



TEXAS JUDICIAL COUNCIL

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Presiding Judge, Court of Criminal Appeals

MEMORANDUM

TO: Texas Judicial Council

FROM: Hon. Emily Miskel, Chair, Judicial Resources Committee

Cc: Megan LaVoie, Executive Director, Texas Judicial Council

RE: Judicial Resources Committee Memorandum

DATE: September 11, 2026

In January 2026, Chief Justice Blacklock charged the Judicial Resources Committee with studying existing judicial resources and whether enhancements are needed. The Committee was charged with making any necessary recommendations, including:

- court security;
- space and facilities;
- staff attorneys in trial courts; and
- services provided to the courts by Judicial Professions.

The Judicial Resources Committee of the Texas Judicial Council met on March 30, August 5, and September 2, 2026.

Members of the Committee are:

Honorable Emily Miskel, Chair
Senator Judith Zaffirini
Representative Joe Moody
Presiding Judge David J. Schenck
Honorable Grant Dorfman
Honorable Jenn Caughey
Honorable Valencia Nash

Honorable Kathleen Person
Honorable Maggie Sawyer
Ms. Zina Bash

Court Security Recommendations

Recommendation 1: The Legislature should amend statutes protecting the personally identifiable information (PII) of a judge's family to include the first degree of consanguinity, first degree of affinity, or a person residing with the judge, reducing gaps created by differing statutory definitions of protected family members. The Legislature should amend statutes to restrict other governmental databases publicly revealing PII of judges and court employees.

During FY 2026 there were 142 threats reported to the Judicial Security Division and eleven court security incidents involving a judge's or court personnel's home address. While significant advancements were made to protect the personally identifiable information of judges and court personnel through the Judge Julie Kocurek Act, HB 16 and HB 5081 of the 89th Legislature, several loopholes remain. Concerns remain that the judicial privacy protections afforded by statute are inconsistently applicable across familial relationships which sometimes results in inadvertent exposure for a judge because they reside with someone who does not have privacy protection. In addition, threats to non-residing family members are on the rise nationally. One example is the March 2025 incident where Supreme Court Justice Amy Coney Barrett's sister was the subject of a bomb threat at her residence. In addition, there are certain government databases where a judge's information continues to be exposed such as boat registrations and sales tax permit holders.

Recommendation 2: The Legislature should require the County Auditor, or other individual designated by the commissioner's court of a county, to submit to OCA's Court Security Division the annual balance, collections, and expenditures of all Court Security Funds.

The Courthouse Security Fund is a portion of the local consolidated court costs collected in all criminal cases and certain civil cases. The expenditures of the funds are under the exclusive control of county's commissioner's court and must be used for certain purposes, including screening tools, security infrastructure, security training, and security personnel. HB 16, 89th Second Special Session, modified Government Code Section 74.0922 and made it one of the duties of a Court Security Committee to meet at least once annually and develop and submit recommendations to the commissioner's court on the uses of resources and expenditures of funds. However, the committees lack access to information regarding the funds balance, collections, or expenditures or whether counties are following those committee recommendations. Requiring submission to the Office of Court Administration Judicial Security Division will provide transparency in the use of the funds as well as allow committees to quickly determine collections to make realistic recommendations.

Recommendation 3: The Legislature should create a statewide standardized Judicial Branch identification badge for judges to ensure efficient and secure identification.

A judicial branch photo identification would serve as a standardized wallet size card to verify a judge's credentials for the purposes of address confidentiality and license to carry eligibility. In

addition, it would standardize courthouse admission for judges that serve multiple counties or judges who sit as visiting judges, ensuring consistent credential verification and efficient access to secured areas.

Recommendation 4: The Legislature should require the law enforcement agency investigating a threat reported to the Judicial Security Division under Code of Criminal Procedure Article 102.017(f) to notify the Division of the outcome of the investigation.

