



Texas Judicial Council

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DIRECTOR'S REPORT JUNE 2013



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COMMITTEE ON COURT RESOURCES

Shared Solutions 2.0



OCA has received a grant in the amount of \$47,198 from the State Justice Institute to develop *Shared Solutions 2.0*. *Shared Solutions 2.0* proposes to extend the concepts developed in the first Shared Solutions Summit, which brought together trial courts of varying levels to discuss common problems and potential solutions. With help from the National Center for State Courts and the National Association for Court Management, organizational core court competencies will be developed that will result in standards for courts based on the International Organization for Standardization (ISO) 9000 family of standards. The ISO 9000 family of standards are well-recognized in the private sector as a top-level certification for which the entity must strive. Stakeholders from the judiciary, county officials, and other interested parties will be invited to discuss the competencies of a high performing Texas court. An advisory group will be formed to review the specific court competencies needed in the Texas judiciary and make specific recommendations to the Judicial Council.

Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

OCA was notified in April 2013 that it has been awarded a grant in the amount of \$7,000 from the National Guardianship Network to assist the State in improving guardianship proceedings. Texas is one of four states to receive the competitive grant. The “over age 65” population in Texas will increase by almost 50% by 2020 and more than double by 2040. The grant will facilitate the establishment of a Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) to evaluate where improvements are needed. It will enable the stakeholders to receive the support and guidance needed to assess the state's system of guardianship and alternatives, address policy and practice issues, and serve as an ongoing problem-solving mechanism.

Participating stakeholders include the Texas Department of Aging and Disability Services, Texas Department of Assistive and Rehabilitative Services, Texas Department of Family and Protective Services, Texas Health and Human Services Commission, Texas Council for Developmental Disabilities, Texas Guardianship Association, and Texas Veterans Commission. Judges Gladys Burwell, Polly Spencer, and Glenn Phillips serve as judicial representatives on the WINGS steering committee. The first steering committee conference call with Erica Wood, Assistant Director of the American Bar Association Commission on Law and Aging, was held on May 24th. The WINGS group will meet over the next year and provide recommendations to the Texas Judicial Council and the 84th Legislature.

LEGISLATIVE APPROPRIATIONS REQUEST UPDATE

Judiciary Receives Majority of Funding Requests

The budget conferees of the 83rd Texas Legislature have adopted a budget for the state judiciary that restores much of the funding that was taken away during the 82nd Legislature and adds funding for other, much-needed items.

Supreme Court – received its funding request for targeted salary increases for legal and non-legal staff at the court and a new, legal assistant position to assist the court’s Rules Attorney. The Legislature also restored funding for Basic Civil Legal Services to its FY 2012-13 funding level.

Court of Criminal Appeals – received its funding request for targeted salary increases for legal and non-legal staff at the court.

Intermediate Appellate Courts – received one-half of their requests for “Similar Funding for Same-Size Courts.” The majority of the funding will be used to pay for targeted salary increases for legal and non-legal staff at the courts. The courts will also be able to restore some salaries and staff positions, as well as operating costs, that were cut during the current biennium.

Office of Court Administration – received funding to restore four staff positions that were cut during the current biennium; funding to replace computer hardware and software for the appellate courts, OCA, and other judicial branch agencies supported by OCA; and additional staff to support both existing and new programs. Specifically, OCA received funding for the following:

- Computer Equipment and Software - to replace 60% of the computers, as well as other hardware and software for the appellate courts and judicial agencies. This was necessary, in part, because all OCA-supported computers and related hardware will be out of warranty during the current biennium.
- Programmers - to restore 2 FTE programmer positions. The restoration doesn't get the agency back to the 3.4 that were cut last session, but it is a dramatic improvement.
- Judicial Information – to provide 2 additional FTEs to assist with managing report submissions, analyzing data, responding to requests for information and communicating that information to the public.
- Court Consultant - to restore OCA’s court consultant position to assist courts with process-related issues.
- Finance and Operations Support - to restore 1 FTE that was cut last session to keep up with the increasing workload.
- Language Access – to provide 3 FTEs to establish a language access center for Texas. The positions include a language access coordinator, who will assist with implementing statewide and local language access plans, as well as two Spanish staff interpreters who will provide remote interpretation for Texas courts without limitation

on case types. In addition, OCA received some funding to contract for other language interpretation services.

