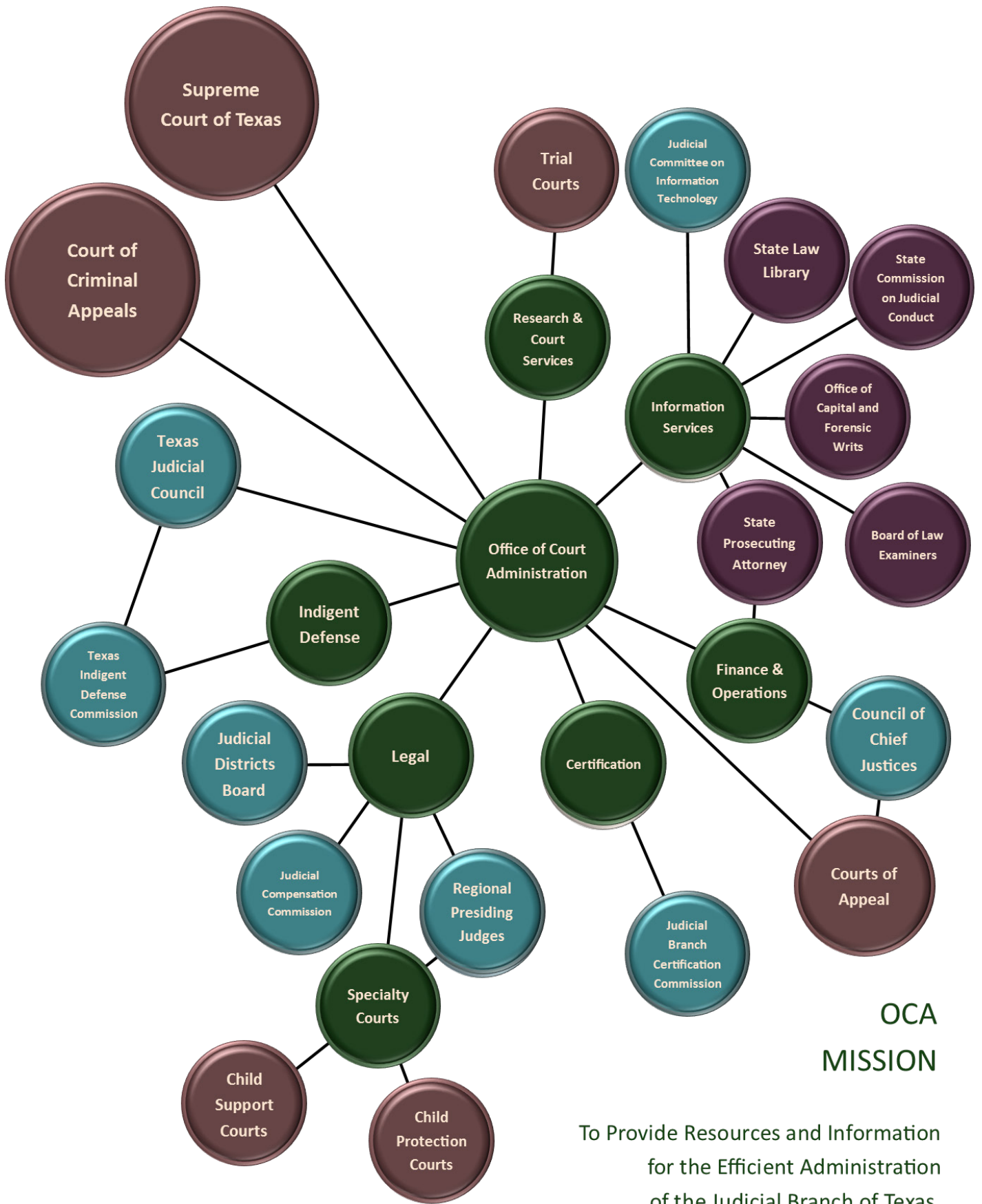




Annual Report
of the
Judicial Support Agencies,
Boards and Commissions

For The
Fiscal Year Ended
August 31, 2017





**OCA
MISSION**

To Provide Resources and Information for the Efficient Administration of the Judicial Branch of Texas.

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Director Jeff Rinard, Director Megan LaVoie, Chief Justice Nathan Hecht, General Counsel for the Supreme Court of Texas Nina Hess Hsu, Supreme Court Clerk Blake Hawthorne, and Administrative Director David Slayton at the Library of Congress during the joint International Association for Court Managers - National Association for Court Management conference.

Texas Judicial Council

The Texas Judicial Council (TJC) was created by the 41st Texas Legislature in 1929 as the policy-making body for the state judiciary. The TJC is responsible for continuously studying and reporting on the “organization, rules, procedures and practice, work accomplished, results, and uniformity of the discretionary powers of the state courts and methods for their improvement.” To accomplish this purpose, the TJC designs “methods for simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in or improving the administration of justice.”

MEMBERS AS OF AUGUST 31, 2017

Chair, Honorable Nathan L. Hecht, Chief Justice, Supreme Court of Texas

Vice-Chair, Honorable Sharon Keller, Presiding Judge, Court of Criminal Appeals

Legislative Members

Honorable Brandon Creighton, State Senator, Conroe

Honorable Andrew Murr, State Representative, Junction

Honorable John T. Smithee, State Representative, Amarillo

Honorable Judith Zaffirini, State Senator, Laredo

Judicial Members

Honorable Gary Bellair, Presiding Judge, Ransom Canyon Municipal Court

Honorable Bill Boyce, Justice, 14th Court of Appeals, Houston

Honorable Bill Gravell, Jr., Justice of the Peace Pct. 3, Williamson County

Honorable Scott Jenkins, Judge, 53rd District Court, Travis County

Honorable Kelly Moore, Judge, 121st Judicial District, Terry & Yoakum

Honorable Valencia Nash, Justice of the Peace Pct. 1, Place 2, Dallas County

Honorable Sherry Radack, Chief Justice, 1st Court of Appeals, Houston

Honorable Polly Spencer, Judge (Ret.), Probate Court No. 1, Bexar County

Honorable Edward J. Spillane, III, Presiding Judge, City of College Station

Honorable Vivian Torres, Medina County Court at Law, Hondo

Citizen Members

Mr. Carlos Amaral, Information Services Group, Inc., Plano

Ms. Sonia Clayton, Virtual Intelligence Providers LLC, Houston

Ms. Allyson Ho, Morgan, Lewis & Bockius LLP, Dallas

Ms. Ashley Johnson, Gibson, Dunn & Crutcher LLP, Dallas

Mr. Kenneth S. Saks, Oliva, Saks, Garcia & Curiel, LLP, San Antonio

Mr. Evan Young, Baker Botts, Austin

Executive Director

Mr. David Slayton, Administrative Director, Office of Court Administration

The Texas Judicial Council
Met Three Times in FY17

- *October 28, 2016*
- *February 17, 2017*
- *June 30, 2017*

*The TJC presented 14 legislative resolutions to the 85th Legislature for its consideration.
A majority of the resolutions were incorporated into bills,
passed both chambers and were signed into law by the Governor.*

Legislative Resolutions for the 85th Legislative Session

1. A resolution advocating for adequate funding of the courts, with a special focus on funding for judicial education.
2. A resolution encouraging additional funding by the state for the increased cost of indigent defense since the passage of the Fair Defense Act.
3. A resolution in support of adequate funding for civil legal aid in Texas.
4. A resolution supporting an increase in judicial compensation and the recommendations of the Judicial Compensation Commission.
5. A resolution encouraging modification of the procedural statutes governing the assessment and satisfaction of criminal court costs.
6. A resolution supporting the recommendations of the Criminal Justice Committee regarding pretrial release.
7. A resolution supporting the recommendations of the Mental Health Committee.
8. A resolution supporting the recommendations of the Court Security Committee.
9. A resolution supporting the Elders Committee recommendations.
10. A resolution encouraging consolidation of civil filing fees and standardization of certain service fees, along with the standardization of costs for electronic copies of certain court documents.
11. A resolution encouraging repeal or modification of statutes requiring sensitive data in court filings.
12. A resolution supporting the recommendations of the Timothy Cole Exoneration Review Commission.
13. A resolution supporting recommended revisions to the reconstitution of the jury wheel.
14. A resolution requesting clarification that judicial branch state appointed officials file their oaths of office and statements of officer with the Texas Secretary of State.

*Texas Gov. Greg Abbott signed
Senate Bill 42, the Judge Julie
Kocurek Judicial and Courthouse
Security Act. (May 27, 2017)*

Judge Julie Kocurek and her family with Gov. Abbott, Chief Justice Nathan L. Hecht, Senator Judith Zaffirini, Representative John Smithee, and David Slayton.



The following is a brief description of some of the TJC proposals that found success in the 85th Session. A full legislative report published by the Texas Judicial Council is available at <http://www.txcourts.gov/media/1438072/85th-legislative-report.pdf>.

Texas Judicial Council Legislation

Strengthening Court Security

On the night of November 6, 2015, Travis County District Judge Julie Kocurek was shot in her driveway, shortly after returning home with her family from a football game. Judge Kocurek was hospitalized for several months recovering from injuries from the attempted assassination before she returned to the bench. While this horrible event was not the first court security incident to occur in Texas, it reminded the judiciary of the importance of ensuring that judges and court personnel are protected. The Legislature enacted several court security changes recommended by the Judicial Council in SB 42 – *The Judge Julie Kocurek Judicial and Courthouse Security Act of 2017*, by Senator Zaffirini and sponsored by TJC member, Rep. John Smithee. The bill establishes a Director of Security and Emergency Preparedness at OCA; requires municipal judges and local administrative judges to establish court security committees; provides for additional training and certification of court security personnel; amends statutes to protect judges' and their spouse's personal information; and allows DPS to provide additional security for judges when necessary.

