

# DIRECTOR'S REPORT

September 2015



## Texas Judicial Council

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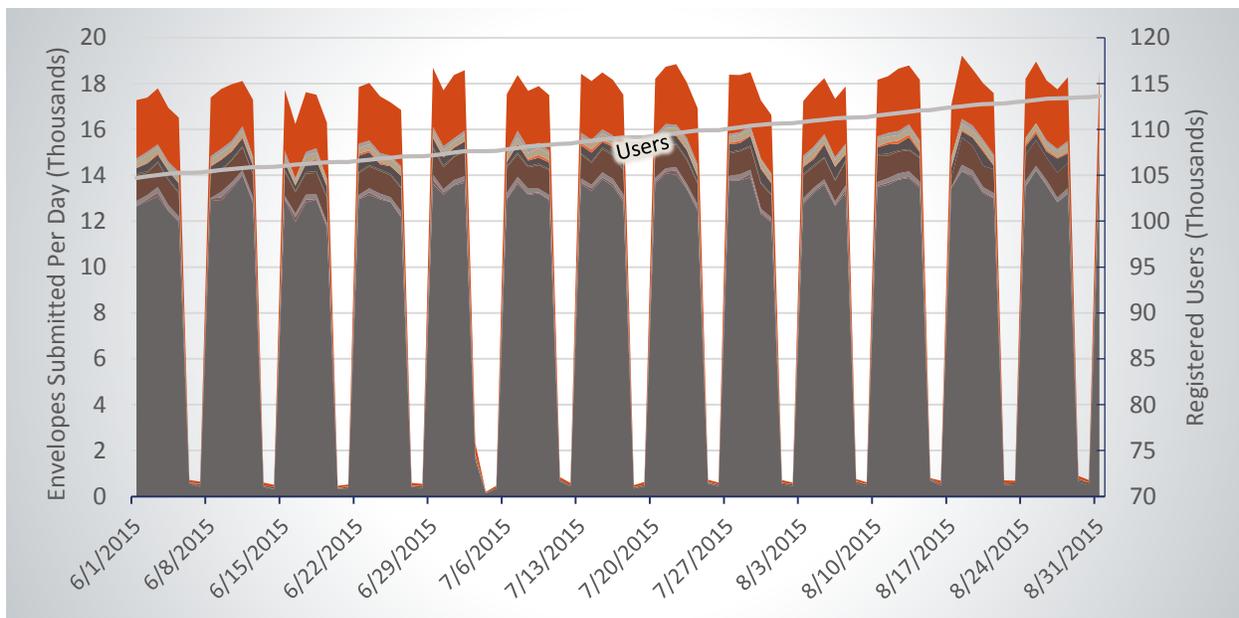
## Technology & Data

### 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 two high courts, the 14 intermediate appellate courts and five judicial branch state agencies. The division also provides staff to coordinate and facilitate the work of the Judicial Committee on Information Technology (JCIT).

#### Civil e-Filing

As of September 15, civil e-Filing is now allowed in all 254 Texas counties. The eFileTexas implementation team has worked to complete the project ahead of schedule, giving counties at least nine months to review business processes in order to facilitate mandatory civil e-Filing.



#### Criminal e-Filing

In July, the Court of Criminal Appeals released statewide criminal e-Filing rules for public comment. The rules were effective on September 1 for Hidalgo County and on November 1 for the rest of the state. This enabled Hidalgo County to have permissive e-Filing of criminal documents starting on September 1 in compliance with a law passed by the 83rd legislature. More than 30 additional counties are interested in permitting criminal e-Filing as well. The eFileTexas team is planning to implement those additional counties after November 1.

#### Other Information Services Projects

- Replacing licensing database – OCA's software that manages the licensing provided by the Judicial Branch Certification Commission is outdated and in need of several modern features including the ability for licensees to review their records and renew/pay for licenses online. Funding for this project was approved by the legislature and becomes available on September 1.

- Replacing court activity database – Over the last several legislative sessions, there has been an increased need for court data in order to satisfy legislator requests. Frequently the data collected is not granular enough to provide significant value. The database is also archaic and in need of modern features. The new system would work to ease the reporting burden of local clerks, as well as enhance the ability for OCA research staff and the public to look at data about the courts. Funding for this project was approved by the legislature and becomes available on September 1.
- Implementation of online self-represented litigant (SRL) form preparation tool – As part of the e-Filing platform, OCA is implementing the Guide and File system. This system provides online interviews using plain language to assist SRLs in completing forms. The technology has been tested with the Supreme Court-approved divorce forms and is now ready for additional forms. OCA will be working with JCIT to convene groups to work on various types of forms.
- Ongoing enhancements to OCA-developed case management systems – OCA continues to enhance appellate case management (TAMES), as well as the child protection case management system (CPCMS) and the child support case management system (CSCMS). All three systems have established governance groups that prioritize enhancement activities. The TAMES governance group continues to work with OCA to finalize requirements for the attorney portal into TAMES. This new portal will give attorneys appropriate and secure access to case files held by the appellate clerk.
- Infrastructure Upgrades- OCA is continuing to upgrade the judicial branch infrastructure. This includes upgrades to the appellate courts’ networks, servers and laptops/desktops. Additionally, OCA will be moving the courts slowly to Office365 which gives better security and is more resilient in the event of a disaster.

