



ANNUAL REPORT of the JUDICIAL SUPPORT AGENCIES, BOARDS AND COMMISSIONS

FOR THE FISCAL YEAR ENDED AUGUST 31, 2019



20
19

TEXAS
JUDICIARY

OFFICE OF COURT
ADMINISTRATION

TEXAS JUDICIAL
COUNCIL



**OCA
MISSION**

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

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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, 2019

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

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

Legislative Members

Hon. Brandon Creighton, Senator, Conroe

Hon. Jeff Leach, Representative, Allen

Hon. Andrew Murr, Representative, Junction

Hon. Judith Zaffirini, Senator, Laredo

Judicial Members

Mr. Bill Boyce, Attorney, Alexander Dubose & Jefferson LLP, Houston

Hon. Bill Gravel Jr., Constitutional County Judge, Williamson County

Hon. Scott Jenkins, Judge, 53rd District Court, Austin

Hon. Kelly Moore, Senior District Judge, 121st Judicial District, Lubbock

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

Hon. Polly Spencer, Judge (Ret.), Probate Court #1, Bexar County

Hon. Sherry Radack, Chief Justice, 1st Court of Appeals, Houston

Hon. Gary Bellair, Presiding Judge, Ransom Canyon Municipal Court, Ransom Canyon

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

Hon. Vivian Torres, Retired Senior Judge, Hondo

Citizen Members

Mr. Kevin Bryant, Crow Holdings, Dallas

Ms. Sonia Clayton, Virtual Intelligence Providers LLC, Houston

Hon. Jon Gimble, District Clerk, McLennan County, Waco

Ms. Rachel Racz, Vista Proppants & Logistics, Fort Worth

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 FY19

September 14, 2018 | February 1, 2019 | June 28, 2019

Legislative Priorities

As the policy making body of the Judicial Branch, the TJC regularly recommends to the legislature ways to improve the administration of justice in Texas. At its June 2018 meeting, the TJC endorsed the following proposals:

1



Improving Data Collection & Transparency

2



Improving the Judiciary's Response to Disasters

3



Enhancing Court Security

4



Improving Transparency from the State Commission on Judicial Conduct

5



Increasing Accountability in the Guardianship System

6



Supporting Specialty Courts

7



Combatting Opioid Abuse

8



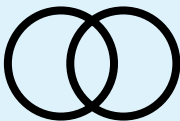
Enhancing Public Safety through Modernization

9



Supporting Reforms Impacting Youth in State Custody

10



Addressing the Needs of Dually-Involved Youth

11



Ensuring Adequate Judicial Compensation

12



Supporting Funding for Civil Legal Aid in Texas

13



Ensuring Adequate Court Funding

14



Appropriating All Funds Collected for Improving Indigent Defense

15



Addressing the Needs of those with Mental Health Concerns

16



Improving the Civil Justice System

17



Addressing the Needs of Youth in Class C Misdemeanor Matters

The following is a brief description of some of the Texas Judicial Council proposals that found success in the 86th Session. A full legislative report published by the TJC is available at <https://www.txcourts.gov/media/1444317/86th-legislative-update-v7.pdf>.

HB 2384 Judicial Compensation Increases

Judicial compensation has long been a complicated issue to address in Texas. Over the past 18 years, state judges have only received two raises. The 86th Legislature aimed to address this disparity and bring stability to judicial pay with HB 2384 (Leach/Huffman). The bill rewards experience and encourages the retention of judges. Under the bill, judicial compensation is now calculated under a tiered system based on years of service.

0-4 years of service receive current base pay:

- \$140,000 for district judges, \$154,000 for Court of Appeals (COA), \$168,000 for Supreme Court (SCOTX)/Court of Criminal Appeals (CCA)

4-8 years of service receive 110% of base pay:

- \$154,000 for district judges, \$169,400 for COA, \$184,800 for SCOTX/CCA

8-12 years of service receive 120% of base pay:

- \$168,000 for district judges, \$184,800 for COA, \$201,600 for SCOTX/CCA

In addition, the bill includes statutory county court and probate judges as well as state elected prosecutors on the tiered system. The bill also provides for compensation increases for child protection and child support court associate judges, and adjusts the monthly longevity pay for judges or justices who have completed 12 years of service.



Top: Former Senator Robert Duncan and Chief Justice Nathan L. Hecht provide testimony on judicial compensation at the May 10, 2019, Senate State Affairs committee hearing.
Right: David Slayton also testified at the May 10 hearing.



SB 2342 Civil Jurisdiction and Jury Size

SB 2342 (Creighton/Leach) increases the civil jurisdiction for Constitutional County Courts and Justice Courts from \$10,000 to \$20,000. The bill also increases civil jurisdiction of statutory county courts exercising concurrent jurisdiction with districts courts from \$200,000 to \$250,000. The bill requires 12-member juries, unless otherwise agreed to by the parties, in a civil case in statutory county court in which the amount in controversy exceeds \$250,000. In addition, the bill requires the Supreme Court to adopt rules to promote the prompt, efficient, and cost-effective resolution of civil actions filed in county courts at law in which the amount in controversy does not exceed \$250,000.



HB 1 Uniform Case Management System

The Legislature appropriated OCA \$29.7 million to fund a uniform case management system with a focus on counties with a population under 20,000. A uniform case management system will assist counties in reporting case level data to the state, will improve magistrates' access to case information, and will assist in mental health and protective order reporting to NICS – the National Instant Criminal Background Check System that is used before an individual can purchase a firearm.



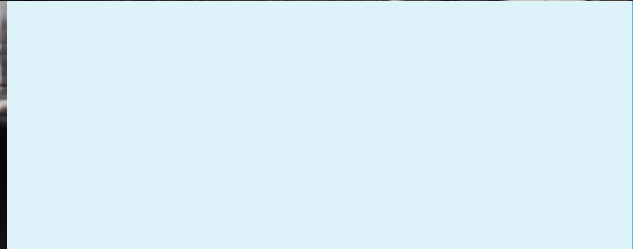
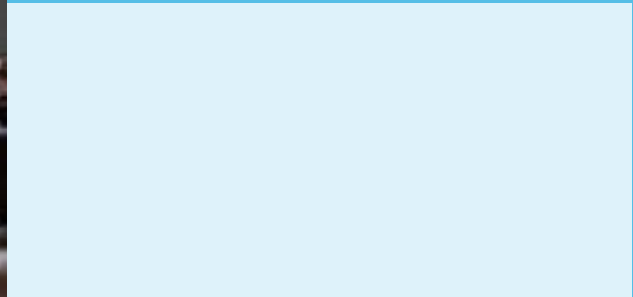
SB 40 Improving the Judiciary's Response to Disasters

A major focus of the session was continued recovery efforts from Hurricane Harvey that devastated the Houston region and Gulf Coast in August 2017. SB 40 (Zaffirini/Leach) aids in the court system's administrative response during a time of disaster. Specifically, the bill allows the Presiding Judge of the Administrative Judicial Region to authorize a court to operate in another precinct or county, it extends the effective period of an emergency order from 30 to 90 days, and it allows the Chief Justice of the Supreme Court to renew an emergency order instead of the full court. The Texas Supreme Court issued 11 emergency orders including four joint orders with the Court of Criminal Appeals following Hurricane Harvey.



SB 31 Creating the Guardianship Fraud Abuse and Exploitation Deterrence Program

SB 31 (Zaffirini/Smithee) expands the OCA's Guardianship Compliance Pilot Project (GCP) statewide and renames the project as the Guardianship Abuse, Fraud, and Exploitation Deterrence Program. The bill requires OCA to employ guardianship compliance specialists to conduct reviews and audits of guardianships and to maintain a database to monitor guardianship filings, annual reports, and annual accounts.

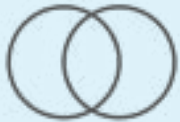


Texas Judicial Council Meeting - February 1, 2019



HB 2955 Specialty Court Oversight within the Judiciary

HB 2955 (Price/Zaffirini) moves Texas closer to national best practices by centralizing oversight of specialty courts within the judiciary. More than 190 specialty courts including drug courts, DWI courts and family violence courts operate across the state. The bill requires specialty court programs to register with OCA, rather than the Governor’s Criminal Justice Division, before beginning operation. In addition, it requires OCA to provide technical assistance to specialty court programs and to monitor them for compliance with programmatic best practices. Under the bill, funding for the specialty courts remains with the Office of the Governor.



SB 1887 Addressing the Needs of Dually Involved Youth

Spurred by the one family – one judge approach to improve case outcomes for dually-involved youth – that is youth that are involved in both the juvenile justice and the child welfare system – the legislature passed SB 1887 (Huffman/Murr). The bill allows a court that is exercising juvenile jurisdiction over a case to transfer that case to a court that has jurisdiction of the youth’s welfare case.



SB 362 Court Ordered Mental Health Treatment Updates

SB 362 (Huffman/Price) clarifies conditions under which a judge may order temporary outpatient, extended inpatient, or outpatient mental health services. It also allows a court to set a status conference with the patient, the patient’s attorney, and the person designated as responsible for the patient’s court-ordered outpatient mental health services. In addition, it requires publicly funded facilities to coordinate admission, treatment plans and discharge plan with the Local Mental Health Authority. The bill also requires additional judicial training related and directs the Supreme Court to adopt rules related to streamlining court processes connected to emergency detention.