During FY 2025, more than 2,100 court security incidents were reported to the Judicial Security Division, a 97% increase over FY 2024. However, the Division often does not receive information regarding whether a reported threat was investigated, referred to another agency, closed without action, or resulted in an arrest or prosecution. Requiring investigating law enforcement agencies to report the outcome of threat investigations to the Division would improve the accuracy of threat data, help identify recurring threats and trends, and strengthen statewide court security planning.

Recommendation 5: OCA should conduct a study and make recommendations to inform the development of statewide guidelines reflecting baseline courthouse security practices. The study should include judges, sheriffs, constables, and county commissioners.

Security in courthouses is of paramount importance. In a recent survey of Child Protection Courts, multiple judges reported inconsistent security practices including the lack of security screening at courthouse entry points and no bailiffs assigned to courtrooms. Maryland and Colorado recently convened legislatively created task forces including law enforcement, county officials, and judges to recommend minimum standards for courthouse security. A similar study by OCA would help identify current practices, assess security needs across diverse courthouse settings, and provide an informed foundation for future statewide guidance on courthouse security.

Court Space and Facilities Recommendations

Recommendation 6: The Legislature should assign to the Local Administrative District Judge in Government Code Section 74.092 the duty to coordinate courtroom space for Business Court trials within the county. As an incentive for cooperation, the Legislature should further require that state reimbursement paid to a county for Business Court facility use be available at the discretion of the Local Administrative District Judge for judicial training, court personnel training, staffing, and court facility improvements.

Business Court Administrative Presiding Judge Dorfman provided an overview of the difficulties the Business Court is experiencing when securing courtroom space for trials and hearings. In February 2026, due to courtroom unavailability Judge Adrogué moved a jury trial seven times to five different courtrooms, creating disruption for litigants, witnesses, jurors, and court personnel. In other instances, proceedings have been conducted in hotel conference facilities. Many counties in which the Business Court sits are already operating at or near courthouse capacity.

Government Code Section 25A.017(d) entitles a county to reimbursement from the state at market rates for courtroom use. However, reimbursement alone has not consistently resulted in courtroom availability. Assigning responsibility to the Local Administrative Judge would create a clear point

of accountability for coordinating courtroom access within the county. Directing Business Court reimbursement funds to projects benefiting the judiciary, including training, staffing, and facility improvements, would align incentives with that responsibility and encourage cooperation in making courtroom space available for Business Court proceedings.

Recommendation 7: The Legislature should encourage the State Preservation Board to make the Capitol's historic courtrooms available for oral arguments before the statewide 15th Court of Appeals. The Legislature should also ensure that the 15th Court of Appeals has adequate chambers and support space within the Capitol Complex to accommodate its planned expansion.

Chief Justice Scott Brister of the 15th Court of Appeals provided an overview of challenges in securing courtroom space for oral arguments within the Capitol Complex. In addition, the court adds two new justices and their supporting personnel in 2027 and 2028 which will exceed its current chambers capacity. The Legislature created the 15th Court of Appeals to serve a unique statewide function. The court should be provided facilities that are commensurate with its statewide jurisdiction and the significance of the matters entrusted to it. The Texas Facilities Commission is searching for larger chamber space within the Capitol Complex that meets the minimum requirements to serve as a courtroom. The Texas Capitol has the Historic Supreme Court and Court of Appeals courtrooms which are overseen by the State Preservation Board. Making those courtrooms available for oral arguments would provide a historically significant and cost-effective venue.

Recommendation 8: The Legislature should require the 30 most populous counties to develop and submit a judicial infrastructure plan to the Texas Judicial Council every five years, addressing anticipated court facility needs. The OCA should develop a model infrastructure plan using a predictive analysis model that counties may use in preparing their plans.

Recommendation 9: The Legislature should expand the court caseload analysis report required under Government Code Section 72.039 to include statutory county courts and direct OCA to provide the report to county judges in affected counties.

