles, Justice of the Peace, Port Arthur  
Tamara Kurtz, Esq., Austin  
Mark Lee, Esq., Houston  
Charles Matz, Houston  
The Honorable Lamar McCorkle, District Judge, Houston  
Dottie McDonald, District Court Coordinator, Houston  
Judy Miller, Official Court Reporter, Fort Worth  
Diane O'Neal, Clerk, Third Court of Appeals  
The Honorable Michael O'Neal, Municipal Court Judge, Dallas  
Carolyn Purcell, Texas Department of Information Resources, Austin  
The Honorable Oscar Soliz, District Clerk, Corpus Christi  
Charles Vagner, Administrative Office of the United States Courts, San Antonio  
Peter Vogel, Esq., Dallas  
Dianne Wacker, Texas Department of Transportation, Austin  
The Honorable Ric Williamson, State Representative, Weatherford  
Gary Zallar, Office of the Harris County District Attorney, Houston  
Aurora Zamora, District Court Coordinator, Uvalde

***Ex Officio:***

The Honorable Nathan L. Hecht, Supreme Court Justice  
The Honorable Sharon Keller, Court of Criminal Appeals Judge  
The Honorable LeeAnn Dauphinot, Court of Appeals Justice, Fort Worth  
Mary Cowherd, Esq., Chief Staff Attorney, Office of Court Administration  
Ana Maria Pozo, Esq., Director, Texas Children's Justice Act Project



**Judicial Selection Task Force:**

Chair: Tom Luce, Esq., Dallas

The Honorable Ray Anderson, District Judge, Brownfield

Louis Beecherl, Dallas

The Honorable Hugo Berlanga, State Representative, Corpus Christi

The Honorable John Boyd, Court of Appeals Justice, Amarillo

George Scott Christian, Esq., Austin

The Honorable Jim Coronado, County Court Criminal Magistrate, Austin

The Honorable Henry Cuellar, State Representative, Laredo

The Honorable Robert Duncan, State Representative, Lubbock

The Honorable Mario Gallegos, State Senator, Houston

Roland Garcia, Esq., Houston

The Honorable David Godbey, District Judge, Dallas

Lee Godfrey, Esq., Houston

The Honorable Toby Goodman, State Representative, Arlington

The Honorable John L. Hill, Houston

The Honorable Leticia Hinojosa, Edinburg

Ray Hunt, Dallas

Sam Isaacharoff, Esq., Austin

Tommy Jacks, Esq., Austin

The Honorable Tom James, Court of Appeals Justice, Dallas

The Honorable Dwight Jefferson, District Judge, Houston

Dee J. Kelly, Esq., Fort Worth

Hugh Rice Kelly, Esq., Houston

Ronald Krist, Esq., Houston

The Honorable Alma L. Lopez, Court of Appeals Justice, San Antonio

Jim Lunz, San Antonio

The Honorable Rene Oliveira, State Representative, Brownsville

Pat Oxford, Esq., Houston

The Honorable Jerry Patterson, State Senator, Houston

Frumencio Reyes, Esq., Houston

Carroll Robinson, Esq., Houston

Marcos Ronquillo, Esq., Dallas

Louis Satterfield, Esq., Liberty

Bill Satterwhite, Dallas

Paul R. Shunatona, Esq., Dallas

Broadus Spivey, Esq., Austin

The Honorable Mark Stiles, State Representative, Beaumont

Richard Trabulsi, Esq., Houston

The Honorable Royce West, State Senator, Dallas

The Honorable Don R. Windle, Probate Judge, Denton

Michelle Wong, Esq., Dallas

The Honorable Sharolyn Wood, District Judge, Houston

***Ex Officio:***

The Honorable Craig Enoch, Supreme Court Justice

The Honorable Frank Maloney, Court of Criminal Appeals Judge

The Honorable Richard Barajas, Texas Judicial Council, El Paso

Don R. Willett, Esq., Office of the Governor, Austin

John Pitts, General Counsel, Office of the Lieutenant Governor

Barry Miller, Executive Assistant, Office of the Speaker

Jay Aguilar, Special Assistant, Office of the Attorney General

Jim Hutcheson, Esq., Executive Attorney, Office of Court Administration

Paul Yetter, Esq., Chair, State Bar Judicial Relations Committee

The following is a list of the names of the persons who have been elected to the office of the President of the United States since the year 1789. The names are given in the order in which they were elected, and the year of their election is given in parentheses. The names are given in the order in which they were elected, and the year of their election is given in parentheses.