- Certification Division – to provide 3 FTEs to fully establish the agency’s certification division. The positions include a division director, as well as two additional support personnel for the division.
- New Specialty Courts – to provide funding and 10 FTEs to establish one new child support court in El Paso and four additional child support courts throughout the state.
- Specialty Court Coordinators - to provide targeted salary increases for OCA’s specialty court coordinators.
- Docket Equalization - to restore FY 10-11 funding levels for docket equalization travel funds for the Courts of Appeals.
- DPS Sting Operations - to conduct a study of DPS Sting Operations and their impact on local courts.

Texas Indigent Defense Commission – received access to all balances and revenues in the Fair Defense Account (5073) through restoration of estimated appropriation and unexpended balance authority. These budgetary provisions were eliminated during the 82nd Legislature, although unexpended funds remained in the account.

Office of Capital Writs – received funding to restore its budget to the FY 2011 appropriated level and add 4 positions, one attorney and one investigator in both FY 2014 and 2015, and one attorney and one other position to be determined in FY 2015.

State Law Library – received funding to restore a librarian and a part-time library assistant, as well as books and research materials, that were cut during the current biennium.

Judiciary Section, Comptroller’s Department – received increased funding to support a judicial pay raise; also received increased funding for visiting judges to account for the judicial pay raise in this program. Without this increase, the number of visiting judge days would have necessarily been reduced to offset an increase in the daily rate for visiting judges resulting from the judicial pay raise.

The House and Senate still must adopt the conference report, and the Governor must sign the bill, before any of the information above becomes final.

TECHNOLOGY & DATA

Information Services Division

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

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

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

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

Current Major Projects

Electronic Filing

In November 2012, OCA signed an agreement with Tyler Technologies to provide the next Electronic Filing Manager (EFM) for Texas. The system is known to all as "TexFile." OCA and Tyler Technologies are working with counties on the current eFiling system to transition them to the new TexFile system.



In the agreement, TexFile agreed to adhere to the Electronic Case File (ECF) standard. This national standard allows each court the freedom to choose any case management system. For filers, it allows them the freedom to choose any electronic filing service provider (EFSP). The TexFile team is working with all the EFSPs as well as case management vendors to facilitate a fully integrated eFiling system.

With the passage of HB 2302, OCA is working with Tyler Technologies to switch the eFiling funding mechanism from a transactional based ("toll-road model") to a per-case based system. This further reduces the price to litigants for eFiling.

Texas Appeals Management and Efiling System (TAMES)

OCA has completed TAMES implementations at all the appellate courts other than the Court of Criminal Appeals and the 13th Court of Appeals (Corpus Christi/Edinburg). The

team is currently developing the writs section of TAMES for the Court of Criminal Appeals and is awaiting a network upgrade for the 13th Court of Appeals. Both activities are scheduled to be completed early this fall.

Future enhancements of TAMES include electronic transfer of cases between the appellate courts both laterally from court of appeals to court of appeals and vertically from court of appeals to the Supreme Court of Court of Criminal Appeals.

CIP Technology

OCA continues to work with the Permanent Judicial Commission for Children, Youth and Families to improve IT systems for child protection courts. The team continues to improve the Child Protection Case Management System by adding the ability of role-based security. This will allow each court to provide access to the certain parts of the system for approved outside entities (such as case workers, attorneys and others). Additionally, OCA will be piloting a new system that sends email reminders to interested entities about upcoming hearings. If successful, the system will be expanded to allow all child protection courts the ability to use it.