SB 489 Court Security Updates

This bill builds on the success of SB 42 – The Judge Julie Kocurek Act that was passed during the 85th Legislative Session. SB 489 (Zaffirini/Smithee) closes loopholes that allowed judges personal information to be available to the public through the Texas Ethics Commission and County Clerk online and in person. The bill also requires OCA to publish a report to the legislature detailing court security activities supported by OCA’s Judicial Security Division.

Texas Judicial Council Committees

June 2019 Charges to the Texas Judicial Council Committees.



Civil Justice Committee

Charge 1: Continue to study the landscape of the Texas Civil justice system, and recommend any necessary reforms to improve access to justice in Texas Courts.

Charge 2: Work with individual jurisdictions to implement pilot programs for:

- Business Courts
- Online Dispute Resolution

Charge 3: Monitor the Commission on Judicial Selection and recommend any necessary reforms.



Criminal Justice Committee

Charge 1: Continue to evaluate and monitor Texas' pretrial bail system for improvement and recommend any further statutory and non-statutory changes. Work with individual jurisdictions to facilitate implementation of reforms.

Charge 2: Consider best practices and necessary reforms for youth in Class C Misdemeanor matters.

Charge 3: Evaluate Texas' jury and grand jury processes and recommend any necessary reforms.



Data Committee

Charge 1: Continue to work on guiding the revisions of the court activity reporting database to collect case-level statistical data.

Charge 2: Monitor implementation of the Uniform Case Management System



Public Trust and Confidence Committee

Charge 1: Continue to monitor public trust and confidence in the Texas Judiciary and recommend any necessary reforms to increase public support and respect.



Strategic Vision Committee

Charge 1: Develop recommendations for a strategic vision and plan for the Texas Judiciary including:

- Budgeting
- Authority
- Innovations
- Updates on past reform

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 4,400 stakeholders, and social media via Facebook. It also manages the @TXCourts twitter feed for the Judicial Branch.

OCA holds quarterly agency-wide staff meetings.

Executive staff presents at Board, Commission and Council meetings and gave 25 educational presentations to outside stakeholders. In addition, Executive staff prepared and presented testimony to numerous legislative committees.

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

Texas Women Judges' Day at the Capitol

On April 8, over 150 women judges throughout the State gathered at the Capitol to be honored for their service to the judiciary. This is the third Texas Women Judges' Day at the Capitol (TWJDC) and attendance has almost doubled since 2015. TWJDC is a coordinated effort between Senator Royce West, OCA, and the National Association of Women Judges. There are currently over 1,500 women judges in Texas.



Research and Court Services Division

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

Language Access Program

OCA's Language Access Program provides assistance to courts in communicating with individuals with limited English proficiency, giving these individuals meaningful access to their legal proceedings through audio or video remote interpreting provided by the Texas Court Remote Interpreter Service staff.

During FY19, OCA's two remote interpreters provided free Spanish interpretation services in 791 hearings, serving 53 counties across Texas. They also hosted a webinar focusing on *Court Interpreters in the Courtroom* to court coordinators in Texas.

Additionally, staff were involved in the following translation projects:

- CJD Criminal Justice Division, Office of the Governor: "Specialty Courts Ombudsman Pilot Program, in Partnership with The Office of Court Administration."
- JBCC: Online "Guardianship Training Module."
- JBCC: Guardianship Fingerprint Card Instructions
- Dallas County Criminal Court No. 11: "Defendant's Waiver of Bail Review Hearing."
- Ongoing translation of the "TexasCourtHelp.gov" website.

Court Security Division

New and enhanced laws in court security are designed to improve the security of judges at all levels, both in their courthouses and at their homes. These laws do the following:

- Provides for the suppression of the residence address of a judge and judge's spouse in records maintained by the Texas Ethics Commission, a county registrar, and a county appraisal district. The law also allows a judge and judge's spouse to replace their home address on their driver's license with the address of the courthouse in which the judge serves;
- Requires county clerks, upon the written request of a judge, to omit or redact personal information from an online database that is made public;
- Requires that a courthouse security committee be established by the presiding judge of a municipality or the local administrative district judge in each county, respectively;
- Establishes a \$5.00 filing fee on any civil action or proceeding requiring a filing fee to generate revenue to support judicial and court personnel training;

- Transfers responsibility for reporting security incidents to OCA from the local administrative judge to the law enforcement official responsible for providing court security;
- Requires any person providing security to hold a court security certification issued by a training program approved by the Texas Commission on Law Enforcement; and
- Authorizes any commissioned peace officer in the state to provide personal security to a judge, regardless of the location of the law enforcement agency that employs or commissions the peace officer.

The purpose of the Court Security Division is to:

- Support the establishment of court security committees through training and technical assistance;
- Assist courts with conducting and reviewing security and emergency preparedness assessments and developing improvement plans;
- Support the implementation of privacy protections for judges by facilitating the restriction of public access to the residence address of a judge or judge's spouse;
- Oversee the collection of court security incident reporting; and
- Serve as a clearinghouse of information regarding the new law and judicial and court security best practices.

In FY19, the Court Security Director participated as a speaker on various court security related subject matters in approximately 25 training events hosted by judicial, court support and law enforcement training entities. To maximize OCA's outreach promoting awareness of the privacy protections afforded pursuant to SB 42 (85th Regular Session), OCA staff attended numerous regional and annual judicial conferences providing information tables with the ability for judges to submit their privacy questionnaire on site and to address court security related concerns or questions with staff.

Incident reporting to OCA has continued to increase over the last year. In FY19, 451 incident reports were submitted. This is an increase of about 18% from last fiscal year. This upward trajectory will continue as law enforcement agencies are becoming aware of the reporting mandate.

Additionally, during this period, the Court Security Director also facilitated the second meeting of the Supreme Court's Advisory Committee on Judicial Emergency Preparedness and Court Security.

Courthouse vulnerability assessments continued to encompass the workload of the Court Security Division accounting for approximately 37 assessments completed during 2019, a marked increase over last year. In addition, judicial home assessments continue to be part of the landscape in addressing judicial threat environments. Texas was in the national spotlight this year with the unfortunate tragedies of mass shooting events. These events will likely broaden the discussion of judicial, residential, and courthouse security in the coming year.

Children's Courts Program

Effective September 1, 2019, Children's Courts Program operations moved from the Legal Division to the Research and Court Services Division to enhance program service delivery. The program encompasses Child Protection Courts (CPCs) and Child Support Courts (CSCs) throughout the State. There are 43 CSCs. OCA received funding from the 86th Legislature for an additional 9 CPCs to address the growing CPS caseloads across the State. Once the new courts are established there will be 30 CPCs operating across the state.

In FY 2017, OCA received a grant from the Supreme Court's Permanent Commission for Children, Youth, and Families (Children's Commission) to fund the use of former CPC associate judges to sit as visiting associate judges to ensure judges experienced in CPS matters are available to hear cases in an associate judge's absence from the bench. OCA is in process of reapplying for continued funding through the next biennium. In July 2019, OCA participated in the first CPC Convening

sponsored and hosted by the Children’s Commission and The Texas Center for the Judiciary (TCJ). The meeting was targeted for CPC associate judges only and was well-received. There are plans to hold the convening every other year.

Problem-Solving Courts

The 86th Legislature passed HB 2955 transferring oversight of Texas Specialty Courts to the OCA from the governor’s Criminal Justice Division (CJD) effective September 1, 2019. The CJD will continue to manage grant funding for specialty courts.

The Research and Court Services Division (RCSD) will have direct responsibility to provide technical assistance to and monitor compliance of specialty courts with programmatic best practices, and coordinate and provide information to CJD. These duties will include maintenance of the specialty court registry.

In FY19, the Statewide Problem-Solving Court Coordinator (SPSCC) continued representing OCA by attending and participating in specialty court-related meetings and conferences sponsored by a diverse body of stakeholders, including but not limited to, the Texas Veterans Commission, the National Association of Drug Court Professionals, the Texas Association of Specialty Courts, the Conference of Chief Justices and Conference of State Court Administrators, the Governor’s Criminal Justice Division and Specialty Courts Advisory Council, the Center for Court Innovation, the Texas Specialty Court Resource Center, and the Texas Department of Criminal Justice Reentry Task Force. The SPSCC continued to serve as the Specialty Court Ombudsman — the single point-of-contact for specialty court participants and team members to report complaints/concerns about program operations, processes, and individual team members, including the specialty court judge.

Collection Improvement Program

During the 86th Legislative Session, the Texas Legislature enacted Senate Bill 891. The bill included a provision that abolished the Collection Improvement Program, effective September 1, 2019.

At the June 28th meeting of the Texas Judicial Council, the Council voted to repeal Chapter 175 of the Texas Administrative Code which contains Collection Improvement Code rules, effective September 1st.

The Research and Court Services division will continue to provide support to courts around the state related to the payment or satisfaction of legal financial obligations. The Court Collection Reporting System provides useful data and will remain active for any former collection programs that wish to continue to report collection activity.

Centers of Excellence

On June 28th, 2019, the Texas Judicial Council voted to recognize the 347th and 214th District Courts as Centers of Excellence. The two courts, led by the Hon. Missy Medary and the Hon. Inna Klein, are Texas’ first courts to receive the recognition.

The Judges, along with court staff, demonstrate extraordinary commitment to justice, court accessibility, and a high standard of judicial administration. The courts were early participants with the Centers of Excellence program and worked diligently with the RCSD to design, implement, and evaluate the program itself.

