

42<sup>ND</sup> ANNUAL  
**TACA EDUCATION CONFERENCE**  
 OCTOBER 2 - 5, 2018 • SAN ANTONIO, TX

# Welcome to San Antonio and the 42nd Annual TACA Education Conference!



My grandma, who I considered to be one of the wisest ladies in the world, once told me that an education was the one thing that nobody could every take away from you. So I am honored that you have chosen to be here and join us at our annual education conference.

I have three things to ask of you this year:

1. Fill out your evaluations. We have worked hard throughout the year...to hopefully provide you with a conference that not only meets your expectations, but exceeds them. I cannot express my gratitude enough to all of you that took the time to fill out the evaluations online last year and also participated in the surveys we sent out which allowed our education committee to really know what areas you wanted more training in or were just plain interested in learning about. So I am asking each and every one of you, please, take a few minutes and let us know, the good, the bad or the ugly, how we can better meet the needs of our members next year...we can't fix what we don't know.
2. Find someone new. One of the best things for me about the conference is making new friends (some people call it networking). My kids say I can talk to a brick wall...and they are probably right. Look around, there are new members attending the conference by themselves (we have all been there at one time or another), invite them to sit with you...we all have at least one thing in common...not enough money in our budgets and too much work. You never know, you could end up being the best of friends...and one day get matching tattoos???
3. Lastly, take time to consider serving on a committee or even...yes, I'm going to say it...the Board. Step out of your comfort zone. You never know what you're capable of until you put yourself out there. I never thought I would...do half the things I would do, but here I am, deeply honored and privileged to have served the last five years on your Board and the last year as your Chair.

A handwritten signature in black ink, appearing to be the initials 'TR' followed by a flourish.



**Wendi Pearson**

*CHAIR*

Court Administrator  
Taylor County  
350th District Court  
300 Oak Street, Suite 404  
Abilene, Texas 79602  
325-674-1242  
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**Laura Conte**

*SCHOLARSHIP LIAISON*

Court Coordinator  
Harris County  
Criminal Court at Law #15  
1201 Franklin, 11th Floor  
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832-927-3450  
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**Gracie Garcia,**

*MEMBERSHIP LIAISON*

Court Administrator  
Webb County  
111th District Court  
1110 Victoria Street, Suite 301  
Laredo, Texas 78040  
956-523-4722  
vgarcia@webbcountytx.gov



**Dorlisa Patton**

*PUBLICATIONS LIAISON*

Court Administrator  
Nacogdoches County  
Nacogdoches County Court at Law  
101 W. Main  
Nacogdoches, Texas 75964  
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**Karen Warr**

*EDUCATION LIAISON*

Court Manager, Shelby County  
123rd and 237th District Court  
200 San Augustine, Suite 3  
Center, Texas 75935  
936-598-9928  
Karen.warr@shelby.tx.us



**Dean Stanzione**

*IMMEDIATE PAST CHAIR*

Director of Court Administration  
Lubbock County  
P.O. Box 105036  
Lubbock, Texas 79408  
806-775-1987  
dstanzione@co.lubbock.tx.us



**Karen Ellis**

*TREASURER*

Assistant Office Administrator  
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Office of Court Management  
1201 Franklin, 7th Floor  
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832-927-6525  
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**Ed Wells**

*CHAIR, PROF. DEVELOPMENT*

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Office of Court Management  
1201 Franklin, 7th Floor  
Houston, Texas 77002  
832-927-6500  
ed\_wells@ccl.hctx.net

### **Wendi Pearson**

#### *Chair*

*Certified Court Manager | 350th District Court | Taylor County | Abilene, Texas*

Wendi S. Pearson has worked in the legal field for over 20 years and has served in her current position for the Honorable Thomas Wheeler since 2009. She completed PDP in June 2010 became a Certified Court Manger in 2012. She is a faculty member for PDP where she teaches first-year attendees. She joined TACA in 2009 and currently serves on the TACA Board as the Chair. She has also served as the Scholarship Liaison as well as served on and continues to serve on various committees within TACA. She is also a member of the Civil Justice Advisory Council and a member of the National Association for Court Administration. Wendi and her husband Billy have been married for over 30 years and they are parents to Rebecca, Jordan (and Ethan), Will (and Brittany). They are the proud grandparents to Eli, Paislee, Jace, Adeline, Charlotte and James Leo.

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### **Laura Conte**

#### *Scholarship Liaison*

*Court Coordinator | Criminal Court at Law #15 | Harris County | Houston, Texas*

Laura Colbert Conte began her career in Criminal Justice after graduating from Stephen F. Austin State University with a B.A. in Criminal Justice in 1992. She immediately went to work as a probation officer and later a court liaison officer with the Harris County Community Supervision and Corrections Department. In 2005, she was asked to apply for a coordinator position and began her career in court administration as the Court Coordinator for Harris County Criminal Court at Law #15 in Houston. Since becoming a member of TACA in 2005, Laura has served on the publications and scholarship committees and is presently serving a two year term on the Board. Laura is also a member of the National Association for Court Administration and this past June completed the Certified Court Manager Program through the Texas Center for Judiciary. Laura and her husband, Chris, reside in Cypress, Texas.

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### **Gracie Garcia**

#### *Membership Liaison*

*Court Administrator | 111th District Court | Webb County | Laredo, Texas*

Originally from San Antonio, Gracie V. Garcia was raised, studied and lives in Laredo. She was a paralegal for over 14 years and in 2011, Honorable Monica Z. Notzon appointed her Court Administrator. She joined TACA in 2011, was elected to the Board and was Publication Liaison from 2014-2016, she is currently the Membership Liaison. Gracie is also a member of the National Association for Court Management and National Association for Drug Court Professionals. She completed the Texas Center for the Judiciary's Professional Development Program this past June and became a Certified Court Manager. She has been with her husband Danny for 18 years and is the mother of 2 children her son Joshua 7 and her daughter Olivia Grace 6.

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## **Dorlisa “Lisa” Patton**

### *Publication Liaison*

*Court Administrator | Nacogdoches County | Nacogdoches, Texas*

Dorlisa Patton (Lisa) is born, raised and still resides in Nacogdoches, Texas. She has worked in the Legal Profession for 19 years. She is a graduate of Stephen F. Austin State University - B.A.A.S. in Justice Administration and Minor --Human Services. She also graduated from Angelina College - A.A.S. Legal Assistant – Paralegal. She is a Passionate Mental Health Advocate and member of NAMI (National Alliance on Mental Illness). She is an event coordinator for Mental Health Awareness in Nacogdoches County and liaison for the Mental Health Court. Dorlisa completed the Texas Court Management portion of the Texas Center for the Judiciary’s Professional Development Program, on June 15, 2018. In 2016, she was elected to the Board and serves as the Publications Liaison. Dorlisa is a proud mother of two adult sons, Ashton and Braylon and a precious Schnauzer, Khloe.

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## **Karen Warr**

### *Nominations Chair*

*Court Manager | 123rd and 237th District Courts | Shelby County | Center, Texas*

Karen Warr began working for the 123rd and 124th District Courts in 1994 and became a member of TACA in 1996. As a TACA member she has served on the Conference Committee from 2005-2007, Education Committee from 2008-2017, Membership Committee from 2015-2017, and the Nominations Committee from 2015-2017. Karen currently serves as the Education Liaison. She graduated from the Professional Development Program in 2016. Karen and her husband Bobby have been married 42 years. They have three children and two daughters-in-law, Billy and wife Sarah, Micah and wife Katya and daughter Sharayah. They have six grandchildren Braydon, Kaiden, Ileigha, Eden, Lex and Elissa.

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## **Dean Stanzione**

### *Immediate Past Chair*

*Director of Court Administration | Lubbock County | Lubbock, Texas*

Dean Stanzione has had the opportunity to serve in county government since 1997, serving three different Texas counties of varying size; Donley, Randall and Lubbock. He has worked as a deputy clerk, a court collections manager, and court administrator. After serving as the Assistant Director since 2008, he was appointed as Lubbock County’s Director of Court Administration in April 2012. He is a graduate of Texas Tech University, a Fellow of the Institute for CMP and CCE. Mr. Stanzione also serves as a voting member of the Supreme Court’s Judicial Committee on IT, as well as a member of the Board of Directors for the TACA. He serves as faculty for PDP, and is certified to teach Human Resources and Finance for Texas CMP. Mr. Stanzione lives in Lubbock with his wife, Melissa, and three growing boys. He loves spending his time with family, volunteering in youth sports, and enjoying life.

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### **Karen Ellis**

*Treasurer*

*Harris County Criminal Courts at Law | Houston, Texas*

Karen Ellis began working for Harris County in 2003 after graduating from the University of Houston-Downtown with a BBA in Accounting. Since then, she has worked in the Harris County Court Manager's Office for former Court Manager, Bob Wessels, and since 2011 with current Court Manager Ed Wells as Assistant Office Administrator. She has assisted TACA with the Court Management Program (CMP) since 2009, and officially joined TACA in 2012. In 2013, Karen began assisting with TACA's treasurer duties, and was appointed by the TACA Board of Directors as Treasurer in 2016. A life-long resident of Houston, Karen is married with two beautiful little girls.

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### **Ed Wells**

*Chair - Professional Development*

*Court Manager | Harris County Courts at Law | Houston, TX*

Ed Wells began serving as Court Manager for the County Courts at Law of Harris County in 2011, having served as Assistant Court Manager for the three previous years. Prior to this position, Mr. Wells was Clerk of the Court at the Texas Fourteenth Court of Appeals from 2000-2008. Ed began his career in the courts employed by Galveston County as Court MIS Director and then as Director of the Office of Justice Administration. He has a BBA from the University of Houston - Clear Lake. In May 2006, Ed completed the National Center for State Courts' Court Executive Development Program and is a Fellow of the Institute for Court Management. Mr. Wells serves on the Texas Center for the Judiciary's Professional Development Program faculty and curriculum committee, the Texas Supreme Court's Judicial Committee on Information Technology and currently serves Ex-Officio on the Texas Association for Court Administration Board of Directors.



**Hon. Mark Atkinson**

Executive Director  
Texas Center For The Judiciary  
1210 San Antonio, Ste. 800  
Austin, Texas 78701



**Hon. Dean Rucker**

Retired Judge  
7Th Administrative Region  
318Th District Court  
200 West Wall, Suite 200  
Midland, Texas 79701-4557



**Hon. Cathy Cochran**

Judge  
Court Of Criminal Appeals  
P.o. Box 12308  
Austin, Texas 78711



**Hon. Barbara Walther**

Judge  
51St District Court  
112 West Beauregard  
San Angelo, Texas 76903



**Hon. David D. Garcia**

Judge  
County Criminal Court #3  
1450 E. Mckinney, Ste. #4416  
Denton, Texas 76209



**Hon. Laura Weiser**

Judicial Resource Liaison  
Texas Center For The Judiciary  
1210 San Antonio, Ste. 800  
Austin, Texas 78701



**Chief Justice  
Brian Quinn**

7Th Court Of Appeals  
501 S. Fillmore, Ste. 2-A  
Amarillo, Texas 79101



**Justice  
Debra H. Lermann**

Supreme Court Building  
201 W. 14Th Room 104  
Austin, Texas 78701

## Proposed By-Law Changes

**The Board would like to propose changes to Article IV. Officers, Section 1, which currently reads as follows:**

*The Board of Directors of the Association shall consist of five (5) Members. The term of office shall be for two (2) years with two (2) Members being elected on odd number years and three (3) Members elected on even number years. Persons elected to the Board of Directors shall not serve more than two (2) consecutive terms. A Director appointed to the Board shall not serve more than five (5) consecutive years. The makeup of the Board of Directors shall be reflective of the membership, according to the jurisdiction and size of the county.*

**The Board would like to propose changes to Article IV. Officers, Section 1, which would read as follows (changes in red):**

*The Board of Directors of the Association shall consist of five (5) Members. The term of office shall be for two (2) years with two (2) Members being elected on odd number years and three (3) Members elected on even number years. Persons elected to the Board of Directors shall not serve more than two (2) consecutive terms. **A Director who is appointed to the Board shall serve out the remaining term to which they were appointed. That same Director would then be eligible to be elected to The Board and not further serve more than two (2) consecutive terms.** The makeup of the Board of Directors shall be reflective of the membership, according to the jurisdiction and size of the county.*

**For Approval of Proposed By-Laws:**

**According to Article X. Amendments of the Texas Association for Court Administration Constitution and By-Laws:**

*Section 1.*

- A. These By-Laws may be amended at any Annual Business Meeting by a majority vote of the eligible members in good standing. Any member in good standing may make a recommendation to the Board of Directors. All proposed amendments shall be referred to the Board of Directors for study and recommendation. The Board of Directors shall report and make a recommendation to the membership, at the next called business meeting.*
- B. Amendments offered from the floor require 2/3rd vote of the regular members in good standing in attendance.*
- C. Notice of proposed amendments shall be given to the membership at least 30 days prior to the next business meeting.*

Texas Association for Court Administration  
 42<sup>nd</sup> Annual Education Conference  
 “Piecing Justice Together”  
 October 2 – October 5, 2018

**Tuesday, October 2, 2018**

Time	Event	Speaker	Room
11:30 a.m. – 1:00 p.m.	Registration	Education Committee	
1:00 p.m. – 1:15 p.m.	Welcome	TBA	Grand Ballroom ABCD
1:15 p.m. – 2:45 p.m.	Suffer from Burnout? Give’em the F.I.N.G.E.R.!	Mark Yarbrough	Grand Ballroom ABCD
<i>2:45 p.m. – 3:00 p.m. Break</i>			
3:00 p.m. – 4:30 p.m.	Proactive Strategies to Court Security and The Judge Julie KoCurek Judicial & Court Security Act of 2017	Hector Gomez	Grand Ballroom ABCD
4:30 p.m. – 5:00 p.m.	Meet the Board	Board Members	Grand Ballroom ABCD
5:30 p.m. – 7:30 p.m.	TACA Tailgate		

**Wednesday, October 3, 2018**

Time	Event	Speaker	Room
7:30 a.m. – 8:30 a.m.	Breakfast		
8:30 a.m. – 10:00 a.m.	No Soup for You!	Erin Robison	Grand Ballroom ABCD
<i>10:00 a.m. – 10:15 a.m. Break</i>			
10:15 a.m. -11:45 a.m.	Becoming a Leader: A Difficult and Challenging Task	Justice Patricia O’Connell Alvarez	Grand Ballroom ABCD
11:45 a.m. – 1:00 p.m.	Luncheon Presentation of PDP Certificates Introduction of Candidates		Grand Ballroom EFG
1:00 p.m. – 2:30 p.m.	Workshop Round I		
	Professionalism & Leadership	Dean Stanzione	Grand Ballroom B
	Caseflow Management: You Could Learn A Lot From A Dummy	Cryctal Spradley	Grand Ballroom D
	Ethics for Court Administrators	Judge Lamar McCorkle	Grand Ballroom C
	Mandatory Reporting to the OCA	Angela Garcia	Grand Ballroom A
<i>2:30 p.m. – 2:45 p.m. Break</i>			
2:45 p.m. – 4:15 p.m.	Workshop Round II		
	Professionalism & Leadership	Dean Stanzione	Grand Ballroom B
	Caseflow Management: You Could Learn A Lot From A Dummy	Crystal Spradley	Grand Ballroom D
	Ethics for Court Administrators	Judge Lamar McCorkle	Grand Ballroom C
	Mandatory Reporting to the OCA	Angela Garcia	Grand Ballroom A

**Thursday, October 4, 2018**

<b>Time</b>	<b>Event</b>	<b>Speaker</b>	<b>Room</b>
7:30 a.m. – 8:30 a.m.	Breakfast		
8:30 a.m. – 10:00 a.m.	Workshop Round I		
	Criminal – Felony	Judge Christi Kennedy	Grand Ballroom D
	Criminal- Misdemeanor	Judge Tommy Stolhandske	Grand Ballroom B
	Civil	Judge Norma Gonzalez	Grand Ballroom C
	Family Law Smorgasbord	Judge Tim Womack	Grand Ballroom A
<i>10:00 a.m. – 10:15 a.m. Break</i>			
10:15 a.m. – 11:45 a.m.	Workshop Round II		
	Criminal – Felony	Judge Christi Kennedy	Grand Ballroom D
	Criminal- Misdemeanor	Judge Tommy Stolhandske	Grand Ballroom B
	Civil	Judge Norma Gonzalez	Grand Ballroom C
	Family Law Smorgasbord	Judge Tim Womack	Grand Ballroom A
11:45 a.m. – 1:00 p.m.	Awards Luncheon Introduction of 2018-2019 Board Committee Awards		Grand Ballroom EFG
1:00 p.m. – 2:30 p.m.	Workshop Round I		
	Texas Indigent Defense	Geoff Burkhart	Grand Ballroom B
	Probate and Guardianship	Judge Guy Herman	Grand Ballroom A
	Legal Information vs Legal Advice	Scott Gibson	Grand Ballroom C
	Texas Judicial Counsel Review of the Upcoming 86 <sup>th</sup> Legislative Session	Megan LaVoie	Grand Ballroom D
<i>2:30 p.m. – 2:45 p.m. Break</i>			
2:45 p.m. – 4:15 p.m.	Workshop Round II		
	Texas Indigent Defense	Geoff Burkhart	Grand Ballroom B
	Understanding CPS Timelines	Judge Melissa McClenahan	Grand Ballroom A
	Legal Information vs Legal Advice	Scott Gibson	Grand Ballroom C
	Incompetency to Stand Trial & The Insanity Defense	Judge Andrew Carruthers	Grand Ballroom D
4:15 p.m. – 5:30 p.m.	TACA Business Meeting		Colonnade Ballroom

**Friday, October 5, 2018**

<b>Time</b>	<b>Event</b>	<b>Speaker</b>	<b>Room</b>
7:30 a.m. – 8:30 a.m.	Bon Voyage Breakfast		
8:30 a.m. – 10:00 a.m.	Thriving in Lifestyle Changes	Colleen Robison	Grand Ballroom ABCD
<i>10:00 a.m. -10:15 TACA Group Picture</i>			
10:15 a.m.	Conference Adjourns		

# JOIN US FOR OUR TACA TAILGATE!

TUESDAY, OCTOBER 2ND | 5:30PM

**Food, Drinks, Fun!**  
**Door Prizes for New Members**  
**\*\*DJ and Photobooth\*\***

Help us kickoff  
a great conference.

Don't forget to bring your chairs  
and wear your favorite jersey!



**Free Shuttles to the Riverwalk!**  
THURSDAY EVENING, OCTOBER 4<sup>TH</sup>

**Depart from Omni Colonnade Hotel Lobby**  
6:00pm | 6:30pm | 7:00pm | 7:30pm

**Return Pick-up outside Hyatt Regency (123 LaSoya Street)**  
10:00pm | 10:30pm | 11:00pm | 11:30pm

*Buy your raffle tickets today!*

*Don't  
Forget!*

Raffle tickets are on sale in the hotel foyer!  
**\$2 each or 12 for \$20**

**Help Support  
TACA Goodwill Scholarships  
for Coordinators like you!**

# Education Committee Report

## **Greetings to all our TACA Members,**

Welcome to our 42nd Annual TACA Conference!! We are excited and looking forward to this year's conference, Piecing Justice Together. We hope you will enjoy the speakers and leave refreshed with valuable information for your court. Our Education Chair, Perla Diaz and Vendor Coordinator, Stephanie Bacon have provided us with speakers and vendors we hope will help in serving your courts.

Providing Justice for those who come through our court system is not always easy. We work in this system and face many challenges that require the ability to work with other agencies. Understanding those challenges can make the process easier for those we serve. Justice occurs when all the pieces are in place through the cooperation of everyone working together.

We have a wonderful group of 42 members who have volunteered to serve the Education Committee. Thank you to each of you for wanting to make our organization better. Your participation has made it easier to prepare for this conference and staff the positions that are necessary to ensure the speakers and members have a pleasant conference.

**Please do not forget** to visit with our vendors. Let them know how much we appreciate them attending our conference. They have the latest available products to help make our jobs easier. Our Vendors are an important part of our conference giving us the opportunity to see what is available and to allow us an opportunity to network. We will have several opportunities to meet with these vendors and gather information to take back to our courts. We invite you to take advantage of this great opportunity.

We want to thank you for attending the TACA Conference this year. It is our desire that you feel you have gained information to take back to your courts. We do read your comments, so please tell us what you think. Your comments will enable us to provide a better conference in the future.

Enjoy the conference!

**Karen Warr**

*TACA Board, Education Liaison*



## **Patricia O'Connell Alvarez**

*Justice*

*4th Court of Appeals*

Justice Patricia O'Connell Alvarez is a Justice in the 4th Court of Appeals, a district that covers 32 counties in South Texas, including the Hill Country. Justice Alvarez, who was born in Mexico to an American mother and a Mexican father, came to the United States in 1979 with her son, Eduardo. She is a resilient woman who never gives up. Her passion and enthusiasm are contagious.

Once she arrived in Texas, she worked as a restaurant hostess, a blood bank recruiter, a teller, an Avis counter agent, and any job she could find so she could support her son. She had many obstacles, fell many times, but always got up and proceeded to master whatever obstacle was before her, including perfecting the English language. When she decided to finish her college education, she applied to many, but only one gave her an opportunity, UTSA. At first, she went to UTSA night school (taking her son with her) and worked during the day; she then became a day-time full time studying, working at the university as a student teacher's aide. Finally, in 1982, she graduated with a BBA. But, Justice Alvarez did not want to stop there. So, she enrolled in the master program after being hired by City Public Service as an auditor. Before graduating from the masters program, Justice Alvarez enroll in law school. She was admitted to the University of Texas School of Law and graduated in 1987. Her time in law school was spent studying, attending school, taking care of her son and working to support him! After graduating from law school and for the next 26 years, Justice Alvarez worked passionately as a trial attorney in the Texas border, making her home in Laredo, Texas. As a trial attorney, again she fell many times, had many obstacles, but always got up and proceeded to work with passion and determination to master the failed task. Within a few years of practicing law, Justice Alvarez became AV-Rated (a nationally recognized "preeminent" peer review by Martindale-Hubbell) and was a Texas Monthly Super Lawyer each year from 2003 to 2012. She also obtained her Board Certification in Personal Injury Trial Law by the Texas Board of Legal Specialization.