## Research & Court Services

### COLLECTION IMPROVEMENT PROGRAM

#### Technical Support

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

87 of the 87 counties and cities required to implement a program have done so.

The primary focus of the assistance provided to counties and cities by OCA’s CIP technical support staff has been 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 that was formerly conducted by the Comptroller’s Office, but is now the responsibility of OCA’s CIP audit staff. OCA’s CIP technical support staff works with each jurisdiction using a review format designed to identify problem areas and recommend corrections prior to the official audit. OCA’s CIP technical support staff also assist counties and cities that fail a compliance audit with developing and implementing a strategy for correcting the deficiencies contributing to the failed compliance audit. To date no jurisdiction has failed a second compliance audit.

- Preliminary reviews of all 87 counties and cities required to implement a program have been completed. Of the total, 19 were audited by the Comptroller's Office with all either passing their initial or subsequent official compliance audit; 34 were audited by OCA's CIP audit staff, with 30 passing (including the City of Grand Prairie, the City of Laredo, and McLennan County which failed their initial audits but passed their follow-up audit) and eight failing their initial audit. Three of the eight failing jurisdictions (the City Laredo, the City of Grand Prairie, and McLennan County) have already passed a second audit. The Technical Assistance staff is assisting the remaining five jurisdictions (Bastrop, Kaufman, El Paso, Victoria, and Webb counties) address identified deficiencies.

Since November 14, 2014, OCA:

- Conducted 44 "spot checks" of programs required to implement a program to ensure continuing compliance with program components;
- Compiled data for Return on Expenditure reports.
- Continued drafting policies and establishing procedures for managing temporary waivers of the CIP reporting requirement in certain situations.
- Continued drafting policies and establishing procedures for training and managing compliance with data verification audits tentatively scheduled to begin in FY 2016.

Also, since November 14, 2014, OCA engaged in the following training and assistance activities:

- Conducted regional collections training workshops in Conroe, Lubbock, Amarillo, Huntsville, Beaumont, Harlingen, and El Paso.
- Delivered collections-related presentations at the Texas Court Clerks Association North Texas Regional meeting in Carrollton, the Texas Court Clerks Association Gulf Coast Regional meeting in Sugarland, the Texas Justice Court Training Center's new Judges school in San Marcos, the Region 5 District and County Clerks Association's regional meeting in Rockwall, the District and County Clerks Annual Educational conference in San Marcos, the Governmental Collectors Association of Texas' annual conference in Austin, and the Texas Municipal Court Education Center's new clerks schools in Austin and San Antonio.
- Staffed a Collections Improvement Program resource table at the Texas Justice Court Training Center judges and court staff schools in Austin, San Antonio, Galveston, Lubbock, and Rockwall.

## COURT SERVICES CONSULTANT

### Providing Consulting Services

OCA's Court Services Consultant continues to work with several counties on issues relating to caseflow management plan development and caseflow management plan compliance; file/record management and data reporting issues; and other court administration improvement initiatives, including those related to court costs and collections issues. These consulting services are provided by phone or in-person.

Key accomplishments during the period were the completion of a report assessing the case management practices in Tarrant County's criminal courts. The report is intended to provide Tarrant County court officials with the tools necessary to update their differentiated case management plan.

The Court Services Consultant, as part of a team which included members of the Collections Improvement Program, also finalized a report on criminal caseflow issues in Webb County and conducted a detailed briefing with court officials on the findings and recommendations contained in the report. The report provides Webb County officials with information about how to improve collections practices.

### **Providing Training**

Training is being developed for the Travis County Juvenile Probation staff for a session on juvenile law and juvenile caseflow management. The Court Services Consultant will partner with an Assistant General Counsel from OCA on this training, which is scheduled for late September.

Plans are in progress for an OCA resource table at the Texas Association for Court Administration's annual conference in November. Participants will have the opportunity to be assisted by OCA staff on a wide variety of court management and case management issues. OCA staff will also be presenting at the conference.