Judges Medary and Klein, along with their staff, are outstanding representatives of the Centers of Excellence program. Their dedication to their communities and Nueces County is evident in the work shown throughout the Centers of Excellence process.

The Centers of Excellence Program is centered around a framework of Court Performance and Compliance. It seeks to evaluate court performance across four areas: Governance, Data Driven Caseflow Management, Access and Fairness, and Court Operations. Concurrently, RCSD reviews each court’s compliance with local, state, and federal compliance regulations to ensure that the court is carrying out its required duties under the law as they relate to providing for indigent defense, mandated reporting, court security, guardianship, and the collection of fines and fees.

The Centers of Excellence program continues to develop and expand following the recognition of the 347th and the 214th. RCSD is currently working with other courts across Texas on future potential Centers of Excellence.

**Texas Judicial Council
Centers of Excellence:
A Judicial Branch Performance Initiative**

The Judicial Council's Centers of Excellence Program is designed to assist courts in assessing and improving their administrative performance and compliance with judicial administration requirements. The initiative is aligned with recognized standards of court performance measurement and requirements and is supported by local innovation and expertise. Participating jurisdictions will complete the following four phases, with assistance from the Office of Court Administration (OCA) as needed. Courts recognized as a Judicial Center of Excellence. To ensure continuous improvement, a jurisdiction recognized as a center of excellence will need to participate in a performance and compliance assessment every two years.

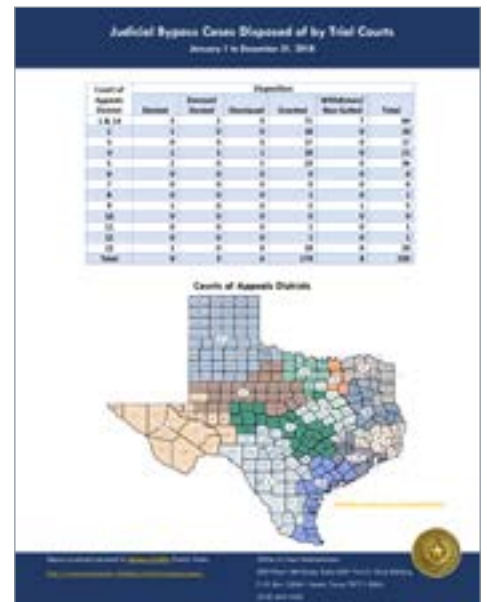
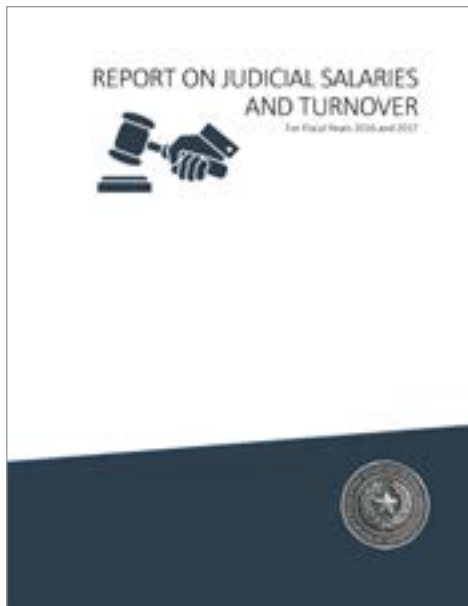
- PHASE 1**
Complete Readiness Assessment
Consult with OCA
Select jurisdiction representative
- PHASE 2**
Complete Performance Inventory
Receive Performance and Compliance Profile from OCA
Create Performance and Compliance Improvement Plan
- PHASE 3**
Implement Performance and Compliance Improvement Plan
Participate in Excellence Assessment conducted by OCA
- PHASE 4**
Jurisdiction recognized by the Judicial Council as a Judicial Center of Excellence

Office of Court Administration | info@oca.texas.gov | 800-690-9100

**Centers of Excellence:
A Judicial Branch Performance Initiative
Performance Areas**

The initiative supports performance improvement in four areas. Each area is aligned with recognized standards of court performance and participating jurisdictions may seek excellence in one or more of the four areas.

- GOVERNANCE**
The court's structure and authority for policy development and implementation is well-established and the court is committed to transparency and accountability.
- DATA DRIVEN CASEFLOW MANAGEMENT**
The court uses data to ensure that work is performed efficiently and to promote the fair and timely resolution of all cases.
- ACCESS and FAIRNESS**
The court is accessible to all and court procedures are fair and understandable.
- COURT OPERATIONS**
The court effectively performs, manages, and monitors its operations and services.



Judicial Information

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

In FY19 program staff were involved in the following activities:

Production of the:

- 2018 Annual Statistical Report for the Texas Judiciary, which includes statistics for appellate and trial courts and analyses of case activity and trends in filings and other measures of court workload
- 2019 Texas Judicial System Directory
- Report on Judicial Salaries and Turnover for FYs 16-17
- 2018 Annual Report on Disposition of Judicial Bypass Cases by Trial Courts
- first Presiding Judges Annual Report (required by SB 1893, 85th Legislature)
- first Writs of Attachment Annual Report (required by SB 291, 85th Legislature) and
- webinar on Orientation to Texas Court Data: How to Research and Download Court Statistics.

Providing data support to:

- The Judicial Council
- the Council of Presiding Judges
- the Supreme Court for its courts of appeals docket equalization program
- OCA and external customers during the legislative session, including 35 analyses for new district courts or county courts at law and
- the "Price of Justice" Project.

In addition, the Judicial Information team:

- Conducted the annual update of the Texas judicial directory database, which contains information for more than 2,800 courts and more than 7,300 court system personnel; and
- Tracked all appellate and district judges leaving office during the fiscal year and surveyed all judges who resigned or did not seek reelection about their reasons for leaving, as required by Government Code Section 72.030.

A significant portion of Judicial Information staff time is also devoted to providing support to the trial courts and clerks and their information technology staff or case management vendors on reporting issues to promote data quality and completeness. During the year, staff made 12 presentations to statewide and regional clerk and court organizations.

Approximately 470,000 statistical and other reports were received in FY19.

Information Services

The Information Services Division works to foster technology, security and innovation with its judicial branch partners and the Texas Judiciary. This includes continued movement towards secure government cloud services.

In addition to supporting Internet services, networks, servers, workstations, mobile devices, cloud services, and applications, Information Services also oversees the execution of the statewide electronic filing contract. The contract includes statewide electronic filing, electronic access to court documents, and self-represented litigant forms assembly.

Information Services also staffs and coordinates activities for the Judicial Committee on Information Technology.

Re:SearchTX

Re:SearchTX aims to provide a statewide search capability for electronic court documents. The system currently includes civil filings accepted through the eFile system.

Working with Tyler Technologies, OCA implemented the Supreme Court order, expanding re:SearchTX to registered users (the general public). Attorneys not on the case and registered users are charged \$0.10/page with a maximum document cost of \$6. All monies collected via re:SearchTX go to the county in which the document originated.

eFiling

OCA continued working with the vendor to bring more counties online with criminal eFiling in order to meet the mandate set by the Court of Criminal Appeals. At the end of FY19, 227 counties were live on criminal eFiling, with 119 counties under the mandate. The criminal mandate will be statewide on January 1, 2020.

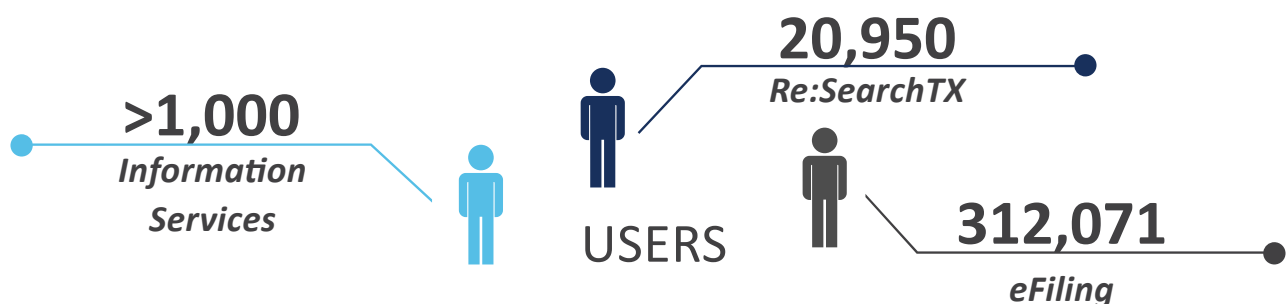
In FY19, eFiling saw expansion in justice courts, expanding to a total of 110 JPs that serve 23 counties.

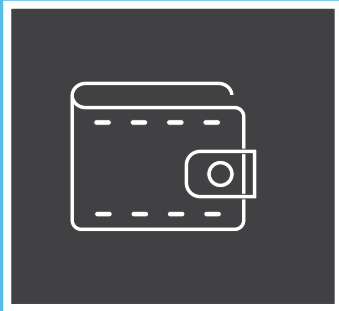
eFile Texas 2.0

The current eFiling contract that includes eFiling, document access, redaction and forms assembly has been fully extended and is set to expire on 8/31/2021. In April, OCA hired a project manager to head up the re-procurement efforts to establish a new contract. Due to the size of the system, OCA is required to run the project as a Major Information Resource Project (MIRP) which requires substantially more documentation and approvals from executive branch IT and procurement agencies.