Increasing Compliance with Court Costs and Fees

In his 2017 State of the Judiciary speech, Texas Supreme Court Chief Justice Nathan L. Hecht discussed what is commonly known as “debtors’ prisons,” the practice of jailing criminal defendants for being unable to pay their fines and court costs. He said debtors’ prisons are not only illegal under the United States Constitution, they also keep people “from jobs, hurts their families, makes them dependent on society and costs taxpayers money.” The Legislature agreed and passed SB 1913 by TJC Member, Senator Judith Zaffirini and sponsored by Rep. Senfronia Thompson. The bill makes statutory changes to improve the assessment and collection of criminal court costs by requiring judges to inquire about a defendant’s ability to pay at the time of sentencing and expands the tools judges can utilize if a defendant is unable to pay in full; including installment plans, community service and full or partial waiver of court costs. The bill also increases the minimum amount of credit for jail or community service from \$50 to \$100 per day and prohibits the posting of a monetary bail in a fine-only offense unless the defendant fails to appear and the judge finds that the defendant can post bail.

Addressing Mental Health

More than 20 percent of the inmate population in Texas needs mental health services¹. With that sobering statistic in mind, the TJC made several legislative recommendations to improve the administration of justice for those suffering from or affected by mental illness. While several bills were filed and passed that addressed mental health, the TJC recommendations passed both chambers in SB 1326 by Senator Zaffirini and sponsored by Rep. Four Price. The bill amends the code of criminal procedure to improve screening and assessment times for individuals arrested with a mental illness. The bill also streamlines the competency restoration process and authorizes counties to establish jail-based competency restoration programs. In addition, it requires OCA to develop best practices for judges in handling mental health cases. SB 292 by Senator Joan Huffman and sponsored by Rep. Four Price and Rep. Garnet Coleman, creates a jail diversion grant program to reduce recidivism, arrest and incarceration of individuals with mental illness. The program is funded by matching funds from the state and counties and encourages counties to implement community collaboratives to improve mental health services.

¹ Texas Behavioral Health Landscape at 3 (December 2014) (Meadows Mental Health Policy Institute).

Improving the Guardianship System

During the 84th Legislative session, lawmakers made several improvements to the guardianship system in our state and the 85th Legislature continued to build on that work. With the senior population in Texas expected to more than double by 2050², the Judicial Council made recommendations to the legislature to protect some of our most vulnerable citizens. SB 1096, by Senator Zaffirini, and sponsored Rep. Smithee, creates a statewide guardianship registry that will be available for query by law enforcement. If a person under guardianship is arrested, their guardian will be notified more efficiently. The law also requires all guardians other than attorneys, corporate fiduciaries, and certified guardians, to receive training, undergo a criminal history background check and register with the Judicial Branch Certification Commission (JBCC). SB 36 by Senator Zaffirini and sponsored by Rep. Thompson, expands JBCC's authority to regulate guardianship programs and requires the Commission to compile a list of registered programs and make it available on its website.

Timothy Cole Exoneration Review Commission Recommendations

HB 34 by Rep. Smithee and sponsored by Sen. Charles Perry, contains the recommendations from the Timothy Cole Exoneration Review Commission. The omnibus bill puts in place several reforms to prevent wrongful convictions. Specifically, it amends the code of criminal procedure to require interrogations to be electronically recorded in certain felony cases; places regulations on the use and tracking of jailhouse informant testimony; and requires the Texas Commission on Law Enforcement (TCOLE) to develop procedures and training associated with eyewitness identification.

Oaths of Office

SB 1329 by Sen. Huffman and sponsored by Rep. Smithee, requires all oaths of office and anti-bribery statements for state officials appointed by the Supreme Court, Court of Criminal Appeals or State Bar of Texas, as well as associate judges appointed for the Children's Courts be filed with the Secretary of State.

The TJC considers resolutions and discusses bills impacting the Texas Judiciary.



² Population Projections for the State of Texas by Age Group for 2010 – 2050, Texas State Data Center.

Texas Judicial Council Committees

Civil Justice Committee

Charge:

1. Study the Conference of Chief Justices' Civil Justice Initiative recommendations and the landscape of Texas civil justice; recommend necessary reforms to improve access to justice to the Texas courts.

Criminal Justice Committee

Charges:

1. Continue to evaluate and monitor implementations of the recommended pretrial bail reforms.
2. Study the impact of opioid drug use on the Texas judiciary and recommend any reforms necessary to curb the impact of opioid drug use in Texas.
3. Working in conjunction with the Governor's Criminal Justice Division and the Governor's Specialty Courts Advisory Council, review the need for assistance to the state's problem-solving courts and recommend any necessary reforms to improve the courts.
4. Oversee the study required by SB 47 regarding the public availability of fine-only criminal offense records and recommend any necessary reforms.

Data Committee

Charges:

1. Continue to work on guiding the revisions of the court activity reporting database to collect case-level statistical data.
2. Evaluate and recommend activity reporting components for the Regional Presiding Judges pursuant to the new requirement in SB 1893.
3. In conjunction with the Criminal Justice Committee and Mental Health Committee (SB 1326 provisions), evaluate the need to collect activity data from the specialty courts and recommend any data elements for collection.

Guardianship, Mental Health, Intellectual/Developmental Disability (IDD) Committee

Charges:

1. Review reforms enacted by the 85th Legislature impacting the judiciary, monitor their implementation, and consider additional reforms to improve the ways that courts interact with individuals with a mental health condition or an intellectual or developmental disability.
2. Review guardianship reforms enacted by the 85th Legislature, monitor the implementation of those reforms, and consider additional reforms to improve the ways that courts interact with individuals in need of guardianship.

Juvenile Justice Committee

Charges:

1. Consider best practices and necessary reforms to the juvenile justice system to improve the adjudication of delinquent conduct cases.
2. Oversee the study required by HB 1204 regarding the use of the terms child, minor, and juvenile in statute for fine-only offenses and the adjudication of those offenses; recommend any necessary reforms to improve the adjudication of those offenses.

Public Trust and Confidence Committee

Charge:

1. Review the 1998 Public Trust and Confidence in the Texas Courts Study and the NCSC State of State Courts reports, consider updating or replicating the studies, and recommend any necessary reforms to improve public trust and confidence in the Texas judiciary.

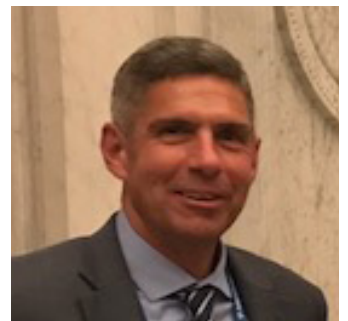
Office of Court Administration

Executive Operations

The Office of Court Administration (OCA) provides resources and information for the efficient administration of the Judicial Branch of Texas. The Office of Court Administration has been led since May 2012 by Mr. David Slayton, the Administrative Director of OCA and the Executive Director of the Texas Judicial Council. Mr. Slayton is supported by an executive assistant, a public affairs director and a team of division directors. In an effort to better communicate with the public and court stakeholders, the Executive Division oversees the distribution of [CourTex](#), a monthly electronic publication to more than 3,500 stakeholders, and social media via Facebook. It also manages the [@TXCourts](#) twitter feed for the Judicial Branch. OCA holds quarterly agency-wide staff meetings.

DIRECTOR RESPONSIBILITIES

- Leadership and strategic direction
- Represents the agency to the Legislature, other agencies and interest groups
- Agency's performance
- Staffs the policy-making function of the Judicial Council, with support of the Research & Court Services Division and the Legal Division



David Slayton
Administrative Director

Mena Ramón
General Counsel/
Legal Director

Scott Griffith
Director
Research & Court Services

Jim Bethke
Executive Director
Texas Indigent
Defense Commission

Megan LaVoie
Special Counsel/
Director of Public Affairs

Jennifer Henry
Chief Financial Officer/
Director Finance and
Operations

Casey Kennedy
Director
Information Services

Jeff Rinard
Director
Certification Division

Research and Court Services Division

Court Services

Court Services provides resources and information through OCA's collections, consulting, language access, research, and grant-funded programs.

Collections Improvement Program

Article 103.0033 of the Texas Code of Criminal Procedure requires cities and counties to implement a court cost collection program based on OCA's model Court Collection Improvement Program. Court Services staff provide training and technical assistance to local collections programs to promote their compliance with program rules.

On January 1, 2017, amended rules that govern the implementation and operation of programs operated by counties and municipalities to improve the collection of court costs, fees, and fines (Title 1, Chapter 175, Texas Administrative Code) went into effect. The goal of the amendments is to provide procedures that will help defendants comply with court ordered costs, fines, and fees without imposing undue hardship on defendants and their dependents.

Court Consulting

Through OCA's Court Services Consultant Program, local courts and clerks' offices can receive training and technical assistance on judicial administration matters. Consulting can take place remotely, over the phone, or through site visits and at trainings.

The following were among the activities of the Court Consultant in FY17:

- Provided training for the court coordinator of the 402nd District Court, Wood County.
- Provided training for the court coordinator of Aransas County Court-at-Law.
- Provided training for approximately 100 county court coordinators on caseload management at the County Court Assistants Training Conference in Lubbock in March.

Language Access Program

OCA's Language Access Program focuses on providing assistance to courts in communicating with individuals with Limited English Proficiency, giving these individuals a meaningful presence in their legal proceedings through audio or video remote interpreting provided by the Texas Court Remote Interpreter Service staff.

During FY17, OCA's two remote interpreters provided free Spanish interpretation services in more than 900 hearings. Additionally, staff completed translation of seven model forms into Spanish for the Texas Indigent Defense Commission.