The video conference project continues to expand. OCA has deployed video conferencing capabilities to 47 residential treatment centers (RTC) and 10 courts. This has resulted in an increased number of children participating in their hearings. OCA has offered use of the system to DFPS case workers so that they can connect through video conferencing to RTCs and the courts as well. OCA hopes to have up to 20 courts online by October 2013.

Technology Equipment Update

Information Services, working with the appellate courts is preparing to replace aging equipment in the judicial branch state agencies and courts. This project will replace more than 550 PCs and more than 100 laptops currently over 6 years old. OCA will be refurbishing the equipment and donating them to counties that need additional equipment to provide an eFiling machine for public use.

DATA COLLECTION

Judicial Information Program

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

Judicial Council Monthly Court Activity Reports

Due to the greatly expanded content and complexity of the Judicial Council Monthly Court Activity Reports and mandate for all trial courts to submit their reports electronically, a significant share of Judicial Information's efforts continue to be devoted to providing support to the trial courts and clerks and their information technology staff or case management vendors on reporting issues. Staff have:

- Continued to review the new data from the justice and municipal courts, found many issues that need to be corrected and addressed, and have been spending much of their time working with the courts, their case management system vendors, and other local information technology staff to correct these issues.
- Made regular presentations at seminars sponsored by the Texas Municipal Courts Education Center and Texas Justice Court Training Center.
- Regularly worked with organizers of the College of Probate Judges seminars to improve data quality in the probate and mental health reports.
- Worked with staff of the Texas Indigent Defense Commission to improve reporting of requests for counsel by justice and municipal courts.
- Conducted training sessions for participants in OCA's Case Management System Vendor Roundtable and for TechShare staff of the Conference of Urban Counties. Also, conducted training sessions at the V.G. Young Institute's School for County Commissioners Courts and at the Texas Association of Counties' County Court Assistants Training Conference.
- Conducted a training session for OCA's Collection Improvement Program staff on the reports and use of the reporting database to better enable them to assist courts with reporting questions when staff are out in the field.

Due to the abolition of the small claims court as of August 31, 2013, the civil section of the Justice Court Monthly Activity report will change as of September 1, 2013. The three case categories currently in use will be replaced with three new categories that correspond to the case categories established by [Supreme Court Order 13-9049](#). To prepare for this change, staff drafted the new form and instructions; developed a civil case information sheet; identified and documented changes needed in the reporting database; provided guidance to OCA's Information Services Division staff about database requirements and functionality; communicated with the courts and case management vendors about the upcoming changes; and have been providing technical assistance to courts, their information technology staff, and case management system vendors as they prepare for the transition.

Data Collection

National Instant Criminal Background Check System (NICS) – Record Improvement

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

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

- Continued to provide frequent assistance to clerks by answering questions over the phone and by email;
- Made a presentation on NICS reporting at the Region 3 meeting of the County and District Clerks' Association, in Sweetwater;
- Received a federal grant in the amount of \$545,414, under the FY 2011 NICS Act Record Improvement Program, to hire OCA staff to assist the district and county clerks in researching their case files for all eligible historical mental health and other cases required to be entered into NICS through CJIS. The grant project is called the "Texas NICS Record Improvement Project." The grant period is October 1, 2011 through September 30, 2013.
 - OCA has experienced much turnover in project staff since the start of 2013, due to the temporary nature of the project and extensive travel. OCA hired two new NICS Project Clerks who started employment on May 21, 2013.
 - Since the start of the project, OCA has:
 - Provided records research assistance to the county clerk and/or district clerk in Anderson, Atascosa, Bee, Bell, Brazos, Brown, Caldwell, Cherokee, Deaf Smith, Dimmit, Duval, Edwards, Ellis, Fort Bend, Frio, Guadalupe, Hale, Hamilton, Hardin, Hidalgo, Hockley, Jasper, Kimble, Kinney, Lubbock, Matagorda, Maverick, Milam, Nueces, Polk, Randall, Smith, Starr, Tom Green, Travis, Tyler, Val Verde, Webb, Wilson, and Zavala counties; and
 - Reviewed 240,203 records and identified 15,266 records with sufficient data to be entered into CJIS (through April 30, 2013).