In July, OCA engaged Gartner to assist with the preparation and execution of the system's re-procurement. Gartner and OCA have worked to ensure that all stakeholders of the eFiling system are heard with regards to how the current system works and potential future improvements.

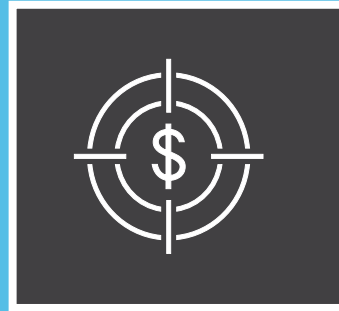
OCA expects issue a Request for Offer in early 2020 and to have a new contract signed by the end of summer/start of fall in 2020.





Price of Justice Grant

Information Services, partnering with Research and Court Services, continued development of a system to reduce the number of people jailed for the inability to pay court costs and fines. User group members are testing the first phase of the system which provides an online process for defendants to submit financial information to a court. Judges can use that information to calculate a payment that considers hardship and helps them make recommendations on alternatives to payments.



Guardianship Online Reporting

Information Services and the Guardianship Abuse, Fraud and Exploitation Deterrence Program are collaborating on the Online Guardianship Reporting System, which will assist guardians with their required reporting to the courts. Significant progress has been made on the development of the reporting for the Guardian of the Person. The next phase will focus on reporting for the Guardian of the Estate.

Technology Upgrades

Information Services performed several technology upgrades in FY19.

- ServiceNow Ticketing – The information services division upgraded the ticketing system in FY19 to ServiceNow. This system lets the division better categorize trouble reports by system, notice patterns and allows better notification of VIP trouble requests.
- Project Portfolio Management – The information services division implemented project portfolio management with Microsoft Project Online and Power BI. This tool allows management to view the current and future workload of all staff and to more accurately measure project progress and to gauge availability for additional projects
- Equipment provisioning for new OCA staff – In the 86th session, OCA was given additional FTEs. At the end of the fiscal year, the division acquired all equipment and made it ready for deployment once the new positions are filled.
- Asset Tracking Upgrades – The division implemented SNOW to track licensing usage as well as equipment on the network. This tool will allow the property manager to quickly see what equipment is in use.
- Server consolidation – the division completed work in FY19 on consolidating servers. The Austin datacenter now contains only 16 physical servers. Most non-core functions provided by the division are hosted in the government cloud.

Judicial Committee on Information Technology

The mission of the Judicial Committee on Information Technology (JCIT) is to promulgate standards and guidelines for information technology in the Texas Judiciary. In FY19, JCIT met four times to adopt updates to the technology standards and to discuss the implementation of re:SearchTX for civil cases. In its last meeting of FY19, JCIT created a subcommittee to explore the path to include criminal filings on re:SearchTX. The standards subcommittee also explored adding Juvenile cases to eFiling along with expanding eFiling in justice courts.

MEMBERS AS OF AUGUST 31, 2019

Voting Members

Hon. Rebecca Simmons, Former Justice, Fourth Court of Appeals, San Antonio , Chair

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

Hon. David Escamilla, County Attorney, Travis County

Hon. Woody Gossom Jr., County Judge, Wichita County

Hon. Dan Hinde, Judge, 269th District Court, Harris County

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

Ms. Cynthia Orr, Attorney, San Antonio

Hon. Brian Quinn, Chief Justice, Seventh Court of Appeals, Amarillo

Mr. Todd Smith, Smith Law Group LLP, Austin

Mr. Carlos Soltero, McGinnis Lochridge, Austin

Mr. Dean Stanzione, Director of Court Administration, Lubbock County

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

Hon. John Warren, County Clerk, Dallas County

Mr. Ed Wells, Court Administrator, Harris County

Hon. Sheri Woodfin, District Clerk, Tom Green County

Non-Voting Members

Hon. Scott Becker, Judge, 219th District Court, Collin County

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

Mr. Miles Brisette, Attorney, Fort Worth

Hon. David Canales, Judge, 73rd District Court, Bexar County

Hon. Anne Marie Carruth, Justice of the Peace, Lubbock County

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

Hon. Judy Crawford, District/County Clerk, Crane County

Hon. Hilda Cuthbertson, Municipal Court Judge, Snook

Hon. Sarah Davis, State Representative, District 134, Houston

Hon. Annie Elliott, District Clerk, Fort Bend County

Hon. Roy Ferguson, Judge, 394th District Court, Brewster County

Ms. Laura Garcia, Texas Association of Counties, Austin

Mr. Doug Gowin, Operations Manager, Tarrant County

Hon. Blake Hawthorne, Clerk, Supreme Court of Texas, Austin

Hon. Laura Hinojosa, District Clerk, Hidalgo County

Ms. Tracy Hopper, Assistant Director, Applications Development, Harris County District Clerk's Office

Mr. Gary Hutton, Civil District Court Administrator, Bexar County

Hon. Sasha Kelton, County Clerk, Clay County

Hon. Steve M. King, Judge, Probate Court # 1, Tarrant County
Mr. Steve Mills, CTO, iHeartMedia, San Antonio
Hon. Velva Price, District Clerk, Travis County
Hon. Nancy E. Rister, County Clerk, Williamson County
Ms. Sian Schilhab, General Counsel, Court of Criminal Appeals, Austin
Mr. David Slayton, Administrative Director, Office of Court Administration, Austin
Mr. Michelle Spencer, Senior Trainer, Bracewell & Giuliani LLP, Austin
Mr. Mark Unger, The Unger Law Firm, San Antonio
Hon. Royce West, Senator, District 23, Dallas
Hon. Kevin Yeary, Judge, Court of Criminal Appeals, Austin

Technology Standards

The Technology Standards subcommittee of JCIT receives feedback from stakeholders with regards to eFiling codes and additional services offered through the eFiling system. In FY19, the subcommittee also focused on streamlining the filer experience by adding guidelines for clerks on how to process certain actions related to eFiling.

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 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 FY19, seven public access opinions were issued.

Legislative Work

During the 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.



House Bills

- ✓ Filed: 4765
- ✓ Passed: 969
- ✓ =@0%



Senate Bills

- ✓ Filed: 2560
- ✓ Passed: 460
- ✓ =18%



OCA Fiscal Notes

- ✓ 86th: 1252
- ✓ 85th: 1181
- ✓ 84th: 1033
- ✓ 83rd: 711
- ✓ 82nd: 621

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

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 facilities functions of the SPA and human resources functions for SPA and the Office of Capital and Forensic Writs.

During FY19 Finance and Operations processed 987 purchase requisitions, 1,493 purchase orders, 1,381 travel vouchers, 3,147 purchase vouchers, and 1,324 journal/budget vouchers, 45 payroll vouchers – a total of 8,377 documents. Division staff also processed 82 reimbursement requests for grants and contracts totaling \$7.82 million and deposited over \$824,500 in fees from licensees. Property and inventory has processed over 339 surplus items. The Human Resources staff screened 1,827 applications for 45 job postings, and processed 39 new hires and 36 separations.

The 86th Legislative Session Appropriations for 2020-2021

In August 2018, the Office of Court Administration submitted its Legislative Appropriations Request. Agencies were authorized to submit a budget request at 2018-2019 baseline levels. The total baseline budget request for 2020-2021 totaled \$153.7 million. Exceptional Item requests totaled \$96.5 million. The baseline budget request included \$66.4 million for Texas Indigent Defense Commission (TIDC), plus TIDC Exceptional Item requests totaling \$56.4 million. OCA's Exceptional Items include seven funding requests that stem not just from recommendations of the Texas Judicial Council but also priorities identified in the Governor's School Safety Initiatives. OCA's Exceptional Items and the funding results for each item are as follows:

- **Prevent Fraud and Abuse Committed Against the Elderly and Incapacitated - \$5 million.** This project will continue the guardianship compliance program on a larger, more effective scale. Following the review of approximately 28,000 guardianship files, audits have revealed significant issues with guardians complying with statutory requirements and indications of financial exploitation, with 41% of cases being out of compliance. This funding, which includes 28 FTEs, will allow the program to expand statewide to assist the courts with monitoring cases to combat fraud and exploitation.

Fiscal and Operations Support Responsibilities

- Purchasing
- Accounting
- Payroll
- Budgeting
- Financial Reporting
- Human Resources
- Property Inventory
- Facilities Management
- CIP Audit

OCA received full funding for this request in the amount of \$5 million and 28 FTEs. The program was re-named the Guardianship Abuse, Fraud and Exploitation Deterrence Program.

- **Protecting Texas Children: Create Additional Courts for Growing CPS Caseloads - \$4.3 million.** The Regional Presiding Judges have identified the need for 9 additional child protection courts based on requests received from trial court judges and increases in the CPS filings and caseloads. This item would fund nine new child protection courts including 18 FTEs and would provide additional funding for lump sum termination payments due to the high number of court staff who will be retirement eligible.

OCA received \$3.7 million for nine new child protection courts, 18 FTEs and \$300,000 to be used for lump sum termination payments for court staff who retire during 2020-2021.

- **Securing Texas Courthouses and Providing Safety for Texas Judges - \$380,000.** SB42 required OCA to create the Court Security and Emergency Preparedness division. The 85th legislature provided funding for one FTE and associated operating expenses. The Court Security Director has been widely utilized by judges, county officials and law enforcement to facilitate judge's efforts to have their personal information removed from public databases, review court security protocols, provide technical assistance in court security matters, and to connect counties and judges with security resources. The demand for assistance statewide exceeds the ability of one person to cover. This request would expand the division by two FTEs.