RESEARCH AND COURT SERVICES DUTIES AND RESPONSIBILITIES

- Provide resources, services, and information to support the efficient operation of courts in Texas
- Promote judicial data reporting accuracy and compliance
- Provide remote language interpreter services
- Increase compliance with the satisfaction of assessed court costs, fines, and fees

Domestic Violence Training Program

OCA's Domestic Violence Training Attorney (DVTA) is funded by a grant from the Criminal Justice Division of the Office of the Governor. The following were among the activities of the DVTA in FY17:

- Conducted training sessions on family violence, protective orders, and Texas Crime Information Center reporting for Texas District Court Alliance in Kerrville;
- Conducted training sessions on family violence cases in municipal court for all twelve regional training events for judges and prosecutors sponsored by the Texas Municipal Courts Education Center;
- Conducted a training session on determining the predominant aggressor in family violence cases for the Texas District and County Attorneys Association in Houston;
- Conducted two training sessions on procedural fairness in family violence cases for the Texas Victim Services Association in San Marcos and South Padre Island;
- Conducted a training session on dynamics and documentation in family violence cases for a multidisciplinary justice personnel audience for the Harlingen Municipal Court;
- Conducted a training session on the HB 2455, 84th Leg., task force findings and legislative changes for the Texas Criminal Justice Information Users Group in Tyler;
- Conducted training sessions for new judges on Magistrate's Orders for Emergency Protection and OCA's National Instant Criminal Background Check System Protective Order Record Improvement Project for both the Texas Municipal Courts Education Center's New Judges School and the Texas Justice Court Training Center's New Justice of the Peace Stage II School;
- Participated as a member of the Texas Council on Family Violence Public Policy Committee;
- Participated as a member of the workgroup which revised the National Association of Court Management's Guide to Domestic Violence Cases.

Research

OCA research staff worked with researchers at Texas A&M's Public Policy Research Institute to complete a pretrial release research project, which was conducted under the charge of the TJC Criminal Justice Committee. The [final report](#) was published in March 2017. The study's findings are presented in two parts: Evidence from Two Jurisdictions and Survey of Pretrial Processing in Texas.

Judicial Information

OCA's Judicial Information section is the repository for a variety of information regarding courts in Texas. The Judicial Information section collects and maintains information from courts at all levels, analyzes court data, and assists in the production of reports regarding the state's courts and the officials who work in them.

During FY16, Judicial Information participated in the production of several publications, including the following:

- The [2016 Annual Statistical Report for the Texas Judiciary](#), which includes an overview of Texas court structure and jurisdiction; information on judges, including demographics, salaries and turnover; statistics for appellate and trial courts; and analyses of case activity and trends in filings and other measures of court workload.
- The [2017 Texas Judicial System Directory](#), which contains information for more than 2,800 courts and more than 7,300 court system personnel.
- Texas Court Security Incident Reports for [2015](#) and [2016](#).

A significant portion of Judicial Information staff time is devoted to providing support to the trial courts and clerks and their information technology staff or case management vendors on reporting issues for the purpose of ensuring data quality and completeness. During the year, staff made numerous presentations, to statewide

and regional audiences, and produced webinars for clerks and courts on reporting issues.

Judicial Information staff also contributed to the development of [guidance](#) relating to reporting requirements associated with SB 1326, which deals with the collection of information during the magistration process about an arrestee who may have a mental illness; and with [reporting of information](#) about writs of attachment, as required by SB 291.

Angela Garcia

Judicial Information Manager

Melanie Adrian

Project Manager

Amanda Stites

Court Services Manager



Problem-Solving Courts Consultant

In August 2017, Ms. Anissa Johnson, Specialty Courts Program Director, was appointed by the Supreme Court to serve on the HB 7 Task Force. She attended the inaugural meeting of the task force on Friday, August 18, 2017. The group is comprised of two Supreme Court Justices, the Task Force chair, Hon. Dean Rucker, Presiding Judge of the 7th Administrative Judicial Region, a host of judges and attorneys from across the State, and the Children’s Commission staff who will provide administrative support to the Task Force. The Task Force was established to discuss possible remedies to three charges HB 7 directs the Supreme Court to address: 1) review the form of jury submissions and make recommendations whether broad-form or specific jury questions should be required in suits affecting the parent-child relationship filed by the Department of Family Protective Services; 2) establish procedures to address conflicts between filing a motion for a new trial and filing an accelerated appeal of a final order; and 3) address the period of time allowed a court reporter to submit the reporter record to an appellate court following trial. A final report is due to the Supreme Court and the Legislature by December 31, 2017.

Ms. Johnson also participated in the 2017 Texas Association of Specialty Courts (TASC) Board of Directors Planning Retreat at the George J. Beto Criminal Justice Center on the campus of Sam Houston State University in Huntsville, Texas. Prior to the retreat, a survey on marijuana laws in Texas was distributed to the problem-solving court field. The survey results were discussed as well as planning on how to best serve the TASC membership over the coming year.

Information Services Division

The Information Services Division works to improve information technology at all judicial levels in Texas.

Information Services deploys and supports Internet services, internal networks, server infrastructure, applications, workstations and mobile devices that meet the business needs of its users.

Information Services also provides staffing and support for the Judicial Committee on Information Technology.

Re:SearchTX

In FY17, OCA worked with Tyler Technologies on implementing re:SearchTX to provide document access to clerks and attorneys of record. Tyler Technologies undertook significant development efforts to provide the clerks of Texas with two options for leveraging re:SearchTX. One model operates a document repository of items accepted by the local clerk via the eFiling system. This allows clerks to manually expunge and secure documents. The second model integrates with the local court case management system and allows clerks to have re:SearchTX retrieve documents directly from their case management system. Securing and expunging documents would occur in the case management system as it does today.



RECIPIENTS OF DIRECT TECHNOLOGY SERVICES

- Supreme Court of Texas
- Court of Criminal Appeals
- 14 Intermediate Courts of Appeals
- State Law Library
- State Prosecuting Attorney
- State Commission on Judicial Conduct
- Texas Indigent Defense Commission
- Office of Capital and Forensic Writs
- Board of Law Examiners

Efiling

In FY17, the eFiling system processed more than 9.8 million documents and had more than 193,000 registered users of the system. Filers have a choice between more than 20 electronic filing service providers, including many that offer free services.



In supporting the Court of Criminal Appeals electronic filing mandate, OCA worked with Tyler Technologies to implement more than 100 clerk offices in a permissive model, well ahead of their mandatory date. This allows clerks and filers to explore the eFiling process in a safe way, with the current paper filing method as a back-up.

Moving to the 21st Century of Tech

In FY17, OCA Information Services moved all of its supported users to the Office365 platform. By leveraging the Microsoft government data centers, OCA supported users have not experienced any email outages, even through hurricanes and power outages.

OCA also deployed the last on-premise servers to its production environment. While the expectation is for these servers to last for the next five years, OCA has begun planning to move these to the Microsoft government data centers as well.

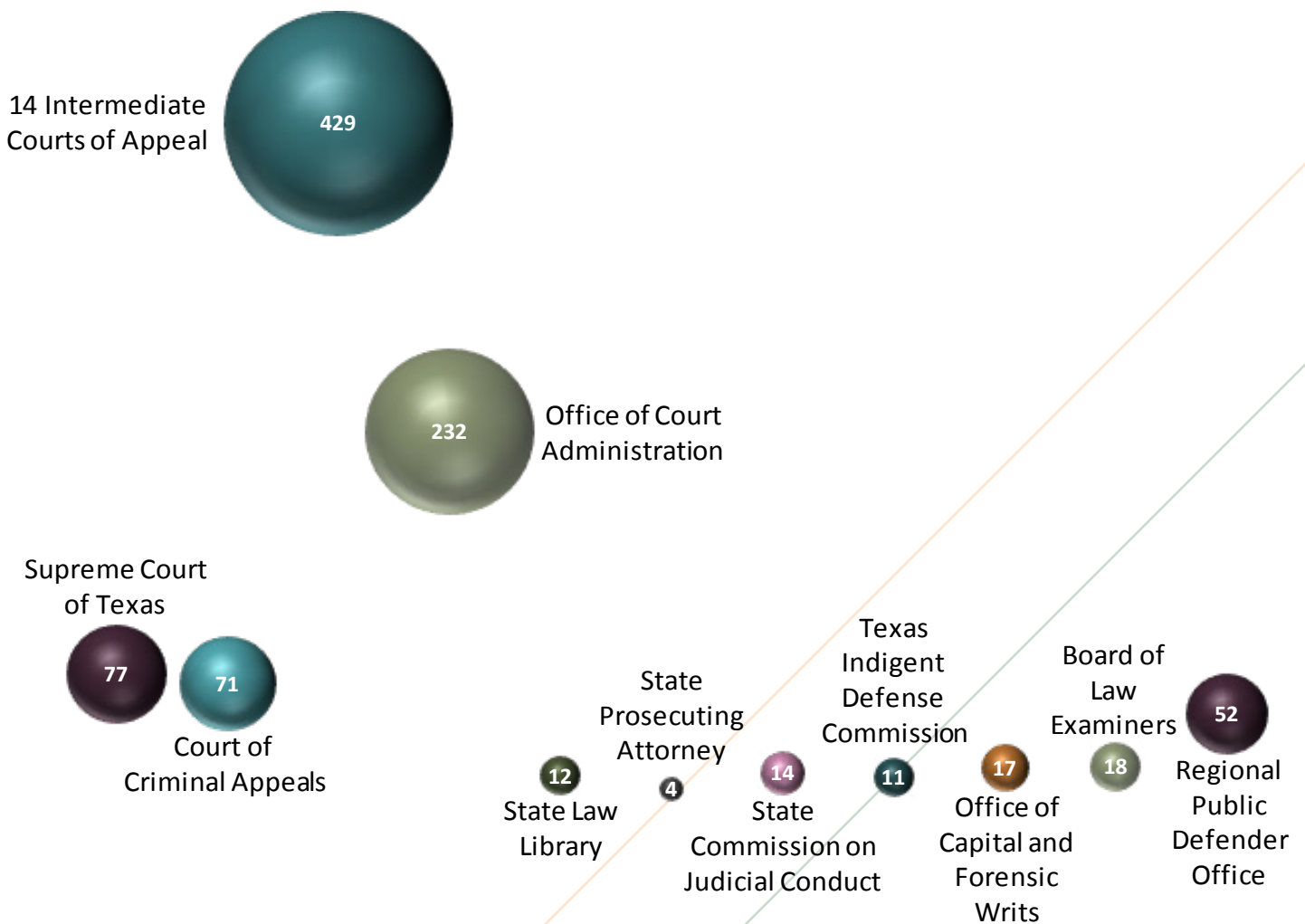
Upgraded Licensing System

OCA worked with Aithent systems to replace its Licensing system that manages licenses for the Judicial Branch Certification Commission. Licensees can now renew their licenses in real-time and make changes to their profile by using the new web-based app.