# APPENDIX D:

## PANELISTS, WITNESSES, AND ATTENDEES OF PUBLIC HEARINGS

### *Funding Parity Task Force Public Hearing*

#### **Panel:**

Judge Fred Davis	Fort Worth
Representative Craig Eiland	Galveston
Peter Koelling	San Antonio
Commissioner Jim Miles	Jewett
Chief Justice Phillips	Austin
Commissioner Robert Ruiz	Eagle Pass
Justice Earl Stover	Beaumont
Judge David West	Houston
Dianne Wilson	Richmond
Judge Sharolyn Wood	Houston

#### **Witnesses:**

Judge Fred Davis	Arlington
Rep. Craig Eiland	Galveston
Judge Peter M. Koelling	San Antonio
Commissioner Jim Miles	Jewett
Commissioner Robert Ruiz	Eagle Pass
Judge Martha B. Schnabel	Floresville
Judge Earl "Smokey" Stover	Beaumont
Judge David West	Houston
Hon. Dianne Wilson	Richmond
Judge Sharolyn Wood	Houston

#### **Attendees:**

Charles Childress	Austin
Lawrence Collins	Austin
Judge Bobby L. Cummings	Waco
Judge Fred Davis	Arlington
Rep. Craig Eiland	Galveston
Judge Peter Koelling	San Antonio
Jene Lanclos	Austin
Judge Phil Martinez	El Paso
Commissioner Jim Miles	Jewett
Judge Bob Parks	Monahans
John Pitts	Austin
Otto Reuss	Houston
Barbara Rosenberg	Dallas
Commissioner Robert Ruiz	Eagle Pass
Judge Martha Schnabel	Floresville

Judge Earl Stover  
Linda Uecker  
Susan Wendel  
Casie Wenmoh  
Judge David West  
E.L. Wheeler  
Hon. Dianne Wilson  
Judge Sharolyn Wood  
Paul Yetter

Beaumont  
Kerrville  
Austin  
Austin  
Houston  
Houston  
Richmond  
Houston  
Houston

**Written Testimony:**

Judge Jack Aycock  
Judge Tom Bacus  
Judge Scott Bailey  
Judge Scott Bailey  
Judge Carolyn Bilski  
Senator Buster Brown  
Judge Charles Chapman  
Judge Maxine Darst  
Judge Kenneth D. DeHart  
Judge Jim Farris  
Judge Jack Hampton  
Judge Joel Johnson  
Judge Joel B. Johnson  
Commissioner James F. Miles  
Judge Josephine W. Miller  
Judge James Mullin  
Judge Oscar Nelson  
Judge JoAnn Ottis  
Judge Don Wittig

Sweetwater  
Wichita Falls  
Eastland  
Eastland  
Beeville  
Houston  
Haskell  
Kaufman  
Alpine  
Beaumont  
Dallas  
Beeville  
Beeville  
Jewett  
Sinton  
Weatherford  
Anahuac  
Bay City  
Houston

**Staff Diversity Task Force Hearings**

**Witnesses:**

Senator Rodney Ellis	Houston
Coretta Graham	Houston
Barbara Hanson Nellerhoe	San Antonio
Ric Paquette	Houston
Scott E. Rozzell	Houston

**Attendees:**

Susanna Aleman	Austin
Toya Cirica Cook	Austin
Senator Rodney Ellis	Houston
Coretta Graham	Houston
Anthony Haley	Austin
Daniel Hu	Houston
Leah Jackson	Waco
Barbara Nellerhoe	San Antonio
Ric Paquette	Houston
Frank T. Read	Houston
Scott Rozzell	Houston
Augustine Usoro	Houston
Frank Walwer	Irving

**Written Testimony:**

Susana I. Aleman	Austin
------------------	--------

*Information Technology Task Force Hearing*

**Witnesses:**

Charles E. Ames  
Randall Chapman  
Robert Green  
Randall E. Hand  
Dianna Heiner-Daniel  
Suzanne Henderson  
Ed Hohn  
Frank G. Kurchio  
Judge Jo Ann Ottis  
Judge Bill Rhea  
Clint Sare  
Elizabeth A. Saunders  
Judge Sharolyn Wood

Dallas  
Austin  
Louisville, KY  
Garland  
Fort Worth  
Fort Worth  
Daingerfield  
Austin  
Bay City  
Dallas  
Amarillo  
Austin  
Houston