This request was not funded by the 86th legislature.

- **School Safety Initiative: A Statewide Case Management System for Immediate Access to Critical Information - \$29.7 million.** In May 2018, the governor issued the School and Firearm Safety Action Plan, which included a recommendation that the OCA create a statewide case management system, focused primarily towards counties with a population less than 20,000, to provide magistrates immediate access to critical information and to speed the timely reporting of court records for federal background checks. The inability to collect data weakens the state's ability to ensure accurate data, to share data with other state agencies such as DPS and to provide for interaction with state supported technology systems. The funding would provide one-time upfront and maintenance costs of a CMS, and 2.0 FTEs to manage the large project.

OCA received full funding for this request in the amount of \$29.7 million. The funding was split between General Revenue (\$11.9 million) and the Statewide Electronic Filing System Account (\$15.7 million).

- **Data Backed Policy Making through Judicial Council Resources - \$712,480.** The Texas Judicial Council is the policy making body of the judiciary, 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 improvement. Requests for studies continues to increase. The most recent Judicial Workload Study is over 12 years old and needs to be updated to determine the need for new district courts. In addition, since most trial judges lack access to staff attorneys to assist them in their work, this funding request includes 2.0 FTEs for staff attorneys to assist trial judges in analyzing difficult legal issues.

OCA did not receive funding for two FTEs for staff attorneys. However, [Senate Bill 891](#), Section 9.06, directed OCA to contract with the National Center for State Courts (NCSC) for the development of a weighted caseload study of the district and statutory county courts in Texas. One-time funding of \$300,000 in General Revenue was appropriated for this study which is due not later than December 1, 2020, from NCSC.

- **Appropriation of Forensic Science Commission Operating Account No. 5173 - \$191,800.** Senate Bill

298 created the Forensic Science Commission (FSC) Operating Account. The FSC is required to license all forensic analysts by January 1, 2019 and deposit all fees into this account. This funding request appropriates to the FSC, all revenues received into the account. The request also seeks to provide the Forensic Science Commission Operating Account with estimated appropriation authority.

OCA received estimated appropriation authority for the Forensic Science Commission Operating Account and all cash balances in the account at the beginning of FY2020, estimated to be \$191,800.

In addition to the above, the 86th Legislature appropriated the following initiatives based on legislation passed during session:

[Senate Bill 891](#) amended the Govt. Code by adding Sec. 72.034, directing the OCA to develop an easily accessible, searchable website for the inventorying of public citations and other legal notices. OCA was appropriated \$66,640 in General Revenue for this purpose.

[Senate Bill 891](#) amended Section 154.104 of the Govt. Code directing in the Judicial Branch Certification Commission to certify each applicant who meets the qualifications for certification as an apprentice court reporter or a provisional court reporter. The legislature appropriated \$40,000 in General Revenue to OCA in order to update the internal database for these two new licensing types.

[Senate Bill 560](#) requires counties and courts to report information on court-ordered representation for appointments made in suits affecting the parent-child relationship. The 86th legislature appropriated to OCA \$300,000 in General Revenue and capital budget authority to develop a tracking system to accept all of the required financial data, fee schedules, rules and forms submitted by local governments.

[Senate Bill 325](#) directed OCA to use \$325,000 out of the Electronic Filing System Account appropriations to establish and maintain a central, computerized, and Internet-based registry for protective orders that will be available to the public, free of charge, to electronically search data in the registry regarding each protective order in the state.

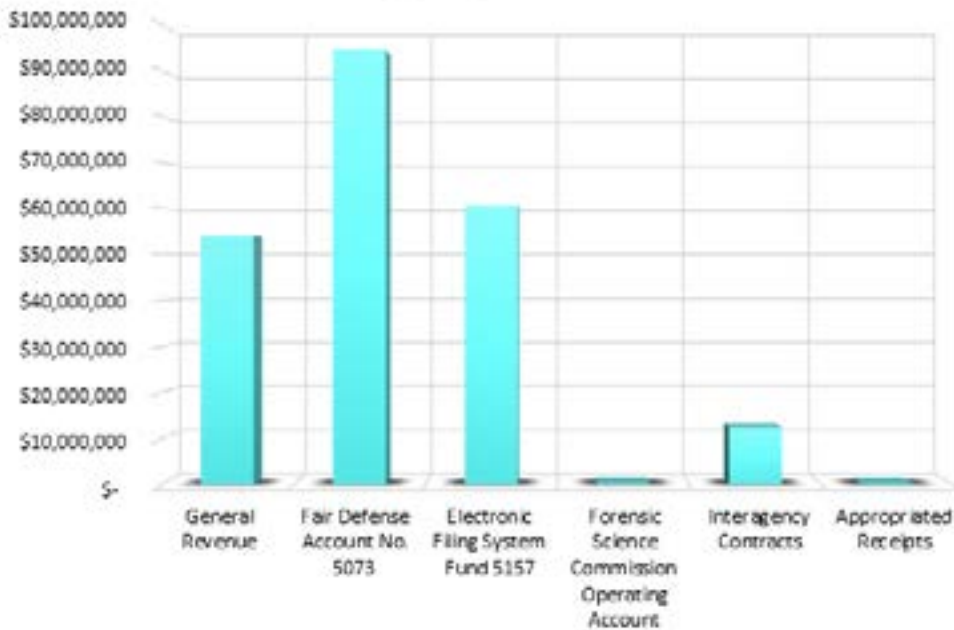
[House Bill 2384](#) created a new salary structure for the Texas judiciary, effective September 1, 2019. The new salary structure rewards continued service by providing a salary increase for judges who have four or more years of service and increases longevity pay for state judges. The bill also reduced the number of years of actual service needed to be entitled to longevity pay from 16 years to 12 years. The 86th legislature appropriated to OCA a biennial total of \$2.18 million in General Revenue and Interagency Contract funding to provide salary and longevity increases to the Children's Courts Associate Judges.

And finally, [House Bill 3040](#) established the Texas Commission on Judicial Selection to study and review the method by which the following judges and justices are selected for office in this state: district judges; justices of the courts of appeals; judges of the court of criminal appeals; and justices of the supreme court. OCA shall provide necessary administrative support to the commission and received \$282,000 in appropriation and two FTEs in order to provide this support.

In Summary, the Office of Court Administration was appropriated a total of \$212,762,972 for the 2020-2021 biennium compared to \$156,887,203 for the 2018-2019 biennium. Appropriations increased by \$65 million, or 41.4% from the 2018-2019 biennium.

Method of Finance	2018-2019	2020-2021	Increase/(Decrease)
General Revenue	\$38,049,248	\$53,891,739	\$15,842,491
Electronic Filing System Fund	\$44,724,690	\$60,529,040	\$15,804,350
Forensic Science Commission Operating Acct	\$70,000	\$273,000	\$203,000
Fair Defense Account	\$58,935,712	\$94,435,712	\$35,500,000
Appropriated Receipts	\$340,372	\$179,972	(\$160,400)
Interagency Contracts	\$14,267,197	\$12,453,509	(\$1,813,688)
Federal Funds	\$499,984	\$0	(\$499,984)
TOTAL	\$156,887,203	\$221,762,972	\$64,875,769

Office of Court Administration 2020-2021 Appropriations



The 86th Legislature’s General Appropriations Act can be viewed here:
https://www.lbb.state.tx.us/Documents/Appropriations_Bills/86/Conference_Bills/86R_HB1-F.pdf

Judicial Branch Certification Commission

The Judicial Branch Certification Commission (JBCC) was established by the Texas Legislature during the 83rd Regular Session to promote government efficiency and create consistency across the regulated judicial professions. The nine-member commission is appointed by the Supreme Court of Texas. The core responsibility of the JBCC is the oversight of the certification, registration, and licensing of approximately 7,010 court reporters and court reporting firms, guardians and guardianship programs, process servers, and licensed court interpreters. Effective June 1, 2018, the JBCC began registering all guardianships throughout Texas, including training and criminal histories.

Profession	Type	Number
Court Reporters	Certification	2,193
Court Reporting Firms	Registration	309
Guardians	Certification	397
Guardianship Programs	Registration	24
Process Servers	Certification	3,609
Court Interpreters	License	478
TOTAL	Certifications, Registrations and Licenses	7,010

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

MEMBERS AS OF AUGUST 31, 2019

Hon. Lee Hamilton, 104th District Court, Taylor County, Abilene, Chair
Hon. Sid L. Harle, 226th District Court, Bexar County, San Antonio, Vice Chair
Hon. William C. Sowder, 99th District Court, Lubbock County, Lubbock
Hon. Polly Spencer, Probate Court No. 1 (Ret), Bexar County, San Antonio
Hon. Victor Villarreal, County Court at Law II, Webb County
Ms. Velma Arellano, Official Court Reporter, Edinburg
Mr. Don D. Ford, Attorney, Houston
Mr. Mark Blenden, Attorney, Bedford
Ms. Ann Murray Moore, Attorney, Edinburg

The Judicial Branch Certification Commission Met Three Times in FY19

February 1, 2019 | May 3, 2019 | August 2, 2019

Advisory Boards

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

Court Reporters Certification Advisory Board

Hon. Lori I. Valenzuela, 437th District Court, Bexar County, San Antonio, Presiding Officer