Justice Alvarez is admitted to practice in Texas, Florida and the District of Columbia. She is also admitted to practice in all four federal district courts in Texas as well as in the United States Fifth Circuit and the United States Supreme Court. While litigating, Justice Alvarez was an active member of the State Bar of Texas. She served as a Board Director of the State Bar, Panel Chair for the Grievance Committee (2010-2012), Trustee of the Texas Bar Foundation, and Trustee of the Texas Bar College. She was president of the Texas Mexican-American Bar Association and Chair of the Hispanic Issues Section of the State Bar. From 1997 until now, Justice Alvarez has been a lecturer nationally and internationally. She has published over one hundred papers, some of which continue to be used by lawyers as a guide in their practice. Through the years, Justice Alvarez has consistently served her community: as a Rotarian, as a former member of the City of Laredo's Commission for Women, as an honorary member of the Women's City Club, as member of San Agustin and now Holly Redeemer Catholic Church in San Antonio, and as a civics educator. One of Justice Alvarez's joys are her five grandchildren: Madelaine, Paloma Estela, Noah Eduardo, Alex and Santiago. Her son, Eduardo Valdes and his wife Jacqueline are both attorneys in San Antonio. Justice Alvarez says "I could not be who I am today without my family, whom I am grateful for."



**Geoffrey T. Burkhart**  
*Executive Director*  
*Texas Indigent Defense Commission*

Mr. Burkhart comes to the Texas Indigent Defense Commission from the American Bar Association (ABA), where he served as the first Deputy Director and Counsel to the ABA Center for Innovation. He also helped lead the ABA's indigent defense reform efforts as Project Director and Counsel to the ABA Standing Committee on Legal Aid and Indigent Defendants.

Mr. Burkhart previously worked as an Assistant Appellate Defender at the Illinois Office of the State Appellate Defender. There, he represented clients in homicide, sexual assault, and other serious felony cases. He also worked at a law firm, served as a law clerk to Justice James Epstein of the Illinois Appellate Court, and taught Appellate Advocacy and Judicial & Scholarly Writing at Loyola University Chicago School of Law. Born and raised in Kentucky, Mr. Burkhart achieved the rank of Eagle Scout and earned his bachelor's degree at Xavier University, his master's degree at Loyola University Chicago, and his juris doctor at DePaul University College of Law, where he served as Editor in Chief of the DePaul Law Review. He frequently writes and speaks about criminal justice.

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**Andrew Carruthers**  
*Judge*  
*Bexar County*

Judge Andrew Carruthers is the Criminal Magistrate Judge in Bexar County. He received his Bachelor of Arts in Government at the University of Texas at Austin in 1969 and his Juris Doctorate at Saint Mary's University School of Law, in San Antonio, Texas in 1973.

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**Angela L. Garcia**  
*Manager*  
*Office of Court Administration's Judicial Information*

Angela Garcia is the Manager of the Office of Court Administration's Judicial Information Section, which is responsible for collecting, analyzing, and publishing court activity statistics and other judicial data.

Prior to her 16 years of employment at OCA, Angela worked for Austin Municipal

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Court as a business process analyst. She holds a master's degree in public affairs from the University of Texas at Austin and a bachelor's degree in international relations from the University of Southern California.

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**Scott Gibson**  
*Assistant General Counsel*  
*Office of Court Administration*

Scott Gibson is an Assistant General Counsel with the Office of Court Administration. He has worked in Texas state government for over 20 years – and he has worked in all three branches of the government. He began in working for the Legislative Budget Board in the legislature and switched to the Executive Branch after one session – working for a small regulatory board. Now with the Judicial Branch he provides legal counsel to the Judicial Branch Certification Commission, addresses public information requests and (among other things) works on matters relating to access to justice. Prior to coming to Texas he worked for the Senate Judiciary Committee in Florida.

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**Hector Gomez**  
*Court Security Director*  
*Texas Office of Court Administration*

Hector retired after a 31 year career with the United States Marshals Service as the Supervisory Deputy of the Austin Division. Hector was hired as the first Court Security Director for the Texas Office of Court Administration overseeing the establishment of the states Court Security Division. This position was created pursuant to Senate Bill 42, cited as The Judge Julie Kocurek Judicial and Courthouse Security Act of 2017.

His career highlights include serving as an Inspector with the Witness Security Division (WITSEC), in leadership and support roles involving high threat criminal trials involving Outlaw Motorcycle Gangs, Narcotics Cartels, Organized Crime, White Supremacists', John Gotti, Ted Kaczynski, "Unabomber", and Timothy McVeigh. Assignments to the United Nations in New York to augment personal security for visiting foreign ministers, Supreme Court Justices, and government high value protectees and responded to the Los Angeles Riots, hurricanes and natural disasters under Presidential directive.

Hector was responsible for directing investigators, a multi-agency federal task force, investigations involving judicial threats and inappropriate communications, Court Security Officers, and responsibility for the safety and physical security of the federal judiciary and courthouse facilities in the Austin Division.

In 2005 Hector established the Lone Star Fugitive Task Force in Austin, a multi-agency law enforcement partnership serving the central Texas area charged with locating and apprehending violent offenders, gang members, sex offenders, and criminals posing the highest degree of risk to our communities and law enforcement. The task force was recognized by the Department of Justice as the recipient of the Task Force of the Year Award, recognized by the 100 Club Award of Central Texas, MADD, the Governor's Office, State Legislature and the United States Senate.

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### **Norma Gonzalez**

*Judge*

*131st District Court*

Norma Gonzalez was a practicing trial attorney for 32 years before being elected in November 2016 to the 131st District Court. She has tried over 150 jury trials as prosecutor, criminal defense, insurance defense, PI and family law attorney. She has been married for 17 years to former bull rider/rodeo clown. She is the step mother to a medical resident, two beagles, and a talking double yellow head parrot.

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### **Guy Herman**

*Judge*

*Travis County Probate Court*

Judge Guy Herman is a probate court judge for the Travis County Probate Court in Texas. Judge Herman received both his undergraduate degree and J.D. from the University of Texas at Austin.

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### **Christi Kennedy**

*Judge*

*114th District Court*

Christi Kennedy serves as Judge of the 114th District Court in Smith County, Texas. She was first elected to that office in 2008 and is currently serving a third term. As a district judge, Judge Kennedy presides over civil and felony criminal cases. Before returning to school to study law at the age of 35, Judge Kennedy worked in education, banking, and as Director of Administration for Pine Cove, a

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year-round, non-profit camp and conference center located in Tyler, Texas. Judge Kennedy is a graduate of Louisiana State University and Baylor University School of Law. She graduated with honors from Baylor Law School and served as the Editor-in-Chief of the Baylor Law Review. Prior to judicial service, Judge Kennedy practiced civil law with the law firms of Potter Minton and Flowers Davis.

Judge Kennedy also was a briefing attorney for the Twelfth Court of Appeals in Tyler. As a practicing attorney, Judge Kennedy represented clients in a variety of civil matters, with a primary focus on defending law enforcement and other government officers in civil rights litigation.

Judge Kennedy has served as a board member of the Junior League of Tyler, the East Texas Crisis Center, and the Smith County Bar Foundation. She presently serves on the board of SPCA of East Texas.



**Megan LaVoie**

*Director of Public Affairs and Special Counsel  
Office of Court Administration*

Megan LaVoie is the Director of Public Affairs and Special Counsel for the Office of Court Administration. In this role she leads all public affairs functions for the agency including government and media relations. LaVoie also supports the Texas Judicial Council, the policy making body for the judiciary. She focuses on policy areas involving criminal justice, civil justice, guardianship and mental health.

LaVoie previously served as Senior Director of Advocacy for the National Multiple Sclerosis Society where she led advocacy and government affairs for a 5-state region for the health care non-profit. Prior to that she was General Counsel and Communications Director for former State Senator Robert Duncan. During the 83rd Legislative Session she was one of the lead negotiators of the Michael Mor-ton Act, a bill that reformed Texas' criminal discovery law.

LaVoie began her career as a TV reporter and anchor for KJTV in Lubbock, Texas. She has been recognized numerous times by the Texas Association of Broadcasters for her reporting. She serves on the Public Affairs Committee for the State Bar of Texas and the Group Benefits Advisory Committee for the Employee Retirement System.

LaVoie is a graduate of Texas Tech University with degrees in journalism and history, has a juris doctor degree from St. Mary's University School of Law and is a graduate of the 2017 Governor's Executive Development Program. She and her husband, David have one daughter, Willa and their Welsh Terrier puppy, Brody.



### **Judge Melissa McClenahan**

*Associate Judge*

*Child Protection Court of Central Texas*

Judge McClenahan was born and raised in Northeast Texas and graduated with a Bachelor of Applied Arts and Sciences from Southwest Texas State University in 1997. After graduating from Saint Mary's School of Law and passing the bar exam in 2000, Judge McClenahan worked as a prosecutor in the criminal trial and juvenile divisions of the Bexar County District Attorney's Office for three years. In October of 2003, Judge McClenahan joined the law firm of Gendry & Sprague, PLLC, in San Antonio, Texas, practicing in the areas of Aviation and Insurance Defense. (Judge McClenahan is a licensed Pilot with Private Single-Engine and Commercial Multi-Engine Ratings.) In August of 2006, Judge McClenahan joined the Comal County District Attorney's Office as a prosecutor representing the Texas Department of Family and Protective Services (Child Protective Services and Adult Protective Services). In April of 2009, Judge McClenahan opened her solo practice in San Antonio, Texas focusing on the area of Adoption and Ad Litem representation. During that time she served on the Board of Directors for The Adoption Alliance and was a member of the American Academy of Adoption Attorneys. In December 2011, Judge McClenahan and her husband, Barry, formed The McClenahan Law Firm, PLLC. In September 2013, Judge McClenahan was appointed to the Child Protection Court of Central Texas which then consisted of Comal, Hays, Guadalupe, Caldwell, Gonzales, Lavaca and Colorado Counties. Today, the Child Protection Court of Central Texas consists of Comal and Hays Counties. Judge McClenahan is married, has one daughter and one grandson.



### **Lamar McCorkle**

*Senior District Judge*

*133rd District Court*

Lamar McCorkle served as Judge of the 133rd Judicial District for 22 years. Today he continues to sit by assignment, as well as arbitrates and mediates. Judge McCorkle has been active in numerous continuing legal education programs as an author, presenter, or course director, including those for the Texas Center for the Judiciary, State Bar of Texas, National Judicial College, National Institute for Trial Advocacy, Houston Bar Association, and for law schools in Texas. He has been an active advocate for the judiciary and courts, serving as past chair of the Judicial Section, State Bar of Texas, and Texas Center for the Judiciary. Formerly chair for the board of trustees of the Texas Center for Legal Ethics, Judge McCorkle continues to serve as an advisory board member. He also continues to teach a law school Trial Advocacy class at South Texas College of Law.



**Colleen Robison**

*Lifestyle Coach*

Colleen is a wellness speaker, fitness coach, certified personal trainer and yoga instructor. She is a born and raised Texan who loves all things from howdy and y'all to cowboy boots and rodeos.

After working in corporate America for close to a decade, and becoming a champion desk-sitter, her health declined to the point of being a 28 years old in the hospital for what was a suspected heart attack. Thus began a crazy journey back to health and along the way she rediscovered a passion for food and fitness. But most of all, she found how to thrive in the midst of radical change.



**Erin Robison**

*M.Ed., LPC*

Licensed Professional Counselor, Certified Life Coach and Speaker, Erin Robison works with women and men to discover who they are designed to be so that they can experience excellence in their personal and professional lives.

Erin has over twenty years of experience working with children and families as they navigate schools, disabilities, grief and personal issues. As a long time single woman always desiring marriage and a family, Erin has a unique perspective on what it means to discover and live a fulfilling life. Erin coaches, speaks and writes on topics of Personal Design, Communication, Relationships, Authenticity, Self-Care, Parenting and Spirituality. You can find out more about her on her website, [www.erinkrobison.com](http://www.erinkrobison.com).



**Cryctal L. Spradley**

*Assistant Director*

*Lubbock County Office of Court Administration*

Cryctal Spradley is the assistant director of court administration in Lubbock County. She has served in this capacity for since June, 2012. Prior to joining the office, she practiced criminal and family law for seven years. Mrs. Spradley earned her J.D. from Texas Tech University. She completed the National Center for State Courts' Court Executive Development Program and is now a Fellow of the Institute for Court Management.

She and her husband, Justin, have two daughters, Saige and Briar.



**Dean Stanzione**  
*Director of Court Administration*  
*Lubbock County*

Dean Stanzione has had the opportunity to serve in county government since 1997, serving three different Texas counties of varying size; Donley, Randall and Lubbock. He has worked as a deputy clerk, a court collections manager, and court administrator. After serving as the Assistant Director since 2008, he was appointed as Lubbock County's Director of Court Administration in April 2012. He is a graduate of Texas Tech University, a Fellow of the Institute for CMP and CCE. Mr. Stanzione also serves as a voting member of the Supreme Court's Judicial Committee on IT, as well as a member of the Board of Directors for the TACA. He serves as faculty for PDP, and is certified to teach Human Resources and Finance for Texas CMP. Mr. Stanzione lives in Lubbock with his wife, Melissa, and three growing boys. He loves spending his time with his family, volunteering in youth sports, and enjoying life.

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**Tommy Stolhandske**  
*Judge*  
*Bexar County Court at Law No. 11*

Tommy Stolhandske was elected as Judge of Bexar County Court at Law No. 11 in 2014, and took office January 1, 2015. Judge Stolhandske has heard thousands of criminal cases and presided over many jury trials, including Criminal and Civil cases. Since taking the bench, Judge Stolhandske has reduced the daily docket size by over 500 cases. In addition to the regular docket, Judge Stolhandske also presides over the Bexar County Adult Drug Court, which is a specialty court that provides judicial intervention by supervising the highest risk and highest need offenders who suffer from drug addiction in Bexar County. The Bexar County Adult Drug Court was recognized as the 2017-2018 recipient of the Judge Ruben Reyes Outstanding Specialty Court for the State of Texas. Since taking over the Drug Court in 2016, Judge Stolhandske has had many graduates who have learned to live a life in recovery and the program participants have had a total of 10 babies, all born drug free.

Judge Stolhandske was born and raised in San Antonio, and is a graduate of Churchill High School. He earned an undergraduate degree from Texas Lutheran University, where he was a three time All-American basketball player and has been honored by his induction to the TLU Sports Hall of Fame. He went on to receive his J.D. from St. Mary's University School of Law. After graduating from Law School, Stolhandske worked as an attorney in Bexar and the surrounding counties from 2009 until being elected to the bench in 2014. He and his beautiful wife Tina have been married for more than 10 years and are proud parents of a daughter named Elin and a son, Charlie. Judge Stolhandske is a member of the Rotary Club of San Antonio and he and his family are members of University United Methodist Church.

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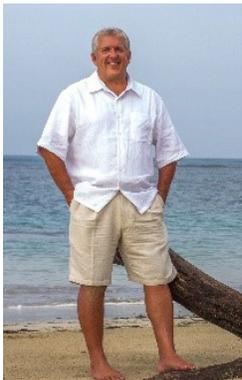
## **Judge Tim Womack**

*307th Family District Court*

Judge Womack was raised in the small Northeast Texas town of Hughes Springs. He received a Bachelor of Arts degree from Austin College in Sherman Texas in 1985. He received his law degree from Texas Tech University School of Law in 1988. Judge Womack entered the private legal practice in Longview, Texas later that same year. For 17 years Judge Womack practiced in the area of general civil litigation in the State and Federal Courts throughout East Texas. During the last 5 years of his practice, he focused primarily in the area of family law. He was recognized as a Super Lawyer by Texas Monthly magazine from 2006-2010.

He was elected Judge of the 307th Family District Court in November 2010, and began serving in that capacity in January 2011. He was re-elected in 2014 and is fortunate to be unopposed in November. He is a Member of the Family Law Section and the Judicial Section of the State Bar of Texas and served as a member of the Legislative Sub-Committee on Family Law for the Judicial Section of the State Bar during the 2013 and 2015 Legislative Sessions and the Chair of that subcommittee for 2017 and 2019. He is a Life Fellow of the Texas Bar Foundation.

Judge Womack enjoys playing golf as often as possible. He also enjoys being the drummer in his Rock Band GALAXY.



## **Mark Yarbrough**

*Motivational Speaker*

Mark Yarbrough was elected to five terms as the Lamb County & District Attorney. He served for 20 years, prosecuting everything from death penalty cases to DWIs. During his tenure, in 2002, he was awarded the M.A.D.D. regional prosecutor of the year. He served on the board of directors for the Texas District & County Attorney's Association, and is a member of the National District Attorney's Association. He also is one of the founding fellows of the Texas Prosecutor's Society.

Mark is listed by the Lawyers of Distinction as one of the top 10% of lawyers in the United States, and by the American Institute of Criminal Law Attorneys as one of the "10 Best Attorneys" for Texas. Mark graduated from Abilene Christian University in 1984. Following that, he worked as a loan officer for Dallas Federal Savings. In 1987, Mark went back to law school at Texas Tech School of Law where he graduated in 1989. At the end of 2012, Mark retired as District Attorney and travels the country giving motivational speeches regarding Burnout. He has also written and been published on the subject of Burnout. Mark's interests include – golf, basketball, karaoke, and tropical vacations.

## Tuesday, October 2

1:15pm – 2:45pm | Grand Ballroom ABCD

### **Suffer from Burnout? Give'em the F.I.N.G.E.R.!**

*Mark Yarbrough*

Burnout affects millions of Americans each year and has been called “the disease of our civilization.” The unhappiness and detachment burnout causes can threaten your job, your relationships, and your health. But there’s good news -- burnout can be healed.

Former 20-year elected District Attorney, MARK YARBROUGH, from Littlefield, Texas (hometown of Waylon Jennings), personally experienced burnout, learned how to successfully overcome it, and went from “Burnout” to “On Fire!” He has since become a “burnout expert” and has written and published on the subject.

Mark is a very entertaining, motivating and inspiring speaker. He has taught thousands of people how to overcome Burnout -- from companies like Blue Bell Ice Cream and Xcel Energy, to teachers and doctors/nurses, to a variety of government workers (police officers, CPS workers, attorneys, victim’s rights advocates, counselors, mental health professionals, etc.).

Audience members will learn the definition of Burnout and the symptoms thereof. But more importantly, attendees will be laughing, and at the same time learning how to apply Mark’s F.I.N.G.E.R. philosophy to help themselves or their co-workers avoid and/or recover from Burnout. This is a training that you won’t want to miss!

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3:00pm – 4:30pm | Grand Ballroom ABCD

### **Proactive Strategies to Court Security and The Judge Julie KoCurek Judicial & Court Security Act of 2017**

*Hector Gomez*

I will discuss the anatomy and implementation of SB 42, The Judge Julie Kocurek Judicial and Court-house Security Act of 2017. One year after its’ passage, has Texas improved the safety and security of our courthouses? Are we providing a safer environment for judges, employees and the public?

I will discuss challenges, existing cultures, norms, perceptions and strategies to begin the process of providing a fundamental plan towards making our courthouses as safe as can be. An future outlook of how we may deal with judicial threats, inappropriate behavior and communications in the future.

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## Wednesday, October 3

8:30am – 10:00am | Grand Ballroom ABCD

### **No Soup for You!**

*Erin Robison*

No matter how hard we try, we will always find ourselves interacting with difficult people. As much as we'd like to imagine it, sailing off to a desert island just isn't an option. So, how DO we deal with the most challenging of folks? The ones we are called to serve? How do leaders LEAD well when there's mutiny aboard? We start by understanding what makes those people so difficult. Compassion and empathy are the first steps towards offering radical grace to the most challenging of souls. The rest is just gravy. Come learn practical ways to interact with those really hard people in your life. You'll be the better for it!

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10:15am – 10:45am | Grand Ballroom ABCD

### **Becoming a Leader: A Difficult and Challenging Task**

*Justice Patricia O'Connell Alvarez*

In this course participants will learn about the challenging task of what it takes to become a leader. Participants will learn about the different emotional intelligence needed to be a strong and leader.

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1:00pm – 2:30pm & 2:45pm – 4:15pm | Grand Ballroom A

### **Professionalism & Leadership**

*Dean Stanzone*

In this session participants will learn what professionalism means. Participants will also learn what the real definition of leadership is. Participants will learn how to apply both professionalism and leadership in their roles as court administrators and coordinators.

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1:00pm – 2:30pm & 2:45pm – 4:15pm | Grand Ballroom B

### **Caseflow Management: You Could Learn A Lot From A Dummy**

*Crystal Spradley*

Are you feeling like a crash test dummy when it comes to caseflow management? Get off of the crash course! Learn about best practices from the "dummies" that have come before you! Our "course" includes the basic tenets of caseflow management, how to steer the court "car" in the right direction, and what to do when you encounter a "brick wall". This session is meant for anyone involved in court management—from rookies to veterans. "YOU COULD LEARN A LOT FROM A DUMMY!"

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1:00pm – 2:30pm & 2:45pm – 4:15pm | Grand Ballroom C

### **Ethics for Court Administrators**

*Judge Lamar McCorkle*

Ethics.... Those things that make you go Hmmm.

This session will offer a lively discussion on ethical issues that Judges and Courts face. It will also provide you resources available to help you and your judge when questions arise.

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1:00pm – 2:30pm & 2:45pm – 4:15pm | Grand Ballroom D

### **Mandatory Reporting to the OCA**

*Angela Garcia*

The Office of Court Administration is probably most widely known for the information that it collects from the courts and clerks of the state.

Traditionally, responsibility for reporting the information has resided with the district and county clerks, but judges and court staff are increasingly being asked to contribute to the data gathering, as they work with the clerks to capture the required data. What are the reporting requirements for the district and county courts, and why should judges and court staff care?

## **Thursday, October 4**

8:30am – 10:00am & 11:45am | Grand Ballroom A

### **Criminal – Felony**

*Judge Christi Kennedy*

In this session participants will learn about criminal felony cases. Participants will learn pointers that will help them perform their job duties.