Guardianship Compliance System

OCA has developed and is testing a web-based guardianship compliance system. Users can enter demographics, create and email the initial inventory report, track transactions throughout the year, and can prepare and email annual accounting reports. Users can also create the Guardian of the Protected Person report.

Number of Direct Technology Service Users (937)



Judicial Committee on Information Technology

The mission of the Judicial Committee on Information Technology (JCIT) is to establish standards and guidelines for the systematic implementation and integration of information technology into the trial and appellate courts in Texas. JCIT held four meetings during FY17. In addition to updating the technology standards, JCIT discusses technology issues as they relate to the courts. This year, major topics included expanded eFiling, the need for judicial tools to operate in an electronic environment, self-represented litigant needs, and public access to court documents.

VOTING MEMBERS:

Chair - Honorable Rebecca Simmons, Former Justice, Fourth Court of Appeals, San Antonio

Vice-Chair - Bob Wessels, Former Criminal Courts Administrator, Harris County

Honorable David Escamilla, County Attorney, Travis County

Honorable Woody Gossom Jr., County Judge, Wichita County

Honorable Dan Hinde, Judge, 269th District Court, Harris County

Roland K. Johnson, Harris, Finley & Bogle, P.C., Fort Worth

Cynthia Orr, Attorney, San Antonio

Honorable Brian Quinn, Chief Justice, Seventh Court of Appeals, Amarillo

Todd Smith, Smith Law Group LLP, Austin

Carlos Soltero, McGinnis Lochridge, Austin

Dean Stanzione, Director of Court Administration, Lubbock County

Dennis Van Metre, Chief Technology Officer, Vinson & Elkins, Houston

Honorable John Warren, County Clerk, Dallas County

Ed Wells, Court Administrator, Harris County

Honorable Sheri Woodfin, District Clerk, Tom Green County

NON-VOTING LIAISON MEMBERS:

Honorable Scott Becker, Judge, 219th District Court, Collin County

Honorable Jeffrey S. Boyd, Justice, Supreme Court of Texas, Austin

Miles Brissette, Attorney, Fort Worth

Honorable David Canales, Judge, 73rd District Court, Bexar County

Honorable Anne Marie Carruth, Justice of the Peace, Lubbock County

Randy Chapman, Executive Director, Texas Legal Services Center, Austin

Honorable Judy Crawford, District/County Clerk, Crane County

Honorable Hilda Cuthbertson, Municipal Court Judge, Snook

Honorable Sarah Davis, State Representative, District 134, Houston

Honorable Annie Elliott, District Clerk, Fort Bend County

Honorable Roy Ferguson, Judge, 394th District Court, Brewster County

Laura Garcia, Texas Association of Counties, Austin

Doug Gowin, Operations Manager, Tarrant County
Honorable Blake Hawthorne, Clerk, Supreme Court of Texas, Austin
Honorable Laura Hinojosa, District Clerk, Hidalgo County
Tracy Hopper, Assistant Director, Applications Development, Harris County District Clerk's Office
Gary Hutton, Civil District Court Administrator, Bexar County
Honorable Sasha Kelton, County Clerk, Clay County
Honorable Steve M. King, Judge, Probate Court # 1, Tarrant County
Steve Mills, CTO, iHeartMedia, San Antonio
Honorable Velva Price, District Clerk, Travis County
Honorable Nancy E. Rister, County Clerk, Williamson County
Sian Schilhab, General Counsel, Court of Criminal Appeals, Austin
David Slayton, Administrative Director, Office of Court Administration, Austin
Michelle Spencer, Senior Trainer, Bracewell & Giuliani LLP, Austin
Mark Unger, The Unger Law Firm, San Antonio
Honorable Royce West, Senator, District 23, Dallas
Honorable Kevin Yeary, Judge, Court of Criminal Appeals, Austin

Technology Standards

The Technology Standards subcommittee of JCIT receives feedback from clerks and filers with regards to eFiling codes and additional services offered through the eFiling system. In FY17, the subcommittee added the codes needed to implement criminal eFiling statewide. JCIT also added best practices for clerks to process high volume items such as proposed orders, temporary restraining orders, and electronic citations.

Re:SearchTX Recommendations

In its January 2017 and March 2017 meetings, JCIT made recommendations to the Supreme Court to expand access to re:SearchTX beyond judges. Following JCIT's recommendation, the court ordered OCA to expand access to clerks and attorneys of record. JCIT has also completed preliminary work on expanding further to attorneys and registered users by preparing a security matrix that allows clerks to see what meta data and documents would be available to users based on the case type.



Legal Division

The Legal Division provides legal support for the agency and numerous entities within the judiciary and oversees the administration of the children's courts programs on behalf of the presiding judges of the eleven administrative judicial regions.

Rule 12 Appeals

The Division also provides support to the special committees composed of regional presiding judges who issue decisions in appeals filed pursuant to Rule 12 (denial of access to judicial records) of the Rules of Judicial Administration. In FY17, 22 public access opinions were issued. Rule 12 and the decisions issued by the special committees can be found on the Texas Judicial Branch's website: <http://www.txcourts.gov/open-records-policy/>

Children's Courts Program

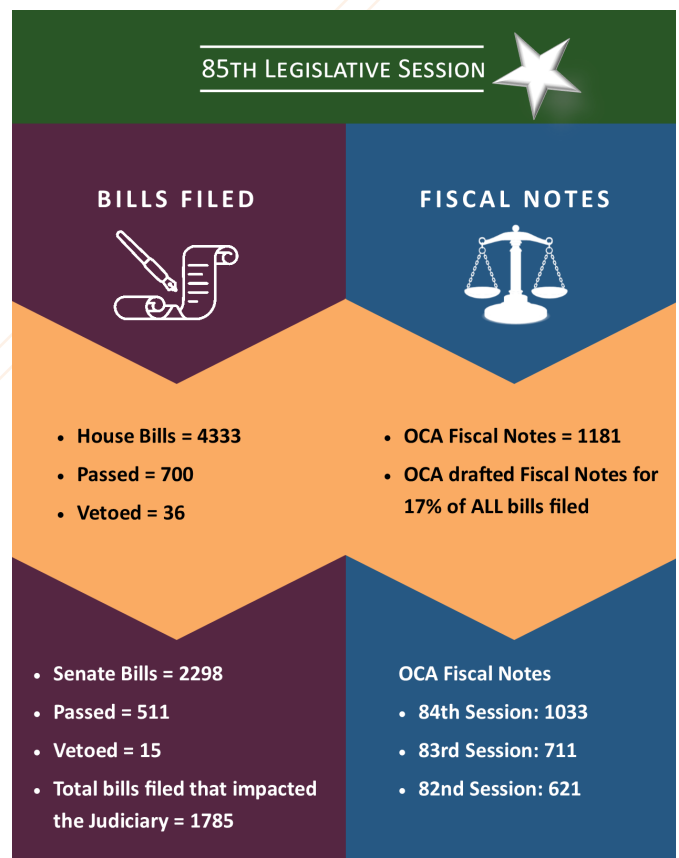
The program name for the child support courts and the child protection courts operated by OCA has been changed from Specialty Courts Program to Children's Courts Program. The 84th Legislature amended the process in which the associate judges for these courts are appointed. Under the new law the associate judges are appointed for a four-year term. The law also requires input from the referring courts and other relevant persons during the associate judges' evaluation. The Legal Division assisted the regional presiding judges in adopting procedures to implement the new appointment/reappointment and evaluation requirements for the associate judges. The procedures to implement the evaluation requirements were amended stating OCA would reach out to those identified as "other relevant persons" to secure input and feedback on the performance of the child support and child protection court associate judges.

LEGAL STAFF LIAISON SUPPORT

- Texas Judicial Council
- Conference of Regional Presiding Judges
- Council of Presiding Judges
- Board of Regional Judges for Title IV-D Account
- Judicial Districts Board
- Judicial Compensation Commission
- Judicial Branch Certification Commission

Legislative Work

During legislative session, the Legal Division assists with the analysis and interpretation of introduced bills that affect the judiciary. The Legal Division also assists in the preparation of the fiscal note requests assigned to the agency.



Finance and Operations Division

The Finance and Operations Division manages the fiscal and operational support activities of OCA and administers the Collection Improvement Program (CIP) Audit Department.

Division staff members consult with OCA program managers on a variety of financial and contractual issues, and answer questions from the Legislature, the public, and other interested parties on judicial funding and state appropriations to the courts and judicial agencies. The division coordinates preparation of the agency's legislative appropriations request and quarterly performance measures.

Finance and Operations staff work with the clerks of the appellate courts on issues related to accounting, purchasing, financial reporting, and human resources. The division also provides support to the chief justices of the appellate courts and the presiding judges of the administrative judicial regions regarding legislative, budgetary, and human resources issues.

The division provides administrative support to the Office of State Prosecuting Attorney (SPA) via an interagency contract. OCA provides 100% of the processing for SPA's purchases, payments, budgeting and other accounting functions. OCA also provides support for human resources and facilities functions of the SPA.

During FY17, Finance & Operations processed 875 purchase requisitions, 1,098 purchase orders, 1,477 travel vouchers, 3,940 purchase vouchers, and 498 journal/budget vouchers - a total of 7,888 documents. Division staff also processed 72 reimbursement requests for grants and contracts totaling \$6.49 million and deposited over \$664,400 in fees from licensees. Property and Inventory has processed over 115 surplus items. The Human Resources staff screened 939 applications for 27 job postings, and processed 19 new hires and 23 separations.