Ms. Robin Cooksey, Conroe

Ms. Janice Eidd-Meadows, Tyler

Ms. Whitney Alden Riley, Boerne

Ms. Molly Pela, Houston

Ms. Deborah K. Hamon, Rockwall

Ms. Kim Tindall, San Antonio

Guardianship Certification Advisory Board

Ms. Jamie MacLean, Austin, Presiding Officer

Hon. Chris Wilmoth, Dallas

Mr. Jason S. Armstrong, Lufkin

Hon. Gladys Burwell, Friendswood

Ms. Toni Rhodes Glover, Ft. Worth

Process Servers Certification Advisory Board

Mr. Patrick J. Dyer, Missouri City, Presiding Officer

Mr. Eric Johnson, Rosharon

Hon. Rhonda Hughey, District Clerk, Kaufman County, Kaufman

Mr. Justiss Rasberry, El Paso

Ms. Melissa K. Perez, Waxahachie

Licensed Court Interpreters Advisory Board

Ms. Melissa B. Fischer, San Antonio, Presiding Officer

Mr. Luis Garcia, Keller

Mr. Robert Richter, Jr., Houston

Ms. Melissa Wallace, Ph. D., San Antonio

Ms. Cynthia de Pena, McAllen

Certification Duties

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

86th Legislative Session

SB 891, passed in the 86th Legislative Session, requires the JBCC to establish a stakeholder work group committee to address apprenticeship and provisional certifications and conditions for disciplinary action against firms for failure to fulfill commitments to provide court reporting services. The committee members include five members from the Court Reporters Certification Advisory Board, two members and an alternate from each of the associations, Texas Court Reporters Association (TCRA) and Texas Deposition Reporters Association (TEXDRA), and one representative from a court reporting school. The Court Reporters Stakeholder Work Group Committee met on August 30, 2019.

Since November 1, 2015, the Office of Court Administration (OCA) has managed the Guardianship Compliance Project (GCP) to provide additional resources to courts handling guardianship cases. The project has been renamed the Guardianship Abuse, Fraud and Exploitation Deterrence Program as a result of SB 31 (Zaffirini/Smithee) that was passed during the 86th Legislative Session and is expanding statewide.

Compliance and Complaint Resolution

The JBCC Compliance Section investigates complaints against Court Reporters and Court Reporting Firms, Guardians, Process Servers, and Licensed Court Interpreters. The Committee is not an investigatory body and will generally render its determination based on the submissions of the complainant and respondent and the information gathered by the Compliance Investigator.

In FY19, 110 complaints filed and are in process or resolved:

- 27 court reporters
- 1 court reporting firm
- 64 process servers
- 12 guardians
- 6 licensed court interpreters

Examinations

The JBCC certification staff administers the examinations for the Guardianship Certification written examination and the Licensed Court Interpreter written and oral examinations. A vendor administers the written and skills examination for the Court Reporters Certification.

- Texas Guardianship Association-administered the guardianship written examination to 26 candidates on April 16th
- JBCC staff administered 34 oral Licensed Court Interpreter examinations May 14th – May 16th
- JBCC staff administered 58 written Licensed Court Interpreter examinations May 21st – May 22nd
- JBCC staff administered 22 guardianship certification written exams on July 24, 2019
- JBCC staff administered 26 LCI oral exams the week of August 12th
- JBCC staff administered over 40 LCI written exams the week of August 19th

Registration of Guardianships (Eff. June 1, 2018)

SB 1096, 85th Session (Zaffirini/Smithee), created a safety net to ensure guardians are registered, properly trained, receive a criminal history background check, and guardian contact data is provided to DPS and its Law Enforcement Terminal System (TLETS) to identify persons under guardianship if law enforcement contact is made with them.

OCA developed a database to be filled with a registry of every guardianship in the state. As a registration prerequisite, the OCA conducts a criminal history background check and provides online training to proposed guardians.

In FY19:

- 33,603 proposed guardians have submitted data for registration
- 11,104 learners have completed the English training
- 82 have completed the Spanish training
- Over 7,290 criminal histories have been provided to the courts

The guardianship training is now available in English and Spanish. For Information on guardianship registrations, visit www.txcourts.gov/jbcc/register-a-guardianship/.

Court Reporters Stakeholder Work Group Committee

The Court Reporter Stakeholder Work Group Committee was established (SB 891 86th R.S.) to address apprenticeship and provisional certifications and conditions for disciplinary action against firms for failure to fulfill commitments to provide court reporting services.

Other provisions of the bill require the JBCC to develop and maintain a list of states that have certification requirements substantially equivalent to Texas and, requirements relating to Reciprocity/Endorsement are also set out in the bill. On February 22, 2019, the Board identified 8 other states with certification exam requirements substantially equivalent to Texas where applicants may be eligible for endorsement.

On June 28, 2019, the Texas Court Reporters Association gave a presentation to the Advisory Board on development of an on-line court reporters exam which the Advisory Board approved to present to the JBCC at its August 2, 2019, meeting.

At the August 2, 2019, JBCC meeting, the JBCC considered and voted to recommend a proposed rule amendment to the Supreme Court that states court reporters who maintain control and own more than 50 percent of a court reporting firm may waive registration renewal fees. Continuing education is now required to be completed by a person who has management responsibility for a court reporting firm. The Board considered national certifications and the exam and issues related to statement of proficiency requirements, voting to recommend elimination of the statement of proficiency to sit for the exam at its August 2nd JBCC meeting, which the JBCC approved.

Guardianship Abuse, Fraud and Exploitation Deterrence Program (GAFEDP)

On September 1, 2019, the Office of Court Administration (OCA) initiated the Guardianship Abuse, Fraud and Exploitation Deterrence Program (GAFEDP) to provide assistance to the courts relating to guardianship matters. Guardianship compliance specialists will assist in reviewing guardianship files to identify reporting deficiencies by guardians; auditing annual accountings and report their findings back to the Judge; and report to the courts any concerns of potential abuse, fraud or financial exploitation being committed against a ward under guardianship.

- The program is offered at no expense to the county.
- OCA will maintain an electronic database to monitor filings of inventories, guardian of the person reports, and annual accountings.
- Courts are required to participate in the program if selected. Courts may apply to OCA to participate.
- The OCA director may notify the Judicial Conduct Commission of any concerns with judges who fail to act upon concerns raised by compliance specialists.
- OCA will file annual reports on January 1 of each year including number of courts involved, number of guardianships reviewed, number of cases out of statutory compliance, number of cases reported to courts concerning potential issues, and status of technology developed to monitor guardianship cases.

Implementation

While the reforms implemented to date have improved the guardianship system in Texas, a key to the reforms' success is ensuring compliance with the laws and reviewing guardianship activities to spot potential abuse, fraud, and exploitation.

Development of a Statewide Online Guardianship Reporting Portal

OCA has been developing an automated, electronic tool for filing required reports, annual accountings and other documents in guardianship cases. This system will provide a method to notify courts when required reports are delinquent and to review annual accounting reports for potentially fraudulent activities.

Training and Resources for Courts and Clerks

Only by actively training court personnel and proposed guardians on the fiduciary duties of guardianship, as well as auditing reports and accountings to detect and deter fraud and exploitation, will Texas be adequately braced to ensure the safety and well-being of this vulnerable and growing population. In addition to online training of guardians on fiduciary record-maintenance and reporting duties, ongoing training and professional development is recommended for court and clerk staff on the collection and reporting of required guardianship data, as well as training on the fiduciary duties of guardians to inform the direction and guidance of proposed guardians.

“The mission of the Guardianship Abuse, Fraud and Exploitation Deterrence Program is to assist the courts courts in protecting our most vulnerable citizens and their assets.”

Courts and Counties Involved in the GCP	59/42
Total Number of Guardianship Cases Reviewed by the GCP	33,208
Total Number of Cases Recommended for Closure	18,426
Total Number of Active Guardianships Identified	13,880
Percentage of Cases Missing Annual Reports	35%
Percentage of Cases Missing Annual Accountings	49%
Percentage of Cases Missing Inventories	39%
Percentage of Cases Out of Compliance	40%
Total Number of Deceased Wards Identified	3,523



Left to Right: Velma Arellano; Don Ford, III; Judge Polly Spencer; Judge William Sowder; Chairman Lee Hamilton; Judge Victor Villarreal; Ann Murray Moore; Mark Blenden; and Judge Sid Harle

Texas Indigent Defense Commission

The Texas Indigent Defense Commission (TIDC) provides financial and technical support to counties to develop and maintain quality, cost-effective public defense systems that meet the needs of local communities and the requirements of the Constitution and state law. Eleven TIDC staff operate under the direction and supervision of a governing board.

MEMBERS AS OF AUGUST 31, 2019

Ex Officio Members

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

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

Hon. John Whitmire, State Senator, Houston

Hon. Brandon Creighton, State Senator, Conroe

Hon. Nicole Collier, State Representative, Fort Worth

Hon. Andrew Murr, State Representative, Junction

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

Hon. Vivian Torres, Judge, Medina County Court at Law, Rio Medina

Members Appointed by Governor

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

Hon. Valerie Covey, Commissioner Precinct 3, Williamson County, Georgetown

Hon. Richard Evans, Bandera County Judge, Bandera

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

Mr. Gonzalo Rios, Jr., Attorney, Gonzalo P. Rios Jr Law Office, San Angelo

FY19 Snapshot

TIDC provides funding, oversight, and improvement to public defense systems in all 254 Texas counties. In FY19, TIDC:

- Awarded over \$29 million in grants to sustain and improve local public defense systems.
- Visited over 30 counties to monitor and improve public defense processes and payments.
- Trained more than 800 judges, county officials, and attorneys.
- Published 13 reports and guides.