**Attendees:**

Lyndon Peters  
Charles E. Ames  
Ginger Banks  
Elaine Bizzell  
Jerry Blackmon  
C.J. Brandt, Jr.  
Charles Brawner  
Randall Chapman  
Charles Childress  
Peggy Culp  
Frank Curcio  
John J. Durkay  
Paul K. Emerson  
M. Tony Estrada  
Carol Anne Flores  
Nita Frizzell  
Robert Green  
Randall E. Hand  
Jim Hayes  
Dianna Heiner-Daniel  
Hon. Suzanne Henderson  
Larry R. Hoelscher  
Ed Hohn  
Christopher Jones  
Jeannette Kriewald  
Hugh Lindsay  
Justice Terrie Livingston  
Hope Lochridge  
Cathy S. Lusk

Austin  
Dallas  
Austin  
Georgetown  
Corsicana  
Austin  
Corpus Christi  
Austin  
Austin  
Amarillo  
Austin  
Beaumont  
Austin  
Austin  
Beaumont  
Tyler  
Louisville, Ky  
Garland  
Beaumont  
Fort Worth  
Fort Worth  
Marlin  
Daingerfield  
Austin  
San Antonio  
College Station  
Fort Worth  
Austin  
Tyler

Michael Mahoney  
Kevin Mauzy  
Jim Miles  
Judy Miller  
Antony Ng  
Jerry Norman  
Jo Ann Ottis  
Brian S. Rawson  
Tom Reardon  
Bill Rhea  
Joe G. Rivera  
Maria Sanchez  
Clint Sare  
Elizabeth Saunders  
Ron Schroer  
Lawrence Smith  
Larry Solansky  
Oscar Soliz  
Roger Starkey  
Hon. Tibby Thomas  
Hon. Margie Thompson  
Olen Underwood  
Don Warren  
William Wood

Austin  
Houston  
Jewett  
Fort Worth  
Austin  
Austin  
Bay City  
Austin  
Mason  
Dallas  
Brownsville  
Dallas  
Amarillo  
Austin  
Austin  
Dallas  
Austin  
Corpus Christi  
Austin  
Texarkana  
Houston  
Conroe  
Austin  
San Antonio

**Written Testimony:**

Hon. Elaine Franklin  
Hon. Woodrow W. Gossom, Jr.  
Kenzy D. Hallmark  
Hon. Deborah Herber  
William O. Holston, Jr.  
Hon. Joel B. Johnson  
Guilford L. Jones, III  
Hope Lochridge  
Hon. Nelda Merriott  
Linda Motheral  
Hon. Albert Pruett  
William B. Roberts  
Professor Buford C. Terrell  
Hon. Mike Westergren

Tilden  
Wichita Falls  
Lufkin  
Jourdanton  
Dallas  
Beeville  
Marble Falls  
Austin  
Muleshoe  
Houston  
Houston  
  
Houston  
Corpus Christi



**Judicial Selection Task Force**

**Houston**

**March 27, 1996, 1:30 P.M.**

**Joe Green Auditorium, South Texas College of Law**

**Senator Rodney Ellis, Host**

**Panel:**

Tom Luce, Chair	Dallas
Senator Rodney Ellis, Texas Commission on Judicial Efficiency	Houston
Representative Garnet Coleman	Houston
Representative Al Edwards	Houston
Representative Jessica Farrar	Houston
Judge Pat Ferchill, Texas Commission on Judicial Efficiency	Fort Worth
Roland Garcia	Houston
The Honorable John Hill	Houston
Judge Dwight Jefferson	Houston
Hugh Kelly	Houston
Pat Oxford	Houston
Senator Jerry Patterson	Houston
Frumencio Reyes	Houston
Carroll Robinson	Houston
Representative Senfronia Thompson, Texas Commission on Judicial Efficiency	Houston
Judge Sharolyn Wood	Houston
Paul Yetter	Houston