- FISCAL AND OPERATIONS SUPPORT ACTIVITIES**
- Purchasing
 - Accounting
 - Payroll
 - Budgeting
 - Financial Reporting
 - Human Resources
 - Property Inventory
 - Facilities Management
 - CIP Audit

Outcome of Legislative Appropriations Request for 2018-2019

The Office of Court Administration submitted a total biennial budget request of \$153.5 million for the 2018-2019 biennium. Exceptional Item requests totaled \$238 million. This budget request included \$87 million for Texas Indigent Defense Commission (TIDC), plus TIDC Exceptional Item requests totaling \$228 million.

The Conference Committee Report for Senate Bill 1 (CCR SB1) approved by the 85th Legislature appropriated a total of \$156.9 million to the Office of Court Administration. Of that amount, \$66.4 million was appropriated to TIDC.

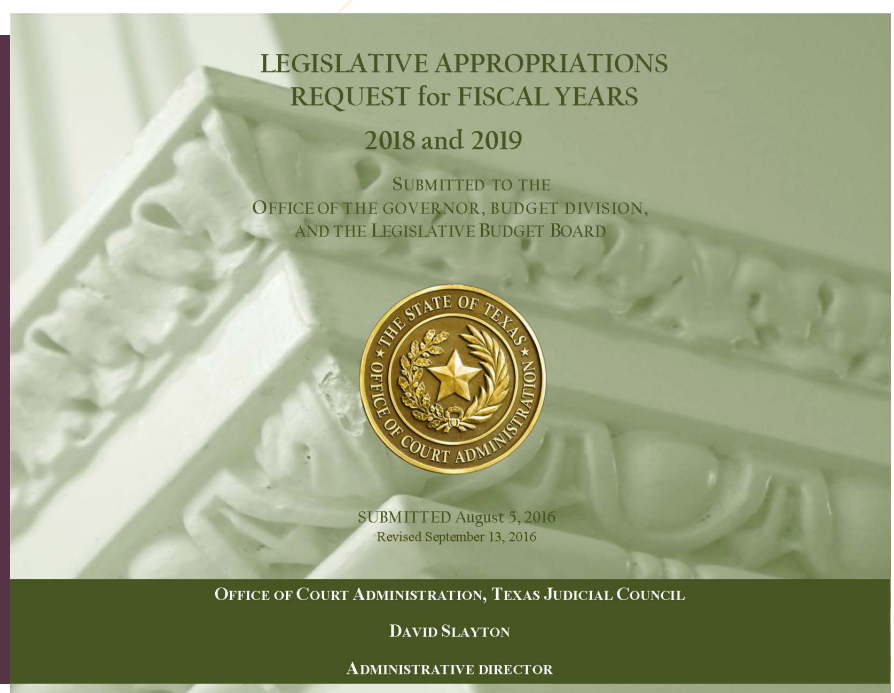
Legislative Budget Board (LBB) recommendations, and adopted and vetoed legislation had significant impacts on the agency's appropriations. The introduced House and Senate bills included reductions recommended by the LBB and reduced OCA's budget by an additional 1.2 million, eliminating CAPPs implementation funding, Exoneration Commission funding and Guardianship Compliance Program Pilot project funding that remained in the base budget request. Committee adjustments resulting from adopted legislation or approved grant appropriations include the following additions to the budget:

- Funding for the Phase II Statewide e-Citation grant through the Texas Department of Transportation - \$2.7 million. This project will help streamline the citation process, using standardized citation data and codes, resulting in more accurate and timely transmission of citations from law enforcement and the courts.
- Funding for the Price of Justice grant through the US Department of Justice - \$500,000. This project will assist judges and court staff in determining a defendant's ability to pay fines and court costs by developing a web-based ability to pay determination tool and related applications to link suitable alternatives to satisfying these costs.
- SB 298 relating to the administrative attachment of the Forensic Science Commission, transferring from Sam Houston State University to OCA - \$1.2 million.
- SB 42 relating to the creation of the Court Security Director. - \$186,000. This program will provide guidance to court personnel and establish best practices in court security, working with the Commission on Law Enforcement in the creation of model curriculum and implementation of an associated officer certification program.
- SB 667 relating to establishing a guardianship compliance program - \$4.4 million The program would expand the overwhelmingly successful guardianship compliance program, allowing the program to assist jurisdictions statewide.
- SB 1096 relating to the establishment of a guardianship registry - \$624,354. This program requires the development of a guardianship registry by the OCA, and requires law enforcement to check the database and notify the court with jurisdiction over the guardianship upon the arrest or detention of a ward.

Appropriations for the guardianship compliance program authorized in SB 667 and guardianship registry authorized in SB 1096 were included in one contingency rider that also established the addition of 31 FTEs to implement the programs. Both senate bills overwhelmingly passed in the Senate and House, but SB 667 and contingency rider which provided funding for both programs was removed from the budget via line-item veto by Governor Greg Abbott. Overall, the agency experienced a 1.9% decrease in appropriations from 2016-2017 levels.

OCA's full LAR request can be viewed at

http://www.txcourts.gov/media/1436064/lar_pdf_final-revised-9-14-16.pdf.



Collection Improvement Audit Program

In addition to its finance and operational support activities, the division includes the Collection Improvement Program (CIP) Audit section. The program's purpose is to improve the collection of court costs, fines, and fees imposed in criminal cases.

Article 103.0033 of the Code of Criminal Procedure requires the OCA to determine if cities and counties required to maintain a program are in compliance with the Texas Administrative Code (TAC) §175.3 requirements. During FY17, CIP Audit issued compliance reports for nine counties, and one city. The OCA is further required to calculate the collection rate of cities and counties within one year of the program implementation in mandatory jurisdictions, and during FY17 CIP Audit issued post-implementation rate reviews for one city and one county. Beginning in FY18, the OCA's Court Services staff will perform projects to calculate the collection rate for a jurisdiction prior to implementation, and again after implementation in compliance with Article 103.0033. These collection rates are gathered for analysis to help measure the effectiveness of collection improvement programs over time.

Article 103.0033 originally required cities with a population of 100,000 or more, and counties with a population of 50,000 or more, to implement a collection improvement program. However, in HB 3167 of the 85th Legislative Session, the legislature enacted a change to the statute, effective June 1, 2017, to increase the minimum population threshold for a county's participation in the CIP from 50,000 to 100,000. Based on that legislative change 23 counties are no longer required to participate in the CIP.

CIP Audit develop a new audit model that is better suited to Texas' local government structure in which collection programs are under the direction of several elected judges or county officials.

In response to the State Auditor's Office (SAO) audit findings discussed in "The Collection Improvement Program at the Office of Court Administration" 2013 report, CIP Audit is developing an audit model to verify program information submitted from cities and counties pertinent to TAC §175.4(c)(1), and paragraph (2). The Audit section evaluated two components in TAC §175.4(c)(2), the assessed and collected dollar amount of court costs, fees, fines. CIP Audit also developed a policy and procedure to help its auditor's retrieve a complete population of cases from each city and county they audit. Additional policy and procedures were developed to document the audit steps that will be used to determine a jurisdiction's compliance with the new collection improvement rules that went into effect on January 1, 2017, in Title 1, §175.3.

In addition, CIP Audit volunteered and was authorized to participate in the continuance of the Guardianship Compliance Program (GCP), a pilot program established in FY16 to improve court's assessment of guardianship compliance reporting. The GCP is headed by the Judicial Branch Certification Commission (JBCC) division and its director. The GCP's goal is to help courts protect Texas' most vulnerable citizens and their assets. CIP Audit anticipates devoting a significant amount of time and resources (up to 60%) to the GCP project in FY18.

Judicial Branch Certification Commission

The Judicial Branch Certification Commission (JBCC) was established by the Texas Legislature, 83rd Regular Session, in SB 966. On September 1, 2014, the nine member JBCC began oversight of the certification, registration, and licensing of court reporters and court reporting firms, guardians, process servers, and licensed court interpreters. During the recent 85th Legislative Session, the JBCC was given the additional responsibility of registering guardianship programs and registering all guardianships, prior to appointment, throughout the state.

JUDICIAL BRANCH CERTIFICATION COMMISSION MEMBERS

The Supreme Court of Texas appointed members to serve staggered terms on the Judicial Branch Certification Commission:

Chair, Honorable Lee Hamilton, 104th District Court, Taylor County, Abilene

Honorable Garland (Ben) Woodward, 119th District Court, Tom Green, Runnels and Concho Counties, San Angelo

Honorable Migdalia Lopez, 197th District Court, Cameron County, Brownsville

Honorable Sid L. Harle, 226th District Court, Bexar County, San Antonio

Honorable Polly Spencer, (Retired), San Antonio

Velma Arellano, Official Court Reporter, Corpus Christi

Don D. Ford, Attorney, Houston

Mark Blenden, Attorney, Bedford

Ann Murray Moore, Attorney, Edinburg

ADVISORY BOARDS

The Supreme Court of Texas appointed the JBCC Advisory Boards for each profession to serve staggered terms:

Court Reporters Certification Advisory Board

Presiding Officer, Honorable William C. Sowder, 99th District Court, Lubbock County, Lubbock

Robin Cooksey, Conroe

Janie Eidd-Meadows, Tyler Whitney Alden Riley, Boerne

Molly Pela, Houston Deborah K. Hamon, Rockwall

Kim Tindall, San Antonio

Guardianship Certification Advisory Board

Presiding Officer, Jamie MacLean, Austin

Chris Wilmoth, Dallas

Jason S. Armstrong, Lufkin

Honorable Gladys Burwell, (Retired), Friendswood

Toni Rhodes Glover, Ft. Worth

CERTIFICATION DUTIES

- Protect and serve the public
- Share information on each program's processes
- Streamline and standardize procedures and day-to-day operations

Process Servers Certification Advisory Board

Presiding Officer, Patrick J. Dyer, Missouri City

Eric Johnson, Rosharon

Honorable Rhonda Hughey, District Clerk, Kaufman County, Kaufman

Justiss Rasberry, El Paso

Melissa Perez, Waxahachie

Licensed Court Interpreters Advisory Board

Presiding Officer, Melissa B. Fischer, San Antonio

Luis Garcia, Melissa

Robert Richter, Jr., Houston

Melissa Wallace, Ph. D., San Antonio

Cynthia de Pena, McAllen

The JBCC certification staff administers and proctors the examinations for the Guardianship Certification written examination and the Licensed Court Interpreter (LCI) written and oral examinations. A vendor administers the written and skills examination for the Court Reporters Certification. An examination for process servers is being developed.