OCA's Court Services Consultant is currently assisting the County and District Clerks Association of Texas and representatives from the University of Texas Law School to identify topics and speakers from within OCA to address their members at their January, April and June 2016 conferences.

### **Working with Agency Partners**

The Court Services Consultant has assisted the State Law Library in promoting their services to courts. After meeting with law librarians, the Court Services Consultant facilitated speaking engagements by the State Law Librarian to both court clerks and court managers.

### **Shared Solutions**

OCA continues to support and encourage the 13 teams that committed to plan for system improvements through the Shared Solutions 2.0 program. Several teams have reported progress. The teams receive quarterly newsletters from OCA which highlight team progress and provides resources in the areas that were identified as characteristics of an effective court system.

## **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; participated in the production of the Annual Statistical 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, among others. More than 150,000 statistical and other reports were received in FY2015.

### *Monthly Court Activity Reports*

A significant amount of Judicial Information's time is devoted on an ongoing basis to providing support to the trial courts and clerks and their information technology staff or case management vendors on reporting issues. Staff made a presentation at the New Clerks' Bootcamp held by the Texas Municipal Courts Education Center.

On an ongoing basis, staff make ongoing efforts to improve reporting completeness and data quality by working with clerks, courts, case management system vendors, and other local information technology staff to correct errors in reporting. Staff also produced a webinar Supreme Court Appointments and Fees Report and posted it online.

#### *Legislative Changes affecting Data*

Judicial Information staff prepared for reporting changes resulting from the passage of the truancy reform bill (HB 2398), reporting of appointments and fees (SB 1369), and reporting of parental notification cases (HB 3994). Staff also updated the judicial directory and other documents with the new courts established on September 1.

### **EVALUATING JUDICIAL WORKLOAD IN CHILD PROTECTION CASES**

In July, OCA kicked-off an assessment of judicial workload in child protection cases. The assessment, which will be conducted by the National Center for State Courts (NCSC), will involve a web-based time study of judges handling child protection cases and will result in the ability to accurately determine the number of judges needed to handle the cases.

OCA has established a Judicial Needs Assessment Committee (JNAC) to advise NCSC on its work. Chaired by Judge Dean Rucker, the JNAC will provide direction and guidance to NCSC on key aspects of the assessment. The project is being funded by a grant from the Texas Children's Commission.

### **DOMESTIC VIOLENCE RESOURCES PROGRAM**

#### **Protective Order Resource Attorney (PORA)**

In response to the passage of HB 2455, OCA's Protective Order Resource Attorney (PORA) was appointed as the Presiding Officer of OCA's Task Force to promote uniformity in the collection and reporting of information relating to family violence, sexual assault, stalking, and human trafficking. During the period, the PORA assisted in the establishment of a Steering Committee to guide the Task Force's efforts. The Steering Committee held its first meeting on September 4, 2015 and the first meeting of the full Task Force is scheduled for mid-October. OCA must deliver a report with recommendations on issues of data quality and uniformity to the governor and legislature no later than September 1, 2016.

In addition, during the period the PORA:

- Made presentations to judges, clerks, and court administrators on magistrate's orders for emergency protection and OCA's NICS Protective Order Record Improvement Project at the Texas Municipal Courts Education Center's Regional Judges Seminar and Clerks Seminar in Abilene.
- Presented a half-day training on family violence, Magistrate's Orders of Emergency Protection, TCIC reporting, OCA's NICS Protective Order Record Improvement Project, and setting up a dedicated family violence docket to the judges of the Ft. Worth Municipal Court at their quarterly meeting.

## LANGUAGE ACCESS

OCA's Language Access Program staff assist courts in developing and implementing language access plans; provide training on language access issues and best practices; and work with Texas colleges and universities to develop college-level court interpreter training programs in an effort to increase the pool of licensed court interpreters in the State. Language Access Program staff also provide free document translation services to all courts and from agency departments.

### Texas Court Remote Interpreter Service

Staff also provide Spanish interpretation services via phone or videoconferencing by licensed court interpreters through the Texas Court Remote Interpreter Service (TCRIS). TCRIS services are available in all case types, for short hearings involving limited or no evidence.