The Texas Demographic Center estimates that Texas has added approximately 2.4 million residents over the past five years. Much of that growth has been concentrated in the state's most populous counties and has required significant long-range planning for public infrastructure and government services. Counties routinely develop plans for transportation, utilities, emergency management, and other major capital investments. Judicial infrastructure planning, however, often occurs only after population growth and increasing caseloads have rendered existing facilities inadequate.

Counties bear primary responsibility for funding and constructing court facilities. As a result, effective planning for future judicial needs must originate at the local level. In many rapidly growing counties, courthouse facilities have not kept pace with the need for new courts, resulting in shortages of courtroom, chambers, and judicial support space. In 2025 alone, counties including Collin, Dallas, Harris, Montgomery, and Williamson publicly addressed courthouse capacity concerns. Denton County recently acquired and repurposed the former Sally Beauty Supply

headquarters to accommodate newly created courts. These examples demonstrate the need for proactive judicial infrastructure planning before facility shortages occur.

Requiring the state's largest counties to prepare periodic Judicial Infrastructure Plans would promote long-term planning for future courthouse space needs, including facilities to be used by statutory county courts, appellate courts, and the Business Court. To assist counties in that effort, OCA should develop a model Judicial Infrastructure Plan and predictive analysis framework that may be adapted to local circumstances. Similar state-local planning partnerships already exist in Texas through programs such as the State Water Plan, the Statewide Transportation Plan, and Emergency Management Plans.

OCA currently prepares workload analyses that evaluate the need for additional courts based on existing case filings. Expanding those analyses to incorporate projected population and caseload trends, and including statutory county courts, would provide counties with better information to support their infrastructure planning efforts. Providing these analyses directly to county judges would further assist local officials in anticipating future judicial resources and facility needs.

Court Efficiency and Staff Attorney Recommendations

Recommendation 10: The Legislature should support the OCA's exceptional item request to provide additional support to the judiciary by funding two additional resource attorneys and one administrative assistant to support the Presiding Judges of the Administrative Regions and state trial courts.

Recommendation 11: The Legislature should establish a pilot grant program to fund staff attorney positions for trial courts. Interested courts would apply for funding and describe how the staff attorney would be used to improve court efficiency, case processing, or judicial productivity.

Recommendation 12: The Legislature should support the exceptional item request of the 14 Courts of Appeals to provide funding for additional staff attorneys.

The Presiding Judges of the Administrative Regions are appointed by the Governor to oversee the administration of justice in their regions. Their primary duties are set out in Government Code Section 74.046, but they have many additional duties imposed by other statutes, including the oversight of the Children's Courts Program. Most regions have one administrative assistant. When the assistant is absent due to vacation or illness, the region is without any support.

OCA has provided legal resources to the presiding judges as needed pursuant to its directive under Government Code Section 72.203 to consult and provide assistance to the presiding judges in the administration of their duties. However, the responsibilities of the presiding judges have expanded significantly in recent years. Matters involving recusals, case transfers, high-conflict litigants, and other complex administrative issues increasingly require legal analysis and support. Simultaneously, the requests from the trial courts for legally sound research and most efficient approaches to court procedures have grown. For example, OCA receives approximately 125 requests categorized as legal information per quarter on criminal justice process.

The OCA exceptional item would provide funding for one administrative assistant FTE to support the presiding judges when their assistant is absent. Additionally, it would fund two resource attorneys that would support both the presiding judges and trial court judges across the state.

Staff attorneys are a valuable judicial resource that can improve efficiency by assisting judges with legal research, drafting orders and jury charges, managing complex motions, and addressing other time-intensive legal tasks. The use of staff attorneys in Texas courts is unsurprisingly centered in the largest counties, with the overwhelming majority in Travis County. These positions are exclusively funded by the counties. Judges with staff attorney support report greater efficiency in carrying out judicial tasks. The use of trial court staff attorneys using state funds have successfully created efficiencies in Florida, New York, and Mississippi.