Certification Division End of Year Highlights

The JBCC Certification Division team members worked on numerous JBCC projects with the goal of creating efficiency and consistency across the regulated judicial professions. Below are some of the highlights and accomplishments in FY17.

- The JBCC went live with newly developed online certification, licensing and compliance system.
- The new system will allow applicants to apply and pay for new and renewal certifications, registrations, or licenses, apply for continuing education approval, update contact information, search for individuals or entities that are certified, licensed, or registered with the JBCC as well as other features.
- The OCA issued an RFP for a vendor to administer the court reporter examination beginning September 1, 2017. A vendor was selected and began administering the exams.
- The Commission approved the Code of Ethics for Certified Shorthand Reporters and Court Reporting Firms on August 4, 2017, to submit to the Supreme Court for review and adoption.
- The Licensed Court Interpreters Advisory Board completed revisions to the Best Practices for Licensed Court Interpreters which was approved by the full commission.
- JBCC staff administered 189 written exams and 126 court interpreters oral exams - 14 were in languages other than Spanish.
- The guardian written examination was administered on July 19, 2017 to nine candidates for certification.
- The JBCC compliance team opened 94 complaints that were filed with the Commission.
- June 2017, renewed contract with the LCI rater to score the interpreter oral examinations.
- Currently 55 complaints open in various stages of the complaint process: 17 court reporters, 29 process servers, six guardians, and three licensed court interpreter complaints.
- Staff continue to review and approve all applicant criminal histories, continuing education courses and maintain the JBCC website <http://www.txcourts.gov/jbcc.aspx>.

The agendas for all JBCC meetings can be found at <http://www.txcourts.gov/jbcc/meetings-agendas/>.

Guardianship Compliance Pilot Project

The Office of Court Administration (OCA) manages the Guardianship Compliance Project (GCP) to provide additional resources to courts handling guardianship cases. Through this program, Guardianship Compliance Specialists (GCS) are available to review guardianship cases to identify reporting deficiencies by the guardian, review annual reports and accountings, and report findings to the court. The GCS's work with the courts to implement best practices in managing guardianship cases, identify active and closed cases, and assist with additional services. Assistance is available to courts with probate jurisdiction to provide oversight of guardianships. The GCP services are provided at no cost to the county.

Through this project, the guardianship compliance specialists are available to review adult guardianship cases to identify reporting deficiencies by the guardian, audit annual accountings and report findings back to the court, and work with courts to develop best practices in managing guardianship cases.

Guardianship Compliance Personnel

The project team has three guardianship compliance specialists reviewing the guardianship case files. During the past year, the team has attended the Texas Guardianship Association (TGA) conference in San Antonio, Texas; multi-day training sessions through the Health and Human Services (HHSC) guardianship program, Guardianship and Elder Law CLE in Austin; and the Texas College of Probate Judges Conference in San Antonio, Texas.

Guardianship Compliance Participating Counties

Hays, Guadalupe, Webb, Comal, Anderson, Montgomery, Orange, Tom Green, Kaufman, Lubbock, Bexar, Washington, Jefferson, Hale, Potter, Hale, Hill, Grimes, Waller, Lynn, Cameron, Williamson, El Paso, and Bell counties.

The mission of the Guardianship Compliance Program is to assist the courts in protecting our most vulnerable citizens and their assets.

Since the project began in November 2015, Guardianship Compliance staff have worked with 38 courts in 24 counties.

- 20,689 guardianship cases reviewed
 - 13,827 guardianship cases recommended for closure
 - 2,614 deceased persons under guardianship
 - 6,862 active guardianship cases were identified
 - 1,765 guardianship cases were found to be out of compliance
 - 34 percent of cases were found to be missing reports of the person
 - 21 percent of cases were found to be missing initial inventories
 - 45 percent of cases were found to be missing annual accountings

Note: These statistics are reported for the 20 counties in which the initial review process has been completed. The number of active guardianships in those 20 counties totaled 4358. The percentage of cases out of compliance is 41% with 1,765 cases out of compliance with required reporting.

SB 1096 was passed during the 85th Legislature, Regular Session, and will affect the appointment of guardians.

Effective June 1, 2018, the bill requires all prospective guardianships in Texas to register the guardianship with the JBCC in order to become appointed guardian. SB 1096 directs the JBCC to provide prospective guardians (subject to certain exceptions) with proper training and obtain a criminal history record of an individual seeking appointment as a guardian or temporary guardian. The criminal history record will be provided to the clerk of the county having venue over the appointment of the guardian. The method for obtaining a criminal history record depends on the type of guardian and the assets of the ward's estate. All criminal history record information will be confidential and could be used only by the JBCC and the court with probate jurisdiction only for authorized purposes. The JBCC will not regulate guardians (other than those certified by JBCC). The courts will continue to oversee the administration of guardianships. The JBCC is currently developing procedures and rules to implement this bill and will update the courts and clerks as implementation proceeds.



*Certification Director
Jeff Rinard reports
on outcomes of
the Guardianship
Compliance Project
to the Judicial
Branch Certification
Commission.*

Texas Indigent Defense Commission

The Texas Indigent Defense Commission (TIDC) provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law. TIDC operates under the direction and supervision of a governing board consisting of eight ex officio members and five members who are appointed by the Governor of Texas. The TIDC programs are implemented by eleven full-time staff members.

INDIGENT DEFENSE COMMISSION DUTIES

- Sets statewide policies and standards for the provision and improvement of indigent defense
- Grants state funds to counties for indigent defense
- Monitors counties' compliance with policies and standards

FY17 COMMISSION

Officers

Hon. Sharon Keller, Chair – Presiding Judge, Court of Criminal Appeals

Ex Officio Members

Hon. Sharon Keller, Austin, Presiding Judge, Court of Criminal Appeals

Hon. Nathan Hecht, Austin, Chief Justice, Supreme Court of Texas

Hon. John Whitmire, Houston, State Senator

Hon. Brandon Creighton, Conroe, State Senator

Hon. Joseph “Joe” Moody, El Paso, State Representative

Hon. Andrew Murr, Junction, State Representative

Hon. Sherry Radack, Houston, Chief Justice, First Court of Appeals

Hon. Linda Rodriguez, San Marcos, Judge (ret.), Hays County Court at Law #2

Members Appointed By Governor

Mr. Alex Bunin, Houston, Chief Public Defender, Harris County Public Defender Office

Hon. Jon Burrows, Temple, Bell County Judge

Hon. Richard Evans, Bandera, Bandera County Judge

Mr. Don Hase, Arlington, Attorney, Ball & Hase

Hon. Missy Medary, Corpus Christi, Presiding Judge, 5th Administrative Judicial Region of Texas

Funding for Texas Counties

TIDC grants promote compliance with key standards and encourage more effective indigent defense programs.

Grant Types

Formula Grants

The Commission awarded \$25.1 million in formula grants to 254 Texas counties in FY17 to help them ensure that all Texans can access constitutionally required legal defense services. Formula Grants are awarded annually to all qualifying counties. Award amounts are determined by the county's population and indigent defense spending.

Discretionary Grants

Discretionary grants encourage innovation, remedy noncompliance with the Fair Defense Act, or help counties facing extraordinary indigent defense costs. In FY17, the Commission awarded \$6.5 million in new and continuing discretionary grants to 16 counties. Formula and discretionary grant disbursements will be detailed in the forthcoming Annual Expenditure Report.

New Discretionary Grant Programs Active in FY17	
Specialized Defender Programs	
Travis	Holistic Defense Program (Mental Health & <i>Padilla</i> Compliance)
Technical Support & Process Improvement Programs	
Kleberg	Indigent Defense Coordinator

Reporting

Attorney Practice-Time Reporting

Beginning in 2014, each attorney who accepts appointments in adult criminal and juvenile delinquency cases is required to annually submit to each county a statement that describes the percentage of the attorney's practice time that is dedicated to work on those appointed cases. As of October 31, 2017, 3,027 attorneys had completed reports for FY17 in the TIDC online portal. Preliminary results show that the median percentage of practice time devoted to appointed criminal and juvenile cases across all counties was about 60%.

Indigent Defense Expenditure Review

Since the passage of the Fair Defense Act (FDA) in 2001, overall appointment rates in Texas continue to increase statewide. This is especially true of misdemeanor appointments, which have doubled over the last fifteen years. The FDA's implementation of a framework for the appointment of counsel, including appointment timelines, formal appointment lists, and appointment guidelines, has played a crucial role in driving increased access to Constitutionally required representation and increasing costs. As part of these guidelines, counties are required to report annually by November 1st on the number of indigent cases in each court and their associated expenses. TIDC staff conducts a thorough desk review of these reports, which provide the basis for eligibility in all TIDC's grant programs. Preliminary results for FY17 indicate that indigent defense spending increased approximately \$17 million statewide. Results are published each year in [TIDC's FY17 Annual Report](#) and FY17 Expenditure Report.

Monitoring Program

Policy Monitoring

Policy monitoring reviews seek to promote local compliance and accountability with the requirements of the FDA and to provide technical assistance to improve county indigent defense processes where needed. A county is selected for an on-site monitoring review based on a combination of objective risk assessment scores and geographical distribution. A monitoring review may also be conducted at the request of an elected state or local official. On-site policy reviews measure a jurisdiction's compliance with the six core requirements of the FDA. In FY17, TIDC conducted a full-scope monitoring review of three counties and a follow-up review, attempting to resolve issues identified in a previous monitoring review, of eleven counties. TIDC additionally conducted drop-in reviews, a more informal review, of fourteen counties.