**Witnesses:**

Winston Cochran, Jr.	Houston
The Honorable Paul Colbert	Houston
Justice M. D' Connor, 1st Court of Appeals	Houston
Sherilyn Edwards, Mexican American Bar Assoc. of Houston	Houston
Tom Edwards	Houston
Vic Garry	Houston
Coretta Graham	Houston
Albert Hinojosa, Mexican American Bar Assoc. of Houston	Houston
Howard Jefferson, NAACP	Houston
Robert Jones	Houston
Jay Karahan	Houston
Patricia Kerrigan, Texas Assoc. of Defense Counsel	Houston
George Klages, Justice for All	Fresno
Karen Kristopher	Houston
Florence Kusnetz, Court Watch	Houston
Allen Lackey, Shell Oil Co.	
The Honorable Al Leal	Houston
Wendell S. Loomis	Houston
Roxane Martinez, Mexican American Bar Assoc. of Houston	Houston
Johnny Mata, LULAC Dist. 18	Houston

Reginald McKamie	Houston
John Opell, Citizens Against Lawsuit Abuse	Houston
Joel Salazar, MABA Houston	Houston
Sylvia Tiller, Tiller & Associates	Houston
Vic Velasquez	Houston
Gordon White, Missouri City NAACP	Houston
Justice Davie Wilson, 1st Court of Appeals	Houston

**Attendees:**

Donald Aaron, Office of Senator John Whitmire	Houston
Sylvester Anderson	Houston
Alfred Arteaga	Nassau Bay
Teresa Arguindesui, Haynes & Boone	Houston
Leon Aubrey, Sr.	Houston
Christopher H. Bangh	Houston
Adrian Bens, Thurgood Marshall School of Law	Houston
Liza Bijarro	Richmond
Dave Boyle	Houston
Nicole Broussard	Houston
Cedric Campbell	Houston
John A. Clark, Jr.	Houston
Dereck E. Cook, Thurgood Marshall School of Law	Houston
Pamela Dickson	Houston
John Donisi	Houston
Thelma Elizaldo	Houston
Sonny Fernandez	Houston
G. Floyd	Prairie View
Reggie Fox	Houston
Angel Fraga	Houston
Bridgett Giles, Thurgood Marshall School of Law	Houston
Shari Gladney	Houston
Douglas Godivich	Houston
Nellie Gomez	Houston
Sharon Gray, Thurgood Marshall School of Law	Houston
Gerard Gregoire, Thurgood Marshall School of Law	Houston
Rodney Griffin	Missouri City
Charles Guidry	Houston
Melanie Harrell	Houston
Yvonne Hawkins	Missouri City
Reagan C. Hehn	Houston
Pauline Higgins	Houston
Cynthia Hinerta	Houston
Russ Hollenbeck	Houston
Judge James S. Hughes	Houston
Claudine James	Houston
Joe Jimenez, Office of Representative Diana Davila	Houston
Brenda Jenkins	Houston

Faith Joseph	Houston
Robert Lord	Houston
Zachary Mahoney	College Station
David Medina	Houston
John Makeig, Houston Chronicle	Houston
Prof. Olga Maye, South Texas College of Law	Houston
Nancy McChristian	Houston
Derrick McElvee, Thurgood Marshall School of Law	Houston
Allan McGraw	Houston
James McGuire	Houston
David McKeard	Houston
Joel Mohrman	Houston
M. Morales	Houston
John Moss	Houston
Maria Elena Navarro	Pearland
Jeff Nobles	Houston
Rick Noriega	Houston
Dora Olive	Houston
Shirela Patterson	Houston
Alicial R. Paz	Houston
Paul Pendergraft, KUHF Radio	Houston
Margie Phelps	Houston
Talata A. Phillips	Houston
Jim Berlin Price, Thurgood Marshall School of Law	Houston
Veronica Morgan-Price	Houston
Allen Provost	Houston
Atha Pryor	Houston
Reta-Gaye Reid	Houston
Willie Robbins	Missouri City
Billii C. Roberts	Crosby
Marchris Robinson	Houston
Jennifer Salcedo	Houston
Michael Simmons	Houston
Jim Squier	
Schretta Stewart, Thurgood Marshall School of Law	Houston
Tim Taft	Houston
Phi-Hang Tran	Houston
Philsan M. Tran	Houston
Hector Garza-Trejo	Houston
Cassie Van Reet	Houston
The Honorable Carl Walker	Houston
Kwame Walker, Office of Senator Royce West	Austin
Urshela M. Wiggins	Houston

Corpus Christi  
March 29, 1996, 1:30 P.M.  
City Council Chamber  
Representative Hugo Berlanga, Host

**Panel:**

Tom Luce, Chair  
Representative Hugo Berlanga  
Representative Vilma Luna  
Senator Carlos Truan  
Don Willett