Since June 2015, TCRIS staff engaged in the following activities:

- Participated in a multi-state conference call with the Council of Language Access Coordinators (CLAC) to discuss the rollout of the Video Remote Interpreting (VRI) national database for state courts.
- Managed the newly created Interpreter Locator Listserv. The listserv allows court personnel from around the state to search for interpreters fluent in exotic and rare languages. The exotic languages requested during the period were Amharic, Burmese, Farsi, Karen, Mandarin and Somali.
- Reviewed and contributed content to a Multi-State Interpreter Training Project that will be offered by OCA as an online orientation program.
- Provided interpreting services in 163 hearings held in 40 counties in a variety of criminal and civil cases, including magistrations, plea hearings, sentencing hearings, arraignments and prove-ups.
- Enrolled 9 new TCRIS users.
- Began the Spanish translation of the Supreme Court Children's Commission' Parent Resource Guide.
- Completed the Spanish translation of the two new written communication warnings resulting from recently passed legislation (HB 910) at the request of the Department of Public Safety.
- Created a multi-target audience Power Point presentation on OCA's Language Access Program and TCRIS free remote interpreting services.
- Collaborated with the Software and Development Support Department's Web Programmer in updating the TCRIS webpage.
- Researched law terminology reference materials available and acquired one of the best and most reputable encyclopedic volumes to broaden and heighten legal terminology studies.

## WORKING INTERDISCIPLINARY NETWORK OF GUARDIANSHIP STAKEHOLDERS

The Texas Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) continues to assess the state's system of guardianship and alternatives, address policy and practice issues, and serve as an ongoing forum for problem-solving and networking. The WINGS group met in mid-August to review guardianship legislation from the 84th legislative session and develop a plan for the upcoming year. Erica Wood, Assistant Director of ABA Commission on Law and Aging, attended the meeting and provided an update on the national WINGS movement.

## Collection Improvement Program Audit

Since the beginning of Fiscal Year (FY) 2015, the Collection Improvement Program – Audit Section has issued reports for 11 Compliance Audits. Of the 11 jurisdictions audited, six (6) passed the audit (including one jurisdiction undergoing a follow-up audit), and five (5) jurisdictions failed the compliance audit. Of the five (5) jurisdictions that failed, three (3) are working within the statutory 180-day grace period to re-establish compliance before further action is taken. The remaining two jurisdictions have declared compliance and are scheduled for follow-up audits in FY 2016. In addition, 10 reports were issued for Post-implementation Rate Reviews. Audit staff are currently working on 12 Compliance Audits.

## Specialty Courts

### CHILD PROTECTION COURTS/CHILD SUPPORT COURTS PROGRAM

The 84<sup>th</sup> Legislature provided funding for four new Child Protection Courts. As of September 1, the Child Protection Court of the Concho Valley serves Tom Green, Concho, and Runnels counties. Gary Banks is the associate judge, based in Tom Green County. A new child protection court hosted in Guadalupe County will serve Guadalupe, Caldwell, Colorado, Gonzales, and Lavaca counties. Thomas Stuckey was hired as the associate judge and will start on October 1. A new child protection court hosted in McLennan County will serve McLennan and Coryell counties. Nikki Mundkowsky was hired as the associate judge and will start on October 1. Finally, a new child protection court hosted in Potter County will serve Potter, Dallam, Gray, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Oldham, Roberts, Sherman, and Wheeler counties. Carry Baker was hired as the associate judge and will start on October 19.

On August 17, Child Protection Court judges and coordinators from both the Child Protection Courts and Child Support Courts met in Austin for meetings and training. In their first joint meeting for these programs, specialty court coordinators participated in sessions on Professionalism and Communication Skills and had the opportunity to network and roundtable to share court management ideas. The CPC judges discussed technology updates and best practices in a morning session before joining other judges around the state at the Child Welfare Judicial Conference, which ran from Monday afternoon through Wednesday.

Anissa Johnson joined the Legal Division on September 1 in the newly created position of Specialty Courts Program Coordinator. In this new role, she will assist the regional presiding judges in developing best practices, making recommendations regarding the courts, preparing and analyzing data from the courts and developing, planning and facilitating training programs for specialty court staff.

### PROBLEM SOLVING COURT COORDINATOR

In April 2015, OCA hired its first-ever Problem-Solving Court Coordinator. The Problem-Solving Court Coordinator will help develop strategies to support the work of over 160 state problem-solving courts. A Problem Solving Court Advisory Committee of judges and other drug court professionals is being created to assist OCA in developing an agenda to meet these goals.

The Problem-Solving Court Coordinator attended the NADCP 21<sup>st</sup> Annual Training Conference in National Harbor, Maryland. The conference was held in conjunction with the 3<sup>rd</sup> Annual Justice for Vets Conference. Over 160 education sessions spread over 23 tracks were offered. On the last day of the conference NADCP introduced the second volume of Adult Drug Court Best Practice Standards. The first volume was released

in 2013. OCA is relying heavily on these documents in developing draft standards for Texas' problem-solving courts.