Fiscal Monitoring

Fiscal monitoring reviews are conducted to ensure that all payments to counties are made in compliance with state law. An on-site fiscal monitoring review includes interviews with local officials and staff and an examination of financial documents. In addition to full fiscal reviews, the fiscal monitor provides technical assistance to ensure that reported data is accurate and complete. In FY17, fiscal monitoring activities were performed for sixteen counties.

TIDC Budget

The Legislature appropriated \$66.48 million in General Revenue to TIDC over the FY18/19 biennium. Although this was a 6.5% reduction from the amount appropriated in FY16/17, the efforts of many county officials were critical in keeping these funding levels from being further reduced. TIDC's administrative allocation for operations was increased by \$100,000 per year to \$1,164,988, which will allow the Commission to provide additional programming, monitoring, and assistance to counties.

Legislation

The Commission is pleased to report that two bills it endorsed in the 85th Legislative Session were passed by the Legislature and signed into law by Governor Greg Abbott:

SB 2053, authored by Sen. West and sponsored by Rep. Murr, will provide the single largest increase in funding to the Fair Defense Account since TIDC's inception. The bill was filed after the Court of Criminal Appeals (CCA) held in *Salinas v. State*³ that the allocation of part of a consolidated court fee was unconstitutional, but noted that the court costs could still be collected if the Legislature redirected the funds to a legitimate criminal justice purpose. Senator West and Representative Murr filed legislation to redirect the allocated funds to the Fair Defense Account, for use by TIDC to lessen some of the unfunded burden placed upon counties to fulfill the legal requirements of the Constitution and state law related to the right to counsel. SB 2053 is expected to generate an additional \$15 to \$17 million per year in revenue. However, the Legislature did not provide TIDC with spending authority for the additional revenue for the FY18/19 biennium, so further legislative action will be necessary to release these funds in the next session.

SB 1214, coauthored by Sen. Perry and Sen. Garcia and sponsored by Rep. Frullo, provides a statutory framework and succession plan for the Regional Public Defender Office for Capital Cases (RPDO) to assure its continued operation should Lubbock County choose to no longer serve as administrative county. The RPDO, based in Lubbock County, was developed to provide capital defense services to counties in the 7th and 9th administrative judicial regions. Thanks to the program's early success, it has expanded to serve 178 counties in all eleven administrative judicial regions across Texas.

³ *Salinas v. State*, 523 S.W.3d 103 (Tex. Crim. App. 2017).

Resources, Publications, and Education

The Commission makes available indigent defense information that enhances understanding of the FDA and provides tools and resources that can help improve indigent defense in Texas. The Commission serves this function in a number of ways, including through its website, trainings, presentations, site visits, studies, e-newsletters, and other outreach described below.

Resources

The Commission's website provides access to the data that drives its work, as well as information about indigent defense. Local data is available via the website at <http://tidc.tamu.edu/public.net>.

Model Forms

The Commission adopted a [model attorney fee voucher review procedure](#) that judges may consider to assist them in reviewing fee vouchers. The model is based on a long-standing process used by the district courts in Bexar County. It includes provisions for a standing committee of defense attorneys selected by the local bar association to review attorney fee vouchers and provide the judge presiding in the case a recommendation on the amount to approve.

E-Newsletters

The Commission distributes an e-Newsletter to approximately 2,000 recipients after each board meeting (typically four times a year) to inform counties of indigent defense developments. The newsletter also highlights county success stories and Commission studies and publications. All newsletters are archived on the Commission's website.

Training

In FY17 Commission staff and members trained more than 1,700 judges, county officials, and attorneys.

Texas Gideon Recognition Award

The Commission established the Texas Gideon Recognition Program to commend local governments that meet a high standard for indigent defense. On March 9, 2017, the Commission presented the award to Texas RioGrande Legal Aid (TRLA and Bee, Live Oak, and McMullen Counties) for their dedication to improving indigent defense practices. In 2009, the three counties joined with TRLA to form the Bee County Regional Public Defender Office with the support of a TIDC discretionary grant. The program has helped address access to counsel and quality of representation.

Innocence Program

In 2005, the Texas Legislature directed the Commission to contract with four public law schools to operate innocence projects: The University of Texas School of Law, Texas Tech University School of Law, the Thurgood Marshall School of Law, and the University of Houston Law Center. In 2015, the 84th Legislature expanded funding for innocence projects to include the University of North Texas Dallas College of Law and the Texas A&M University School of Law in Fort Worth. These projects organize law students who work with attorneys to review claims of actual innocence from Texas inmates. The annual reports filed by the participating innocence projects, as well as Exoneration Reports and other information on the innocence program, are available on the Commission's website in the "Innocence Program Overview" section.

The State Law Library

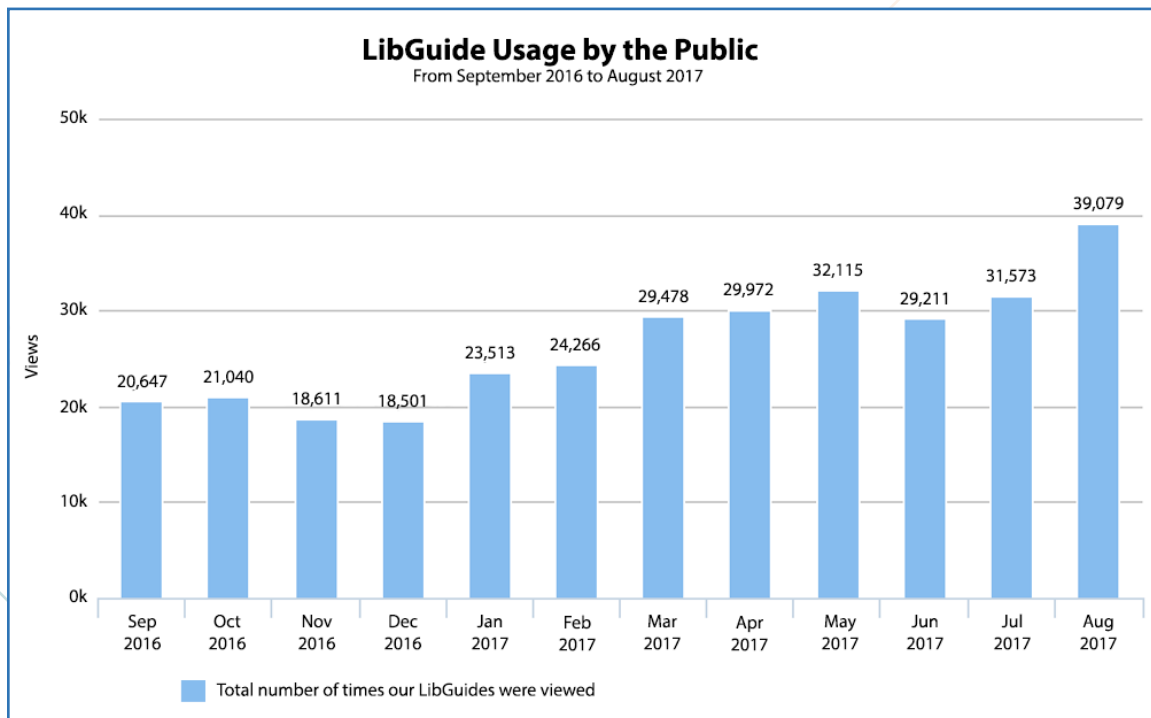
The State Law Library (SLL) was established as the law library for the Supreme Court in 1854 and was expanded to include direct service to the public in 1971. In addition to providing research support to the courts and the public, the State Law Library offers a centralized, cost-effective research facility staffed by legal research experts for the Office of the Attorney General and all other state agencies.

The SLL's primary responsibility is to make legal information accessible to all researchers. In the last several years, the Library has focused on making legal resources available to all Texans throughout the state via its website. The Library's website is a legal research portal that gathers primary law resources and additionally provides access to secondary sources that assist in understanding the law and putting it to practical use. The staff of professional librarians enhances the value of these resources by identifying pertinent information and presenting it in an accessible form for our patrons. Using the Library's print collection and these online resources, staff provides responses to patrons in the Library or via phone, email, or mail.

STATE LAW LIBRARY ORGANIZATION

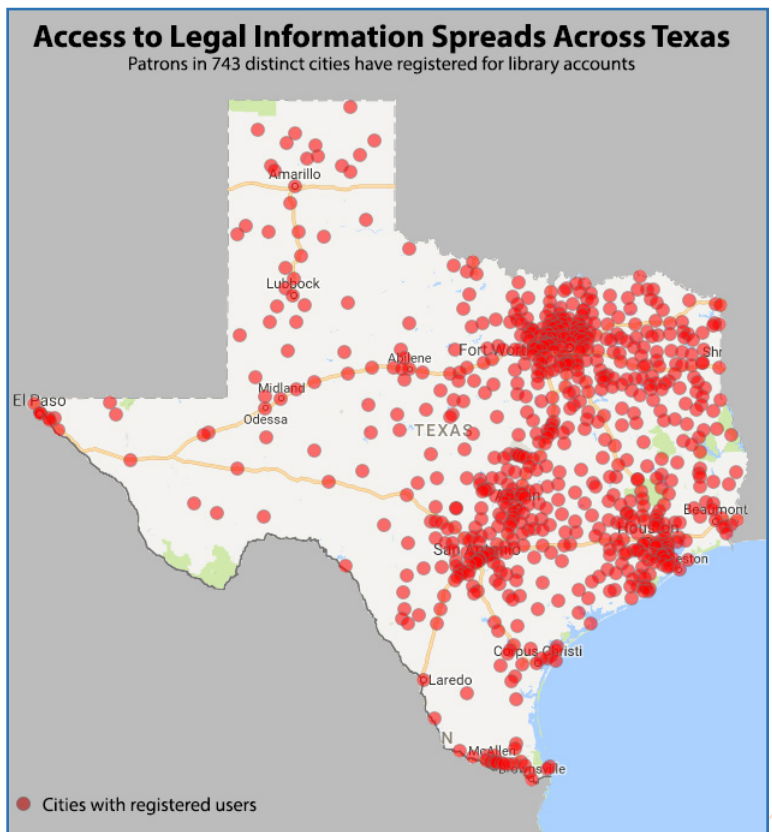
- 12.5 FTEs
- Administered by the State Law Library Board
- Board members designated by:
 - The Supreme Court
 - Presiding Judge of Court of Criminal Appeals
 - Attorney General

Since FY14, the Library has continued to increase the digital resources made available via its portal. Because its mission is to make legal information accessible to all and to be a partner in the access to justice movement, the Library offers a wide variety of resources. Some of the resources are geared to legal professionals, who may be able to provide low cost or pro bono services because they have access to the legal treatises beyond what they regularly use in their practice. The National Consumer Law Center treatises, the immigration materials from the American Immigration Lawyers Association, and the Texas-specific Matthew Bender treatises are examples of this category of resource. For patrons with no legal experience, the Legal Information Reference Collection provides consumers with plain language explanations of the law and practical solutions to everyday problems. Everyone, from high school students to judges, can find valuable information in the Hein Online law library journal databases and SLL's hornbooks and "nutshell" series.