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8:30am – 10:00am & 11:45am | Grand Ballroom B

### **Criminal– Misdemeanor**

*Judge Tommy Stolhandske*

In this session participants will learn about criminal misdemeanor cases. Participants will learn pointers that will help them perform their job duties.

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8:30am – 10:00am & 11:45am | Grand Ballroom C

**Civil**

*Judge Norma Gonzalez*

In the course participants will learn how Bexar County handles their civil docket. Attendees will hear pointers to help them perform their work duties.

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8:30am – 10:00am & 11:45am | Grand Ballroom D

**Family Law Smorgasbord**

*Judge Tim Womack*

In this session participants will learn the ins and outs of Family Law. Participants will go over deadlines and timelines to help them as they work on family law cases.

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1:00pm – 2:30pm & 2:45pm – 4:15pm | Grand Ballroom A

**Texas Indigent Defense**

*Geoff Burkhart*

In this session participants will learn all about the Texas Indigent Defense Commission. Participants will learn what they do, how they are funded and how they got there.

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1:00pm – 2:30pm | Grand Ballroom B

**Probate and Guardianship**

*Judge Guy Herman*

In this session you will learn about probate and guardianship case. If you have a question, Judge Herman will have an answer.

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1:00pm – 2:30pm & 2:45pm – 4:15pm | Grand Ballroom C

**Legal Information vs Legal Advice**

*Scott Gibson*

The course provides guidance for providing assistance to self-represented litigants. The emphasis of the course is drawing a distinction between legal information, which may be provided, and legal

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advice, which may be provided only by a party's lawyer. The course also provides guidance on proper procedures for responding to requests for public information and avoiding ex parte (to one side only) communications.

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1:00pm – 2:30pm | Grand Ballroom D

### **Texas Judicial Counsel Review of the Upcoming 86th Legislative Session**

*Megan LaVoie*

Learn what legislative recommendations the Texas Judicial Council has for the 86th Legislature. The Judicial Council is the policy making body for the Judiciary and is making recommendations concerning bail, mental health, guardianship and civil justice reforms. This session will also review a recent public opinion poll the Council commissioned regarding public trust and confidence in the judiciary.

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2:45pm – 4:15pm | Grand Ballroom B

### **Understanding CPS Timelines**

*Judge Melissa McClenahan*

In this session you will go over the timelines and get a better understanding of CPS Timelines.

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2:45pm – 4:15pm | Grand Ballroom D

### **Incompetency to Stand Trial & The Insanity Defense**

*Judge Andrew Carruthers*

In this session participants will learn about the procedure of incompetency to stand trial. Participants will also learn about the Insanity defense.

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## **Friday, October 5**

8:30am – 10:00am | Grand Ballroom ABCD

### **Thriving in Lifestyle Changes**

*Colleen Robison*

Are you making changes? Are you overwhelmed? Get ready to thrive. Talking specifically to desk workers about thriving within lifestyle changes and overcoming the fear that change brings so they can live the feel good, feel strong life they desire.

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# EXHIBITORS

The Texas Association of Court Administrators greatly appreciates the following exhibitors for their support and contribution to this year's conference.

## JUSTICE COLLABORATOR

### Smart Start

*Dottie McDonald*  
500 E. Dallas Rd.  
Grapevine, TX 76051  
469-735-4741  
*dmcDonald@smartstartinc.com*

## JUSTICE SUPPORTERS

### AppClose

*Igor Litinsky*  
600 Congress Avenue 14th Flr  
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*il@appclose.com*

### Draeger, Inc.

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*christopher.tracey@draeger.com*

### Equivalent

*Gilbert Gonzalez*  
1777 NE Loop 410, Suite 1250  
San Antonio, TX 78217  
210-240-3366  
*gilbert.gonzalez@equivant.com*

### Linebarger Goggan Blair & Sampson, LLP

*Bryan Groce & Marisela Navarro*  
2700 Via Fortuna, Suite 500  
Austin, TX 78746  
512-634-3744  
*bryan.groce@lgbs.com*

### Mentis Technology Solutions

*Joel Green*  
9155 East Nichols Ave. Ste 375  
Centennial, CO 80112  
512-963-6904  
*joelgreen@mentistechnology.com*

### nCourt

*Tom Thompson & Chris Cody*  
955A Cobb Place Blvd  
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### Revolutionary Text, LLC

*Reesa Parker*  
800 Adair Avenue, NE  
Atlanta, GA 30306  
404-441-7850  
*rp@revotext.com*

### TechShare

*Michael Holm*  
500 W. 13th St.  
Austin, TX, 78701  
512-833-1205  
*michael.holm@cuc.org*

### Texas County & District Retirement System

*Eric Hanke & Sara Seyer*  
901 S. Mopac Expressway  
Austin, TX 78727  
800-651-3848  
*lisai@tcds.org*

### Texas Office of Court Administration

*Aurora Zamora*  
205 W. 14th St. Suite 600  
Austin, TX 78701  
512-463-0976  
*aurora.zamora@txcourts.gov*

# Membership Committee Report

## **Hello TACA Family,**

The Membership Committee would like to welcome you all to the wonderful city of San Antonio, Texas for the 42nd Annual TACA Education Conference. Our theme this year is “PIECING JUSTICE TOGETHER.” Does this describe our daily jobs or what? We are extremely proud of the Board and the Education Committee for all their efforts in putting this conference together.

Membership hopes that everyone will take advantage of this opportunity to really enjoy this conference. Don't just sit on the sideline and observe. Get involved. Do more than just show up and get your required hours. You will be surprised how rewarding it can be.

On a personal note, I would like to say thank you for allowing me serve as your Membership Committee Chair and Co-Chair. The 42nd Annual Conference will be my last, as I plan to retire before next year's conference. Through this position I have met so many wonderful people from across our great state. A big thank you to Linda Kellum, my first Board Liaison, whose encouragement was just what I needed to succeed.

On behalf of the Membership Committee, thank you for allowing us to serve you. If we can assist you in any way during the conference, please let us know.

Enjoy the conference and remember TACA is your Association and “Together We Can Make It Work.”

## **Jerome Coleman**

*Membership Committee Co-Chair*

## 2018 MEMBER OF THE YEAR NOMINEES

The Membership Committee would like to say thank you to everyone who took the time to nominate someone for TACA'S Member of the Year.

**The four (4) nominees for 2018 TACA Member of the Year are:**

KAREN ELLIS of Harris County  
REGINA GREEN of Fort Bend County  
PAIGE PARKS of Rockwall County  
LYNDA ROBERTSON of Rockwall County



### **Regina Green**

Regina is the Court Coordinator for the Honorable Christopher G. Morales, Presiding Judge of County Court at Law No. 1 in Fort Bend County. Ms. Green has been the Court Coordinator for County Court at Law No. 1 for the past 28 ½ years. Regina has been an active member of the Texas Association of Court Administration since 1991. She has a degree in Criminal Justice from the University of Central Texas, a Master of Theological Studies in Religious Education and a Bachelor in Religious Counseling from the GMOR Theological Institute in Houston, Texas. She is an ordained minister and the Pastor of Beth-Rapha Praise & Worship Center in Katy, Texas. She is the proud mother of a son and has four beautiful grandchildren.

*Regina was nominated for her service to fellow TACA members. According to the person who nominated her, she has always answered the door when TACA calls. She always serves as a moderator at the Annual Conference. She is a well respected TACA member who always carries herself in a professional manner.*



### **Lynda Robertson**

Lynda Robertson currently serves as the Assistant Court Coordinator for the 439th District Court in Rockwall County. Lynda has worked in the legal field since 2008. She has successfully completed the Professional Development Program and graduated from the Court Management Program as a Certified Court Manager (CCM) in 2014. Prior to her current position Lynda also served as Felony Clerk in the Rockwall Criminal District Attorney's Office.

*Lynda was nominated for her service to fellow TACA members. According to the person who nominated her, she is a very active member of the Education Committee and is someone who always volunteers her time at the Annual Conference. She is willing to spend time at the registration table or act as a moderator or as needed.*



### **Karen Ellis**

Karen Ellis began working for Harris County in 2003 after graduating from the University of Houston-Downtown with a BBA in Accounting. Since then, she has worked in the Harris County Court Manager's Office for former Court Manager, Bob Wessels, and since 2011 with current Court Manager Ed Wells as Assistant Office Administrator. She has assisted TACA with the Court Management Program (CMP) since 2009, and officially joined TACA in 2012. In 2013, Karen began assisting with TACA's treasurer duties, and was appointed by the TACA Board of Directors as Treasurer in 2016. A life-long resident of Houston, Karen is married with two beautiful little girls.

*Karen was nominated for her service to fellow TACA members. According to the person who nominated her, she has been highly instrumental in the research and implementation of TACA's new membership organization program along with volunteering to help the Board in any way she can from the most basic task to ones that requires a little bit (or a lot of) extra attention.*

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### **Paige Parks**

Paige Parks currently serves as the Court Coordinator for the Hon. J. Brian Williams in the County Court at Law of Rockwall, Texas. She has completed the PDP program and is a 2014 graduate of the Texas Court Management Program as a Certified Court Manager. Paige has worked in the legal field since 2002. Prior to her current position, she clerked for the 24th District Court in Harris County and has also worked for private family law attorneys.

*Paige was nominated for her service to fellow TACA members. According to the person who nominated her, she is someone who always volunteers her time at the Annual Conference to serve at the registration table or moderator or in any other capacity as needed, even if she has to leave a session she is in to come out and help. She is very active as member of the Education Committee.*

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**THE VOTING FOR TACA'S MEMBER OF THE YEAR WILL  
TAKE PLACE DURING THE ANNUAL CONFERENCE  
WITH THE WINNER TO BE ANNOUNCED DURING THE  
AWARDS LUNCHEON ON THURSDAY, OCTOBER 4TH.**

**TACA WOULD LIKE TO WELCOME THE FOLLOWING  
NEW MEMBERS THAT JOINED IN 2017-2018**

<b>First Name</b>	<b>Last Name</b>	<b>Title</b>
<b>Bailey</b>	<b>Ann</b>	District Court Administrator
<b>Barnstone</b>	<b>George</b>	Judge
<b>Bell</b>	<b>Lisa</b>	Court Coordinator
<b>Bell</b>	<b>D'Andra D.</b>	Court Coordinator
<b>Berry</b>	<b>Linda Lee</b>	Court Coordinator
<b>Brown</b>	<b>Billie</b>	Court Coordinator
<b>Broz</b>	<b>Leslie</b>	Court Administrator
<b>Burch</b>	<b>Dana</b>	Court Administrator
<b>Carillo</b>	<b>Raquel</b>	Court Coordinator
<b>Castillo</b>	<b>Kari</b>	Civil Court Coordinator
<b>Compton</b>	<b>Sharon</b>	Court Coordinator
<b>Cotinas</b>	<b>Yadira</b>	Assistant Court Coordinator
<b>Cundiff</b>	<b>Amy</b>	Court Coordinator
<b>Daniel</b>	<b>Brooke</b>	Court Administrator
<b>De Leon</b>	<b>Valerie</b>	Court Coordinator
<b>DeRemer</b>	<b>Brandi</b>	Court Administrator
<b>Eaglin</b>	<b>Calista Collins</b>	Court Coordinator
<b>Edwards</b>	<b>Jennifer</b>	Court Manager
<b>Ensinger</b>	<b>Jennifer</b>	Court Administrator
<b>Evans</b>	<b>Connie</b>	Court Coordinator
<b>Fleming</b>	<b>Jennifer</b>	Court Coordinator
<b>Garcia</b>	<b>Naomi</b>	Interim Office Administrator
<b>Gonzales</b>	<b>Erika Jean</b>	Admin
<b>Gonzales</b>	<b>Jennifer</b>	Court Coordinator
<b>Gonzalez</b>	<b>Monica</b>	Records Coordinator
<b>Gutierrez</b>	<b>Cyndie</b>	Court Coordinator
<b>Guzman</b>	<b>Dora</b>	Court Administrator
<b>Hernandez</b>	<b>Isabel</b>	Mental Health Court Administrator
<b>Hernandez</b>	<b>Sherri</b>	Court Administrator
<b>Herrera</b>	<b>Cynthia</b>	Court Coordinator
<b>Holguin</b>	<b>Jackie</b>	—

## New TACA Members

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<b>Humphrey</b>	<b>Sandra</b>	Court Coordinator
<b>James</b>	<b>Karen</b>	Court Coordinator/ Bailiff
<b>Jordan</b>	<b>Hon. Darrell W.</b>	Judge
<b>Kneese</b>	<b>Tracy</b>	Court Administrator
<b>Lamas</b>	<b>Jessica Guadalupe</b>	Assistant Court Coordinator
<b>LeBouff</b>	<b>Georgette</b>	Court Coordinator
<b>Lewis</b>	<b>Mona</b>	Court Liason Officer
<b>Lopez</b>	<b>Monica</b>	Court Coordinator
<b>Lopez</b>	<b>Brenda</b>	Assistant Court Coordinator
<b>Marshall</b>	<b>Karen</b>	Change Manager/ Arbitrator
<b>Martinez</b>	<b>Angela</b>	Court Coordinator
<b>Mays</b>	<b>Del</b>	Criminal Court Coordinator
<b>Mershon</b>	<b>Paige</b>	Court Administrator
<b>Moran</b>	<b>Cathy</b>	Court Coordinator
<b>Moreno</b>	<b>Adriana</b>	Court Coordinator
<b>Mundy</b>	<b>Sheila</b>	Court Coordinator
<b>Murphy</b>	<b>Lisa</b>	Case Manager
<b>Nutting</b>	<b>Laura</b>	Court Coordinator
<b>Orsini</b>	<b>Tonya</b>	Court Coordinator
<b>Padilla</b>	<b>Salvador</b>	Assistant Court Coordinator
<b>Poe</b>	<b>Alan</b>	Baliff
<b>Powell</b>	<b>Sandra</b>	Administrative Assistant
<b>Ramos</b>	<b>Jennifer</b>	Court Coordinator
<b>Rosignol</b>	<b>Lucy</b>	—
<b>Singletery</b>	<b>Cindy</b>	Bond Supervision Officer
<b>Stewart</b>	<b>Becky</b>	Court Administrator
<b>Thompson</b>	<b>Phil</b>	Mediator
<b>Trevino</b>	<b>Jose Roberto</b>	Court Records Coordinator
<b>Tumlinson</b>	<b>Patricia</b>	Commissioners Court Secretary
<b>Weigle</b>	<b>Amanda</b>	Court Administrator
<b>White</b>	<b>Gabriella</b>	Court Coordinator
<b>Young</b>	<b>Rhonda</b>	Court Coordinator
<b>Zuniga</b>	<b>Elfida</b>	Court Administrator

# MEMBERSHIP PINS

The following TACA members will be awarded with a special membership pin for their years of service.

40 YEARS	30 YEARS	25 YEARS	20 YEARS
Debbie L. Selleck	Jerome Coleman Bobbie Jo Moore	Diana Owens Tina B. Benoit Ed Wells	Dalila S. Esquivel Lorraine Perez Susan Vahala Maria G. Cortina
15 YEARS			
Santa Franco Terri Shepherd Jan M. Lewis Yolanda Florido Elisa G. Avila Terry Cockrum		Peggy Gunder Therese Pringle Tiffany Chambers Crystal Pineda Sandra Jones	
10 YEARS			
Cristina V. Quinana Perla Diaz Monica Ibarra Cynthia Renteria Alma Martinez Sheila Scruggs Stacey Kemp Pedro "Pete" Lobato Hon. Pete Gomez Kara Sustaya		Caroline Davis Sophia Chapman Cassie Ritter Rhonda Courson Brandy Ochs Beverly O'Boyle Patricia Candela Hon. Bill Harmon Hon. Linda Storey Hon. Theresa Chang	
5 YEARS			
Cindy Watson Vickie Long Francine Ly Tomas Quintero Nina D. De La Garza Iryna Spangler Leslie Hawsey Lynda Robertson Hon. Brad Morin Raymie Hairell Sylvia Cherry Stacey Samples Tonya Potetz		Shannon Lee Emily Wooten Jenica Salazar Amanda Stites Yvonne Lehnert Leila Olivarri Monida Struve Hon. Don Smyth Kellie Holmes Denise Damian Paula Cribbs Linda Avila Krissie Dudley	

# Scholarship Committee Report

Your Scholarship Committee has been very busy in 2018. This year we raised over \$15,000 for our Scholarship Program!

## **BIG THANKS TO THE SCHOLARSHIP COMMITTEE FOR ALL OF YOUR FUNDRAISING EFFORTS, RAFFLE DONATIONS AND MAKING THIS PROGRAM A SUCCESS!**

Jennifer Bunting (Chair), Tricia Austin, Barbara Conley, Perla Diaz, Jerome Coleman, Jeremy Coss, Yolanda Florido, Gracie Garcia, Karen Harrison, Leslie Hawsey, Joanne Inguanzo, Karla Leal, Linda Leonard, Alma Martinez, Dawn McEwen, Dorlisa Patton, Carol Pelzel, Dolores Phillips, Jose Juan Ramirez, Robyn Reyes, Lisa Rogerio, Mary Smith, Graciela Solis, Lisa Solis, Martha Stiles, and Angela Younglas

You all did a great job this year! Thank you again.

Please take a moment and familiarize yourself with the Scholarships TACA has to offer, you can find them on our website [www.mytaca.wildapricot.org](http://www.mytaca.wildapricot.org) or ask any board or committee member. We want to help you achieve your professional and education goals. Here is a brief summary of the scholarships available to TACA members.

## **To attend the TACA Annual Education Conference we offer the below Scholarships:**

### **GOODWILL**

These scholarships are solely funded by raffle revenue. The more tickets we sell this year, means more scholarships for next year. This year we awarded three Goodwill Scholarships to our members. Let's see if we can double that in 2019!

### **FOUNDERS**

In honor of three of our founders; Bob Wessels, Martin Allen, and supporter Tricia Hall, TACA is able to send three members each year to our annual education conference.

Interested in becoming a Certified Court Manager? We can help!

### **JACK DILLARD**

This scholarship is \$750.00, and it shall be used for any ICM, NACM, JMI or similar workshop approved by the Board.

*continued on next page*

# Scholarship Committee Report

*(continued)*

## **JUDGE PAUL FERGUSON**

This scholarship is \$750.00, and it shall be used for any ICM, NACM, JMI or similar workshop approved by the Board.

## **Court Executive Development Program**

## **CHIEF JUSTICE**

Funded by Texas Center for the Judiciary, this scholarship is a \$2,000.00 award to be used solely for Phase Two of ICM's Court Executive Development Program.

## **JUDGE LARRY GIST**

Funded by Texas Center for the Judiciary, this scholarship is an award of \$1,500.00, to be used solely for the purpose of attending Phase Three and Phase Four of the Court Executive Development Program.

For more information about the Court Executive Development Program, go to [www.ncsc.org](http://www.ncsc.org)

Without our Justice Partner Donors, we wouldn't be able to offer these scholarship opportunities and have a successful conference. Thank you all for your generosity, continued support and dedication to the success of our courts and court staff. We appreciate your continued support.

Because we had so many, a list of TACA contributors is on the following page.

If you are interested in joining the Scholarship Committee you can sign up at the raffle table when you buy your tickets! Tickets are \$2 each or 12 for \$20. It's a bargain! On behalf of the Scholarship Committee, we wish you a wonderful week and we will see you at the raffle table!

## **Laura Conte**

*Scholarship Liaison*

## **Jennifer Bunting**

*Scholarship Chair*

**TEXAS ASSOCIATION FOR COURT ADMINISTRATION would like to thank  
OUR GENEROUS CONTRIBUTORS**

Brian Cweren- Attorney at Law, Goudarzi Young LLP, Juan Guerra and George Farah Law Office, Judge Jean Spradling, Harris County Criminal Court at Law #15, Smith & Hassler Law Office, MABAH-Mexican American Bar Association of Houston, Rick Detoto-Attorney at Law, Texas Association of County Court at Law Judges, MMG Law Firm, Ketterman, Rowland & Westlund. Bob Wessels, TACA Founder, Tyler Flood & Associates, JJ Paull-Attorney at Law, Hays County Bar Association, Kelly Benavides- Attorney at Law, The Klaeger Law Firm, James M. Richardson,-Attorney at Law, Ricardo Perazza-Attorney at Law, Trichter & LeGrand, Ralph Alvarez-Attorney at Law, Nicole DeBorde-Attorney at Law, McKinney and Schneider, Ralph Alvarez-Attorney at Law, Shellist, McAlister & Peebles. Marcos Adroque Law Firm, Omar Saman-Attorney at Law, Laredo & Webb County Bar Association, Equator Turner-Attorney at Law, James Alston-Attorney at Law, Edward Okweuse- Attorney at Law, Mac Miller-Attorney at Law, Barry Smith-Merrill Lynch, Mekisha Walker- Attorney at Law, David Paz-Attorney at Law, Alex Macias-Attorney at Law, Carson Joachim- Attorney at Law, Scott Prince-Attorney at Law, Henson & Rockafellow-Hill Country Legal, 3-B Electric, Mike Turner-Attorney at Law, Arenson & Spears, Herman Martinez-Attorney at Law, Shell & Shell, The Klaeger Law Firm, San Antonio Black Lawyers Association, Juan Aguirre- Attorney at Law, Bal Zuniga-Attorney at Law, Charles Banker-Attorney at Law, Shannon Nash & Kim Tolleson, Justin Harris-Attorney at Law, Jonathan Garcia-Davalos-Attorney at Law, Lynn Ingalsbe-Attorney at Law, Clements Law Firm, PLLC, David W. Thedford-Attorney at Law, The Whitten Law Firm. Lana Carr, Joseph Gagliardi-Attorney at Law, Ernesto Arredondo-Attorney at Law, Lee Guerrero- Attorney at Law, David Yturri- Attorney at Law, Frank Stambough-Attorney at Law, Brent Mayr-Attorney at Law, Joaquin Jimenez-Attorney at Law, Kyle Dansby-Attorney at Law, Todd DuPont-Attorney at Law, Pete Justin-Attorney at Law, Neil Krugh-Attorney at Law, Casey Garrett- Attorney at Law, Paul Doyle-Attorney at Law, Audley Heath-Attorney at Law, Marco Sapien-Attorney at Law, Matt Horak-Attorney at Law, Judge Margaret Harris, Harris County Criminal Court at Law #5, Chris Gisentaner-Attorney at Law, Dionne Press-Attorney at Law, Ty Washington-Attorney at Law, Jon Stephenson-Attorney at Law, Maverick Ray-Attorney at Law.

