



# Texas Judicial Council

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## DIRECTOR'S REPORT NOVEMBER 2012



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# **TECHNOLOGY & DATA**

## **Information Services Division**

OCA's Information Services Division (ISD) is instructed by the Legislature to directly provide staff and information technology equipment and services to the following entities:

- Supreme Court;
- Court of Criminal Appeals;
- The 14 courts of appeals;
- The State Law Library;
- The State Prosecuting Attorney's Office;
- The Office of Capital Writs; and
- State Commission on Judicial Conduct.

The services provided by ISD to the entities mentioned above include the following:

- Routine desktop computer support;
- Maintenance of the local networks, wide area network, email, and Internet connections;
- Ongoing updates of security safeguards;
- Management of the computer servers;
- Management of enterprise backups and offsite archiving; and,
- Provision of unique court application software.

## **Projects**

### **Electronic Filing**

Last fall, the current eFiling vendor notified OCA that they did not want to continue providing the statewide eFiling program. OCA is in the process of finalizing a new eFiling vendor. Once finalized, OCA will be coordinating a transition with the existing eFiling courts. OCA will also coordinate with the existing electronic filing service providers (EFSPs) to transition to the new system.

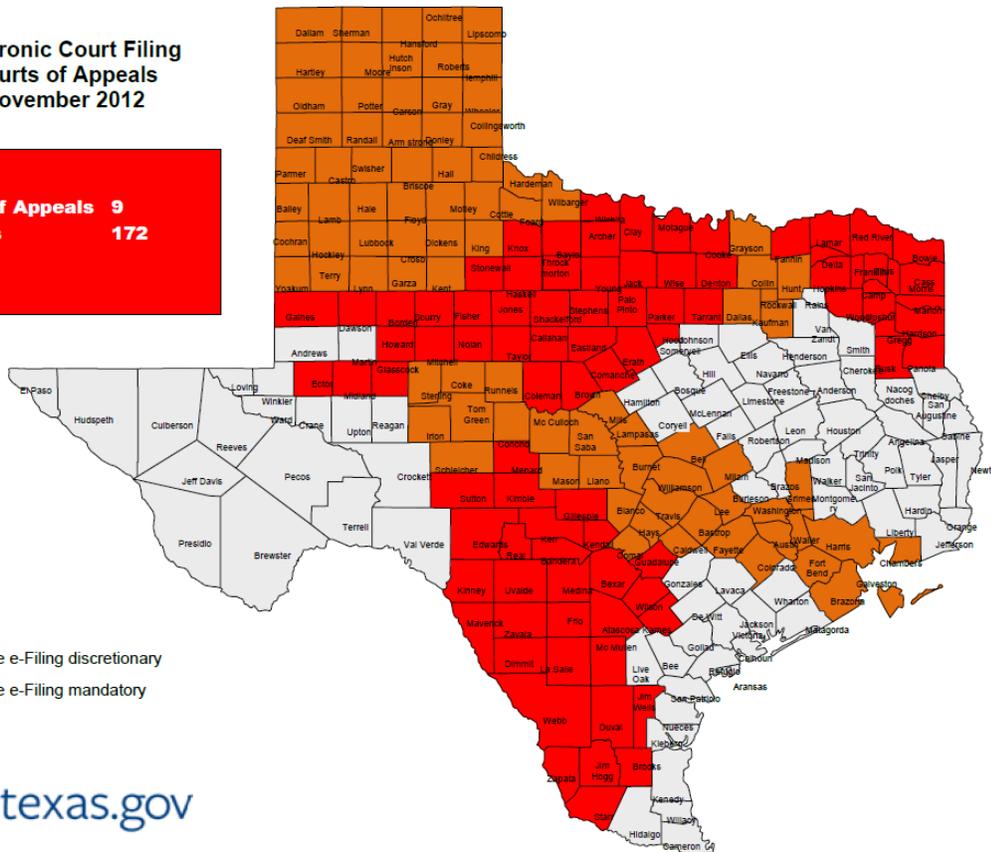
The current vendor is also in the process of performing a system upgrade in order to sustain the current eFiling program until the new vendor has transitioned in. OCA is working with the current vendor, EFSPs and the courts to complete the upgrade.