86th Legislative Session

For FY2020-21, TIDC [requested](#) estimated appropriation authority for the Fair Defense Account and removal of TIDC's administrative and FTE caps. The Legislature approved TIDC's request in part, appropriating most of the Fair Defense Act funds (totaling \$94.4 million for the biennium, up from \$66.4 million in the last biennium) and removing TIDC's caps (TIDC remains under OCA's FTE cap). The Legislature also appropriated \$2.5 million per year for mental-health-focused public defender programs.

TIDC resolutions recommended six bills to improve public defense. One of these bills—to clarify the statute requiring priority appointment of public defenders—was signed into law ([SB 583](#)).

FY19 Program Highlights

Funding

TIDC reimburses a portion of counties' public defense costs and awards competitive grants to improve systems. In FY19, TIDC awarded \$23.3 million in formula grants to 251 counties and \$6.3 million in improvement grants to 22 counties. Some competitive grants support rural regional programs serving many counties; the largest, the Regional Public Defender Office for Capital Cases, based in Lubbock, covered 182 counties.

Oversight

TIDC collects indigent defense plans and expenditure reports from every county and conducts desk reviews and site visits to ensure that they meet the requirements of the Fair Defense Laws. In FY19, TIDC completed desk reviews for all counties and made 70 site visits around the state to assess and remedy compliance issues.

Improvement

TIDC provides analysis, training, and technical assistance to improve indigent defense systems. In FY19, TIDC helped counties plan major projects for FY2020, including:

- A public defender office in Travis County
- A managed assigned counsel program in Harris County
- Online Padilla immigration counsel for the 3rd AJR
- Counsel at magistration in Lubbock County
- Training and mentoring for 50 new appointed attorneys



TIDC awarded \$6.3 million to improve indigent defense in over 39 counties.



TIDC made site visits to 38 counties for monitoring and technical assistance.

Notable Publications



Profiles of new tools for attorneys to help them be more effective.



Operations overviews of specialty mental health defender programs.



Model structures and costs for a public defender in Travis County



Mentoring checklists and practice guidelines for new attorneys.

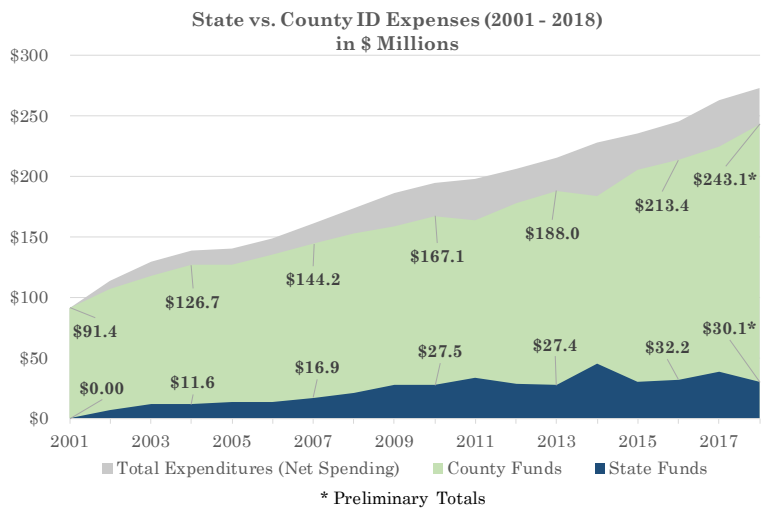
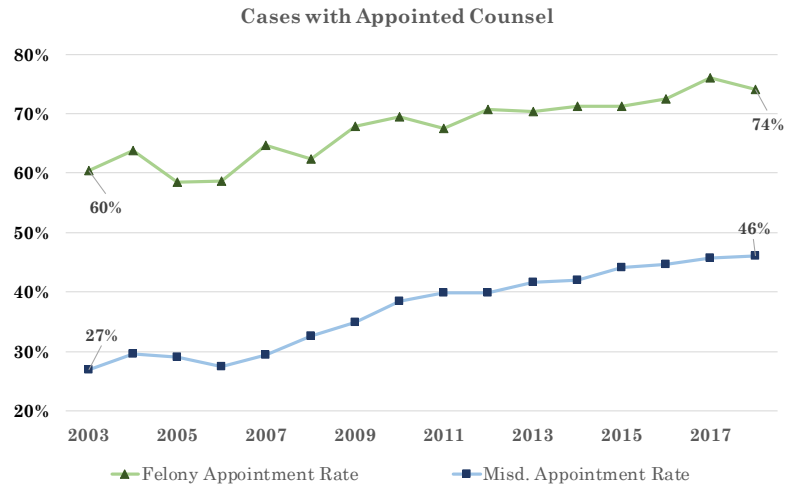
Historical Trends

In FY19, TIDC collected data from all 254 counties about their indigent defense appointments and spending in the previous year. In FY18, appointment rates dipped slightly in felony cases (to 74%) and rose slightly in misdemeanor cases (to 46%). Overall spending continued to rise to \$273.2 million, with the state contributing \$30.0 million, or about 12% of county spending.

TIDC partnered with Texas A&M University to study drivers of indigent defense costs and effective cost containment strategies. The study found that indigent defense costs have risen due to:

- Inflation
- Increased population
- Increased felony case filings
- Increased appointment rates
- Better accountability systems

TIDC awards grants for programs that contain costs and provides additional support for small, rural counties. In FY19, TIDC increased small counties' share of formula grant funding and increased the state's share of funding for rural regional programs to two-thirds. TIDC will target new appropriations to programs that provide additional oversight.



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

Forensic Science Commission

Forensic Science Commission Duties

- Investigate allegations of professional negligence and/or misconduct
- Administer the State Crime Laboratory Accreditation Program
- Administer the Forensic Analyst Licensing Program
- Provide education and guidance to stakeholders regarding forensic issues

The Texas Legislature created the Texas Forensic Science Commission (“Commission”) during the 79th Legislative Session. Article 38.01 of the Texas Code of Criminal Procedure describes the composition and authority of the Commission. The Commission is required to investigate allegations of professional negligence or professional misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by a crime laboratory. The Legislature also requires the Commission to develop and implement a reporting system through which accredited laboratories report professional negligence or misconduct. During subsequent legislative sessions, the Texas Legislature further amended the Code of Criminal Procedure to clarify and expand the Commission’s jurisdictional responsibilities to include oversight of the State’s crime laboratory accreditation and forensic analyst licensing programs. The Commission is also actively engaged in various forensic development initiatives and works collaboratively with stakeholders in the criminal justice system to improve education and training in forensic science and the law.

The Commission has nine members appointed by the Governor of Texas. Seven of the nine commissioners are scientists and two are attorneys (one prosecutor nominated by the Texas District and County Attorneys Association and one criminal defense attorney nominated by the Texas Criminal Defense Lawyers Association).

MEMBERS AS OF AUGUST 31, 2019

Jeffrey Barnard, MD, Chief Medical Examiner, Southwestern Institute of Forensic Sciences, Presiding Officer

Bruce Budowle, Director, University of North Texas Center for Human Identification

Mark Daniel, Defense Attorney, Evans, Daniel, Moore, Evans, Biggs and Decker

Nancy Downing, Associate Professor at Texas A&M University and Forensic Nurse at Baylor, Scott & White Hospital

Jasmine Drake, Assistant Professor and Laboratory Coordinator at Texas Southern University Barbara Jordan-Mickey Leland School of Public Affairs

Dennis P. Johnson, Former Director of Texas Department of Public Safety Crime Laboratory Services

Sarah Kerrigan, Department Chair and Director for the Institute for Forensic Research, Training and Innovation, Sam Houston State University

Jarvis Parsons, District Attorney, Brazos County

Patrick Buzzini, Associate Professor of Forensic Science, Sam Houston State University

Licensing Advisory Board

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Robert Sailors, Forensic Biologist, Bexar County Criminal Investigation Laboratory

Timothy Sliter, Physical Evidence Section Chief, Southwestern Institute of Forensic Sciences

William M. Hines, Defense Attorney and Senior Partner, Hines, Ranc, & Holub

Erin Reat, Assistant Crime Laboratory Director, Bexar County Criminal Investigation Laboratory

Emily Esquivel, Laboratory Director, Jefferson County Regional Crime Laboratory

Donna Eudaley, Firearms Section Manager, Houston Forensic Science Center

Crystina Vachon, Quality Director, Bexar County Criminal Investigation Laboratory

Calli Bailey, Assistant District Attorney, Collin County

FY19 Program Highlights

- The Texas Forensic Science Commission staff worked on numerous projects with the goal of improving the integrity and reliability of forensic science in Texas criminal cases. Below are some of accomplishments in fiscal year 2019.
- The Commission received and reviewed 34 complaints and 17 self-disclosures and is investigating or has issued reports in 4 of those cases. Copies of all investigative reports can be found on the Commission’s website at <http://www.txcourts.gov/fsc/publications-reports/investigative-reports/>.
- The Commission is in the process of developing a Forensic Bench Book to assist members of the Texas Judiciary with their expert gatekeeping responsibilities.
- The Commission has fully implemented its licensing program—as of August 31, 2019, 1,257 forensic analysts and technicians have been licensed.
- Staff traveled to various state and national conferences and trainings throughout the fiscal year to provide information on current forensic issues and the impending forensic analyst licensing requirements.
- The Commission is currently assisting the state’s crime laboratories with the validation of a qualitative method to distinguish hemp from marijuana based on a similar method established by the Drug Enforcement Administration.
- The Commission established a working group in the area of crime scene analysis and reconstruction, and is in the process of developing a voluntary licensing program for crime scene reconstruction experts.