In addition to our fundraising, we have collected some awesome donations for the Goodwill Raffle.

**GOODWILL RAFFLE DONORS**

Jennifer Bunting, Dorlisa Patton, Wendi S. Pearson, Jerome Coleman, Joanne Inguanzo, Karen Harrison, Fernando Lozano, Julie Jones-Attorney at Law, Craig Fletcher-Attorney at Law, Beth Watkins-Attorney at Law, Texas Center for the Judiciary, Jeanie Dickey-Attorney at Law, Julio Vela-Attorney at Law, Kim Parks-Attorney at Law, Raymie Hairell, Ed Chernoff-Attorney at Law, Sean Hightower-Attorney at Law, Harry & Irene Conte, Chris & Laura Conte, Smart Start, Texas Rangers Baseball Club, Astros Foundation.

**If you know any of these fine folks, please give them a big TACA THANK YOU!**

*Due to printing deadlines, some contributors may not be listed.*

# Publications Committee Report

## **Hello TACA Members!**

Welcome to the 42nd Annual TACA Education Conference in the beautiful city of San Antonio! I hope everyone has had a great year thus far and is looking forward to an amazing conference.

Keep a smile handy as members from the publications committee will be taking pictures during the conference and capturing memorable moments for upcoming journals and Facebook posts. Remember to visit the TACA Facebook page to see pictures from the conference and stay connected with your TACA colleagues.

Throughout the year you can also stay up to date and view the Journal by visiting [mytaca.wildapricot.org](http://mytaca.wildapricot.org) ~ a newly designed TACA Webpage thanks to Karen Ellis and Elizabeth Klawinsky.

Special thanks to our Publications Chair, Leslie Hawsey, for her hard work, dedication and being an amazing team player.

Remember to join a committee to share your gifts, talents, and knowledge. I believe that with everyone working together we will keep TACA moving forward.

Thank you for the opportunity to serve on the Board alongside a team of great leaders and dedicated members.

Enjoy the conference!

## **Dorlisa Patton**

*TACA Board ~ Publications Liaison*

## **Leslie Hawsey**

*Publications Chair*

# Nominations Committee Report

## **Welcome to the 42nd Annual TACA Education Conference in San Antonio, Texas!**

Your Nominations Committee appreciates the opportunity to recommend to the membership our future leaders.

This year our TACA Board of Directors will have three open seats. After having loyally served two consecutive terms, the positions held by Wendi Pearson, Gracie Garcia and Dorlisa Patton are expiring. On behalf of the TACA membership, we are exceedingly grateful for their service on the Board and for their membership.

The Nominations Committee received one Declaration of Candidacy prior to the deadline – Sheryl Manis from Fannin County. Her picture and biography follow. With two additional positions required to fill the TACA Board of Directors, nominations will be accepted from the floor at the Education Luncheon on Wednesday, October 3, 2018.

According to TACA By-Laws, Article V., Elections and Voting, Section I—

*To be eligible for nomination and election to the Board of Directors, a candidate must:*

- *Be a regular member in good standing of the Association.*
- *Have written consent by their supervising judge at the time candidacy is declared or is nominated from the floor.*
- *Have previously served one (1) year on a committee.*

The candidates eligible for the position of TACA Chair will be determined and announced after the election of Board Members.

On behalf of the Nominations Committee, we would like to thank you for the opportunity to serve you and this organization.

**Dean Stanzione**

*Past Chair, Nominations Chair*

# Declaration of Candidacy

for TACA Board of Directors



## Sheryl Manis, Fannin County

"I served on the Education Committee in 2017 and 2018 as a moderator and helped with the registration desk.

Serving on the TACA Board of Directors would allow me the opportunity to align myself with something that is meaningful, impactful and sustainable. I can share my knowledge and experiences as well as learn from the people around me. I have the willingness to commit and the time to dedicate to the duties of the board. Although I haven't had the chance to provide training or teaching in the field of court administration; I would welcome that opportunity. The Centers for Medicare and Medicaid Services appointed me to conduct oral presentations at their national conference in Baltimore, followed by four regional training sessions in Boston, San Francisco, Chicago and Atlanta.

I am a Board member of the Fannin County Republican Women PAC, currently serving as the Activity Director and also a member of the Hospitality Committee. I am also serve as a Board member for our local Kiwanis Club.

The primary duties of my current position are to manage, direct, supervise and coordinate the movement of cases pending in the 336th District Court and to assist the judiciary in implementing and executing docket management policies and procedures."

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**Two additional positions are required to fill the TACA Board of Directors. Nominations will be accepted from the floor at the Education Luncheon on Wednesday, October 3rd.**

# Financial Committee Report

September 1, 2017 – August 31, 2018

TACA CHECKING ACCOUNTS		TACA SAVINGS ACCOUNTS	
<b>Beginning Balance</b>	\$37,681.54	<b>Beginning Balance</b>	\$71,757.12
<b>Ending Balance</b>	\$83,612.31	<b>Ending Balance</b>	\$48,489.39
<b>TACA TOTAL BALANCE</b>			
<b>\$132,101.70</b>			
<b>TACA FUNDS RESTRICTED FOR SCHOLARSHIPS</b>			
<b>Beginning Balance</b>		\$6,699.80	
<b>Ending Balance</b>		\$17,250.46	

## THIS YEAR IN REVIEW

Transition to new accounting method  
New member management software  
New banking provider

## PLANS FOR THE UPCOMING YEAR

Finalize transition to new bank  
Research more grant funding opportunities  
Accept credit card payments

**Suffer from Burnout?  
Give'em the F.I.N.G.E.R.!**

*Mark Yarbrough*



## Symptoms of Burnout

- Are you mad all the time?
- Are you tired all the time?
- Do you no longer care what happens at work or home?
- Do you just feel worn out?
- Is most of your day spent on things that you find mind-numbingly dull?
- Do you feel like nothing you do makes a difference?
- Do you feel like other people don't care what you think or do?
- Have you quit taking on responsibilities?
- Do you try to get away from people?
- Are you taking longer to get things done?
- Have you tried to cope by using things like food, alcohol, or drugs?
- Do you take things out on others?
- Are you in the habit of coming in late to work, leaving early, or just plain skipping it all together?



**Mark Yarbrough**  
[mark.yarbrough@givemthefinger.com](mailto:mark.yarbrough@givemthefinger.com)



**F** = \_\_\_\_\_

**I** = \_\_\_\_\_

**N** = \_\_\_\_\_

**G** = \_\_\_\_\_

**E** = \_\_\_\_\_

**R** = \_\_\_\_\_



Mark Yarbrough  
[mark.yarbrough@givethefinger.com](mailto:mark.yarbrough@givethefinger.com)



**Proactive Strategies  
to Court Security and  
The Judge Julie KoCurek  
Judicial & Court Security  
Act of 2017**  
*Hector Gomez*



# Office of Court Administration

## Court Security Division



The Office of Court Administration's (OCA) Court Security Division will:



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; and



Serve as a clearinghouse of information regarding judicial and court security best practices.

OCA has hired **Hector Gomez** as its first Security Director. Mr. Gomez comes to OCA with more than 30 years of experience with the US Marshals Service. In his new position, he is available to provide training and to assist judges, law enforcement officials, and county officials in the development, coordination, and implementation of security policies and continuity of operations plans. Contact Mr. Gomez at 512-463-1679 or [Hector.Gomez@txcourts.gov](mailto:Hector.Gomez@txcourts.gov).

Resources and additional information regarding OCA's Court Security Division are available at: <http://www.txcourts.gov/programs-services/court-security/>.

## The “Judge Julie Kocurek Judicial and Courthouse Security Act of 2017”

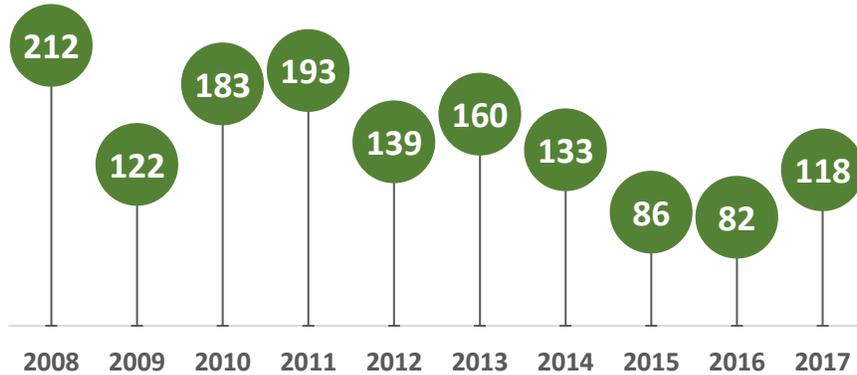
### Senate Bill 42, 85<sup>th</sup> Legislature

Highlights of the Act are as follows:

- Privacy Protections for Judges: One of the Act’s key features is the protection it affords to judges and their spouses relating to public access to their personal information. The law places restrictions on public access to the residence address of a judge or judge’s spouse that may be maintained in records of 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. The protections apply to all municipal, county, district, appellate, and federal judges in the state. Information about how to secure these privacy benefits is available from OCA Court Security Director Contact Hector Gomez at 512-463-1679 or [Hector.Gomez@txcourts.gov](mailto:Hector.Gomez@txcourts.gov).
  
- The Act also:
  - 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.

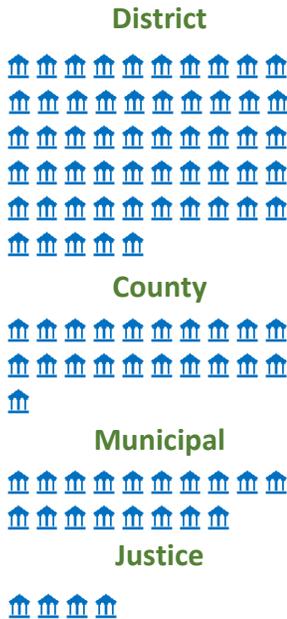
# Texas Court Security Incidents Fiscal Year 2017 Summary Statistics

## Incidents Reported



FY17 Reports Received from  
Courts in Only  
**34 Counties**

Incidents Reported by Court Type



Note: 20 incidents were not related to a particular court type.



23

Incidents Resulted in Injury



27

Attempts to Bring in Weapons



46

Incidents Occurred in a Public Area



51

Incidents Involving Criminal Defendants



52

Incidents Resulting in Charges Filed



56

Incidents Involving Disorderly Behavior

Office of Court Administration  
Court Security Division

CourtSecurity@txcourts.gov | 512-463-1679



# **No Soup for You!**

*Erin Robison*



## Mini-DISC Quiz – The Workshop Box

For each question circle the item that most fits who you are. If you are not sure, remember a time that you felt really comfortable in being you and answer from that place. If two answers feel appropriate, pick based on your initial instinct.

- 1. When faced with a difficult task I need to:**
  - A. Create a motivational environment.
  - B. Take charge of the environment.
  - C. Create a cooperative work environment.
  - D. Follow key directives and best practices.
- 2. When walking into a conference room:**
  - A. I'll be checking to see if anyone needs help.
  - B. I tend to be in charge so am there early.
  - C. I have my color-coded pens laid out for notes and ready to get started on time.
  - D. I will find a spot with my friends.
- 3. The most difficult part of a team meeting is when:**
  - A. It goes on too long and gets boring.
  - B. People don't listen to my advice.
  - C. When we don't follow the agenda.
  - D. When I don't know the people well.
- 4. When telling a joke:**
  - A. I have some great one-liners and a dry sense of humor.
  - B. I can make any story funny, but sometimes take too long to tell it.
  - C. Sometimes people think I am serious when I am really joking.
  - D. I like a good joke but not if it hurts someone feelings.
- 5. The decision making process is:**
  - A. I would rather let someone else decide.
  - B. I get excited about new adventures so making decisions are easy.
  - C. I need time to study all the facts before I decide.
  - D. Easy for me because I'm usually right.
- 6. When I face a problem in a group environment:**
  - A. I like to make sure things get done quickly.
  - B. I like to make sure everything gets done in an orderly manner.
  - C. I like to make sure everyone is having fun during the process.
  - D. I like to make sure everyone is feeling comfortable.
- 7. When making friends:**
  - A. I have lots of friends because I'm easy going and a good listener.
  - B. I make friends easily; people are drawn to me.
  - C. I like having a few close friends and am careful to choose loyal ones.
  - D. I like to be the leader and people like to follow me.
- 8. I can get frustrated when:**
  - A. I'm put in an unfamiliar setting.
  - B. People don't get along.
  - C. I am not acknowledged for the work I do.
  - D. People don't like me.
- 9. I love when:**
  - A. I get to go out for a night with my friends.
  - B. My family is together for game night.
  - C. I tackle a task and finish it quickly.
  - D. My to-do list is completed.
- 10. I don't like:**
  - A. Losing control.
  - B. Feeling less than.
  - C. Losing popularity.
  - D. Being wrong.

*\*Disclaimer: This is not designed to be a diagnostic instrument; it is intended to help identify basic personality traits for increased behavioral understanding.*

### Mini-DISC Quiz – The Workshop Box

Transfer your answers from the questions onto the key below. For example, if you answered question 1 with answer C, then the result is S. Write that in the Result column. The count the number of D's, I's, S's, and C's in the totals section at the bottom. The highest number will give you a basic indication of your primary DISC personality trait.

QUESTION	KEY	YOUR RESULT	QUESTION	KEY	YOUR RESULT
1	A	I	6	A	D
	B	D		B	C
	C	S		C	I
	D	C		D	S
2	A	S	7	A	S
	B	D		B	I
	C	C		C	C
	D	I		D	D
3	A	I	8	A	C
	B	D		B	S
	C	C		C	D
	D	S		D	I
4	A	C	9	A	I
	B	I		B	S
	C	D		C	D
	D	S		D	C
5	A	S	10	A	D
	B	I		B	S
	C	C		C	I
	D	D		D	C

TOTALS	D	I	S	C

\*Disclaimer: This is not designed to be a diagnostic instrument; it is intended to help identify basic personality traits for increased behavioral understanding.

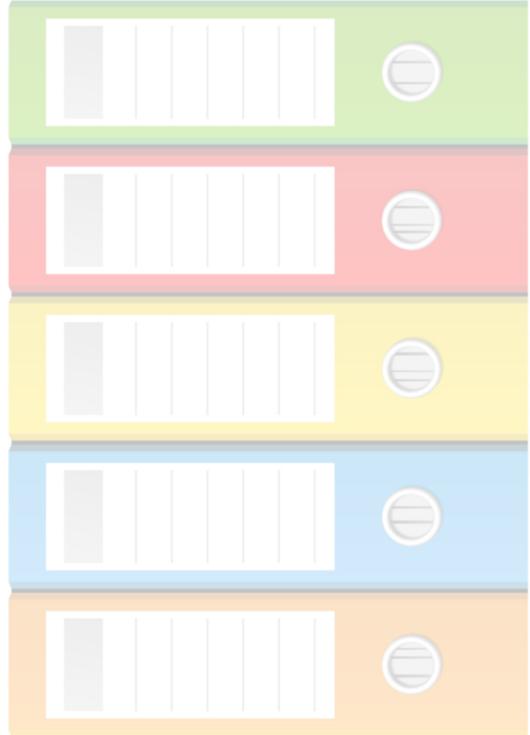
**FASTER PACED**



**TASK FOCUSED**

Direction

Order



**SLOWER PACED**

**PEOPLE FOCUSED**



Entertainment

Comfort



## No Soup for YOU!!

- ▶ Please complete and score the DISC quiz found in your conference packet.

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## Who are they?

- ▶ Take a minute to write down the difficult people in your life.
  - Include specific people who come to mind and/or
  - Types of people you usually find to be difficult

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## What makes them difficult?

- ▶ Write down the specific behaviors that make these people difficult.

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## How are we different?

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## Some of Our Differences

- ▶ Gender
- ▶ Age
- ▶ Birth Order
- ▶ Generation
- ▶ US Region
- ▶ Culture
- ▶ Ethnicity
- ▶ Travel
- ▶ Spirituality
- ▶ City or Rural Living
- ▶ Education
- ▶ Socioeconomic Status
- ▶ Relationships
- ▶ Disabilities
- ▶ Interests
- ▶ Hobbies
- ▶ Intelligence
- ▶ Work
- ▶ Personalities

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## Behavior Styles

- ▶ Empodocles 444 BC
  - Earth, Air, Fire, Water
- ▶ Hippocrates 400 BC
  - Choleric, Sanguine, Phlegmatic, Melancholy
- ▶ Carl Jung 1921
- ▶ William Marston 1926
  - Added behavioral component
  - Addresses:
    - Motivation
    - Communication
    - View of tasks
    - View of relationships

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## Three Contributing Factors

- ▶ Heredity
- ▶ Role Models - up to age 12
- ▶ Experiences - after age 8
  - This is the most effective modifier of behavior
  - You are a style in movement that changes as your environment changes

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### The D Personality

Decisive/Directive

- ▶ Measures how a person solves problems and responds to challenges
  - Higher D - active and aggressive
  - Lower D - less need to be in control or leadership role

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## The D Personality

Decisive/Directive

- ▶ Uses direct body language
- ▶ Pointing, hand pounding, hands on hips
- ▶ Quick style
- ▶ Decision Maker
- ▶ Self Confident
- ▶ Assertive
- ▶ Trustworthy
- ▶ Competitive
- ▶ Excels in emergencies
- ▶ Energized by projects
- ▶ Strategic thinkers
- ▶ Finds repetition frustrating



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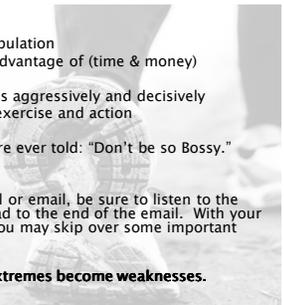
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## The D Personality

Decisive/ Directive

- ▶ Approximately 3% of the population
- ▶ Greatest Fear: Being taken advantage of (time & money)
- ▶ Measures: Anger
- ▶ When Antagonized: responds aggressively and decisively
- ▶ Emotional Decompression: exercise and action
- ▶ You might be a D, if you were ever told: "Don't be so Bossy."
- ▶ Best tip for a D style:
  - When answering voicemail or email, be sure to listen to the end of the message or read to the end of the email. With your fast action-taking skills you may skip over some important information.

**All strengths taken to extremes become weaknesses.**



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**READY  
FIRE  
AIM**



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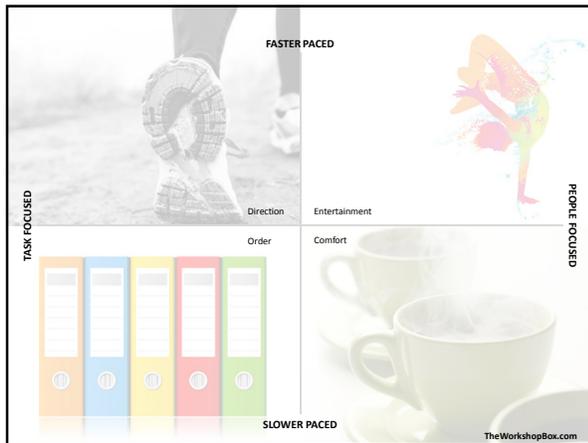
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## The I Personality

Influencing

- ▶ Measures how a person attempts to influence or persuade others to their way of thinking
  - Higher I - more verbal and persuasive
  - Lower I - more use of data/facts in nonverbal manner

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## The I Personality

### Influencing

- ▶ Uses EXPRESSIVE body language
- ▶ Is outgoing, curious, imaginative
- ▶ Tends to be creative and enthusiastic
- ▶ Likes to please
- ▶ Is very "touchy"
- ▶ A story teller
- ▶ Energetic
- ▶ Approachable
- ▶ Energized by people
- ▶ Loves to be noticed
- ▶ Needs social acceptance



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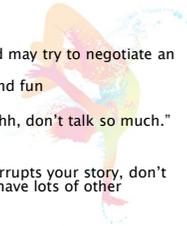
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## The I Personality

### Influencing

- ▶ Approximately 11% of the population
- ▶ Greatest Fear: Loss of social recognition
- ▶ Measures: Optimism
- ▶ When Antagonized: responds actively and may try to negotiate an agreement
- ▶ Emotional Decompression: spontaneity and fun
- ▶ You might be an I if you ever heard: "Shhhh, don't talk so much."
- ▶ Best tip for an "I" style:
  - If you are in a group and someone interrupts your story, don't bring it back up, unless asked. You'll have lots of other opportunities to share it.