## Regulatory Services

### JUDICIAL BRANCH CERTIFICATION COMMISSION (JBCC)

On September 1, 2014, the Judicial Branch Certification Commission (JBCC) began operation. The JBCC was established by the Texas Legislature, 83rd Regular Session, in [Senate Bill 966](#). The nine member Commission oversees certification, registration, licensing, and regulation of Court Reporters and Court Reporting Firms, Private Professional Guardians, Process Servers, and Licensed Court Interpreters.

#### JBCC Certifications, Registrations, and Licenses

Profession	Number of Certifications, Registrations, Licenses	Revenue Collected (FY 2015)
Court Reporters	2,320 individuals and 352 firms	\$299,547
Guardians	437 individuals	\$251,945
Process Servers	3,524 individuals	\$35,677
Court Interpreters	479 individuals	\$26,165
<b>TOTAL</b>	<b>7,113 individuals and firms</b>	<b>\$613,334</b>

#### Recent Meeting of the JBCC

On August 7, the JBCC held the fifth meeting of the Commission. The Commission agenda can be found at <http://www.txcourts.gov/media/1038049/JBCC-Agenda-FINAL-August-7-2015.pdf>. During the meeting the JBCC reviewed and approved the agenda items below.

- The re-formatted standardized 7-hour pre-certification process service course curriculum recommended by the Process Server Certification Advisory Board. The curriculum is required to be implemented by November 1 by all providers.
- The Proposed Licensed Court Interpreter Code of Ethics and Professional Responsibility to be sent to the Supreme Court for Adoption.
- The Proposed Guardianship Certification Code of Ethics and Professional Standards to be sent to the Supreme Court for adoption.
- The new rule for military application and examination fees relating to Senate Bill 807 out for a 30-day public comment period.

#### Certification Division End of Year Highlights

The JBCC Certification Division team members worked on numerous JBCC transitional projects with the goal of creating efficiency and consistency across the regulated judicial professions. August 31 marked the end of the first year of operation for the JBCC. Below are some of the highlights and accomplishments from our first year.

- 35 total meetings set for the JBCC
  - 5 Commission Meetings
  - 21 Advisory Boards & Committee Meetings

- 9 Complaint Review Committee Meetings
- 102 Rule 12 requests processed
- JBCC compliance staff members have been refining the new compliance complaint and resolution processes for all the JBCC professions.
  - 90 complaints filed with the JBCC
    - 19 Guardianship Certification
    - 29 Process Server Certification
    - 42 Court Reporter Certification
  - 48 complaints resolved
- Developed new Licensed Court Interpreter Code of Ethics and Professional Responsibility to be sent to the Supreme Court for Adoption.
- Developed Guardianship Certification Code of Ethics and Professional Standards to be sent to the Supreme Court for adoption.
- Developed a new 7-hour pre-certification process service course curriculum recommended by the Process Server Certification Advisory Board, to be implemented by November 1.
- Updating Court Reporters Certification Code of Professional Conduct.
- Developing new certification examination for process servers.
- Developed new rule for military application and examination fees relating to Senate Bill 807.
- Review and approve all criminal histories.
- Review and approve all continuing education courses.
- Functionally aligned our team structure into separate licensing and compliance sections.
- Finalized new performance measures to meet the needs for the JBCC.
- Created new JBCC forms.
- Developed JBCC Criminal Conviction Guidelines.
- Developed JBCC Administrative Dismissal Policy.
- Developed JBCC Access to Commission Records Policy.
- Developed JBCC Public Meetings Policy.
- Developed new investigation procedures manual.
- Developed new certification card for all professions.
- Sending renewal notices and certification cards to all professions.
- Renewed the Court Reporter exam contract 2-year extension.
- Developing a penalty matrix to streamline complaint penalties and sanctions.
- Licensing staff currently processing all certifications within an average of 14 days.
- Developed and continue to update new JBCC website <http://www.txcourts.gov/jbcc.aspx>

## Timothy Cole Exoneration Review Committee

House Bill 48 created the Timothy Cole Exoneration Review a Commission and placed it under the auspices of the Judicial Council. The law also requires OCA to provide staff support for the Commission. The Commission is required to meet no later than October 31 and produce a report to the legislature, governor and the Judicial Council by December 1, 2016. OCA is in the process of hiring the staff for the Commission and scheduling the first meeting of the Commission.

## Guardianship Compliance Review Pilot Project

Pursuant to the Judicial Council recommendation from the Elders Committee, OCA obtained funding from the legislature to establish a pilot program to improve guardianship compliance. OCA is in the process of hiring three compliance specialists to work with courts in several counties to review guardianship cases for compliance with statutory requirements. OCA is also working on procedures to implement the pilot project.