Between FY 2024 and FY 2026 the courts of appeal experienced a 29% increase in new cases filed. Based on trends in trial court activity, these increases are expected to continue for the foreseeable future. The courts have seen growth in original proceedings, including petitions for writs of mandamus, as well as an increase in self-represented litigants and repeat filings by frequent litigants. Courts also report that the expanded use of artificial intelligence tools by self-represented litigants has increased the volume, length, and complexity of filings requiring review.

The courts of appeals have collectively requested additional full-time staff attorney positions to address these growing demands. Experienced and stable appellate staff attorneys provide essential support through legal research, case analysis, and drafting assistance, allowing the courts to continue disposing of cases in a timely, efficient, and prudent manner.

Judicial Professions Recommendations

Since FY 2005 through the end of FY 2026, the number of certified shorthand reporters declined 12%, while the number of courts of record increased by 15%. The vast majority of court reporters are concentrated in urban areas. As a result, many courts, particularly in rural and non-urban areas, face challenges in recruiting and retaining official court reporters. These workforce constraints affect both the availability and cost of creating the official record of court proceedings. HB 16 of the 89th Second Special Session directed OCA to conduct a study on digital court recording, including cost, access, accuracy, and effectiveness. That study was conducted by Texas A&M University Public Policy Research Institute (PPRI) and incorporated a national policy landscape scan, analysis of its' use in Texas, stakeholder survey, stakeholder interviews, literature review, courtroom observations and a cost analysis. The study produced seven recommendations which were presented to the Committee for their consideration and resulted in the following recommendations.

Recommendation 13: The Legislature should amend Government Code Section 154.103 to accept passing scores on skills tests offered by the National Court Reporters Association and the National Voice Reporters Association in lieu of passing Part A of the Texas certification examination (the skills test).

Presently, candidates to become a certified shorthand reporter must take a two-part exam developed and administered by the Texas Court Reporter Association under contract with the

Judicial Branch Certification Commission. Part A, the skills test, is the most challenging of the two parts, and consists of three separate sections, each of which must be completed with a score of 95% or higher in one three hour sitting. Meanwhile, the National Court Reporters Association and National Voice Reporters Association administer similar exams and require similar passing standards but allow the three sections of their tests to be completed in separate sittings.

Judicial professions are overseen by the Judicial Branch Certification Commission; while most other occupational licenses in Texas are regulated by the Texas Department of Licensing and Regulation (TDLR). HB 11 of the 89th Legislative Session provided a general goal for TDLR, “The department shall maximize licensing reciprocity agreements, with respect to licenses issued by the department, to the extent allowed by law and the department shall identify state laws that prevent the department from entering into a reciprocity agreement with a licensing authority in another state.” TDLR is further required to recommend any legislative action that is necessary or appropriate to increase the number of license reciprocity agreements...” Accepting passing scores on national examinations would be consistent with that policy direction. Because those examinations evaluate substantially similar skills, this recommendation would reduce unnecessary barriers to licensure while maintaining high professional standards and could help increase the number of certified shorthand reporters in Texas.

Recommendation 14: The Judicial Branch Certification Commission should establish a registration program for Digital Court Recorders that includes initial training and ongoing continuing education requirements related to courtroom procedures, record preservation, ethics, and operation of digital recording systems.

Court Recorders perform a fundamentally different role from certified shorthand reporters, and their qualifications should reflect those differences. Rather than creating the record through stenographic or voice-writing methods, Court Recorders operate and monitor recording systems, preserve digital recordings, and maintain exhibits and related records. When a transcript is required, it is prepared separately by a certified shorthand reporter.

Courts routinely rely on trained court personnel, such as clerks and court coordinators, to perform important functions without extensive occupational licensing requirements. A registration program coupled with standardized training and continuing education would help ensure that Court Recorders understand court procedures, record preservation requirements, ethics obligations, and the operation of recording equipment while avoiding unnecessary barriers to entry. Qualifications for Court Recorders should be tailored to the actual duties of the position and should not mirror the certification requirements applicable to certified shorthand reporters.