**All strengths taken to extremes become weaknesses.**



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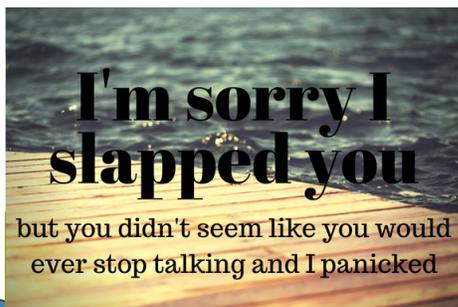
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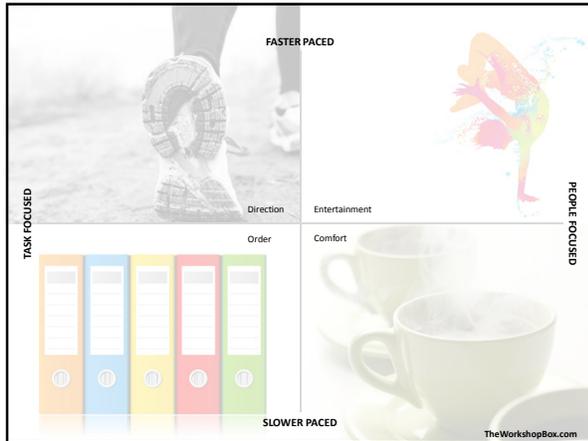
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## The S Personality

Steady

- ▶ Measures the pace at which a person undertakes activities and responsibilities
  - Higher S - preference to start and complete one project at a time; the more resistance to change
  - Lower S - faster the pace and greater the desire for change

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## The S Personality

Steady

- ▶ Relaxed body language
- ▶ Calm, quiet, peacemaker
- ▶ Steady and balanced
- ▶ Communicates in a soft voice
- ▶ Dependable
- ▶ Casual Attitude
- ▶ Seeks Peace
- ▶ Energized by peace and quiet
- ▶ Develops compassion fatigue
- ▶ Gets quieter the more comfortable she is

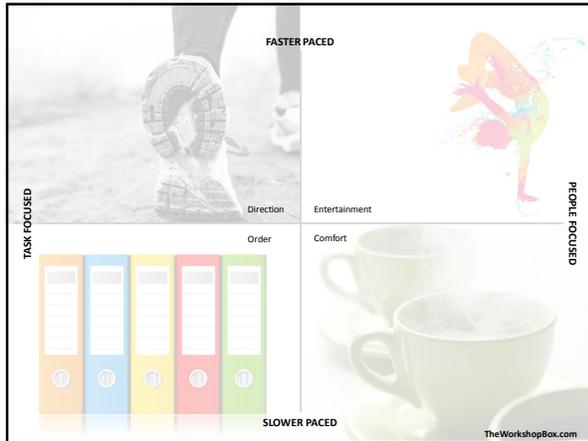
## The S Personality

Steady

- ▶ Approximately 69% of the population
- ▶ Greatest Fear: Loss of security
- ▶ Measures: Emotional Expression
- ▶ When Antagonized: responds passively/aggressively and seeks to blend in
- ▶ Emotional Decompression: self care
- ▶ You might be an S, if anyone ever told you, "You are not living up to your potential."
- ▶ Best tip for an S style:
  - Conflict and change do not always disrupt peace. It can be a great way to improve relationships.

**All strengths taken to extremes become weaknesses.**






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### The C Personality

Conscientious/Compliance

- ▶ Measures how a person responds to the rules and regulations set by others, as well as, their desire for order
  - Higher C - more compliance to rules
  - Lower C - more likely to challenge the rules and seek independence

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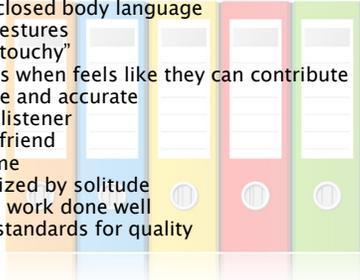
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## The C Personality

Conscientious/Compliance

- ▶ Uses closed body language
- ▶ Few gestures
- ▶ NOT "touchy"
- ▶ Speaks when feels like they can contribute
- ▶ Precise and accurate
- ▶ Good listener
- ▶ Loyal friend
- ▶ On time
- ▶ Energized by solitude
- ▶ Wants work done well
- ▶ High standards for quality



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## The C Personality

Conscientious

- ▶ Approximately 17% of the population
- ▶ Greatest Fear: Being Wrong/Criticized
- ▶ Measures: Caution
- ▶ When Antagonized: responds passively/aggressively and justifies actions
- ▶ Emotional Decompression: space and quiet
- ▶ You might be a C, if anyone ever told you:  
"Don't be so controlling."
- ▶ Best tip for a C style:  
Perfection is difficult to obtain; allow yourself grace when you make a mistake. It's okay to be wrong.

**All strengths taken to extremes become weaknesses.**



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He who knows  
others is wise;  
he who knows  
himself is  
enlightened.

Lao Tzu



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|------------------------------|----------------------------|
| 1. Kim Kardashian            | 19. Diane Sawyer           |
| 2. George Strait             | 20. Mr. Rogers             |
| 3. Michael J. Fox            | 21. Captain America        |
| 4. Tom Brokaw                | 22. Bill Gates             |
| 5. Carol Burnett             | 23. Jim Carrey             |
| 6. General Patton            | 24. Will Smith             |
| 7. Benjamin Franklin         | 25. Barbara Bush           |
| 8. Gandhi                    | 26. Albert Einstein        |
| 9. Lady Gaga                 | 27. Cher                   |
| 10. Dolly Parton             | 28. Steve Martin           |
| 11. Hilary Clinton           | 29. Jackie Kennedy Onassis |
| 12. Bill Clinton             | 30. Donald Trump           |
| 13. Oprah                    | 31. Professor X            |
| 14. Iron Man                 | 32. Jay Leno               |
| 15. Batman                   | 33. David Letterman        |
| 16. Tim "the Toolman" Taylor | 34. Mother Teresa          |
| 17. Sheldon Cooper           | 35. Britney Spears         |
| 18. Princess Diana           | 36. Monica Geller          |
|                              | 37. Prince Harry           |

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|--------------------------------|------------------------------|
| 1. Kim Kardashian I            | 19. Diane Sawyer C           |
| 2. George Strait S             | 20. Mr. Rogers S             |
| 3. Michael J. Fox S            | 21. Captain America D        |
| 4. Tom Brokaw C                | 22. Bill Gates C             |
| 5. Carol Burnett I             | 23. Jim Carrey I             |
| 6. General Patton D            | 24. Will Smith I             |
| 7. Benjamin Franklin C         | 25. Barbara Bush S           |
| 8. Gandhi S                    | 26. Albert Einstein C        |
| 9. Lady Gaga I                 | 27. Cher D                   |
| 10. Dolly Parton I             | 28. Steve Martin I           |
| 11. Hilary Clinton D           | 29. Jackie Kennedy-Onassis C |
| 12. Bill Clinton I             | 30. Donald Trump D           |
| 13. Oprah D                    | 31. Professor X C            |
| 14. Iron Man I                 | 32. Jay Leno I               |
| 15. Batman C                   | 33. David Letterman D        |
| 16. Tim "the Toolman" Taylor I | 34. Mother Teresa S          |
| 17. Sheldon Cooper C           | 35. Britney Spears I         |
| 18. Princess Diana S           | 36. Monica Geller C          |
|                                | 37. Prince Harry I           |

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## Who are they??

- ▶ Spend a minute thinking of the difficult people you wrote down earlier. What primary behavior style would you attribute to them?
- ▶ How does knowing this help you to interact with them better?

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## Start TODAY!

- ▶ What is one thing you can start doing today that will make a difficult relationship easier?
- ▶ Does it apply to one or several difficult people?

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## What did you learn today?

- ▶ What are the four DISC Styles?
- ▶ What are two characteristics of each style?
- ▶ What is your primary behavior style? What are two characteristics of that style?
- ▶ What is one thing you can do in the next 7 days to make a difficult relationship easier?

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When people know you are trying to understand them and that they can trust you, they will allow you to speak into their lives.

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### Differences Resources

- ▶ *Wired That Way* - Marita Littauer
- ▶ *StrengthsFinder 2.0* - Tom Rath
- ▶ *The Enneagram* - Rohr and Ebert
- ▶ *The Culture Map: Breaking through the invisible boundaries of global business* - Erin Meyer
- ▶ *The Birth Order Book: Why you are the way you are* - Dr. Kevin Leman
- ▶ *The Five Love Languages* - Gary Chapman

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### Leadership Resources

- ▶ *How to Win Friends and Influence People* - Dale Carnegie
- ▶ *EntreLeadership* - Dave Ramsey
- ▶ *Essentialism* - Greg McKeown
- ▶ *The Compound Effect* - Darren Hardy
- ▶ *The One Thing* - Gary Keller
- ▶ *7 Habits of Highly Effective People* - Stephen Covey

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## Food for thought...

- ▶ What is your go-to response when there is a conflict?
- ▶ If you disagree with a decision or activity, how will you express your disagreement?
- ▶ Do you prefer to be the leader or the follower?
- ▶ What really annoys you about the ways others interact with you?
- ▶ What pushes your buttons?

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## More thinking...

- ▶ What would a perfect day look like for you?
- ▶ How would your "difficult person" answer these questions differently?
- ▶ How does knowing that help you interact with them better?
- ▶ How can answering these questions help you to be more self aware and improve difficult relationships?

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## Contact

- ▶ Erin K. Robison, M.Ed., LPC
- ▶ Coach, Counselor, Speaker
- ▶ [www.erinkrobison.com](http://www.erinkrobison.com)
- ▶ [erin@erinkrobison.com](mailto:erin@erinkrobison.com)
- ▶ 817-805-3969



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**Becoming a Leader:  
A Difficult and  
Challenging Task**

*Justice Patricia O. Alvarez*



# Becoming a Leader: A Difficult and Challenging Task

**Justice Patricia O. Alvarez**  
**Texas 4<sup>th</sup> Court of Appeals**

October 3, 2018

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## Two Intertwined Topics

1. My Story
2. The Task of Becoming a Leader



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## My Story

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## Difficult and Challenging Task of Becoming a Leader

- What is a LEADER? IQ high, charming, handsome, tough, determined, aggressive?
- Emotional Intelligence (Daniel Goleman)
  - Self Awareness
  - Self-regulation
  - Motivation
  - Empathy
  - Social Skill

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## Goleman's Emotional Intelligence

	Definition	Hallmarks
Self-Awareness	the ability to recognize and understand your moods, emotions, and drives, as well as their effect on others	self-confidence realistic self-assessment self-deprecating sense of humor
Self-Regulation	the ability to control or redirect disruptive impulses and moods the propensity to suspend judgment—to think before acting	trustworthiness and integrity comfort with ambiguity openness to change
Motivation	a passion to work for reasons that go beyond money or status a propensity to pursue goals with energy and persistence	strong drive to achieve optimism, even in the face of failure organizational commitment
Empathy	the ability to understand the emotional makeup of other people skill in treating people according to their emotional reactions	expertise in building and retaining talent cross-cultural sensitivity service to clients and customers
Social Skill	proficiency in managing relationships and building networks an ability to find common ground and build rapport	effectiveness in leading change persuasiveness expertise in building and leading teams

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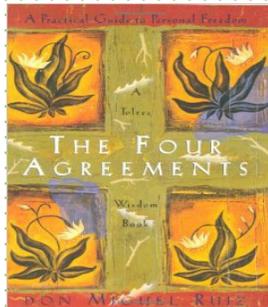
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## The Four Agreements Don Miguel Ruiz




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D. Ruiz's...

### The Four Agreements®

- **Be Impeccable With Your Word**  
Speak with integrity. Say only what you mean. Avoid using the word to speak against yourself or to gossip about others. Use the power of your word in the direction of truth and love.
- **Don't Take Anything Personally**  
Nothing others do is because of you. What others say and do is a projection of their own reality, their own dream. When you are immune to the opinions and actions of others, you won't be the victim of needless suffering.
- **Don't Make Assumptions**  
Find the courage to ask questions and to express what you really want. Communicate with others as clearly as you can to avoid misunderstandings, sadness and drama. With just this one agreement, you can completely transform your life.
- **Always Do Your Best**  
Your best is going to change from moment to moment; it will be different when you are healthy as opposed to sick. Under any circumstance, simply do your best, and you will avoid self-judgment, self-abuse and regret.

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## SELF-AWARENESS

- Know thyself
  - Emotions, strengths, weaknesses, needs and drives
- Be impeccable with your words (D. Ruiz)
  - Be honest
  - Say only what you mean
  - Don't speak against yourself
  - Don't gossip
  - Speak with integrity
  - Know words affect you and other people
  - Know your values, your goals
- This will give you Self-Confidence

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## SELF-REGULATION

- Don't take Anything Personally (D. Ruiz)
  - What others do, is not because of you
  - Others project their reality on you
- Manage Your Impulses
  - Control yourself: reflect & think
- Don't make assumptions (D. Ruiz)
- Don't Be Hot-headed; Be Civil
  
- Be comfortable with ambiguity and change
- ACT WITH INTEGRITY

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## MOTIVATION

- Drive
- Desire to achieve (no external motivators)
- Energy to do better
- Persistent with questions
- Eager to explore
- Always do your best and avoid self-judgment, self-abuse and regret (D. Ruiz)
- Commitment

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## EMPATHY

- Don't make assumptions
  - Find courage to ask and express what you really want
  - Communicate clearly to avoid misunderstandings, sadness, or drama
- Be thoughtful and consider others' feelings
- Put yourself in the shoes of the other person
- Know others
  
- Coach and mentor

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## HUMILITY WITH INTENSE WILL

- Jim Collin's Contribution (Harvard Bus. Review)
- OK to be shy and unpretentious
- But, with a fierce internal resolve
- Don't waver -- ACT
- Abraham Lincoln
- Alexander the Great

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Let's go back to the Civil War --- to the surrender of the South at the Appomattox Courthouse....



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## Conclusions

- To lead, you must have a story
- Lessons of Life: horses & rocking chair
- Four Agreements
- Anything Possible, think outside the box
- Be bold, but humble, civil & empathetic
- Work on your "emotional intelligence" – not other's!!!

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It is not the critic who counts;  
not the man who points out how the strong man stumbles,  
or where the doer of deeds could have done them better.

The credit belongs to the man who is actually in the  
*Arena*  
whose face is marred by dust and sweat and blood,  
who strives valiantly; who errs, who comes short again and again,  
because there is no effort without error and shortcoming;

the great devotion, who spends himself in a worthy cause,  
who at the best knows in the end the triumph of high achievement,  
but who does actually strive to do the deeds; who knows great enthusiasms,  
and who at the worst, if he fails,  
at least fails while daring greatly,  
so that his place shall never be with those cold and timid souls who neither know victory nor defeat.

—Theodore Roosevelt

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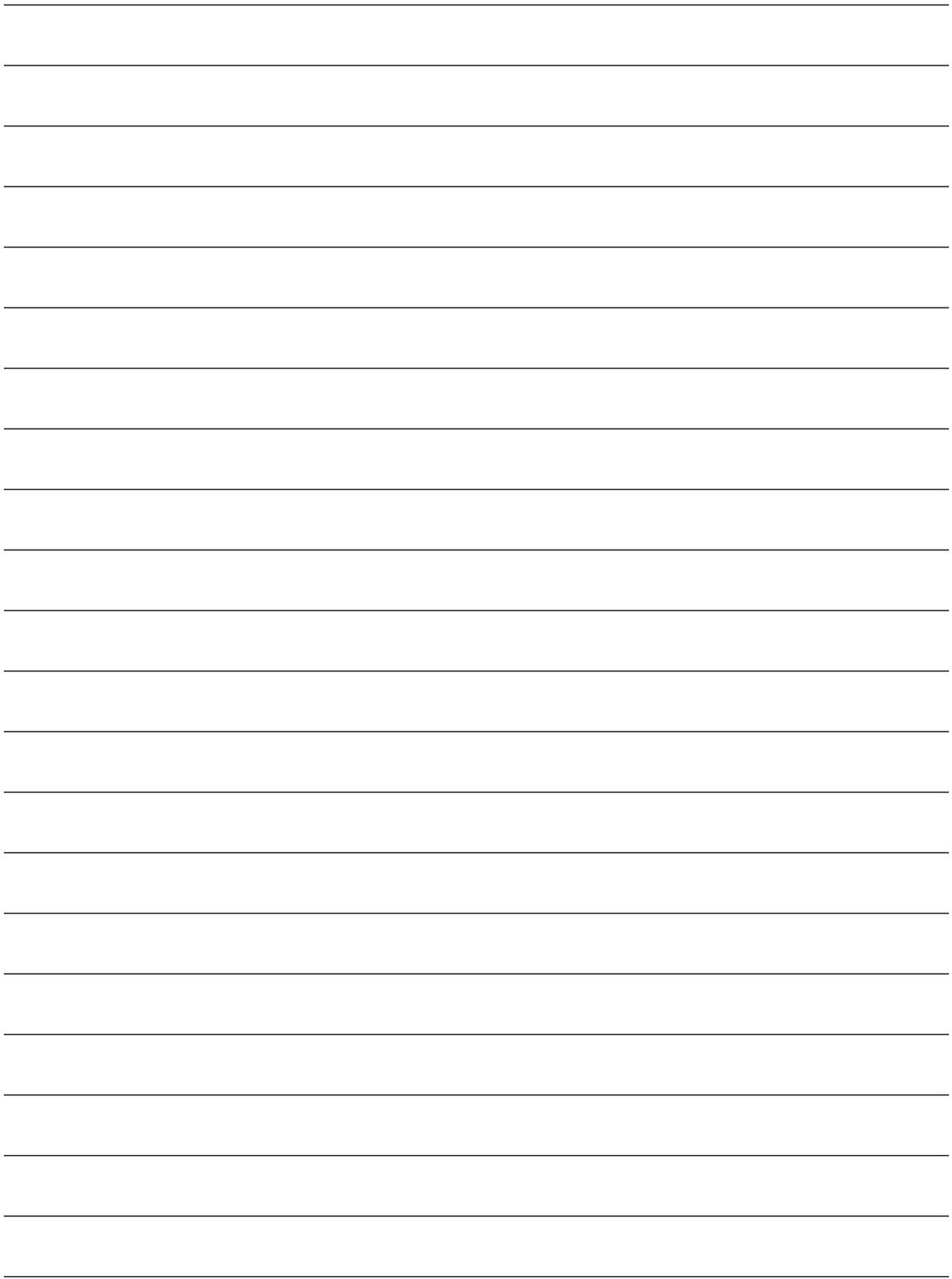
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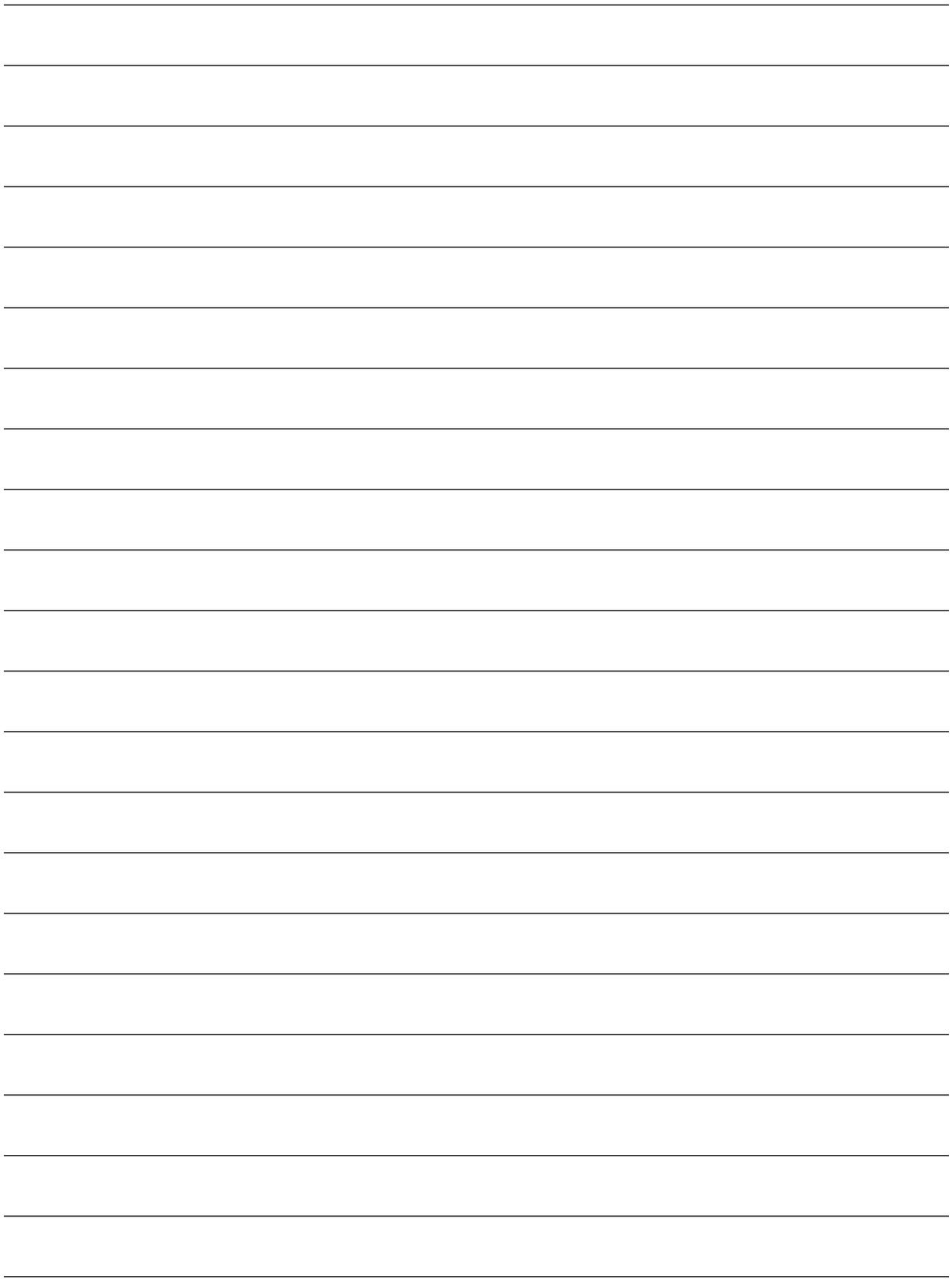