Publications

Judicial Information produced the [Texas Judicial System Annual Statistical Report for FY 2012](#), the summary report of [Texas Court Security Incidents for 2012](#), and [2013 Texas Judicial System Directory](#). Staff also assisted in producing the [Judicial Compensation Commission Report for 2012](#).

COURT SERVICES

Domestic Violence Resources Program

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

Domestic Violence Resource Attorney (DVRA)

The DVRA engaged in the following activities:

- Conducted 11 training sessions for the Texas Municipal Courts Education Center for judges, prosecutors, and bailiffs, respectively. The training topics, which varied according to the audience, included magistrate orders of emergency protection, domestic violence dynamics, domestic violence and courtroom security, and prosecution.
- Made a presentation on protective orders to county judges at the fall (Galveston) and spring (Lubbock) Judicial Education Sessions sponsored by the Texas Association of Counties;
- Conducted training on predominant aggressor and evidence collection in domestic violence cases for cadets at the San Antonio Police Academy;
- Conducted training on magistrate orders of emergency protection at a Regional Judges Seminar sponsored by the Texas Justice Court Training Center, which was held in Austin;
- Made a presentation on protective orders at the Region 3 meeting of the County and District Clerks' Association, in Sweetwater; and
- Updated the *Texas Family Violence Benchbook*.

Remote Interpreter Services in Domestic Violence Cases

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

- 385 judges have been set up with online TRIP calendar access, and 27 have returned their signed participation agreements to fully enroll in the program; and
- Through May 15, 2013, 11 judges have used TRIP services in a total of 21 hearings. OCA's project staff interpreters provided Spanish interpretation services in 17 of the 21 hearings, and Language Line Services provided Korean, Thai, and Vietnamese interpretation services, respectively, in the remaining 4 hearings. Their feedback has been positive.

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

- Made phone calls and sent follow-up emails to court coordinators and judges in counties with a population less than 50,000, which qualify for TRIP services in criminal intimate partner violence cases, to explain and offer services;
- Sent reminder postcards to 300 courts, encouraging them to use TRIP services; and
- Made a presentation on TRIP and court interpretation to county judges at the 2013 Texas Association of Counties' Spring Judicial Education Session, in Lubbock.

Also, OCA engaged in the following activities:

- Began preparing curriculum materials related to domestic violence for the Language Access Basic Training (LABT) Suite, which is an online course for bilingual court staff who interact with non-English speaking members of the public. The training is being developed by the New Mexico Administrative Office of the Courts in collaboration with other states. The training will be made available to all states; and
- Participated in monthly grantee training sessions sponsored by OVW.

JUDICIAL COMPENSATION COMMISSION

Drawing upon the Judicial Compensation Commission's 2012 report, the Texas Legislature appropriated funds in the General Appropriations Act for 2014-2015 to provide an increase in judicial compensation for the first time since 2005. While the legislative action does not fully implement the 21.5% increase recommended by the Judicial Compensation Commission, the funding provides for an increase of 12% in compensation for each level of state judge. With this increase in compensation, Texas joins the 47 other states that have provided increases in compensation to its state judges in the past eight years. The action must be approved by the Governor before becoming law. If approved, the following salaries will apply:

Judge	Proposed State Salary	Maximum Supplement
Supreme Court Chief Justice/ Court of Criminal Appeals Presiding Judge	\$170,500	n/a
Supreme Court Justice/ Court of Criminal Appeals Judge	\$168,000	n/a
Court of Appeals Chief Justice	\$156,500	\$9,000
Court of Appeals Justice	\$154,000	\$9,000
District Court Judge	\$140,000	\$18,000

