



TEXAS JUDICIAL COUNCIL

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CHAIR:

HON. NATHAN L. HECHT
Chief Justice, Supreme Court

EXECUTIVE DIRECTOR:

David Slayton

VICE CHAIR:

HON. SHARON KELLER
Presiding Judge, Court of Criminal Appeals

TEXAS JUDICIAL COUNCIL

MINUTES OF MEETING

June 3, 2016

10:00 AM

**SUPREME COURT OF TEXAS
Supreme Court Building
201 W. 14th Street, Room 104
Austin, Texas**

COMMENCEMENT OF MEETING

On June 3, 2016, Chief Justice Nathan L. Hecht called the meeting¹ of the [Texas Judicial Council](#) (“Council”) to order at approximately 10:00 AM in the courtroom of the [Supreme Court of Texas](#) (“SCOT”) in Austin, Texas.

The following members of the Council were present:

Hon. Nathan L. Hecht, Chief Justice, Supreme Court of Texas
Hon. Sharon Keller, Presiding Judge, Court of Criminal Appeals
Mr. Richard Battle, Key Trak, College Station
Hon. Gary Bellair, Presiding Judge, Ransom Canyon Municipal Court
Hon. Bill Boyce, Justice, 14th Court of Appeals, Houston
Mr. Richard S. Figueroa, UBS Advisory & Brokerage Services, Houston
Hon. Bill Gravell Jr., Justice of the Peace Pct. 3, Williamson County
Hon. Scott Jenkins, Judge, 53rd District Court, Travis County
Ms. Ashley Johnson, Gibson Dunn & Crutcher LLP, Dallas
Hon. Kelly Moore, Judge, 121st Judicial District, Terry & Yoakum
Hon. Andrew Murr, Representative, Junction
Mr. Henry Nuss, Welder Leshin, Corpus Christi
Hon. Sherry Radack, Chief Justice, 1st Court of Appeals, Houston
Hon. Linda A. Rodriguez, Judge (Ret.), County Court at Law No. 2, Hays County
Hon. John T. Smithee, Representative, Amarillo
Hon. Judith Zaffirini, Senator, Laredo

¹ The meeting may be viewed on the State Bar of Texas website <http://www.texasbarcle.com/CLE/TSCSearch2.asp>

Members attending by phone were Ms. Allyson Ho, Judge Polly Spencer, and Judge Valencia Nash.

Members not in attendance were Mr. Carlos Z. Amaral, Judge Glenn D. Phillips, and Senator Brandon Creighton.

MINUTES

The [February 26, 2016](#) meeting minutes were approved.

REPORTS AND ACTION ITEMS

Texas Indigent Defense Commission

Mr. Wesley Shackelford, Deputy Director/Special Counsel, reported that the [Texas Indigent Defense Commission](#) (“Commission”) had three meetings since April; Strategic Planning, Grants & Reporting Committee, and the full Commission. The Commission awarded a discretionary grant to Travis County to add additional support services to their managed assigned counsel program.

In May, the Commission cosponsored the Texas Fair Defense Act 15th Anniversary Symposium Celebration with United States Department of Justice Access to Justice Director Lisa Foster, Senator Rodney Ellis, Senator Juan Hinojosa, Texas Appleseed, The Texas Fair Defense Project, The Texas Criminal Justice Coalition, The University of Texas School of Law, George J. Beto Criminal Justice Center at Sam Houston State University, and Texas Defender Service attending the event.

Additionally, the House Committee on Criminal Jurisprudence held a public hearing in March about indigent defense and innocence projects.

Court Security Committee

Judge Scott Jenkins, Committee Chair, reported that the Court Security Committee (“CSC”) had its first meeting in May to discuss the charge, court security efforts in other states, and recent developments in courthouse security in Texas. The CSC will continue to collect information from states identified as having best practices: Arizona, Arkansas, and Florida. The CSC is also researching issues such as training, reporting, and funding. The CSC may consider recommending the appointment of a court security expert to the Office of Court Administration that would be available to assist local courts, a position that exists in other states.