# **Professionalism & Leadership**

*Dean Stanzione*



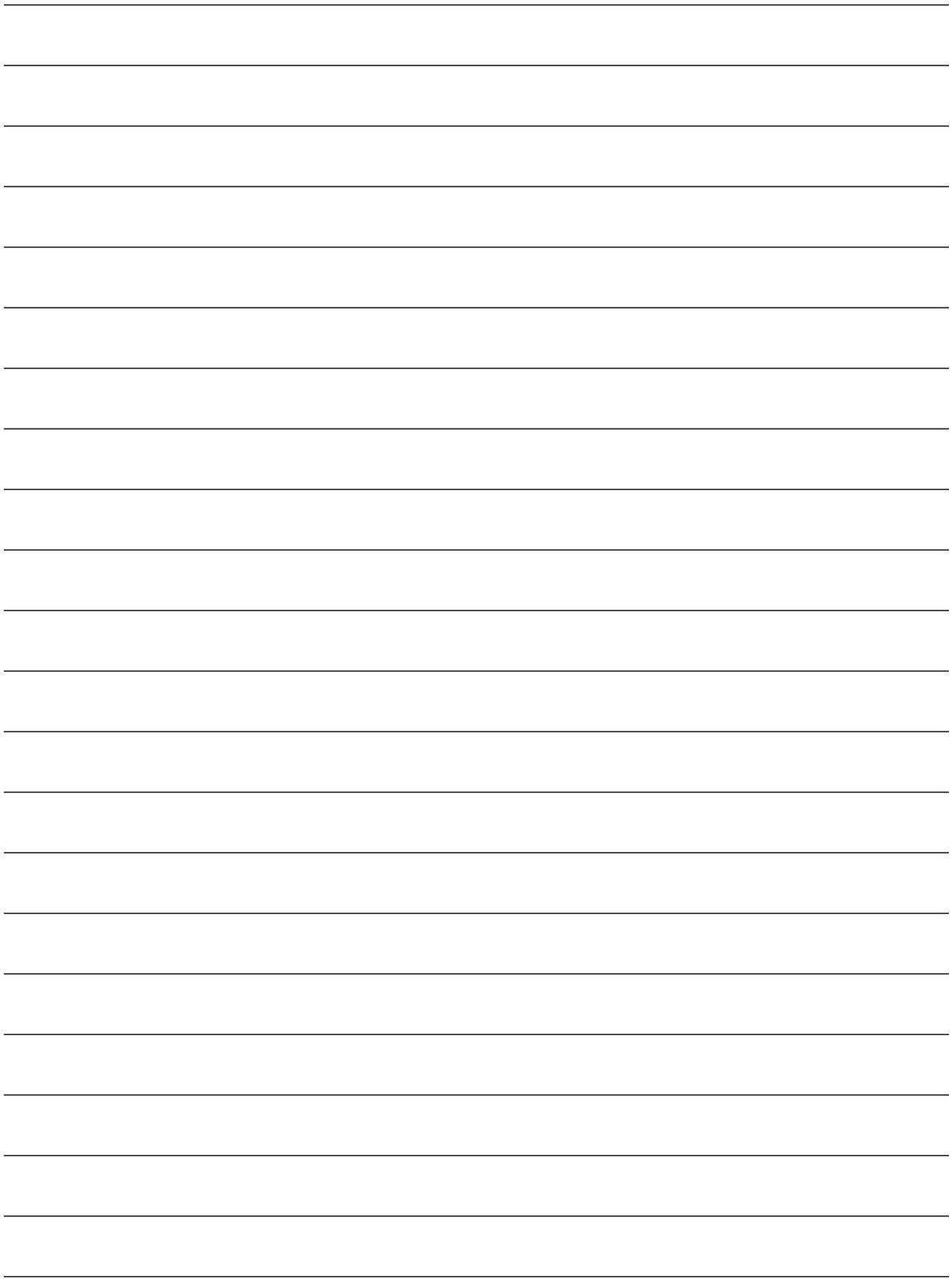


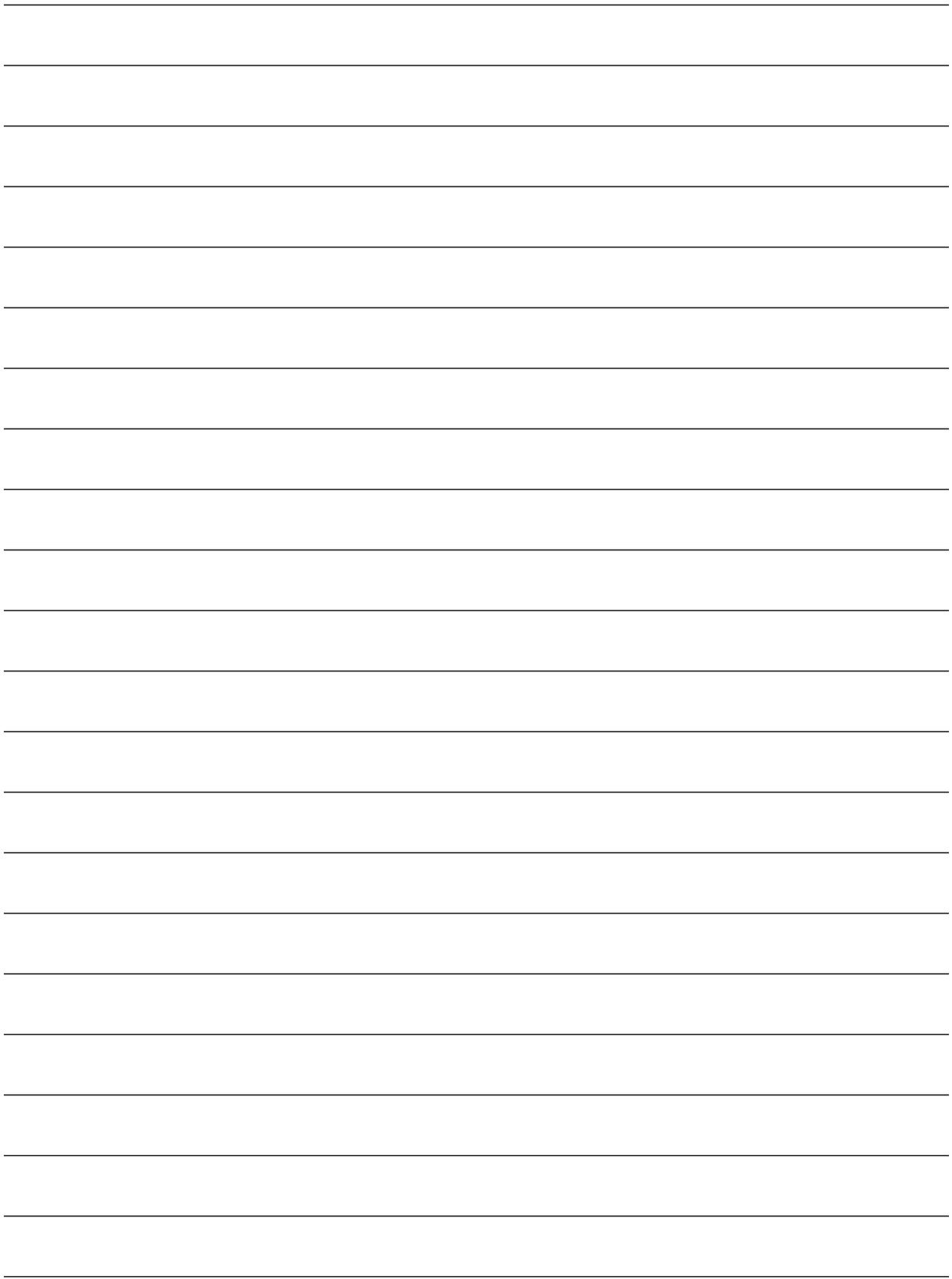


**Caseflow Management:  
You Could Learn A Lot  
From A Dummy**

*Cryctal Spradley*







# **Ethics for Court Administrators**

*Judge Lamar McCorkle*



# ETHICS RESOURCE GUIDE 2018

- **STATE COMMISSION ON JUDICIAL CONDUCT**

The State Commission on Judicial Conduct is the independent state agency created by amendment to the Texas Constitution in 1965. It is responsible for investigating allegations of judicial misconduct or judicial disability and for disciplining judges. Amicus Curiae, a program of the Commission, is a confidential assistance vehicle for judges addressing personal impairment which affects their lives and their performance on the Bench. Information regarding the program can be obtained from the program director at 512-463-8138.

Contact: Eric Vinson, Executive Director  
P.O. Box 12265  
Austin, TX 78711-2265  
Toll Free: 1-877-228-5750  
Phone: 512-463-5533  
Fax: 512-463-0511  
E-mail: [Eric.Vinson@scjc.state.tx.us](mailto:Eric.Vinson@scjc.state.tx.us)  
Web: <http://www.scjc.state.tx.us>

- **JUDICIAL ETHICS COMMITTEE**

Provides written opinions for judges on judicial ethics.

Contact: Hon. Lee Gabriel  
2<sup>nd</sup> Court of Appeals  
401 West Belknap, Ste 9000  
Fort Worth, TX 76196-0211  
Phone: (817) 884-1900  
Fax: (817) 884-1932  
[judicialsectionethics@hotmail.com](mailto:judicialsectionethics@hotmail.com)

- **AMICUS CURIAE**

A confidential disciplinary intervention program created to identify and assist members of the Texas judiciary who have specific types of impairments, including substance abuse, additions, or mental or emotional disorders.

Contact: Eric Vinson, Executive Director  
State Commission on Judicial Conduct  
P.O. Box 12265  
Austin, TX 78711-2265  
Toll Free: 1-877-228-5750  
Phone: 512-463-7769  
E-mail: [seana.willing@scjc.texas.gov](mailto:seana.willing@scjc.texas.gov)  
Web: <http://www.scjc.state.tx.us/amicus.php>

- **TEXAS ETHICS COMMISSION**

Statutory duties of the Texas Ethics Commission are set out in Chapter 571 of the Government Code. The agency is responsible for administering and enforcing these laws: Title 15, Election Code, concerning political contributions and expenditures, and political advertising and Chapter 159, Local Government Code, concerning judges of statutory county courts or statutory probate courts who elect to file a financial statement with the Commission.

Contact: Seana Willing, Director  
P.O. Box 12070  
Austin, Texas 78711-2070  
Toll Free: 1-800-325-8506  
Phone: 512-463-5800  
Fax: 512-463-5777  
Disclosure Fax: 512-463-8808  
<http://www.ethics.state.tx.us>

- **TEXAS CENTER FOR LEGAL ETHICS & PROFESSIONALISM**

The Texas Center for Legal Ethics and Professionalism promotes and enhances professionalism, ethics and civility among lawyers. It endeavors to advance these ideals by using all available resources to focus the attention of lawyers, law students, the judiciary, and the public on excellence in the profession and the adherence by the profession to high ethical standards.

Contact: Jonathon Smaby, Executive Director  
Teresa Israel, Director, Compliance and Programs  
P.O. Box 12487  
Austin, TX 78711-2487  
Phone: 512-427-1477 (main number)  
Toll Free: 1-800-204-2222 x1477  
Fax: 512-427-4125  
E-mail: [teresa.israel@txethics.org](mailto:teresa.israel@txethics.org)

- **LAWYER'S ETHICS HOTLINE**

Sponsored by the State Bar of Texas, this hotline provides assistance to attorneys who have ethics questions.

Contact: 1-800-532-3947

- **CLIENT-ATTORNEY ASSISTANCE PROGRAM (CAAP)**

Sponsored by the State Bar of Texas, this organization serves as an ombudsman for attorney-client disputes that have not reached the grievance process.

Contact: Jessica Bergeman, Director  
State Bar of Texas  
P.O. Box 12487  
Austin, TX 78711-2487  
Phone: 1-800-932-1900 or 1-800-204-2222, EXT. 1777  
E-mail: [CAAP@texasbar.com](mailto:CAAP@texasbar.com)  
Web: <https://www.texasbar.com/Content/NavigationMenu/ForThePublic/ProblemswithanAttorney/CAAP/default.htm>

- **TEXAS LAWYER'S ASSISTANCE PROGRAM**

The Texas Lawyers' Assistance Program was created to provide for the identification, peer intervention and rehabilitation of any Texas attorney or law student whose professional performance is impaired because of substance abuse, dependency or mental health disorders. The TLAP has evolved from helping lawyers with substance abuse disorders and alcoholism to assisting lawyers, judges and law students with mental health issues.

Contact: Bree Buchanan, Director  
Toll Free: 1-800-343-8527  
Phone: 512-427-1453  
E-mail: [bree.buchanan@texasbar.com](mailto:bree.buchanan@texasbar.com)  
Web: [http://www.texasbar.com/template.cfm?section=texas\\_lawyers\\_assistance1](http://www.texasbar.com/template.cfm?section=texas_lawyers_assistance1)

- **GRIEVANCE INFORMATION HOTLINE**

Established to provide information about the grievance process. Calls are answered by CAAP and directed to the appropriate regional office.

Contact: Linda Acevedo, Chief Disciplinary Counsel  
State Bar of Texas  
P.O. Box 13287  
Austin, TX 78711  
Phone: 512-453-5535 or 1-800-932-1900

**CODE OF JUDICIAL CONDUCT ACKNOWLEDGMENT  
PERSONS EMPLOYED BY (COURT)**

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I, \_\_\_\_\_  
employed as \_\_\_\_\_ by  
(Court) do hereby acknowledge the following:

1. That I have been given and have in my possession a copy of the order of the Texas Supreme Court, dated January 21, 1987, entitled CODE OF JUDICIAL CONDUCT.
2. That I have been instructed by the court manager and the staff attorney to read the CODE OF JUDICIAL CONDUCT and that I have in fact read the order in its entirety.
3. I understand that if at any time in the future I have any questions or reservations about the contents of the CODE OF JUDICIAL CONDUCT, or if I require additional information or interpretation of the CODE OF JUDICIAL CONDUCT, that I may contact the staff attorney for such answers, information, or clarification.
4. I understand specifically that as an employee of the court, I am subject to the provisions of the CODE OF JUDICIAL CONDUCT and do agree to abide by and be governed by the provisions therein.
5. I understand that should I violate any one or more of the provisions of the CODE OF JUDICIAL CONDUCT that I may subject the judges of the court to sanction and myself to termination.
6. I have been specifically directed to read and have read, with emphasis, the following: Canons 2(B), 3(A)(8), 3(B)2, 5(C)(4), and 8(E).
7. Further, I understand that the general premise underlying my need to understand and comply with the CODE OF JUDICIAL CONDUCT is to permit me to conduct the business of the court in such a manner so as to avoid any impropriety or appearance of impropriety on my part. I understand that such impropriety or appearance of impropriety could adversely affect the decorum of the court, and the judge.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Name and Title

**CODE OF JUDICIAL CONDUCT ACKNOWLEDGMENT  
COURT COORDINATORS AND COURT REPORTERS**

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I, \_\_\_\_\_  
employed as \_\_\_\_\_  
by the judge of \_\_\_\_\_ (court) \_\_\_\_\_ do  
hereby acknowledge the following:

1. That I have been given and have in my possession a copy of the order of the Texas Supreme Court, dated January 21, 1987, entitled CODE OF JUDICIAL CONDUCT.
2. That I have been instructed by the court manager and the staff attorney to read the CODE OF JUDICIAL CONDUCT and that I have in fact read the order in its entirety.
3. That at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I was given the opportunity to ask questions and to seek clarification from the staff attorney of any subject matter or topic covered in the CODE OF JUDICIAL CONDUCT that was not clear to me.
4. I understand that if at any time in the future I have any questions or reservations about the contents of the CODE OF JUDICIAL CONDUCT, or if I require additional information or interpretation of the CODE OF JUDICIAL CONDUCT, that I may contact the staff attorney for such answers, information, or clarification.
5. I understand specifically that as an employee of the court, I am subject to the provisions of the CODE OF JUDICIAL CONDUCT and do agree to abide by and be governed by the provisions therein.
6. I understand that should I violate any one or more of the provisions of the CODE OF JUDICIAL CONDUCT that I may subject the judge of the court to sanction and myself to termination.
7. I have been specifically directed to read and have read, with emphasis, the following: Canons 2(B), 3(A)(8), 3(B)2, 5(C)(4), and 8(E).
8. Further, I understand that the general premise underlying my need to understand and comply with the CODE OF JUDICIAL CONDUCT is to permit me to conduct the business of the court in such a manner so as to avoid any impropriety or appearance of impropriety on my part. I understand that such impropriety or appearance of impropriety could adversely affect the decorum of the court, and the judge.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Court

# TEXAS CODE OF JUDICIAL CONDUCT

(As amended by the Supreme Court of Texas through August 22, 2002)

## **Preamble**

Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to all sections of this Code of Judicial Conduct are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law.

The Code of Judicial Conduct is not intended as an exhaustive guide for the conduct of judges. They should also be governed in their judicial and personal conduct by general ethical standards. The Code is intended, however, to state basic standards which should govern the conduct of all judges and to provide guidance to assist judges in establishing and maintaining high standards of judicial and personal conduct.

## **Canon 1: Upholding the Integrity and Independence of the Judiciary**

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing high standards of conduct, and should personally observe those standards so that the integrity and independence of the judiciary is preserved. The provisions of this Code are to be construed and applied to further that objective.

## **Canon 2: Avoiding Impropriety and the Appearance of Impropriety in All of the Judge's Activities**

A. A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness.

C. A judge shall not knowingly hold membership in any organization that practices discrimination prohibited by law.

### **Canon 3: Performing the Duties of Judicial Office Impartially and Diligently**

**A. Judicial Duties in General.** The judicial duties of a judge take precedence over all the judge's other activities. Judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply:

#### **B. Adjudicative Responsibilities.**

- (1) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required or recusal is appropriate.
- (2) A judge should be faithful to the law and shall maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.
- (3) A judge shall require order and decorum in proceedings before the judge.
- (4) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control.
- (5) A judge shall perform judicial duties without bias or prejudice.
- (6) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not knowingly permit staff, court officials and others subject to the judge's direction and control to do so.
- (7) A judge shall require lawyers in proceedings before the court to refrain from manifesting, by words or conduct, bias or prejudice based on race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status against parties, witnesses, counsel or others. This requirement does not preclude legitimate advocacy when any of these factors is an issue in the proceeding.
- (8) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. A judge shall not initiate, permit, or consider *ex parte* communications or other communications made to the judge outside the presence of the parties between the judge and a party, an attorney, a guardian or attorney ad litem, an alternative dispute resolution neutral, or any other court appointee concerning the merits of a pending or impending judicial proceeding. A judge shall require compliance with this subsection by court personnel subject to the judge's direction and control. This subsection does not prohibit:
  - (a) communications concerning uncontested administrative or uncontested procedural matters;
  - (b) conferring separately with the parties and/or their lawyers in an effort to mediate or settle matters, provided, however, that the judge shall first give notice to all parties and not thereafter hear any contested matters between the parties except with the consent of all parties;

- (c) obtaining the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond;
  - (d) consulting with other judges or with court personnel;
  - (e) considering an *ex parte* communication expressly authorized by law.
- (9) A judge should dispose of all judicial matters promptly, efficiently and fairly.
- (10) A judge shall abstain from public comment about a pending or impending proceeding which may come before the judge's court in a manner which suggests to a reasonable person the judge's probable decision on any particular case. This prohibition applies to any candidate for judicial office, with respect to judicial proceedings pending or impending in the court on which the candidate would serve if elected. A judge shall require similar abstention on the part of court personnel subject to the judge's direction and control. This section does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court. This section does not apply to proceedings in which the judge or judicial candidate is a litigant in a personal capacity.
- (11) A judge shall not disclose or use, for any purpose unrelated to judicial duties, nonpublic information acquired in a judicial capacity. The discussions, votes, positions taken, and writings of appellate judges and court personnel about causes are confidences of the court and shall be revealed only through a court's judgment, a written opinion or in accordance with Supreme Court guidelines for a court approved history project.

**C. Administrative Responsibilities.**

- (1) A judge should diligently and promptly discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.
- (2) A judge should require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.
- (3) A judge with supervisory authority for the judicial performance of other judges should take reasonable measures to assure the prompt disposition of matters before them and the proper performance of their other judicial responsibilities.
- (4) A judge shall not make unnecessary appointments. A judge shall exercise the power of appointment impartially and on the basis of merit. A judge shall avoid nepotism and favoritism. A judge shall not approve compensation of appointees beyond the fair value of services rendered.
- (5) A judge shall not fail to comply with Rule 12 of the Rules of Judicial Administration, knowing that the failure to comply is in violation of the rule.

**D. Disciplinary Responsibilities.**

(1) A judge who receives information clearly establishing that another judge has committed a violation of this Code should take appropriate action. A judge having knowledge that another judge has committed a violation of this Code that raises a substantial question as to the other judge's fitness for office shall inform the State Commission on Judicial Conduct or take other appropriate action.

(2) A judge who receives information clearly establishing that a lawyer has committed a violation of the Texas Disciplinary Rules of Professional Conduct should take appropriate action. A judge having knowledge that a lawyer has committed a violation of the Texas Disciplinary Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the Office of the General Counsel of the State Bar of Texas or take other appropriate action.

**Canon 4: Conducting the Judge's Extra-Judicial Activities to Minimize the Risk of Conflict with Judicial Obligations**

**A. Extra-Judicial Activities in General.** A judge shall conduct all of the judge's extra-judicial activities so that they do not:

- (1) cast reasonable doubt on the judge's capacity to act impartially as a judge; or
- (2) interfere with the proper performance of judicial duties.

**B. Activities to Improve the Law.** A judge may:

- (1) speak, write, lecture, teach and participate in extra-judicial activities concerning the law, the legal system, the administration of justice and non-legal subjects, subject to the requirements of this Code; and,
- (2) serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. He or she may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system and the administration of justice.

**C. Civic or Charitable Activities.** A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the profit of its members, subject to the following limitations:

- (1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly or frequently engaged in adversary proceedings in any court.
- (2) A judge shall not solicit funds for any educational, religious, charitable, fraternal or civic organization, but may be listed as an officer, director, delegate, or trustee of such an organization, and may be a speaker or a guest of honor at an organization's fund raising events.

(3) A judge should not give investment advice to such an organization, but may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

**D. Financial Activities.**

(1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of the judicial duties, exploit his or her judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which the judge serves. This limitation does not prohibit either a judge or candidate from soliciting funds for appropriate campaign or officeholder expenses as permitted by state law.

(2) Subject to the requirements of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity including the operation of a business. A judge shall not be an officer, director or manager of a publicly owned business. For purposes of this Canon, a "publicly owned business" is a business having more than ten owners who are not related to the judge by consanguinity or affinity within the third degree of relationship.