Dallas  
Corpus Christi  
Corpus Christi  
Corpus Christi  
Austin

**Witnesses:**

Joseph Barrientos, Coastal Bend Mexican-American Bar Assoc.  
John Bell  
Max Bennett  
Judge Robert Blackmon, 117th District Court  
David T. Bright, Corpus Christi Bar Association  
Lance Brunn  
Dee Huber  
Mary Rhodes  
Chief Justice Robert Seerden , 13th Court of Appeals  
Joaquin Villareal, III

Corpus Christi  
Corpus Christi  
Corpus Christi  
  
Corpus Christi  
Corpus Christi  
Corpus Christi  
Corpus Christi  
Corpus Christi  
Corpus Christi

**Attendees:**

Jenny Brown  
Pauline Clark  
Diane Garza  
Eddie Garza  
Frank Gonzales, Office of Senator Carlos Truan  
Gisela Gonzales  
Amy Inman, Office of the Speaker  
Kim Keef  
Esther Oliver  
Lisa Ortiz  
Jay Reming  
Tom Utter  
Juan Zaragoza

Corpus Christi  
Corpus Christi  
Corpus Christi  
Corpus Christi  
Corpus Christi  
Corpus Christi  
Austin  
Corpus Christi  
Corpus Christi  
Corpus Christi  
Corpus Christi  
Corpus Christi  
Corpus Christi

**Beaumont**

April 4, 1996, 2:00 P.M.

John Gray Institute, Lamar University

Representative Mark Stiles, Host

**Panel:**

Representative Mark Stiles, Chair

Louis Satterfield

Beaumont

Liberty

**Witnesses:**

Gilbert Adams, Jefferson County Democratic Party

Lonnie Arrington

Don Burgess

Jim Farris

Judge Donald Floyd, 172nd District Court

Judge Leonard Giblin, Jr., 252nd Criminal District Court

Joe Bob Golden

Dewey Gonsoulin

Juanita Herlinda Juarez

Jack King, The System

Kenneth W. Lewis

Maria Luisa Flores, Mexican American Bar Assoc. of Texas

James D. McNicholus

Judge James Mehaffy, 58th Court

Alan Sanders, Orange Chamber of Commerce

Raymond Scott, NAACP - Port Arthur

James M. Stokes, Beaumont Chamber of Commerce

Justice Earl B. Stover, 9th Court of Appeals

Brian Sutton

Justice Ronald Walker, 9th Court of Appeals

Boyd Wells

Beaumont

Beaumont

Bridge City

Beaumont

Beaumont

Beaumont

Sour Lake

Beaumont

Beaumont

Austin

Beaumont

Beaumont

Orange

Port Arthur

Beaumont

Beaumont

Beaumont

Beaumont

Beaumont

**Attendees:**

Buddie Hahn

Annette Metoyer

David Fisher

Naney Beaulien

Gloria Rutherford

Larry Beaulot

Orange

Port Arthur

Beaumont

Beaumont

Port Arthur

Beaumont

**Lubbock**  
**April 23, 1996, 1:30 P.M.**  
**Knipling Education and Conference Center**  
**Representative Robert Duncan, Host**

**Panel:**

Representative Robert Duncan, Chair	Lubbock
Judge Ray Anderson	Brownfield

**Witnesses:**

Ralph Brock	Lubbock
Bob Craig	Lubbock
Maria Luisa Flores, Mexican American Bar Assoc. of Texas	Austin
Ramon Gallegos	Lubbock
Joe Heflin	Lubbock
Victor Hernandez	Lubbock
Judge Andy Kupper	Levelland
Harvey Morton	
W. Frank Newton	Lubbock
Justice Brian Quinn, 7th Court of Appeals	Amarillo
Brian Shannon, Texas Tech School of Law	Lubbock
Judge Brad Underwood, District Judges of Lubbock County	Lubbock
Michael Ward	Lubbock

**Attendees:**

Ernie B. Armstrong	Snyder
Carol Jean Bardett	Lubbock
Jackie Cutchin, Jr.	Lubbock
Floyd Hathington	Lubbock
Amy Inman, Office of the Speaker	Austin
Jackie Jarrett	Lubbock
Laura Monroe	Lubbock
Graham Underwood, Lubbock Avalanche Journal	Lubbock
Morris Wilkes	Lubbock