Recommendation 15: The Legislature should require courts to post on their public website the fee schedule detailing all fees charged related to providing a transcript, including expedited service and copy fees.

The cost of transcript and related fees are creating access to justice concerns for litigants. Transcript costs can be prohibitive for litigants seeking appellate review. Transcript preparation fees vary substantially among courts and jurisdictions, yet fee information is not consistently

available to the public. As a result, litigants, attorneys, judges, and local governments often have limited visibility into the costs associated with producing the official record.

Requiring courts to publish transcript fee schedules would promote transparency and allow parties to better anticipate the cost of an appeal. Publicly available fee schedules would also provide judges and local officials with greater awareness of transcript pricing within their courts and facilitate comparisons among jurisdictions. This recommendation does not establish statewide transcript rates or otherwise limit the discretion of court reporters and court recorders to set fees. Rather, it seeks to encourage transparency and informed decision-making, which may promote greater consistency in transcript pricing over time.

Recommendation 16: The Legislature should establish a pilot grant program to support the use of digital court recording in interested trial courts and require participating courts to report on the benefits, challenges, costs, and operational impacts of digital recording systems.

Of Texas' 254 counties, 42 have formal administrative orders authorizing electronic recording in civil matters and 21 for criminal matters. Digital Court Recording is already used in a variety of settings throughout Texas and other states. The PPRI study recommended further study of the accuracy and effectiveness of digital court recording.

Rather than undertaking additional academic study, the Committee recommends adapting the recommendation to instead evaluate digital court recording through practical implementation in interested trial courts. A pilot grant program would allow courts to test digital recording systems in real-world courtroom environments and provide meaningful information regarding cost, reliability, operational challenges, transcript preparation, and the impact on court proceedings. Participating courts should report both benefits and challenges encountered during the pilot so that policymakers may make future decisions based on actual experience in Texas courts.

Recommendation 17: The Supreme Court should consider a requirement that any court using digital court recording must have a registered court recorder assigned exclusively to that proceeding to monitor the recording and perform the duties outlined in the Texas Rules of Appellate Procedure.

PPRI found in their national digital court recording policy that anywhere digital recording is authorized, states universally require human monitoring. Courts observed all had a system in place to maintain accuracy of the record including human monitoring and active courtroom management such as mitigating simultaneous speech. Across all stakeholder groups, there is strong agreement that a trained human must be present to monitor any recording, and that centralized multi-courtroom monitoring does not provide adequate protection to assure the accuracy of the digital recording. A dedicated Court Recorder assigned to each proceeding helps ensure the completeness, accuracy, and reliability of the official record.

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Court Fees Recommendations

Recommendation 18: The Legislature should increase the consolidated court costs to restore purchasing power eroded by inflation and preserve the level of services originally intended by the Legislature.

Recommendation 19: The Legislature should provide General Revenue funds for the initial training of all new judges, court personnel, and prosecutors.

Inflation has reduced the effectiveness of existing court-cost funding streams; therefore the Legislature should (1) modernize fee amounts, (2) modestly broaden the fee base, and (3) shift certain foundational training costs to General Revenue.

The Legislature consolidated court fees for criminal cases effective 2020 and civil cases effective 2022. As part of consolidation specific dollar amounts were set for each case type and level and certain dollar amounts were divided between the state and local government. The consolidated fees support different funds or accounts depending on whether the court is civil or criminal and depending on the level of the criminal offense¹. As a result of variance in funds supported by specific case types or levels, raising a consolidated court cost for only one case type or level will not benefit all funds or even all funds directly supporting the judiciary.

Many of the funds directly support the judiciary, including the Fair Defense Account, the Judicial Fund, Specialty Court Account, Statewide Electronic Filing System Account, Judicial and Court Personnel Training Account, Courthouse Security Fund, and the Jury Service Fund. Based on the Consumer Price Index (CPI), the buying power of these accounts are not keeping up with inflation. While there are significant considerations beyond the CPI to raising fees, some costs lag the CPI by as much as \$70.