Public response to the Library's new digital offerings has been enthusiastic and widespread. Within the first four years of offering remote access, over 9,618 patrons have registered to use the service, representing over 743 cities and 211 counties throughout Texas. Library staff have made several presentations on the new services to legal groups, court staff and public librarians throughout the state.

One of the most popular services the Library provides on its website is a growing collection of subject-specific research guides (LibGuides) to help patrons easily locate resources on a specific topic. Librarians have created custom LibGuides to help patrons quickly find information on commonly asked-about subjects such as landlord/tenant law, homeowners' associations, family law issues, debt collection, and more. These guides provide direct links to digital resources and ebooks on the selected topics, saving researchers time and frustration. Because many patrons are looking for basic information but don't know how to get started, the LibGuides feature has proven to be wildly successful due to the simplicity with which it presents relevant, helpful information. Over the course of FY17 the public use of these guides has surged by 89%.



The combination of rising publication prices and a continuous reduction in appropriations for print and digital materials have forced the Library to make difficult decisions regarding its print collection. In order to maintain the highly successful Remote Access Program, the Library had to make significant cuts to the core legal resources it houses. Allowing patrons across the state to consult legal materials digitally through the Library website is a high priority and the Library has made the necessary adjustments in purchasing in order to continue this valuable initiative.

To browse our digital collection, visit:

<https://www.sll.texas.gov/library-resources/collections/digital-collection/>

To register for a library account to access these digital resources from home, visit our Get a Library Card page:

<https://www.sll.texas.gov/about-us/get-a-library-card/>

Office of the State Prosecuting Attorney

The Office of the State Prosecuting Attorney (SPA) represents the State of Texas in all proceedings before the Court of Criminal Appeals, either independently or with the assistance of elected prosecutors, and may represent the State in criminal cases before the fourteen courts of appeals.

The Office's duties are carried out by the State Prosecuting Attorney, Stacey M. Soule, and two assistant State Prosecuting Attorneys, John R. Messinger and Emily Johnson-Liu. The office reviews all courts of appeals opinions decided against the State and selects issues of the greatest importance to Texas' criminal jurisprudence to bring before the Court of Criminal Appeals by way of petition for discretionary review. Once granted, the SPA submits briefs and, in exceptional cases, will present oral argument. The SPA also works closely with local district and county attorneys and special prosecutors across the State to identify emerging issues and develop prosecutorial strategies that will ensure that justice is achieved within a fair and efficient system.

To keep judges, prosecutors, and the public abreast of the issues pending before the Court of Criminal Appeals on discretionary review, the SPA writes and posts objective summaries on its website (www.spa.texas.gov) and the OSPA's Twitter feed ([@OSPATX](https://twitter.com/OSPATX)). The website also contains a library of publications and CLE materials.

STATE PROSECUTING ATTORNEY DUTIES

With exclusive jurisdiction before the Court of Criminal Appeals (CCA), the State Prosecuting Attorney scrutinizes all decisions adverse to the State issued by Texas' fourteen courts of appeals to ensure they faithfully follow the law and to identify significant issues requiring resolution by the CCA.

Statistical Highlights from the 2017 Fiscal Year:

- Filed 29 petitions for discretionary review, 19 briefs, and 6 motions for rehearing.
- Reviewed approximately 950 opinions from the U.S. Supreme Court, Texas' Courts of Appeals, and the Court of Criminal Appeals.
- Consulted and advised hundreds of prosecutors, defense attorneys, and the public.
- Assisted with drafting and editing at least 50 petitions and briefs.
- Authored papers and presented at several continuing legal education conferences about petitions for discretionary and pending issues before the CCA.
- Presented on search and seizure and traffic stops to numerous rural prosecutors and law enforcement officers.
- Served on various committees related to criminal law issues.
- Provided consultation services to the 85th Legislature.

State Commission on Judicial Conduct

STATE COMMISSION ON JUDICIAL CONDUCT DUTIES

- Issues discipline when necessary
- Dismisses cases when appropriate
- Provides informal ethics advice to judges, court clerks, staff attorneys, interns and others at judicial training programs across the State of Texas

The [State Commission on Judicial Conduct](#) reviews every allegation of misconduct made against a Texas judge.

Organization

The State Commission on Judicial Conduct was created in 1965 by an amendment to Article V of the Texas Constitution. The Commission is the independent judicial branch agency responsible for investigating allegations of judicial misconduct or permanent disability, and for disciplining judges.

The Commission's jurisdiction includes all sitting Texas judges, including municipal judges, justices of the peace, criminal magistrates, county judges, county courts-at-law judges, statutory probate judges, district judges, appellate judges, masters, associate judges, referees, retired and former judges who consent to sit by assignment and judges pro tempore. The Commission has no jurisdiction over federal judges and magistrates, administrative hearing officers for state agencies or the State Office of Administrative Hearings, or private mediators or arbitrators. Although judicial candidates are required to comply with the Texas Code of Judicial Conduct, the Commission does

not have the authority to sanction anyone who was not a sitting judge at the time an offense occurred. Therefore, violations of the canons by candidates for judicial office who were not judges at the time of the alleged misconduct are subject to review and appropriate action by other authorities such as the State Bar, the Attorney General, the Secretary of State, or the local District Attorney.

Disciplinary Actions

In FY17, according to OCA records, approximately 3,209 judges were under the jurisdiction of the Commission.

During Fiscal Year 2017, the SCJC:

- Opened 1,535 cases;
- Issued disciplinary actions against 53 Texas judges through public sanction, private sanction, orders of additional education or a combination of a sanction with an order of additional education;
- Disposed of 8 cases through voluntary agreements to resign in lieu of disciplinary action;
- Dismissed 1,262 cases as follows: 706 cases were disposed after initial review as not containing an allegation that, if true, would violate the Texas Code of Judicial Conduct; 137 dismissals, 139 dismissals with letters of caution, 11 dismissals based on the judge's corrective action, 12 dismissals as moot;
- Resolved 406 cases after a preliminary investigation; 190 cases after a full investigation (requiring a response from the judge).

Office of Capital and Forensic Writs

The [Office of Capital and Forensic Writs](#) (OCFW) is charged with providing zealous, principled representation to indigent individuals who are sentenced to death in Texas, and embraces this mandate to the extent that its resources allow and statute permits. See Texas Government Code article 78.054(a).

These post-conviction proceedings involve the investigation and litigation of serious constitutional violations that may have rendered the results of the trial, which culminated in a death sentence, unreliable. The OCFW investigates each case, exploring every relevant aspect of a client's life story, medical and mental health history, forensic evidence, and the facts of the crime itself. It then litigates claims relating to the constitutionality of a client's conviction or sentence. Consistent with the professional guidelines promulgated by the Texas Bar, the OCFW cannot simply rely on the previous investigation, if any, that was performed, but must conduct its own independent investigation. The purpose of this investigation is to ensure that all issues relating to the constitutionality of a condemned individual's conviction and sentence are litigated and decided by courts before sentence is carried out.

Typically, the OCFW provides representation in initial capital post-conviction proceedings after being appointed by a trial court shortly after conviction. In addition, the OCFW also represents a limited number of clients in subsequent post-conviction proceedings, raising claims that could not have been litigated before, often in cases involving faulty forensic science, false testimony, or untested forensic evidence.

The OCFW presents the results of its investigation to the convicting trial court in an application for writ of habeas corpus raising constitutional claims, which it then litigates in evidentiary hearings, and in subsequent original and appellate proceedings. In addition, the OCFW represents clients in proceedings under Texas Code of Criminal Procedure article 46.05, relating to whether a client is mentally incompetent to be executed due to serious mental illness, and Chapter 64, relating to the DNA testing of forensic biological evidence. The OCFW does not represent clients in federal habeas corpus review.

In FY17, the OCFW:

- Represented approximately 75% of the initial capital post-conviction applicants pending before Texas courts;
- Represented clients from 21 different county jurisdictions, before district courts and the Court of Criminal Appeals;
- Presented evidence in support of our post-conviction applications before numerous trial courts in evidentiary hearings, and litigated constitutional issues before the Court of Criminal Appeals.

CAPITAL AND FORENSIC WRITS ESSENTIAL DUTIES

- Investigate and identify all facts necessary to present and litigate potential claims of constitutional error.
- Gather, review, and digest all available materials from the client's capital trial, including from the trial defense team, the state, and the official court records, as well as voluminous records relating to a social, educational, family, medical, mental health and court history.
- Conduct independent investigation of all facts and circumstances relating to a client's conviction and sentence, including mitigating evidence from a client's life history.
- File motions, briefing, and applications for writs of habeas corpus and litigate the constitutionality of a client's conviction and sentence in Texas state habeas proceedings.

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OFFICE OF COURT ADMINISTRATION
DAVID SLAYTON, ADMINISTRATIVE DIRECTOR
205 W. 14TH STREET, SUITE 600
POST OFFICE BOX 12066
AUSTIN, TEXAS 78711-2066
(512) 463-1625
FAX: (512) 463-1648**



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