**Brownsville**

**April 26, 1996, 1:30 P.M.**

**Commissioners Courtroom, Cameron County Courthouse**

**Representative Rene Oliveira, Host**

**Panel:**

Representative Rene Oliveira, Chair

Judge Leticia Hinojosa

Representative Renato Cuellar

Representative Sergio Munoz

Representative Jim Solis

Brownsville

Edinburg

Weslaco

Mission

Harlingen

**Witnesses:**

Micaela Alvarez

Dr. Cayetano E. Barrera

Justice Melchor Chavez, 13th Court of Appeals

Noe Gonzalez

Judge Gilberto Hinojosa, Cameron County Judge

Judge Fernando Mancias, 93rd District Court

David Reyes, Hidalgo Co. District Attorney's Office

Bill Summers, CALA - Rio Grande Valley Partners

Justice Linda Yanez, 13th Court of Appeals

Jody Young, Assistant District Attorney

Edinburg

McAllen

Edinburg

Edinburg

Brownsville

Edinburg

Edinburg

Alamo

McAllen

Brownsville

**Attendees:**

Micaela Alvarez

Ed Aparicio

Edmundo Garcia

Remi Garza

Ron Hole

San Juanita Reyes

Juan Solis

R. Bruce Tharpe

Edinburg

McAllen

Brownsville

San Benito

McAllen

Edinburg

Harlingen

Brownsville

**Amarillo**

**April 29, 1996, 1:30 P.M.**

**Potter County Courthouse**

**Justice John T. Boyd, Host**

**Panel:**

Justice John T. Boyd, Chair

Senator Teel Bivins

Amarillo

Amarillo

**Witnesses:**

Steve Ahlenius, Amarillo Chamber of Commerce

Carlton B. Dodson

Justice Duncan, 7th Court of Appeals

Robert E. Garner

Marvin W. Jones, Texas Association of Defense Counsel

Joe L. Lovell

William R. McKinney

Harold W. Ochsner

Don H. Reavis

Chief Justice Reynolds, 7th Court of Appeals

Thomas C Riney, Texas Association of Defense Counsel

Steve Madrid Rosas, Sr.

Judge M. Kent Sims

Representative John Smithee, District 86

Judge Lee Waters, 223rd District Court

Amarillo

Amarillo

Amarillo

Amarillo

Amarillo

Amarillo

Amarillo

Amarillo

Amarillo

Amarillo

Amarillo

Amarillo

Amarillo

Amarillo

Pampa

**Attendees:**

Russell J. Bailey

Bruce J. Blevins

David W. Caulley

Aline Davis

Ron Ennis

Bruce Frazier

Judge David Gleason, 47th District Court

Robert E. Gower

Steven L. Hoard

Jack Johnson

Marion Jones

Lou Kibbey

LaDon Kilburn

John LaGrone

Ase Lopez

David M. McCoy

Charles Moody

John Mozola

David Mullin

Anne Potts

Amarillo

Amarillo

Hereford

Amarillo

Dalhart

Amarillo

Amarillo

Amarillo

Amarillo

Carson City

Amarillo

Amarillo

Amarillo

Berger

Amarillo

Childress

Austin

Amarillo

Amarillo

Amarillo



Clint Sare  
Debbie Smith  
Julie Stillwagon  
Julie Wright

Amarillo  
Amarillo  
Amarillo  
Amarillo

Arlington/Fort Worth  
April 30, 1996, 1:30 P.M.  
University of Texas at Arlington, School of Social Work  
Representative Toby Goodman, Host

**Panel:**

Representative Toby Goodman, Chair  
Judge Pat Ferchill, Texas Commission on Judicial Efficiency  
Dee Kelly  
Representative Glenn Lewis  
Dr. Herbert H. Reynolds, Texas Commission on Judicial Efficiency  
Judge Don Windle

Arlington  
Fort Worth  
Fort Worth  
Fort Worth  
Waco  
Denton

**Witnesses:**

Art Brender, Tarrant County Democratic Party  
L. Clifford Davis  
Ruthann J. Geer, League of Women Voters-Texas  
Pete Gilfeather  
Nelda Harris  
Greg Jones  
Beth Polak, Justice for All  
Judge Wayne Salvant, Criminal Dist. Court #2  
Vince Sprinlde  
Robert Edward Starr, NAACP  
Kevin E. Walker, Texas Assoc. of Defense Counsel  
Francis Wohler

Fort Worth  
Fort Worth  
Arlington  
Fort Worth  
Forest Hill  
Fort Worth  
Richland Hills