COLLECTION IMPROVEMENT PROGRAM

Technical Support

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

- 89 of the 90 counties and cities required to implement a program, prior to the passage of S.B. 387 by the 83rd Legislature, Regular Session, have either fully or partially implemented a program. [S.B. 387, which took effect 5/10/13, provides that OCA must grant a waiver to a county with a population of 50,000 or more when the population of the county is at least 50,000 only because of the TDCJ inmate population within the county. In addition to Cherokee and Anderson counties, Rusk County may also be affected by this bill (OCA is currently researching this).] Harris County previously received a waiver and is therefore not required to implement a program; and
- Wise County remains the only jurisdiction required to implement a program that has not done so. Wise County has an implementation plan, and it has posted a job vacancy notice for a collections staff position. OCA technical support staff will continue to work with county officials to assist them with implementing their program.

The primary focus of the assistance provided to counties and cities by OCA's CIP technical support staff has been to ensure their compliance with the critical components of the CIP. OCA's goal is to ensure each jurisdiction passes the statutorily-required compliance audit that was formerly conducted by the Comptroller of Public Accounts (CPA), but is now the responsibility of the OCA audit staff. The OCA CIP technical support staff works with each jurisdiction using a format designed to simulate the compliance audit to identify problem areas and recommend corrections prior to the official audit.

- 77 preliminary, simulated audits of the total 90 counties and cities required to implement a program, prior to the passage of S.B. 387, have been completed. Of the 77 counties and cities in which a preliminary, simulated audit was conducted: 19 were audited by the CPA and all of them passed either their initial or subsequent official compliance audit; 11 were audited by OCA's CIP audit staff, with 9 passing and 2 failing their initial audit (the 2 failing jurisdictions – Laredo and Grand Prairie – are expected to pass their reinstatement audit); 39 jurisdictions (excludes Anderson County) are scheduled for an official compliance audit by OCA's CIP audit staff; and 7 are receiving continuing assistance by OCA technical support staff and should be prepared for an official audit by the end of July 2013;
- OCA's CIP technical support staff continued to work with 13 new mandatory jurisdictions (including Cherokee and Rusk counties) required to implement a program, based on the 2010 federal decennial census. Initial simulated audits (excluding Cherokee County and possibly Rusk County) should be completed by September 2013.

OCA's CIP technical support staff developed: 1) a "trend" report which analyzes data submitted by the programs, such as amounts assessed, collected and credited; and 2) a "return on expenditures" report that reviews the cost effectiveness of a program. OCA:

- Compiled and distributed 42 "return on expenditures" reports to 17 cities and 26 counties.

OCA's CIP technical support staff continued to monitor mandatory programs for continued compliance. Since October 26, 2012, OCA:

- Conducted 35 "spot checks" of counties and cities required to implement a program to ensure continuing compliance with program components.

Also, since October 26, 2012, OCA engaged in the following assistance activities:

- Conducted regional collections training workshops in Weslaco and Corpus Christi;
- Made a collections presentation at the annual conference of the Governmental Collectors Association of Texas, in San Antonio; the annual conference of the Texas Association for Court Administration, in Galveston; the Texas Municipal Courts Education Center's New Clerks' School, in Austin; the East Regional Conference of the Texas Justices of the Peace and Constables Association, in Waxahachie, and the Texas Justice Court Training Center's New Judges School, in San Antonio;
- In an effort to better inform the justice courts about the CIP and the availability of CIP training and technical assistance, OCA's CIP technical support staff had an information booth at 12 Texas Justice Court Training Center's schools for justices of the peace and justice court clerks, which were held in Austin, Galveston, Rockwall, San Marcus, and San Antonio.; and
- Assisted two cities (Longview and Winnsboro) interested in implementing voluntary CIPs.

Audit

During FY2013, the Collection Improvement Program – Audit Section has issued reports for ten (10) compliance engagements (aka, audits), eight (8) pre-implementation rate reviews, and two (2) post-implementation rate reviews. Audit staff are currently working on five (5) compliance engagements, five (5) pre-implementation rate reviews, and two (2) post-implementation rate reviews.