The Supreme Court, the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 11th, and 14th Court of Appeals all accept electronic filings from attorneys, clerks, and court reporters. The 8<sup>th</sup>, 9<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup> Courts of Appeals will begin electronic filing in 2013 once the system upgrade has been completed. eFiling is now mandatory in the Supreme Court, the 1st, 3rd, 5th, 7th and 14th Courts of Appeals (for civil cases).

**Electronic Court Filing  
Courts of Appeals  
November 2012**

**Courts of Appeals 9  
Counties 172**

- Appellate e-Filing discretionary
- Appellate e-Filing mandatory



**Texas Appeals Management and E-filing System (TAMES)**

OCA continues to work with the Courts of Appeals to deploy TAMES. The system has been deployed in the Supreme Court, the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 9<sup>th</sup>, and 14<sup>th</sup> Courts of Appeals. Deployments have been scheduled for the 2<sup>nd</sup>, 3<sup>rd</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> Courts of Appeals through next spring. The remaining intermediate appellate courts will also be deployed next spring.

One of the many advantages with the system is the integration of eFiling. The clerk’s office can receive documents electronically from attorneys, trial court clerks and court reporters. The system can then automatically attach them to the case information. Along with the system’s ability to electronically circulate then publish opinions, it is now technically possible for a case to travel through the judicial system without ever being on paper.

**CIP Technology (formerly TexDECK)**

OCA continues to work with the Permanent Judicial Commission for Children, Youth and Families to improve IT systems for child protection courts.

OCA has had great success in expanding the video conferencing program to several more urban areas. This project connects children in residential treatment centers to the courts

so that they may actively participate in the process. Over the next year, OCA will continue to expand this program.

Staff are also working on providing a new website for the Education subcommittee, providing a one-stop shop for all materials and information coming from the subcommittee.

### **Case Management Vendor Roundtable**

On October 10, OCA hosted the first Case Management Vendor Roundtable. This meeting, which will be repeated quarterly, is meant to provide a forum for discussion of upcoming projects, pending issues and an exchange of ideas between the vendor community and OCA. The first meeting had representatives from 18 separate vendors and was widely heralded as a success by all parties. The next roundtable, to be held in January, will focus on education of the vendors on the Judicial Council's Monthly Reporting requirements.

## **DATA COLLECTION**

### **Judicial Information Program**

The Judicial Information Program collects, reports and analyzes court activity statistics, judicial directory information, and other information from the approximately 2,700 courts in the state; produces the Annual Report for the Texas Judiciary, Texas Judicial System Directory, and other publications; and provides information about the judicial branch to the Legislature, state and federal agencies, local governments, private associations and public interest groups, and the media, among others.

### **Judicial Council Monthly Court Activity Reports**

At the direction of the Judicial Council and the Legislature, OCA facilitated workgroups that recommended changes to the Judicial Council Monthly Court Activity Reports, which had not been systematically reviewed in nearly 30 years. New reports for district and county-level courts went into effect September 1, 2010, and new reports for justice and municipal courts went into effect September 1, 2011. As a result of this project, the number of data elements collected on the reports more than quadrupled.

Due to the greatly expanded content and complexity of the Judicial Council Monthly Court Activity Reports and mandate for all trial courts to submit their reports electronically, a significant share of Judicial Information's efforts continue to be devoted to providing support to the trial courts and clerks and their information technology staff or case management vendors on reporting issues. Staff also made presentations at seminars through the Texas Municipal Courts Education Center and Texas Justice Court Training Center.

Staff have also continued to review the new data from the justice and municipal courts, found many issues that need to be corrected and addressed, and have been spending much of their time working with the courts to correct these issues.

In October, the Judicial Information Manager presented information at OCA's Case Management System Vendor Roundtable on common data quality and XML submission issues that are occurring with the new monthly reports.

Staff also began work on the Texas Judicial System Annual Statistical Report. The appellate court information for FY 2012 has been completed, and staff are awaiting responses to its annual data verification mailout to all the district and county clerks and justice and municipal courts.