Fort Worth  
Fort Worth  
Dallas  
Aledo

**Attendees:**

Judge Bob McCoy, 48th Dist. Court  
George Petrovich  
Missy Popp  
Becky Redman  
Bruce Ashworth  
Linda Campbell  
Janet Corrales  
D.A. Dailey  
Justice LeeAnn Dauphinot, 2nd Court of Appeals  
Rosemary Jersak  
T.H. Kerns  
Justice Terrie Livingston, 2nd Court of Appeals  
Judge Bob McGrath, 342nd Dist. Court  
Mark Mendez  
Leslie Morgan  
Tonya Turner

Fort Worth  
Fort Worth  
Dallas  
Fort Worth  
Arlington  
Fort Worth  
Arlington  
Arlington  
Fort Worth  
Arlington  
Fort Worth  
Fort Worth  
Fort Worth  
Fort Worth  
Arlington  
Arlington

**San Antonio**  
**May 2, 1996, 1:30 P.M.**  
**Bexar County Courthouse**  
**Judge Cyndi Taylor Krier, Host**

**Panel:**

Judge Cyndi Taylor Krier, Chair	San Antonio
Justice Alma Lopez	San Antonio
Jim Lunz	San Antonio

**Witnesses:**

John E. Clark	San Antonio
Justice Sarah Duncan, 4th Court of Appeals	San Antonio
Judge Shay Gebhardt, County Court at Law No. 3	San Antonio
Jim Guess, Texas Association of Defense Counsel	San Antonio
George Gutierrez, Mexican American Bar Assoc.	San Antonio
Daniel Hargrove, San Antonio Black Lawyers Assoc.	San Antonio
Judge Timothy Johnson, County Court at Law No. 5	San Antonio
Barbara Hanson Nellermoe, Bexar County Women's Bar Assoc.	San Antonio
Michael Peden	San Antonio
Steve Russell, University of Texas-San Antonio	San Antonio
Luis Wilmot, MALDEF	San Antonio

**Attendees:**

Ray Adams	San Antonio
Keith Baker	San Antonio
Chris Bird, San Antonio Express News	San Antonio
Evelyn Bonavita	San Antonio
Ronna Caldley	San Antonio
Andrew Carruthers, Justice Center	San Antonio
Melanie Douglas	San Antonio
Allison Freeman, 4th Court of Appeals	San Antonio
Justice Paul Green, 4th Court of Appeals	San Antonio
Amy Inman, Office of the Speaker of the House	Austin
Tom Luce, Chair, Judicial Selection Task Force	Dallas
Courtney McKendrick	San Antonio
Ellen Mitchell	San Antonio
Rowena Rodgers	San Antonio
Sherri Russell, Criminal District Court Administration	San Antonio
Joe Sanchez	San Antonio
Catherine Stone, 4th Court of Appeals	San Antonio
Lois C. White	San Antonio

**Dallas**

**May 3, 1996, 1:30 P.M.**

**Paul Ouinn College Library**

**Senator Royce West, Host**

**Panel:**

Tom Luce, Chair	Dallas
Senator Royce West	Dallas
Diana Clark, Texas Commission on Judicial Efficiency	Dallas
Judge Pat Ferchill, Texas Commission on Judicial Efficiency	Fort Worth
Judge David Godbey	Dallas
Justice Tom James	Dallas
Bill Satterwhite	Dallas
Paul Shunatona	Dallas

**Witnesses:**

Rep. Roberto Alonzo, State House District 104	Dallas
Joni Amiriyeganeh	Dallas
Judge Berland Brashear	Dallas
Anthony Champagne	McKinney
Judge John Creuzot	Dallas
Councilmember Domingo Garcia, Mexican American Bar Association	Dallas
Donald W. Hill	Dallas
Vonviel Jones Hill	Dallas
A.H. McNamara, DFW General Counsel Forum	Dallas
Charles W. Sartain, Dallas Co. Republican Party	Dallas
Al Silva, MABA-Dallas, J.L. Turner Legal Assoc.	Dallas
Judge Mark Tolle, Criminal District Court No. 3	Dallas
Judge Nathan E. White, Jr.	McKinney
Kevin Wiggins, J.L. Turner Legal Assoc.	Dallas