The impact of inflation is especially true of the Judicial and Court Personnel Training Fund (Fund 540), which supports the continuing education of judges and other justice system actors in Texas.² As Fund 540 struggles to keep up with operational cost inflationary pressures, so too has its ability to fund robust judicial and legal training. This need is particularly acute for justice courts, where existing funding levels often make it difficult to support judicial education and training needs. Continued limitations on fund replenishment could jeopardize Texas' place as a leader in judicial and legal education.

Taking a balanced approach to a potential fee increase is important and one recommendation to minimize an increase included the Legislature dedicating General Revenue specifically for the training of new judges and court personnel. The nature of the training requires in person attendance

¹ The state criminal consolidated court cost supports 19 funds or accounts while the state civil consolidated court cost supports four. The local consolidated criminal court cost for a felony supports six funds or accounts, for a Class A/B misdemeanor supports eight funds or accounts and for a fine only misdemeanor supports four funds or accounts. The local civil court costs support 10 different funds or accounts.

² Hon. Ryan Kellus Turner, "Past, Present, and Future: The Texas Judicial and Court Personnel Training Fund," *The Recorder* (June 2026) at 1 – 15.

and introductory level training to ensure judicial branch officers are well prepared for their new responsibilities.

Access to Courts Recommendation

Recommendation 20: The Texas Judicial Council should encourage the Supreme Court to explore expedited and temporary licensure pathways for attorneys licensed in other states who perform public service work including public defenders and attorneys taking appointments in indigent criminal, juvenile, and family protection representation cases.

Texas is experiencing a perfect storm affecting the justice system: increased need for appointed counsel, fewer attorneys accepting appointed cases, and excessive caseloads. From 2014 to 2022, the number of indigent felony and misdemeanor cases have grown dramatically, led by a 17% increase in indigent felony cases in rural counties. Family protection cases typically require at least three appointed attorneys, one for the child or children, and one for each parent. The number of attorneys accepting appointed cases is shrinking. Over eight years (2014-2022), 10% fewer attorneys took misdemeanor and felony case appointments in mid-sized and urban counties, while the attorney pool shrank by 27% in rural Texas counties.³ Child protection case appointment lists are also shrinking, with 51% of counties reporting fewer attorneys working on appointed cases in 2023, and 52% of counties having nine or fewer attorneys willing to take appointments.⁴

Recruiting experienced out-of-state attorneys to Texas can help reverse these trends, but delays in Texas Bar licensure are a significant challenge to this potential solution. Out-of-state attorneys seeking to join the Texas Bar encounter a nine-month processing time or longer. Twenty-seven states provide temporary, expedited licensure for legal aid attorneys, and five have special accelerated temporary licensure for public defense lawyers.⁵ The Texas Supreme Court has granted temporary licensure to out-of-state lawyers providing representation during natural disasters as well as the border crisis during Operation Lone Star. Additionally, it has added five-year licensure for the spouses of active-duty military stationed in Texas which must be approved or denied by the State Bar within ten days of application.⁶ Exploring similar options for attorneys performing public-service legal work could help expand the pool of qualified attorneys available to accept court appointments and improve access to justice throughout Texas.

³ Texas A&M Pub. Pol'y Research Inst., Justice Beyond the Cities: The State of Rural Public Defense in Texas 15 (2024), https://ppri.tamu.edu/wp-content/uploads/2024/07/20240626_Rural-Indigent-Defense-in-Texas_Final.pdf.

⁴ Texas Indigent Defense Commission, Family Protection Representation 2023 Data Report 8-9 (2024), https://tidc.texas.gov/media/bjbvny4r/2023-fpr-data-report_final.pdf.

⁵ American Bar Association and National Conference of Bar Examiners 2024 Comprehensive Guide to Bar Admission Requirements.

⁶ Texas Supreme Court Misc. Docket #25-9097 amending Rules Governing Admission to the Bar of Texas, Rule 23.