### **Human Trafficking Cases**

Section 71.0353 of the Government Code, which went into effect September 1, 2011, requires district and county clerks to report the number of cases filed in certain categories related to human trafficking. The Judicial Information Manager testified about the status of data collection on human trafficking in the Judicial Council Monthly Activity Reports at the September meeting of the Joint Interim Committee to Study Human Trafficking in Houston. In October, OCA sent a letter from the Committee to all district clerks and to county clerks with county courts at law in their counties to explain the importance of this data. As part of this communication, OCA also included a survey to obtain information about the accuracy and completeness of the current data, as well as any barriers the counties are experiencing in collecting the data.

### **National Instant Criminal Background Check System (NICS) - Record Improvement**

OCA has taken a leading role in providing assistance to district and county clerks with the implementation of HB 3352, which passed in 2009 to comply with and implement the requirements of the federal NICS Improvement Amendments Act of 2007. HB 3352 requires clerks to report information on prohibiting mental health, guardianship, and mental retardation cases to the Criminal Justice Information System (CJIS) site maintained by the Texas Department of Public Safety. This information is used in background checks performed by the FBI to determine whether a person is disqualified from possessing or receiving a firearm.

OCA has engaged in numerous activities to provide assistance to the district and county clerks:

- Continued to provide frequent assistance to clerks by answering questions over the phone and by email;
- Received a federal grant in the amount of \$545,414, under the FY 2011 NICS Act Record Improvement Program, to hire OCA staff to assist the district and county clerks in researching their case files for all eligible historical mental health and other cases required to be entered into NICS through CJIS. The grant project is called the "Texas NICS Record Improvement Project." The grant period is October 1, 2011 through March 31, 2013.
  - Since the start of the project, OCA has:
    - Provided records research assistance to the county clerk and/or district clerk in Anderson, Atascosa, Bee, Bell, Brazos, Brown, Caldwell, Cherokee, Deaf Smith, Duval, Fort Bend, Frio,

- Guadalupe, Hale, Hamilton, Hardin, Hidalgo, Hockley, Kimble, Kinney, Lubbock, Matagorda, Maverick, Milam, Nueces, Randall, Smith, Starr, Tom Green, Travis, Tyler, Val Verde, Webb, and Wilson counties; and
    - Reviewed 207,189 records and identified 14,925 records with sufficient data to be entered into CJIS (through September 30, 2012).
  - Since August 15, 2012, OCA has:
    - Provided assistance to the NICS Record Improvement Task Force in the development of the Texas NICS Mental Health Record Improvement Plan: <http://www.txcourts.gov/oca/pdf/NICSRecordImprovementPlan.pdf>; and
    - Prepared a flyer on the Texas promising practice, *Conduct Training and Outreach with Court Clerks*, for improved NICS reporting, which the U.S. Department of Justice's Bureau of Justice Statistics posted on its website: <http://www.bjs.gov/index.cfm?ty=tp&tid=491#promising>.

## **RESEARCH**

### **H.B. 79 County Court at Law Study**

H.B. 79, a court reorganization bill that was passed during the last legislative session, contained a requirement that a study be undertaken by OCA to determine the feasibility, efficiency and potential cost of converting some or all county courts at law (CCLs) with civil jurisdiction in excess of \$200,000 to district courts. The National Center for State Courts (NCSC) is assisting OCA with the study, at no charge to OCA. The bill provides that OCA may not use state funds to conduct the study. As a result, due to the potential cost of conducting a full study, it was decided that a pilot study first be conducted in Nueces and Parker counties to determine the feasibility and cost of conducting the study in other counties.

OCA has engaged in the following activity:

- Assisted the NCSC with developing a survey regarding the dollar amount of the final judgment or settlement in any civil district court or county court at law cases filed in either Nueces or Parker County, which was sent to a random sample of attorneys. The survey responses were due on October 30, 2012. OCA is working with the NCSC to analyze the data and will report to the Legislature on this information no later than December 1.

## **COURT SERVICES**

### **Domestic Violence Resources Program**

OCA's Domestic Violence Resources Program consists of the Domestic Violence Resource Attorney and the Texas Remote Interpreter Project.