Criminal Justice Committee

Judge Kelly Moore, Committee Chair, reported that the Criminal Justice Committee (“CJC”) met on June 2 and received a status update on the Public Policy Research Institute’s (“PPRI”) study, results of which should be ready this fall. The CJC will meet again in July by phone, and again prior to the August Council meeting to finalize its recommendations. Other items discussed include potential legislation, funding for counties, and judicial education.

Judicial Statistical Trends

Mrs. Angela Garcia, Judicial Information Manager, gave a presentation, [Caseload Trends – Relating to Motor Vehicles](#).

Update on Judicial Centers of Excellence Initiative

Mr. Rick Figueroa provided an overview on the pathway to becoming a judicial center of excellence. Mr. Scott Griffith, Director Research & Court Services, additionally gave a presentation, [Framework for Judicial Centers of Excellence](#).

Review Public Comments from proposed amendments to the Texas Judicial Council Reporting Requirements Rules

Mr. Griffith reported no public comments were received for the proposed amendments to the Texas Judicial Council Reporting Requirement Rules (1 TAC 171). After request for approval, a motion was put forth by Senator Zaffirini. With a second from Mr. Figueroa, the request was approved by acclamation.

Review Public Comments from proposed amendments to the Texas Judicial Council Collection Improvement Program Rules

At the February meeting, the Council approved adopting and publishing notice of proposed amendments to the CIP Rules in the Texas Register. Since publication, the CIP Committee has met several times and have proposed changes to the entire set of rules. Chief Justice Hecht discussed withdrawal of the recent changes in favor of consideration of the new complete changes.

Mrs. Mena Ramón, General Counsel, reviewed the one [public comment](#) received on the formerly [proposed](#) Collection Improvement Program (“CIP”) rule changes.

Chief Justice Hecht then requested a motion to withdraw the emergency rules adopted at the last meeting. With motion from Judge Bellair and second from Chief Justice Radack, the emergency rules were withdrawn.

NEW BUSINESS

Consider Amendments to the TJC CIP Rules and Authorize Notice in Texas Register

Mrs. Mena Ramón, General Counsel, then discussed the new proposed amendments and the Office of Court Administration (“OCA”) [memo](#) related to the new changes. Chief Justice Hecht recognized Judge Bill Gravell who chaired the CIP Committee who, in turn, recognized Mr. Slayton, Mr. Griffith, and Mrs. Ramón for their work on the committee as well. Judge Gravell noted the need for more funding for judicial education. Mr. Slayton noted the Council would need to decide an effective date for the rules at its August meeting, likely with delayed implementation. Chief Justice Hecht requested a motion to approve and publish. With motion from Judge Gravell and second from Judge Rodriguez, the motion carried.

Consider approval of programmatic best practices for adult drug courts recommended by the Specialty Courts Advisory Council

Ms. Anissa Johnson, Specialty Courts Program Coordinator, reported that the Governor’s Criminal Justice Division (“CJD”) and the Specialty Court Advisory Committee (“SCAC”) had submitted [clarification](#) of their [recommendations](#). Chief Justice Hecht requested a motion to approve the adult drug court best practice standards recommended by the SCAC to require implementation by August 31, 2019, and authorize the CJD, with advice and consent of the SCAC, to waive and extend time for compliance of certain practices in certain situations. With motion from Chief Justice Radack and second from Judge Bellair, the motion carried.

Consider appointment and charge of a Mental Health Committee

Chief Justice Hecht discussed the increased need for improvement in the administration of justice for people with mental illness within the criminal and civil justice systems. To explore these issues further, he proposed a [Mental Health Committee](#) of the Council. With a motion from Chief Justice Radack and a second from Mr. Figueroa, the motion carried.

Next, Mr. Slayton updated the Council on truancy cases stating that there has been a 91.5% drop in filings since the legislative changes recommended by Council took effect.

NEXT MEETING

Chief Justice Hecht announced that the next meeting of the Council would be August 19.

ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at approximately 12:20 PM.

Nathan L. Hecht
Chair