**Attendees:**

Joe Amerson, Koons, Fuller & Vandaux	Dallas
Mary S. Black	Dallas
Don B. Chae	Dallas
Judge Ron Chapman	Dallas
Ray Cheppelle	Dallas
Susan Chin	Dallas
Paul Enriquez, Jameson & Dunagon	Dallas
Judge Keith Dean, 265th District Court	Dallas
Phil Fisher, Office of Rep. Dale Tillery	Dallas
Jean Gore, Tex. Caribbean Distr.	Dallas
Glen Holley	Arlington
B.J. Johnson, Hale Center	
Judge Richard Johnson, 303rd District Court	Dallas
Elmer Johnston, Ford, Youngblut, White & Salazar	Dallas
Samuel Jones, Hughes & Luce	Dallas

Stanley R. Mays, J.L. Turner Legal Assoc.  
Charles Moody  
Paul Stafford, Dallas Bar Association  
Juan Suarez, Trinity Industries

Dallas  
Austin  
Dallas  
Dallas

**Austin**  
**May 10, 1996, 1:30 P.M.**  
**Capitol Auditorium**  
**Tom Luce, Chair**

**Panel:**

Tom Luce, Chair  
Representative Hugo Berlanga  
Justice John T. Boyd  
George Scott Christian  
Representative Robert Duncan  
Justice Tom James  
Judge Dwight Jefferson  
Hugh Kelly  
Justice Alma Lopez  
Carrol Robinson  
Representative Mark Stiles

Dallas  
Corpus Christi  
Amarillo  
Austin  
Lubbock  
Dallas  
Houston  
Houston  
San Antonio  
Houston  
Beaumont

**Witnesses:**

Judge Max Bennett, 319th District Court  
Ray Bonilla, Hispanic Bar Association of Austin  
Judge Joe Carroll, 27th District Court  
Mike Crowley, Texas Assoc. of Defense Counsel  
Judge Elena Diaz, Justice of the Peace, Pct. 4  
Joe B. Euins  
Maria Luisa Flores, Mexican American Bar Assoc. of Texas  
Renea Hicks  
Cheryl Johnson  
Justice Mack Kidd                      3rd Court of Appeals  
Judge S.W. Mansfield                Court of Criminal Appeals

Corpus Christi  
Austin  
Belton  
Austin  
Austin  
Edinburg  
Austin  
Austin  
Austin  
Austin  
Austin

**Attendees:**

Elaine Bizzell  
R.R. Bradshaw  
B.F. Butler, Office of Representative Glenn Lewis  
Diana Clark, Texas Commission on Judicial Efficiency  
Chief Justice W. J. Cornelius, 6th Court of Appeals  
Judge Jim Coronado, Judicial Selection Task Force  
Justice Sarah Duncan, 4th Court of Appeals  
Justice Craig Enoch, Judicial Selection Task Force  
Judge Pat Ferchill, Texas Commission on Judicial Efficiency  
Judge David Godbey, Judicial Selection Task Force  
Judge Joseph Hart, Texas Commission on Judicial Efficiency  
Jim Hutcheson, Judicial Selection Task Force  
Sam Isaacharoff, Judicial Selection Task Force  
J. Johnson  
Justice Rosemary Kanusky, 4th Court of Appeals

Georgetown  
Austin  
Austin  
Dallas  
Texarkana  
Austin  
San Antonio  
Austin  
Fort Worth  
Dallas  
Austin  
Austin  
Austin  
Plainview  
San Antonio

Michael Mahoney	Austin
Judge Frank Maloney, Judicial Selection Task Force	Austin
Barry Miller, Member, Judicial Selection Task Force	Austin
Jack Miller	Plainview
Senator John T. Montford, Texas Commission on Judicial Efficiency	Lubbock
David Pitts	Austin
Dr. Herbert H. Reynolds, Texas Commission on Judicial Efficiency	Waco
Justice Robert J. Seerden, 13th Court of Appeals	Corpus Christi
Lennie Sims, SBOT	Wellington
Rick Svatora, Office of Senator Rodney Ellis	Austin
Linda Uecker, District Clerk, Kerr County	Kerrville
Don Willett, Judicial Selection Task Force	Austin
Suzy Woodford, Common Cause	Austin

For more information or for additional copies  
of this report, please contact:

Texas Commission on Judicial Efficiency  
Office of Court Administration  
Tom C. Clark State Courts Building  
205 West 14th Street, 6th Floor  
Austin, Texas 78701  
Phone: 512/463-1625  
Fax: 512/463-1648

## NOTES