### **Domestic Violence Resource Attorney (DVRA)**

The former DVRA retired on August 31, 2012. OCA posted the job vacancy notice, interviewed applicants, and hired a new DVRA who started on October 1, 2012. Since starting, the new DVRA has been familiarizing herself with the domestic violence training materials developed by the former DVRA and making arrangements to conduct trainings for the Texas Municipal Courts Education Center, Texas Justice Courts Training Center, and Texas Association of Counties.

### **Remote Interpreter Services in Domestic Violence Cases**

In fall 2010, OCA received a three-year, \$300,000 grant from the U.S. Department of Justice's Office on Violence Against Women (OVW), to hire two licensed Spanish court interpreters to provide interpretation services, via telephone or videoconferencing, to courts handling civil cases involving intimate partner violence. Limited grant funds are also available for non-Spanish language interpretation services from a private vendor. The focus of the grant is to improve access to and the quality of interpretation services in rural counties.

- 369 judges have been setup with online TRIP calendar access, and 20 have returned their signed participation agreements to fully enroll in the program; and
- 12 judges have used the services since the project's inception, scheduling a total of 18 hearings. Their feedback has been positive.

Utilization continues to remain low, and in an effort to continue to encourage the use of TRIP services statewide, OCA:

- Made a presentation at a plenary session, and a presentation at two breakout sessions, on TRIP and related court interpretation issues at the annual conference of the Texas Association for Court Administration, in Ft. Worth;
- Visited courts in the following counties to explain TRIP services: Bee, Caldwell, DeWitt, Gonzales, Goliad, Hays, Kleberg, Kenedy, and Willacy; and
- Made phone calls and sent follow-up emails to court coordinators and judges in counties with a population less than 50,000, which qualify for TRIP services in criminal intimate partner violence cases, to explain and offer services.

Also, OCA engaged in the following activities:

- Answered public inquiries about the court interpreting profession and responded to court staff inquiries about technical and ethical issues related to language access in the courts; and
- Participated in monthly grantee training sessions sponsored by OVW.

## JUDICIAL COMPENSATION COMMISSION

OCA is statutorily responsible for providing staff support for the Judicial Compensation Commission. The Commission met on September 14 and October 25 to consider its recommendation for the upcoming legislative session.

OCA staff assisted the Judicial Compensation Commission by obtaining and analyzing data to enable the Commission to recommend the proper salaries for all justices and judges of the Supreme Court, the Court of Criminal Appeals, the courts of appeals, and the district courts.

At its October 25 meeting, the Commission adopted a recommendation to increase judicial compensation to keep up with the consumer price index, plus 12.5%. The table below shows the recommended compensation levels:

<b>Judge</b>	<b>State Salary</b>	<b>% Increase above current salary</b>	<b>Additional Compensation</b>	<b>Total</b>	<b>National Rank</b>	<b>Adjusted National Rank</b>
<b>Supreme Court Chief Justice/CCA Presiding Judge</b>	\$184,791	21.2%	n/a	\$184,791	n/a	n/a
<b>Supreme Court Justice/CCA Judge</b>	\$182,291	21.5%	n/a	\$182,291	10	2
<b>Court of Appeals Chief Justice</b>	\$169,600	21.1%	Up to \$7,500	\$177,100	n/a	n/a
<b>Court of Appeals Judge</b>	\$167,100	21.5%	Up to \$7,500	\$174,600	8	3
<b>District Court Judge</b>	\$151,909	21.5%	Up to \$15,000	\$166,909	7	2

## COLLECTION IMPROVEMENT PROGRAM

### Technical Support

OCA continued to assist counties and cities required to implement a collection improvement program (CIP) with either implementing a program or refining the processes of a previously implemented program.

- 77 of the 78 counties and cities required to implement a program, based on the 2000 federal decennial census, have either fully or partially implemented a program. Harris County previously received a waiver; and
- 12 of the 13 counties and cities required to implement a program, based on the 2010 federal decennial census, have either fully or partially implemented a program. The remaining jurisdiction is expected to implement a program by the end of December 2012.