SPECIALTY COURTS PROGRAM

Child Protection Courts

In January, the regional presiding judges met for a two-day moderated strategic planning session, focused on developing long- and short-term direction for the Child Protection Courts program. In addition to survey responses collected from district judges around the

state, the regional presiding judges considered internal caseload data and input from the current Child Protection Court judges. The regional presiding judges continued these discussions over the next several months, and are developing a plan for how to allocate three additional courts funded by the legislature this session. The goal is to have a plan finalized this summer and implementation started at the beginning of fiscal year 2014.

Additionally, the Legislature funded a 4.5% salary increase for the child protection court court coordinators.

Child Support Courts Program

The Texas Legislature funded an additional child support court for El Paso County and a 4.5% increase in salaries for the child support court court coordinators.

REGULATORY SERVICES

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

Board	Regulated Population (as of May 31, 2013)
CRCB	2440 individuals and 362 firms
GCB	381 individuals
PSRB	3625 individuals

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

The three boards are working towards assigning tasks to each staff member by function, rather than by board. All administrative duties are consolidated and assigned to one person; the Judicial Regulatory Assistant. At this time, input and reconciliation of fees has been consolidated for all the boards and that function is assigned to one staff member. Staff is currently working to consolidate application processing to be assigned to two licensing specialists. Cross-training continues, with the fee specialist and licensing specialists learning those functions for all three boards,

Due to lack of staff resources, the Executive Assistant to the Administrative Director had functioned as the PSRB Clerk since the program's inception. In an effort to consolidate duties of the Certification staff, the GCB Program Director took over the responsibilities related to PSRB program management in January 2013. Discussions regarding staffing requirements for the Certification Division will continue this month. Revenue collected for the three boards, as of May 30, is \$547,581.59. Amounts by board are as follows:

PSRB - \$198,729.50

GCB - \$10,613.40

CRCB - \$338,238.69

With the passage of Senate Bill 966 (83rd Legislature, RS), the Judicial Branch Certification Commission will be created. The Commission will take over the regulatory functions for the three boards currently supported by the OCA, and will add the foreign language Licensed Court Interpreters Board (LCI), currently housed at the Texas Department of Licensing and Regulation. Commission members may be appointed and rules can be adopted by the Supreme Court of Texas as of September 1, 2013; the Commission will begin operating on September 1, 2014. The OCA's goal is to have rules drafted by the end of calendar year 2013.

Once the Commission begins operation in fiscal year 2015, the PSRB, CRCB, GCB and LCI will no longer exist in their present form. Instead, an advisory board for each regulated profession will provide expertise and recommendations to the Commission to assist it in fulfilling its regulatory functions.

Process Server Review Board

The number of people authorized to serve process statewide peaked in November 2011 at 6,427. After April 2, 2012, when the complete list of persons certified to serve civil process statewide was updated to only include persons who have paid the fees mandated last session, the population dropped to 3,275. As of May 31, 2013, the number is 3,625. An average of 90 applications (new, renewal and reinstatement) are heard by the PSRB's Application Review Committee each month.

The PSRB heard a total of 29 complaints at its meetings in September 2012, December 2012 and March 2013. 9 were administratively dismissed for lack of jurisdiction (including 1 that was withdrawn); 10 were dismissed for lack of good cause to take disciplinary action, 3 letters of reprimand and 1 letter of warning were issued; 4 certifications were suspended, and 2 certifications were revoked. Five complaints are scheduled to be heard at the June 7 PSRB meeting.

On October 19, 2012, OCA issued an online survey to certified process servers that will be used to facilitate improvements to the Process Server Review Board. Results were positive overall, with the majority of those responding in favor of continued regulation. A recurring theme was the need for some type of photo identification for a process server to verify he or she was certified to serve process; this issue was discussed during the March 1 meeting, with the results to be reported at the meeting on June 7.