(3) A judge should manage any investments and other economic interests to minimize the number of cases in which the judge is disqualified. As soon as the judge can do so without serious financial detriment, the judge should divest himself or herself of investments and other economic interests that might require frequent disqualification. A judge shall be informed about the judge's personal and fiduciary economic interests, and make a reasonable effort to be informed about the personal economic interests of any family member residing in the judge's household.

(4) Neither a judge nor a family member residing in the judge's household shall accept a gift, bequest, favor, or loan from anyone except as follows:

(a) a judge may accept a gift incident to a public testimonial to the judge; books and other resource materials supplied by publishers on a complimentary basis for official use; or an invitation to the judge and spouse to attend a bar-related function or activity devoted to the improvement of the law, the legal system, or the administration of justice;

(b) a judge or a family member residing in the judge's household may accept ordinary social hospitality; a gift, bequest, favor, or loan from a relative; a gift from a friend for a special occasion such as a wedding, engagement, anniversary, or birthday, if the gift is fairly commensurate with the occasion and the relationship; a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges; or a scholarship or fellowship awarded on the same terms applied to other applicants;

(c) a judge or a family member residing in the judge's household may accept any other gift, bequest, favor, or loan only if the donor is not a party or person whose interests have come or are likely to come before the judge;

(d) a gift, award or benefit incident to the business, profession or other separate activity of a spouse or other family member residing in the judge's household, including gifts, awards and benefits for the use of both the spouse or other family member and the judge (as spouse or family member), provided the gift, award or benefit could not reasonably be perceived as intended to influence the judge in the performance of judicial duties.

**E. Fiduciary Activities.**

(1) A judge shall not serve as executor, administrator or other personal representative, trustee, guardian, attorney in fact or other fiduciary, except for the estate, trust or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of judicial duties.

(2) A judge shall not serve as a fiduciary if it is likely that the judge as a fiduciary will be engaged in proceedings that would ordinarily come before the judge, or if the estate, trust, or ward becomes involved in adversary proceedings in the court on which the judge serves or one under its appellate jurisdiction.

(3) The same restrictions on financial activities that apply to a judge personally also apply to the judge while acting in a fiduciary capacity.

**F. Service as Arbitrator or Mediator.** An active full-time judge shall not act as an arbitrator or mediator for compensation outside the judicial system, but a judge may encourage settlement in the performance of official duties.

**G. Practice of Law.** A judge shall not practice law except as permitted by statute or this Code. Notwithstanding this prohibition, a judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family.

**H. Extra-Judicial Appointments.** Except as otherwise provided by constitution and statute, a judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

**COMMENT TO 2000 CHANGE**

*This change is to clarify that a judge may serve on the Texas Board of Criminal Justice.*

**I. Compensation, Reimbursement and Reporting.**

(1) Compensation and Reimbursement. A judge may receive compensation and reimbursement of expenses for the extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge's performance of judicial duties or otherwise give the appearance of impropriety.

(a) Compensation shall not exceed a reasonable amount nor shall it exceed what a person who is not a judge would receive for the same activity.

(b) Expense reimbursement shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by the judge's family. Any payment in excess of such an amount is compensation.

(2) Public Reports. A judge shall file financial and other reports as required by law.

### **Canon 5: Refraining from Inappropriate Political Activity**

- (1) A judge or judicial candidate shall not:
  - (i) make pledges or promises of conduct in office regarding pending or impending cases, specific classes of cases, specific classes of litigants, or specific propositions of law that would suggest to a reasonable person that the judge is predisposed to a probable decision in cases within the scope of the pledge;
  - (ii) knowingly or recklessly misrepresent the identity, qualifications, present position, or other fact concerning the candidate or an opponent; or
  - (iii) make a statement that would violate Canon 3B(10).
- (2) A judge or judicial candidate shall not authorize the public use of his or her name endorsing another candidate for any public office, except that either may indicate support for a political party. A judge or judicial candidate may attend political events and express his or her views on political matters in accord with this Canon and Canon 3B(10).
- (3) A judge shall resign from judicial office upon becoming a candidate in a contested election for a non-judicial office either in a primary or in a general or in a special election. A judge may continue to hold judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention or while being a candidate for election to any judicial office.
- (4) A judge or judicial candidate subject to the Judicial Campaign Fairness Act, Tex. Elec. Code §253.151, *et seq.* (the “Act”), shall not knowingly commit an act for which he or she knows the Act imposes a penalty. Contributions returned in accordance with Sections 253.155(e), 253.157(b) or 253.160(b) of the Act are not a violation of this paragraph.

#### **COMMENT**

*A statement made during a campaign for judicial office, whether or not prohibited by this Canon, may cause a judge’s impartiality to be reasonably questioned in the context of a particular case and may result in recusal.*

### **Canon 6: Compliance with the Code of Judicial Conduct**

#### **A. The following persons shall comply with all provisions of this Code:**

- (1) An active, full-time justice or judge of one of the following courts:
  - (a) the Supreme Court,
  - (b) the Court of Criminal Appeals,
  - (c) courts of appeals,
  - (d) district courts,
  - (e) criminal district courts, and
  - (f) statutory county courts.
- (2) A full-time commissioner, master, magistrate, or referee of a court listed in (1) above.

**B. A County Judge who performs judicial functions shall comply with all provisions of this Code except the judge is not required to comply:**

- (1) when engaged in duties which relate to the judge's role in the administration of the county;
- (2) with Canons 4D(2), 4D(3), or 4H;
- (3) with Canon 4G, except practicing law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the county court, or acting as a lawyer in a proceeding in which he or she has served as a judge or in any proceeding related thereto.
- (4) with Canon 5(3).

**C. Justices of the Peace and Municipal Court Judges.**

- (1) A justice of the peace or municipal court judge shall comply with all provisions of this Code, except the judge is not required to comply:
  - (a) with Canon 3B(8) pertaining to *ex parte* communications; in lieu thereof a justice of the peace or municipal court judge shall comply with 6C(2) below;
  - (b) with Canons 4D(2), 4D(3), 4E, or 4H;
  - (c) with Canon 4F, unless the court on which the judge serves may have jurisdiction of the matter or parties involved in the arbitration or mediation; or
  - (d) if an attorney, with Canon 4G, except practicing law in the court on which he or she serves, or acting as a lawyer in a proceeding in which he or she has served as a judge or in any proceeding related thereto.
  - (e) with Canons 5(3).
- (2) A justice of the peace or a municipal court judge, except as authorized by law, shall not directly or indirectly initiate, permit, nor consider *ex parte* or other communications concerning the merits of a pending judicial proceeding. This subsection does not prohibit communications concerning:
  - (a) uncontested administrative matters,
  - (b) uncontested procedural matters,
  - (c) magistrate duties and functions,
  - (d) determining where jurisdiction of an impending claim or dispute may lie,
  - (e) determining whether a claim or dispute might more appropriately be resolved in some other judicial or non-judicial forum,
  - (f) mitigating circumstances following a plea of *nolo contendere* or guilty for a fine-only offense, or
  - (g) any other matters where *ex parte* communications are contemplated or authorized by law.

**D. A Part-time commissioner, master, magistrate, or referee of a court listed in Canon 6A(1) above:**

- (1) shall comply with all provisions of this Code, except he or she is not required to comply with Canons 4D(2), 4E, 4F, 4G or 4H, and
- (2) should not practice law in the court which he or she serves or in any court subject to the appellate jurisdiction of the court which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a commissioner, master, magistrate, or referee, or in any other proceeding related thereto.

**E. A Judge Pro Tempore, while acting as such:**

- (1) shall comply with all provisions of this Code applicable to the court on which he or she is serving, except he or she is not required to comply with Canons 4D(2), 4D(3), 4E, 4F, 4G or 4H, and
- (2) after serving as a judge pro tempore, should not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

**F. Any Senior Judge, or a former appellate or district judge, or a retired or former statutory county court judge who has consented to be subject to assignment as a judicial officer:**

- (1) shall comply with all the provisions of this Code except he or she is not required to comply with Canon 4D(2), 4E, 4F, 4G, or 4H, but
- (2) should refrain from judicial service during the period of an extra-judicial appointment permitted by Canon 4H.

**G. Candidates for Judicial Office.**

- (1) Any person seeking elective judicial office listed in Canon 6A(1) shall be subject to the same standards of Canon 5 that are required of members of the judiciary.
- (2) Any judge who violates this Code shall be subject to sanctions by the State Commission on Judicial Conduct.
- (3) Any lawyer who is a candidate seeking judicial office who violates Canon 5 or other relevant provisions of this Code is subject to disciplinary action by the State Bar of Texas.
- (4) The conduct of any other candidate for elective judicial office, not subject to paragraphs (2) and (3) of this section, who violates Canon 5 or other relevant provisions of the Code is subject to review by the Secretary of State, the Attorney General, or the local District Attorney for appropriate action.

**H. Attorneys.**

Any lawyer who contributes to the violation of Canons 3B(7), 3B(10), 4D(4), 5, or 6C(2), or other relevant provisions of this Code, is subject to disciplinary action by the State Bar of Texas.

## **Canon 7: Effective Date of Compliance**

A person to whom this Code becomes applicable should arrange his or her affairs as soon as reasonably possible to comply with it.

## **Canon 8: Construction and Terminology of the Code**

### **A. Construction.**

The Code of Judicial Conduct is intended to establish basic standards for ethical conduct of judges. It consists of specific rules set forth in Sections under broad captions called Canons.

The Sections are rules of reason, which should be applied consistent with constitutional requirements, statutes, other court rules and decisional law and in the context of all relevant circumstances. The Code is to be construed so as not to impinge on the essential independence of judges in making judicial decisions.

The Code is designed to provide guidance to judges and candidates for judicial office and to provide a structure for regulating conduct through the State Commission on Judicial Conduct. It is not designed or intended as a basis for civil liability or criminal prosecution. Furthermore, the purpose of the Code would be subverted if the Code were invoked by lawyers for mere tactical advantage in a proceeding.

It is not intended, however, that every transgression will result in disciplinary action. Whether disciplinary action is appropriate, and the degree of discipline to be imposed, should be determined through a reasonable and reasoned application of the text and should depend on such factors as the seriousness of the transgression, whether there is a pattern of improper activity and the effect of the improper activity on others or on the judicial system.

### **B. Terminology.**

- (1) "Shall" or "shall not" denotes binding obligations the violation of which can result in disciplinary action.
- (2) "Should" or "should not" relates to aspirational goals and as a statement of what is or is not appropriate conduct but not as a binding rule under which a judge may be disciplined.
- (3) "May" denotes permissible discretion or, depending on the context, refers to action that is not covered by specific proscriptions.
- (4) "De minimis" denotes an insignificant interest that could not raise reasonable question as to a judge's impartiality.
- (5) "Economic interest" denotes ownership of a more than de minimis legal or equitable interest, or a relationship as officer, director, advisor or other active participant in the affairs of a party, except that:
  - (i) ownership of an interest in a mutual or common investment fund that holds securities is not an economic interest in such securities unless the judge participates in the management of the fund or a proceeding pending or impending before the judge could substantially affect the value of the interest;

- (ii) service by a judge as an officer, director, advisor or other active participant, in an educational, religious, charitable, fraternal, or civic organization or service by a judge's spouse, parent or child as an officer, director, advisor or other active participant in any organization does not create an economic interest in securities held by that organization;
  - (iii) a deposit in a financial institution, the proprietary interest of a policy holder in a mutual insurance company, of a depositor in a mutual savings association or of a member in a credit union, or a similar proprietary interest, is not an economic interest in the organization unless a proceeding pending or impending before the judge could substantially affect the value of the interest; and
  - (iv) ownership of government securities is not an economic interest in the issuer unless a proceeding pending or impending before the judge could substantially affect the value of the securities.
- (6) "Fiduciary" includes such relationships as executor, administrator, trustee, and guardian.
- (7) "Knowingly," "knowledge," "known" or "knows" denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.
- (8) "Law" denotes court rules as well as statutes, constitutional provisions and decisional law.
- (9) "Member of the judge's (or the candidate's) family" denotes a spouse, child, grandchild, parent, grandparent or other relative or person with whom the candidate maintains a close familial relationship.
- (10) "Family member residing in the judge's household" means any relative of a judge by blood or marriage, or a person treated by a judge as a member of the judge's family, who resides at the judge's household.
- (11) "Require." The rules prescribing that a judge "require" certain conduct of others are, like all of the rules in this Code, rules of reason. The use of the term "require" in that context means a judge is to exercise reasonable direction and control over the conduct of those persons subject to the judge's direction and control.
- (12) "Third degree of relationship." The following persons are relatives within the third degree of relationship: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew or niece.
- (13) "Retired Judge" means a person who receives from the Texas Judicial Retirement System, Plan One or Plan Two, an annuity based on service that was credited to the system. (Secs. 831.001 and 836.001, V.T.C.A. Government Code [Ch. 179, Sec. 1, 71st Legislature (1989)])
- (14) "Senior Judge" means a retired appellate or district judge who has consented to be subject to assignment pursuant to Section 75.001, Government Code. [Ch. 359, 69th Legislature, Reg. Session (1985)]

(15) "Statutory County Court Judge" means the judge of a county court created by the legislature under Article V, Section 1, of the Texas Constitution, including county courts at law, statutory probate courts, county criminal courts, county criminal courts of appeals, and county civil courts at law. (Sec. 21.009, V.T.C.A. Government Code [Ch. 2, Sec. 16.01(18), 71st Legislature (1989)])

(16) "County Judge" means the judge of the county court created in each county by Article V, Section 15, of the Texas Constitution. (Sec. 21.009, V.T.C.A. Government Code [Ch. 2, Sec. 16.01(18), 71st Legislature (1989)])

(17) "Part-time" means service on a continuing or periodic basis, but with permission by law to devote time to some other profession or occupation and for which the compensation for that reason is less than that for full-time service.

(18) "Judge Pro Tempore" means a person who is appointed to act temporarily as a judge.



## **Canon 1: Avoiding Impropriety and the Appearance of Impropriety in All Activities**

### **Canon 1.1: Performing Court Duties**

A court professional shall faithfully carry out all appropriately assigned duties striving at all times to perform the work diligently, efficiently, equitably, thoroughly, courteously, honestly, truthfully and with transparency.

A court professional shall carry out properly issued court orders and rules, not exceeding the court professional's authority.

### **Canon 1.2: Avoiding Impropriety**

A court professional shall avoid both impropriety and the appearance of impropriety.

A court professional shall avoid improper influences from business, family, position, party, or person.

A court professional shall avoid activities that would impugn the dignity of the court.

### **Canon 1.3: Fairness**

A court professional shall conduct his or her work without bias or prejudice including, but not limited to, bias or prejudice based upon race, gender, skin color, religion, age, sexual orientation, national origin, language, marital status, socioeconomic status, or physical or mental challenge.

### **Canon 1.4: Respect of Others**

A court professional shall treat litigants, coworkers and all others interacting with the court with dignity, respect and courtesy.

### **Canon 1.5: Involvement in Actions Before a Court**

A court professional shall notify the appropriate authority whenever he or she, anyone in his or her family, or anyone with whom he or she has a close personal relationship has been arrested, named as a party, or is otherwise formally involved in any action pending in any court.

### **Canon 1.6: Avoiding Privilege**

A court professional shall use his or her official position solely for its intended purpose.



## **NACM Model Code of Conduct for Court Professionals**

A court professional shall not use his or her position (intentionally or unintentionally), to secure unwarranted privileges or exemptions for oneself or others;

A court professional shall not dispense special favors to anyone, whether or not he or she was offered remuneration.

### **Canon 1.7: Assisting Litigants**

A court professional shall be responsive to inquiries regarding standard court procedures, but shall not give legal advice unless it is required as part of one's official position.

## **Canon 2: Performing the Duties of Position Impartially and Diligently**

### **Canon 2.1: Independent Judgment**

A court professional shall avoid relationships that would impair one's impartiality and independent judgment.

A court professional shall be vigilant of conflicts of interest and ensure that outside interests are never so extensive or of such nature as to impair one's ability to perform court duties.

### **Canon 2.2: Personal Relationships**

A court professional shall recruit, select, and advance personnel based on demonstrated knowledge, skills, abilities, and bona fide work-related factors, not on favoritism.

A court professional shall avoid appointing, assigning, or directly supervising, a family member, or attempting to influence the employment or advancement of a family member.

Where circumstances dictate that one must work directly with a family member, a court professional shall report the circumstance to an appropriate authority, regularly assess the situation, and take remedial action at the earliest time practicable.

### **Canon 2.3: Misconduct of Others**

A court professional should expect fellow professionals to abide by the canons set out in this code.



A court professional shall report to the appropriate authority the behavior of any court professional who violates this code including, but not limited to, potential conflicts of interest involving one's duties and attempts to inappropriately influence one in performing one's duties.

### **Canon 2.4: Attempts at Influence**

A court professional shall immediately report to the appropriate authority any attempt to compel one to violate these canons.

### **Canon 2.5: Properly Maintain Records**

A court professional shall not inappropriately destroy, alter, falsify, mutilate, backdate or fail to make required entries on any records within the court's control.

### **Canon 2.6: Legal Requirements**

A court professional shall maintain the legally required confidentiality of the court, not disclosing confidential information to any unauthorized person, for any purpose.

A court professional shall properly provide confidential information that is available to specific individuals authorized to receive such by reason of statute, court rule or administrative policy.

### **Canon 2.7: Discretion**

A court professional shall be respectful of litigants, the public, applicants and employees' personal lives; disregard information that legally cannot or should not otherwise be considered; use good judgment in weighing the credibility of Internet data; and be cautious about verifying identities.

A court professional shall treat personal or sensitive information with the same discretion that one would wish others to have if one were involved in a similar case.

### **Canon 2.8: Proper Use of Public Resources**

A court professional shall use the resources, property and funds under one's official control judiciously and solely in accordance with prescribed procedures.



## **Canon 3: Conducting Outside Activities to Minimize the Risk of Conflict with Official Position**

### **Canon 3.1: Outside Business**

The court is a court professional's primary employment. A court professional shall avoid outside activities, including outside employment, business activities, even subsequent employment and business activities after leaving judicial service, that reflect negatively upon the judicial branch and on one's own professionalism.

A court professional shall notify the appropriate authority prior to accepting work or engaging in business outside of one's court duties.

A court professional shall not request or accept any compensation or fee beyond that received from their employer for work done in the course of their public employment.

However, court professionals may engage in outside employment as long as it does not conflict with the performance of their official responsibilities or violate this code.

### **Canon 3.2: Compensation and Post Employment Restrictions**

During or following one's employment with a court, a court professional shall not represent a commercial interest to, or do business with, that same court unless both the employment and commercial interest are fully disclosed to and approved by the court's appropriate management authority.

### **Canon 3.3: Avoiding Gifts**

A court professional shall not solicit, accept, agree to accept, or dispense any gift, favor, or loan either for oneself or on behalf of another based upon any understanding, either explicit or implicit, that would influence an official action of the court.

### **Canon 3.4: Financial Disclosure**

A court professional shall dutifully disclose all financial interests and dealings required by law, rule, or regulation.

## **Canon 4: Refraining from Inappropriate Political Activity**

### **Canon 4.1: Refraining from Inappropriate Political Activity**



## **NACM Model Code of Conduct for Court Professionals**

A court professional retains one's right to vote and is encouraged to exercise it as a part of citizenship.

Engaging in any political activity is done strictly as a private citizen and only in accordance with state law or court rules.

A court professional shall participate only during non-court hours, using only non-court resources.

A court professional shall not use one's position or title within the court system to influence others.

Unless a court professional is elected to one's court position, one shall campaign during non-work hours or take an unpaid leave of absence upon declaring one's intent to run for office.

If elected, a court professional shall resign one's post with the court unless one is holding a political office that clearly does not hold a conflict of interest, nor does it interfere with one's ability to perform one's court duties.



# **Mandatory Reporting to the OCA**

*Angela Garcia*



## Mandatory Reporting to the Office of Court Administration



Angela Garcia  
Judicial Information Manager

OFFICE of COURT ADMINISTRATION



### Judicial Information Section

- Collects statistical and other information from Texas' 2,800 courts (at least 2,300 separate reporting entities);
- Provides technical assistance to clerks and courts on proper reporting and assists with resolving reporting problems;
- Provides information on court statistics, judicial system structure and jurisdiction, and other information to the public;
- Produces the *Annual Statistical Report of the Texas Judicial System*; and
- Produces the *Texas Judicial System Directory*

Judicial Information Program

Angela Garcia  
Judicial Information Manager

Lucy Hobbs  
Judicial Information Manager

Samuel Rivers  
Judicial Information Manager

Lucy Hobbs  
Judicial Information Manager

### Who Determines What is Collected?

Judicial Council  
Government Code Sec. 71.035

Determines content of monthly court reports through rule making

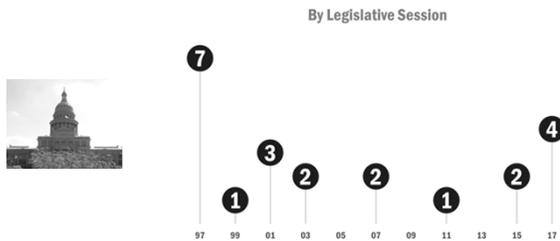


Creates statutes mandating collection of specific information

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### Legislatively Mandated Reporting Requirements Related to Case Activity



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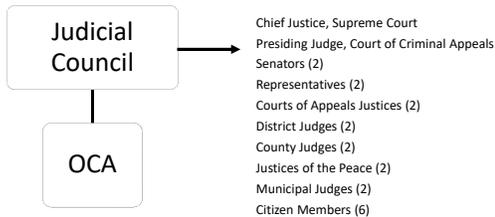
### Judicial Council Monthly Court Activity Reports (aka "The OCA Report")



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### Texas Judicial Council – Ch. 71, Government Code



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## Judicial Council Charges

Government Code Secs. 71.031 - .035



- Gather **judicial statistics** and other pertinent information from judges and other court officials

**Purpose is to support Judicial Council's mission:**

- **Continuously study** the courts and **methods for their improvement**
- Consider advice concerning **remedies for faults in the administration of justice**
- Design methods for **simplifying** judicial procedure, **expediting** the transaction of judicial business, and correcting faults in or **improving the administration of justice**

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## Texas Judicial Council – Ch. 71, Government Code



Judge or clerk must submit monthly reports as duty of office



May be enforced by writ of mandamus

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## Texas Indigent Defense Grant Rules



District Clerk & County Clerk must submit **all reports for fiscal year** for county to be eligible for grant funds



If reports not complete, must submit **Reporting Action Plan** acceptable to OCA



Grant funds from Texas Indigent Defense Commission will be **withheld for non-compliance**

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## Required Performance Measure Reporting by OCA



OCA required to annually collect and publish a performance report of information regarding the **efficiency of the courts** of this state (Sec. 72.082, Government Code)



OCA shall report **countywide clearance rates for criminal, civil, and juvenile cases** and measure **age of cases disposed and the backlog index for criminal and civil cases** (85<sup>th</sup> Legislature, S.B. 1, OCA Rider 5)

*The same information is posted for county courts*

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## All Data are Made Available to the Public

### Annual Statistical Report



<http://www.txcourts.gov/statistics/annual-statistical-reports/>

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### Live Reporting Database

#### Court Activity Data

Run one of our standard reports or your own query from our court activity database.