The focus of the assistance provided to counties and cities by OCA's CIP technical support staff is to ensure their compliance with the critical components of the CIP. OCA's goal is to ensure each jurisdiction passes the statutorily-required compliance audit. [The compliance audits were formerly conducted by the Comptroller of Public Accounts (CPA). During the 2011 legislative session, responsibility for conducting the compliance audits was transferred to OCA.] The OCA CIP technical support staff works with each jurisdiction using a format designed to simulate the compliance audit to identify problem areas and recommend corrections prior to the official audit.

- 77 preliminary, simulated audits of the total 90 counties and cities required to implement a program have been completed; and
- Of the 77 counties and cities in which a preliminary, simulated audit was conducted: 19 were audited by the CPA, and all of them passed either their initial or subsequent official compliance audit; 4 were audited by the OCA CIP Audit staff, with 3 passing and 1 failing their audit; 43 are scheduled for an official compliance audit by the OCA CIP audit staff; and 11 are receiving continuing assistance by OCA technical support staff.

Since August 15, 2012, OCA:

- Conducted 15 "spot checks" of counties and cities required to implement a program to ensure continuing compliance with program components.

Also, since August 15, 2012, OCA engaged in the following assistance activities:

- Conducted regional collections training workshops in Galveston, Houston, and San Marcos, and made a collections presentation at the annual conference of the Texas Association for Court Administration, in Ft. Worth;
- In an effort to ensure that the information on collection activity reported to OCA is accurate and uniform throughout the State, conducted a special regional training session on CIP reporting in Angleton; and
- Assisted six cities (Buda, Cedar Park, Harker Heights, Luling, Round Rock, and San Marcos) interested in implementing partial voluntary CIPs.

## Collections Improvement

OCA Staff have been reviewing data reported by the mandatory collections programs concerning their revenue collections and program expenditures for FY 2010, 2011, and 2012. To date, staff has reconciled 48 (19%) of 248 programs.

## Audit

In September and October, the Collection Improvement Program (CIP) Audit division completed compliance engagements (aka, audits) of the City of Laredo and the City of McAllen. The City of Laredo was found out of compliance and has 180 days to re-establish compliance with the Collection Improvement Program components. In addition, a post-implementation rate review was completed on the City of Houston. Audit staff are currently working on a compliance engagement for the City of Arlington, and have pre-implementation rate reviews underway for the City of Denton, the City of Frisco, the City of Killeen, Hood County, Rockwall County, Rusk County, and Van Zandt County. The Audit division is also working to publish the FY 2013 Audit Plan on its website to report the results of the risk assessment that determines which cities and counties will be audited.

## SPECIALTY COURTS PROGRAM

### Child Support Courts Program

The regional presiding judges appointed a committee of nine child support associate judges to work with the Office of the Attorney General to discuss issues that have been raised regarding polices for handling cases that have been identified as cases involving family violence by the OAG. A final report was prepared by Judge Dean Rucker, presiding judge of the 7th Administrative Judicial Region and was distributed to the group. The group continues to work on one issue regarding the best way to protect information from disclosure when a parent wants to appeal a judge's order of disclosure.

## REGULATORY SERVICES

The Office of Court Administration currently supports three regulatory Boards: [Court Reporters Certification Board](#), [Guardianship Certification Board](#) and [Process Server Review Board](#). Although each board's structure is unique, many regulatory practices and staff functions are common to all three. All three share the mission to protect and serve the public.

<b>Board</b>	<b>Regulated Population (as of October 15, 2012)</b>
CRCB	2542 individuals and 367 firms
GCB	362 individuals
PSRB	3512 individuals

All Certification Division staff members for the three boards continue to meet monthly to review and discuss regulatory practices, to share information on each program's processes, and to streamline and standardize procedures and day-to-day operations.