Guardianship Certification Board

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

The contract with the vendor who administers the guardianship certification exam expired at the end of FY 2012. Board staff at the OCA have taken on registration of applicants and

collection of application fees. Through contracts with the University of Texas-Austin and San Antonio proctoring centers, exams have been administered three times during the current fiscal year, with one more scheduled. The Exam Committee will meet to discuss updating exam questions after the conclusion of the upcoming legislative session. Discussions will also be held about administration of exams for fiscal year 2014.

Ninety-six guardians have re-certified to date in FY2013. 34 new provisional certifications and 29 new certifications, including 17 guardians who moved from provisional to "full" certification, have been issued as of May 31.

Three complaints have been filed this fiscal year; one was dismissed and two are pending. For one complaint, carried forward from FY2012, the Board adopted a settlement agreement reached under the Board's Alternative Dispute Resolution provisions, at its November 2012 meeting. The certification of the certified guardian was subsequently revoked for non-compliance with the terms of the agreement.

FBI personnel performed an audit of the Guardianship Certification Program on March 26, 2013, on the access, use, dissemination, storage, security, and destruction of applicants' criminal history information obtained for use by the Board in certifying applicants. The program was found to be out of compliance in one area, which has been corrected.

Court Reporters Certification Board

As of May 29, 2013, 29 new court reporters were certified upon successfully completing the court reporters exam. The last test for the fiscal year is scheduled on June 26, 2013. There are 4 tests administered per fiscal year in various cities throughout Texas.

A Request for Proposal to administer the court reporters exam was posted on May 20, 2013 with a contract start date of September 1, 2013. The current contract with the Texas Court Reporters Association expires August 31, 2013. The contract is for a 2 year period expiring August 31, 2015 with an option to extend the contract for one 2 year period.

A total of 1094 court reporters and 178 court reporting firms are due to be renewed in FY 2014 for certifications and registrations expiring December 31, 2013 with the renewal window opening on September 1, 2013.

In Fiscal Year 2013, the Review Panel considered 46 complaints filed, setting 8 complaints for formal disciplinary hearings before the board with 5 complaints withdrawn including 2 that were set for hearings. The board sanctioned 6 court reporters to include private and public reprimands, 2 administrative penalties, and one 12 month probated suspension. The Board accepted the Review Panel's recommendation to dismiss 35 complaints. In addition, staff administratively dismissed 7 complaints pursuant to the board's Administrative Dismissal Policy.

Proposed amendments to Rules V and VII, Rules Governing Court Reporter Certification and Court Reporting Firm Registration, were prepared to comply with legislative changes

relating to application and renewal requirements for Military members and their spouses, exam accommodations for persons with Dyslexia, and options for alternative exam dates falling on Religious Holy Days. The amendments were submitted to the Supreme Court for approval in November 2012. The revisions to the Uniform Format Manual (UFM) and the Examples section were submitted to the Supreme Court for approval in December 2012.

Attorney General Opinion GA-0928 was issued on May 14, 2012 in response to a request filed by the CRCB Chair in August 2011 on a perceived conflict between the Texas Rules of Civil Procedure, Section 199.1, that allows for oral depositions to be recorded by non-stenographic means, and Section 52.021(f), Texas Government Code, that requires oral depositions be recorded by a certified shorthand reporter. In summary, the AG Opinion stated that Section 199.1, TRCP, is to be used in harmony with Sections 52.021 and 52.033 of the Texas Government Code unless the exceptions set out in Section 52.033 apply that allows a party to the litigation, the attorney of said party, or a full-time employee of a party or a party's attorney to record a deposition solely by non-stenographic means.

NATIONAL ISSUES

Local administrative district judge William C. Sowder and court administrator Dean Stanzione from Lubbock County have been chosen to participate in an upcoming national Presiding Judges' Forum. This court executive team will be looking at the [Principles for Judicial Administration](#) (July 2012) to determine how courts can better implement the principles in the local court.