The agendas for all Forensic Science Commission meetings may be found at <http://www.txcourts.gov/fsc/meetings/>.



“The Commission’s main goal is to improve the integrity and reliability of forensic science in Texas criminal cases.”

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 portal that gathers primary law resources and 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 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.

Since FY14, the library has continued to increase the number of 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 hornbooks and "nutshell" series.



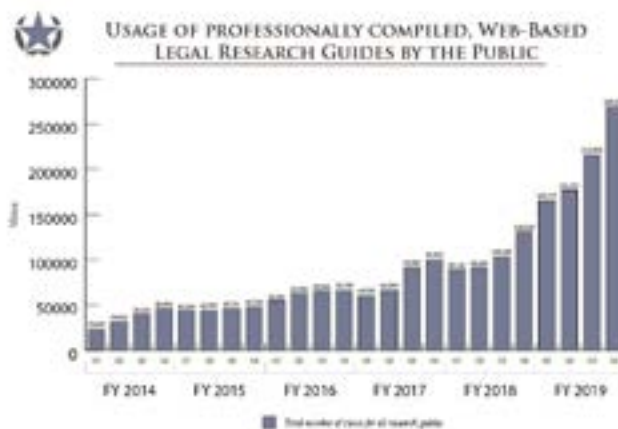
State Law Library Organization

- 12 FTEs
- Administered by the State Law Library Board
- Board members designated by:
 - Supreme Court
 - Court of Criminal Appeals
 - Office of the Attorney General

Public response to the library's digital offerings has been enthusiastic and widespread. Since the program's inception, over 13,603 patrons have registered to use the service, representing over 936 cities and 225 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 called LibGuides to help patrons easily locate digital resources on a specific topic. Librarians have created custom LibGuides to compile 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. The popularity of our LibGuides has continued to grow steadily. Yearly LibGuide usage has increased by 30% every single year since the inception of the program in FY2014. A good example of how Texans have turned to the library's LibGuides as straightforward sources of information occurred in August and September of 2019 when El Paso and Midland/Odessa were struck by mass shooters. Texans looking to learn about the gun laws of the state flocked to the Gun Laws LibGuide in droves, resulting in about 100,000 total views more than usual.



The 86th Legislature recognized the importance of the State Law Library's innovative online program for offering key legal resources statewide by funding the Remote Access Program. This program is essential to the library's success because it allows the library to meet information needs in Texas on a truly statewide scale. Through this funding, the library will be able to continue providing already heavily used resources and add significant new databases and e-books. The timing was fortuitous because use of the library's website has continued to grow dramatically. By the end of FY19, the number of users entering the website increased by 33% from FY18 and e-book circulation increased by 53%.

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 represents the State of Texas in all proceedings before the Texas Court of Criminal Appeals, either independently or with the assistance of elected prosecutors. The Office may represent the State in criminal cases before the fourteen courts of appeals when it is in the State's interest.

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 (PDR). Once granted, briefs are filed and, in exceptional cases, oral argument will be presented. The Office works closely with local district and county attorneys and special prosecutors across the State to identify emerging issues and develop strategies that will ensure that justice is achieved within a fair and efficient system.

To keep judges, criminal-law practitioners, and the public abreast of PDR issues granted by the Court of Criminal Appeals, the Office writes and posts objective summaries on its website (www.spa.texas.gov) and Twitter feed (@OSPATX). The website also contains a library of our publications and CLE materials.

FY19 Program Highlights

- Filed 20 petitions for discretionary review, 26 briefs, including amicus briefs, and 8 motions for rehearing.
- Reviewed approximately 330 opinions from the U.S. Supreme Court, the Court of Criminal Appeals, and Texas' Courts of Appeals.
- Consulted and advised hundreds of prosecutors, defense attorneys, and the public.
- Assisted with drafting and editing petitions and briefs.
- Authored papers and presented at several continuing legal education conferences about pending issues before the Court of Criminal Appeals, prosecutor disclosure duties under Brady v. Maryland, the Michael Morton Act, and the Texas Disciplinary Rules of Professional Conduct, and strategies for convincing the Court of Criminal Appeals to grant discretionary review.
- Served on various committees related to criminal law issues.
- Published a Statutory Interpretation Case-Law Update of Court of Criminal Appeals' decisions from its 2018 Term to the 86th Legislature.
- Provided testimony before, and consultation services to, the 86th Legislature

State Prosecuting Attorney Duties

With exclusive jurisdiction before the 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 Court of Criminal Appeals.

State Commission on Judicial Conduct

The State Commission on Judicial Conduct reviews and decides 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 has fourteen authorized staff positions consisting of: the Executive Director, the Deputy Director, the Deputy General Counsel, three staff attorneys, the Chief Investigator, three investigators, a staff services officer, and two administrative assistants.

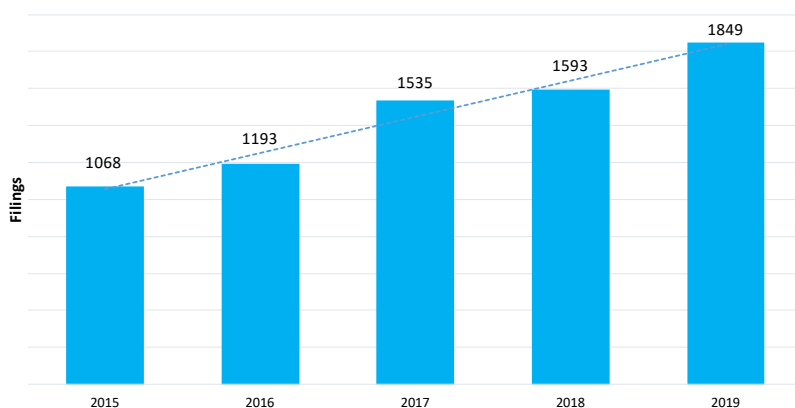
The Commission's jurisdiction includes all sitting Texas judges, including municipal judges, justices of the peace, criminal magistrates, county judges, county courts-at-law judges, statutory probate judges, district judges, appellate judges, masters, associate judges, referees, and retired and former 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 FY19, according to OCA records, 4,246 judges were under the jurisdiction of the Commission. During FY19, the SCJC:

- Opened 1,849 cases.
- Resolved 69 cases through public sanction, private sanction, orders of additional education or a combination of a sanction with an order of additional education.
- Disposed of 4 cases through voluntary agreements to resign in lieu of disciplinary action
- Dismissed 1,694 cases as follows: 882 were determined to not contain any allegations which, if true, would violate the Texas Code of Judicial Conduct; 687 were dismissed after investigation; 31 were dismissed with letters of caution; 5 were dismissed based on the judges' corrective action; and 16 were dismissed as moot.
- Resolved 593 cases after a preliminary investigation and 219 after a full investigation (requiring a response from the judge).

State Commission on Judicial Conduct Complaint Filings



State Commission on Judicial Conduct Duties

- Issues discipline and orders of additional education 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

Office of Capital and Forensic Writs

Capital & 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.
- 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 and examining all forensic evidence.
- 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.

The Office of Capital and Forensic Writs (OCFW) opened its doors in 2010 to represent capital defendants in post-conviction litigation. In this fiscal year, OCFW will start a new program to provide representation to persons incarcerated in Texas on non-capital cases, where questionable forensic science contributed to conviction. In this new program, OCFW will partner with the Forensic Science Commission, which will refer cases involving suspected professional negligence by forensic analysts.

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. The OCFW then presents the results of its investigation to the trial court in an application for writ of habeas corpus raising constitutional claims, which it litigates in evidentiary hearings, and in subsequent proceedings before the Court of Criminal Appeals.

OCFW provides an essential service to the state, the Texas criminal justice system, and its clients by ensuring that the administration of justice is constitutionally reliable and valid. It investigates, presents, and litigates all potential claims implicating the constitutionality of the conviction and sentence in a case, ensuring that these fundamental claims are not defaulted, and Texas courts can consider them efficiently and fairly. As an institutional public defender program, OCFW benefits from economies of scale and provides cost-effective representation by highly-specialized, supervised staff, who deliver mandated services while keeping costs lower than commensurate representation delivered by appointed private attorneys.

The Code of Criminal Procedure mandates that trial courts appoint OCFW to represent capital post-conviction applicants, if the Office can assume representation and has sufficient resources to provide professional representation. If OCFW is unable to take a case, the convicting court must appoint a private attorney from a list of qualified counsel, and the county assumes the financial obligation of representation.

FY19 Program Highlights

In FY19, the OCFW:

- Represented approximately 70% of the initial capital post-conviction applicants pending before Texas courts.
- Represented clients from 23 different county jurisdictions before district courts and the Court of Criminal Appeals.
- Presented evidence in support of post-conviction applications before numerous trial courts in evidentiary hearings and litigated constitutional issues before the Court of Criminal Appeals.
- Provided professionally appropriate, competent representation to all clients consistent with guidelines issued by the State Bar of Texas.

“OCFW provides zealous, principled post-conviction representation to indigent persons in Texas on claims relating to the constitutionality of convictions and sentences.”

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