The three boards are working towards assigning tasks to each staff member by function, rather than by board. However, because each board's complaint process and appeal procedures are unique, the current focus in cross-training is on matters of administrative procedures for intake, review, and input of applications and fees. Last year, all related administrative duties were consolidated and assigned to one person; the Judicial Regulatory Assistant. At this time, input and reconciliation of fees has been consolidated for all the boards and that function is assigned to one staff member. Staff is currently working to consolidate application processing to be assigned to two licensing specialists. Due to lack of staff resources, the Executive Assistant for the Administrative Director has served as the PSRB Clerk since the program's inception, reducing her administrative duties in the role of Executive Assistant to a part-time basis. In an effort to consolidate duties of the Certification staff, the GCB Director has started assuming responsibilities related to PSRB program management. Plans to integrate further re-alignment are slated to begin in February of next year, after the court reporters renewal period has closed.

### **Process Server Review Board**

In 2005, 1,265 people who had already been authorized to serve civil process in Dallas, Denton and Harris counties were grandfathered for statewide authorization to serve civil process under the order issued in June 2005. By November 2011, this population peaked at 6,427. After April 2, 2012, when the complete list of persons certified to serve civil process statewide was updated to only include persons who have paid the fees mandated last session, the population dropped to 3,275. The Board has since issued 380 new licenses, reinstated another 117, and 174 have renewed their certification.

On October 19, 2012, OCA issued an online survey to certified process servers that will be used to facilitate improvements to the Process Server Review Board. Results will be reported at the next meeting.

### **Guardianship Certification Board**

Amendments to the Rules Governing Guardianship Certification were adopted by the Supreme Court of Texas in October 2011. The GCB considered, posted for public comment and approved further changes to the Rules during FY 2012. All proposed changes were submitted to the Supreme Court of Texas at the end of August 2012.

The contract with the vendor who administers the guardianship certification exam expired at the end of FY 2012. The program director is moving forward to utilize proctoring centers at University of Texas-Austin and San Antonio for the coming fiscal year. The Committee will meet to discuss updating exam questions after the conclusion of the upcoming legislative session.

A total of 9 guardians have re-certified as of October 15. A total of 10 new certifications, including 8 guardians who moved from provisional certification, and 11 new provisional certifications have been issued.

One complaint has been filed this fiscal year, and one is pending from FY2012. In the latter, the GCB used its Alternative Dispute Resolution procedure at the beginning of the

fiscal year; the settlement agreement is pending adoption by the Board at its November meeting.

DPS personnel performed an audit of the Guardianship Certification Program on October 16, 2012, on the access, use, dissemination, storage, security, and destruction of applicants' criminal history information obtained through the DPS secure site. The program was found to be in full compliance with all rules and procedures.

### **Court Reporters Certification Board**

Effective September 1, 2011, the CRCB requires fingerprint submissions from court reporter renewal applicants to obtain state and national criminal histories electronically from DPS and the FBI. Certification staff attended DPS criminal history secure site training in April and August 2012, relating to management and maintenance of criminal history record information obtained from the DPS secure site via fingerprint submissions by applicants. DPS personnel performed an audit of the CRCB on October 4, 2012, on the access, use, dissemination, storage, security, and destruction of applicants' criminal history information obtained through the DPS secure site. The CRCB was found to be in full compliance with all rules and procedures.

A total of 1,431 court reporter certifications and 177 court reporting firm registrations are due to be renewed in FY 2013.

On October 11, 2012, the Certification/ Uniform Format Manual (UFM) Committee met to review public comments received on the Examples Section of the Uniform Format Manual and a final draft is to be submitted to the Supreme Court for approval in the near future.

At the October 12, 2012 Board meeting, a record number of 30 complaints were before the Board resulting in 4 sanctions, 20 dismissals, 5 complaints that were withdrawn, and 1 continuance.

## **NATIONAL ISSUES**

### **National Summit on Language Access in the Courts**

The National Summit on Language Access in the Courts was held on October 1-3, 2012, in Houston. The purpose of the Summit was to call attention to the problem of access to justice for people with limited English proficiency (LEP). The Texas team included: Chief Justice Wallace B. Jefferson, Administrative Director David Slayton, Travis County District Judge Lora Livingston, Jennifer Cafferty (General Counsel, Supreme Court of Texas), Katie Bond (General Counsel, OCA), Marco Hanson (Staff Interpreter, OCA) and Trish McAllister (Executive Director, Texas Access to Justice Commission). The team gained many ideas from the Summit and is working on a plan to continue to address the LEP issue in Texas.