#### District & County Courts

Run reports for September 2010 to present  
Run reports for September 2002 to August 2010

#### Justice & Municipal Courts

Run reports for September 2011 to present  
Run reports for September 2002 to August 2011

<http://card.txcourts.gov/>



## Data Consumers

Legal aid organizations,  
Access to Justice  
Commission

State & Local  
Judiciary

Texas  
Legislature

Researchers,  
non-profits  
(DWI, juvenile  
justice reform,  
domestic  
violence, civil  
rights)

Other State &  
Local  
Governmental  
Depts.

Commissioners  
Courts, City  
Councils

National Center  
for State Courts

Attorneys

General Public

Media

Parties to a  
case



DATA

### At What Level are Data are Collected?

Court Level	Level of Detail	
Appellate	Court	
District	County	
County Courts at Law/Statutory Probate	County	
County	Court	
Justice	Court	
Municipal	Court	

At court levels where reports filed by county, no information available by court unless only 1 court in the county

**Counties with 1 court:**  
District: 52%  
County courts at law: 18%



### What Data are Collected?



#### Aggregate statistics

- > **Count** of cases in each category, no case level information
- > Case types: civil, family, criminal, juvenile, probate, mental health
- > Case categories broad

Cases on Docket:	MISDEMEANOR CASES										Total Case
	DWI- First Offense	DWI- Second Offense	Theft	Theft by Check	Drug Possession-Marijuana	Drug Offense-Other	Family Violence-Accusals	Accusals-Other	Traffic	DWLS/DWLI	



### What Data are Collected?



#### >Basic workload data

- ❖ Filings
- ❖ Dispositions
- ❖ Number of pending cases – active and inactive
- ❖ Time to disposition (broad categories – civil, family, etc.)



### Counting Criminal & Juvenile Cases



If more than one charge in charging document, case classified under the **most serious offense**



If charges equal, pick one (e.g., first listed in charging document)



### Counting Criminal & Juvenile Cases: Reduction in Charge after Case Filed

Case stays in **original case category** (reflecting most serious charge) when



Prosecutor reduces charges



Defendant convicted of lesser/different offense

And disposition reported under **original offense** (must keep 1 to 1 relationship between filings and dispositions)



### Pending Cases – Why Active/Inactive?



Makes statistics more reflective of actual court workload

Provides valuable tool for caseload management, giving courts better information to:



Measure the age of their pending caseload accurately



Determine meaningful case-processing times



Manage court resources, focusing attention on cases that can be processed



### Pending Cases

- ▶ **Active:** cases awaiting entry of judgment that court is able to move to disposition
- ⏸ **Inactive:** cases awaiting judgment that court is unable to move to disposition and cannot take further action until an event restores case to court's active pending caseload



### Inactive Pending Cases - Examples

- Defendant absconded and arrest warrant or directive to apprehend has been issued
- Defendant committed to mental health facility
- Defendant is being held elsewhere on state or federal charges



### Inactive Pending Cases - Examples

- Civil cases ordered to arbitration (in which there are no further proceedings in the court until the case is returned from arbitration)
- Notice or suggestion of bankruptcy
- Suggestion of death filed
- Civil and family cases stayed due to the Soldiers' & Sailors' Civil Relief Act

See instructions for additional examples

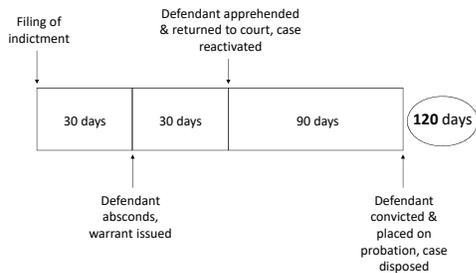


### Reactivated Cases

- Cases placed in **inactive pending** status
  - ↓
  - Event occurs that allows court to proceed towards entering judgment in the case
- Arrest
- Restoration of competency
- Lifting of stay
- Return from arbitration



### Age of Cases Disposed



### What Data are Collected?

- > Miscellaneous items
  - ❖ Attorneys appointed/retained counsel (criminal, juvenile)
  - ❖ Self-represented plaintiffs/petitioners (civil, family, probate)
  - ❖ Juries selected
  - ❖ Mistrials

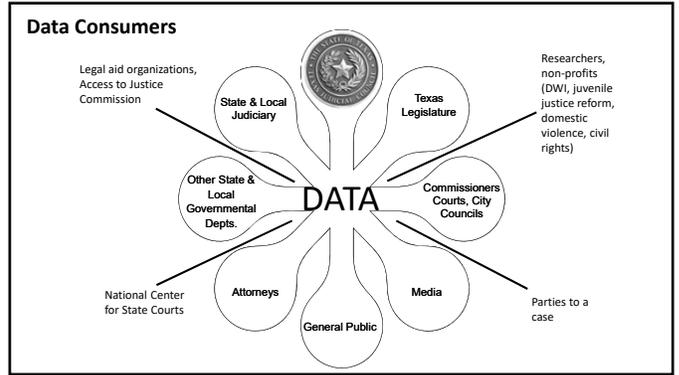




Why should I care?

It's not my job and doesn't really affect me.

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El Paso County, Texas

## JUDICIAL TRANSPARENCY

During FY 2014, The Commissioners Court directed The Information Technology Department and the County Auditor's Office to create a Judicial Management Report to assist the Criminal County Courts and Criminal District Courts in gauging the efficiency and effectiveness of their operational processes. The Judicial Management Report incorporates elements of the "Courttools" model designed by the National Center for State Courts, as well as work that has been done in other Texas counties to measure court system statistics and costs. The report captures key management operational effectiveness and cost statistics.

This report focuses on the following six measures and shows how the individual courts performed relative to each other and against a court-wide average.

FY 2018 2nd Quarter

EL PASO COUNTY JUDICIAL MANAGEMENT REPORT

click to view

Individual Measures:

- NET COST PER DISPOSITION
- JAIL BED DAYS CONSUMPTION
- CLEARANCE RATE
- DISPOSITION RATES
- TIME TO DISPOSITION
- AGE OF ACTIVE CASES PENDING

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### Data Quality

Though the responsibility for data accuracy and integrity lies primarily with the elected clerk of the court, the courts themselves (i.e., the **judges and their courtroom staff**) are **equal stakeholders in data quality**, and court managers/trial court administrators must also be part of the overall effort to manage data quality.

From *Data Quality Management for Courts* by Bob Wessels, Court Manager, Harris County Courts, and Harry Leverette, Assistant Court Manager, Information Technology

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### Clerks: Review Your Reports EVERY MONTH for Basic, Critical Issues

- **Missing reports**  
Failure to submit missing reports will result in indigent defense funds being withheld
- **Reports marked in RED**  
Have basic calculation errors that must be fixed

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### Clerk's Main Screen After Logging into the Reporting System

September 2016	Criminal	Hate Crimes	Civil	Probate	Mental Health
October 2016	Criminal	Hate Crimes	Civil	Probate	Mental Health
November 2016	Criminal	Hate Crimes	Civil	Probate	Mental Health
December 2016	Criminal	Hate Crimes	Civil	Probate	Mental Health
January 2017	Criminal	Hate Crimes	Civil	Probate	Mental Health
February 2017	Criminal	Hate Crimes	Civil	Probate	Mental Health

Note: Any link highlighted in red above indicates that the report has errors that must be corrected.

- Criminal sections highlighted in red need corrections
- A Criminal, Civil and Mental Health section are missing

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### How You Can Tell the Status of the Reports

<https://card.txcourts.gov/ReportSelection.aspx>

THE TEXAS OFFICE OF COURT ADMINISTRATION  
Court Activity Reporting and Directory System

Report Selection - New Data

Main > Report Selection

Report Type:  
Report:  
Report Description:

Management Reports

Select All Courts  
Reports Received - Constitutional County Courts  
Reports Received - District Courts  
Reports Received - Justice Courts  
Reports Received - Municipal Courts  
Reports Received - Statutory County Courts

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### How You Can Tell the Status of the Reports

Report: Reports Received - Constitutional County Courts

Fiscal Year: 2018  
County: Archer

Format: Export to Acrobat  
Selecting the Acrobat version will provide a 'printer friendly' version.

Run Report

Archer	County Courts	Civil	Y	CC	2017					2018					
					Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May		
		Criminal	Y	CC	*	*	*	*	*	*	*	*	*	*	*
		New Cases	Y	CC	*	*	*	*	*	*	*	*	*	*	*
		Juvenile	Y	CC	*	*	*	*	*	*	*	*	*	*	*
		Mental Health	Y	CC	*	*	*	*	*	*	*	*	*	*	*
		Probate	Y	CC	*	*	*	*	*	*	*	*	*	*	*

- \* Received, In Balance
- # Received, Out of Balance
- ? Report Missing
- Y Required to Report
- N Not Required to Report
- CC County Clerk Reporting
- DC District Clerk Reporting

### Running an Activity Report

<https://card.txcourts.gov/ReportSelection.aspx>

Report Selection - New Data

Main > Report Selection

Report Type: Statutory County Courts  
Report: Statutory County Court Activity Detail

Report Description: This report mirrors the Official Statutory County Court Report form. It contains detailed data on the number of felony, misdemeanor, civil, family and juvenile cases filed, disposed, and pending for the time period selected. It also contains information on probate, guardianship, and mental health commitment cases. Reports may be run for individual counties or statewide totals.

Report Description: District and Statutory County Court  
District Court Data Reports  
Justice Courts  
Juvenile Courts  
Management Reports  
Municipal Courts  
Probate and Mental Health  
Statutory County Courts

Note: Counties or courts may not have submitted all reports for

### Running an Activity Report

Statutory County Courts  
Statutory County Court Activity Detail

This report mirrors the Official Statutory County Court Report form. It contains detailed data on the number of felony, misdemeanor, civil, family and juvenile cases filed, disposed, and pending for the time period selected. It also contains information on probate, guardianship, and mental health commitment cases. Reports may be run for individual counties or statewide totals.

Report: Statutory County Court Activity Detail

From: Year: 2018 Month: June To: Year: 2018 Month: June

Separate Monthly Report for each Month in Range (Aggregate Report if unchecked)

County: Anderson  
Court: All

Format: Export to Acrobat  
Selecting the Acrobat version will provide a 'printer friendly' version.

Run Report

Statutory County Courts  
Activity Detail from June 1, 2018 to June 30, 2018  
County: Anderson  
100.0 Percent Reporting Rate  
1 Reports Received Out of a Possible 1

Cases on Docket:	MISDEMEANOR CASES											All Other Misdemeanor Cases	Total Cases
	DWI - First Offense	DWI - Second Offense	Theft by Check	Theft by Receipt	Drug Possession - Marijuana	Drug Offenses - Other	Family Violence Assault	Assault - Other	Traffic	DWLS / DWLI			
Cases Pending 6/1/2018:	50	17	3	1	0	43	51	25	4	42	234		
Active Cases	83	17	5	4	0	19	12	17	8	0	31	196	
Docket Adjustments	0	0	0	0	0	0	0	0	0	0	0	0	
Cases Added:	3	0	0	0	0	1	2	0	0	0	1	7	
New Cases Filed	0	0	0	0	0	0	0	0	0	0	0	0	
Appointed from Lower Courts	0	0	0	0	0	0	0	0	0	0	0	0	
Other Cases Reaching Docket	1	1	0	0	0	0	0	0	0	0	0	2	
Motions to Revoke Filed	0	1	0	0	0	0	1	0	0	0	0	2	
Cases Reinstated	0	0	0	0	0	0	0	0	0	0	0	0	
All Other Cases Added	0	0	0	0	0	0	0	0	0	0	0	0	
Total Cases on Docket	54	19	3	1	0	44	54	25	4	0	43	247	

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### Occasionally Review Reports for Completeness and Accuracy



Numbers that are

↓ too low

↑ too high

? or otherwise do not make any sense



### Zero Jury Trials

Civil		Family	
Final Judgments:		Dispositions:	
After Non-Jury Trial	29	Change of Venue Transfers	57
By Jury Verdict	0	Default Judgments	716
By Directed Verdict	0	Agreed Judgments	370
Dismissed for Want of Prosecution	309	Summary Judgments	49
Non-Suited or Dismissed by Plaintiff	818	Final Judgments:	
All Other Dispositions	479	After Non-Jury Trial	2
<b>Total Cases Disposed</b>	<b>2,887</b>	By Jury Verdict	0
		By Directed Verdict	0
		Dismissed for Want of Prosecution	432
		Non-Suited or Dismissed by Plaintiff	778
		All Other Dispositions	9,370
		<b>Total Cases Disposed</b>	<b>11,774</b>



### Civil and Family Sections: Directed Verdicts

Dispositions:	0	➤ Directed verdict: <b>verdict</b> that the <b>judge</b> has either ordered the <b>jury</b> to find or that the judge has taken from the jury and entered without their deliberation. Is only used when the <b>evidence</b> for either the <b>plaintiff</b> or <b>defendant</b> in a case is so weak that the law cannot possibly support a finding in favor of that party.
Change of Venue Transfers	2	
Default Judgments	0	
Agreed Judgments	0	
Summary Judgments	1	
Final Judgments:		
After Non-Jury Trial	0	
By Jury Verdict	0	
By Directed Verdict	11	➤ <b>Directed verdicts are rare</b>
Dismissed for Want of Prosecution	8	➤ <b>The report should not have large number of directed verdicts, and</b>
Non-Suited or Dismissed by Plaintiff	0	➤ <b>the number should not be larger than bench and jury trials</b>
All Other Dispositions	0	
<b>Total Cases Disposed</b>	<b>22</b>	



### All Other Dispositions (All Case Types)

Number of cases reported under <b>All Other Dispositions</b> should be <b>very small</b> relative to the other categories	Dispositions:	
Exception would be in <b>Civil Cases Related to Criminal Matters</b> category	Change of Venue Transfers	57
	Default Judgments	716
	Agreed Judgments	370
	Summary Judgments	49
	Final Judgments:	
	After Non-Jury Trial	2
	By Jury Verdict	0
	By Directed Verdict	0
	Dismissed for Want of Prosecution	432
	Non-Suited or Dismissed by Plaintiff	778
	All Other Dispositions	9,370
	<b>Total Cases Disposed</b>	<b>11,774</b>

**80%!**



### Inconsistent Numbers

PROBATE AND GUARDIANSHIP CASES						
Cases on Docket:	Decedent's Estates		Guardianships			All Other Cases
	Independent Administration	Dependent Administration	Other Estate Proceedings	Minor	Adult	
New Cases, Applications or Contents Filed				0	0	0
Other Cases Added:						
Auxiliary Cases	0	0	0	0	0	0
All Other Matters	0	0	0	0	0	0
Inventories Filed	14	0	0	0	2	0
Guardianship of Person Reports Filed	---	---	---	0	10	---
Annual or Final Accounts Filed	---	---	---	1	12	---
Additional Information:	Guardianships: Total					
	Dismissed or Closed					
	Granted					
	Closed					
	Active					

Zero cases filed over the last year

124 guardianships were granted

### Inconsistent Numbers

PROBATE AND GUARDIANSHIP CASES							
Cases on Docket:	Decedent's Estates		Guardianships			All Other Cases	Total Cases
	Independent Administration	Dependent Administration	Other Estate Proceedings	Minor	Adult		
New Cases, Applications or Contents Filed	194	7	34	0	23	108	366
Other Cases Added:							
Auxiliary Cases	0	0	0	0	0	0	0
All Other Matters	0	0	0	0	0	0	0
Inventories Filed	---	2	---	---	5	---	---
Guardianship of Person Reports	---	---	---	---	4	---	4
Annual or Final Accounts Filed	---	1	---	---	11	---	19
Additional Information:	Guardianships: Total						
	Dismissed or Closed						
	Granted						
	Closed						
	Active						

ALL open and active guardianships as of end of month

Guardianship activity reported

But zero active guardianships

### Criminal Case Sentencing Information

Number of cases reported in the **Sentencing** section **should** roughly equal number of cases reported under **Convictions**

<b>Dispositions:</b>		<b>Sentencing Information:</b>	
<b>Convictions:</b>		Prison	1,242
<i>Guilty Plea or Nolo Contendere</i>	3,099	State Jail	579
<i>By the Court</i>	36	Local Jail	900
<i>By the Jury</i>	42	Probation/Community Supervision	2,585
<b>Total Convictions</b>	<b>3,177</b>	Shock Probation	5
		Fine Only	5
		Other	1

**Convictions = 3,177**

**Sentences = 5,317**



### Sentencing Information

Should **not** include cases reported disposed of by:

- ✗ Deferred Adjudication
- ✗ Motions to Revoke
- ✗ Dismissals
- ✗ All Other Dispositions



### Juvenile Case Disposition Information

Number of cases reported in the **Dispositions** section **should** roughly equal number of cases reported under **Findings of Delinquent Conduct/CINS**

<b>Adjudications:</b>		<b>Dispositions:</b>	
<b>Findings of Delinquent Conduct or CINS:</b>		<b>Cases with Findings of DC/CINS</b>	
<i>Plea of True</i>	484	Probation Granted	
<i>By the Court</i>	23	<i>Determinate Sentence Probation</i>	0
<i>By the Jury</i>	12	<i>All Other Probation</i>	458
<b>Total Findings of DC/CINS</b>	<b>519</b>	Committed to Texas Juvenile Justice Dept.	
		<i>Determinate Sentence</i>	0
		<i>Indeterminate Sentence</i>	18
		<i>Final Judgment Without Any Disposition</i>	21
		<b>Cases with Granted Motion to Modify Disp.</b>	
		Probation Revoked, Child sent to TJJD	0
		<b>All Other Dispositions</b>	<b>194</b>

**Findings of CINS/  
Delinquent Conduct = 519**

**Dispositions = 691**



### Juvenile Case Disposition Information

Should **not** include cases reported adjudicated by:

- ✗ Deferred Prosecution
- ✗ Motions to Modify Disposition
- ✗ Dismissals
- ✗ All Other Adjudications/Findings



### Potential Causes



#### Manual errors

- Typos, numbers entered in wrong line or column
- Information not entered into case management system correctly or at all



#### Case management system issues

- System not properly set up (mapping or programming issues)
- Reports not programmed correctly
- Updates from new release result in unintended consequences



### Docket Adjustments



**Cases pending end of month should equal cases pending beginning of following month**



If cases pending from one month to the next are not equal, adjustments must be entered in report to account for difference



### Docket Adjustments

CASES ON DOCKET	Capital Murder	Murder	Other Homicides	Agg. Assault or Attempted Murder	Sexual Assault of an Adult	Indecency of Sexual Assault of a Child	Family Violence Assault
CASES PENDING FIRST OF MONTH <small>(Should equal total criminal cases pending end of previous month.)</small>	0	0	2	19	9	10	0
DOCKET ADJUSTMENTS	0	0	0	0	0	0	0
1. CASES PENDING FIRST OF MONTH (Adjusted)	0	0	2	19	9	10	0

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### Causes of Minor Docket Adjustments

Before report was run:

Cases **not processed/updated** in system in **timely manner**

After report was run:

**Changes, corrections made** to case information in case management system

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### To Minimize Minor Adjustments



Set time frame when all cases must be updated in case management system so more accurate report can be run

e.g., all updates to March cases must be completed by April 10



Improve data quality processes

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### Why?

#### Filings

If not entered in timely manner counted as positive docket adjustment



Cases added to pending caseload but court/county gets **no credit for case filed**

#### Closures

If not entered in timely manner counted as negative docket adjustment



Cases removed from pending caseload but court/county gets **no credit for disposition**

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### Example

Issue: Significant delays in entering judgments/ dispositions into case management system

Typical monthly report (delay):

-125 docket adjustment  
350 cases filed  
200 disposed



Clearance rate = **57%**

Typical monthly report (little to no delay):

-15 docket adjustment  
350 cases filed  
310 disposed



Clearance rate = **89%**

### Valid Causes of Large Docket Adjustments



Purging cases in which statute of limitations expired



Audit/validation of case inventory

Conversion to new case management system

Dispositions had to be entered on old closed cases that had judgments but had not been updated in case management system

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## Large Docket Adjustments

Must be accounted for in the Notes Section at bottom of report

Criminal	Hate Crimes	Child	Family	Juvenile																
12/31/2016: El Paso County, District Clerk Office, November 2015																				
Report was Entered Successfully																				
CASES ON DOCKET	ADJUSTMENTS																			
CASES REMAINING END OF MONTH (includes new cases entered, cases pending docket adjustments)																				
20	55	6	1408	61	469	22	312	1250	1604	256	828	2014	627	3255	952	13656				
ADJUSTMENTS	1	1	1	180	3	3	1	16	150	155	4	47	176	38	189	203	1076			

Notes: The are a great amount of adjustments due to the on-going data cleanup.

## El Paso Clean Up Efforts

Reporting Entity	Year	Month	Total Adjustment
District Clerk	2014	9	-82
District Clerk	2014	10	-85
District Clerk	2014	11	-74
District Clerk	2014	12	-39
District Clerk	2015	1	-6
District Clerk	2015	2	-83
District Clerk	2015	3	-3
District Clerk	2015	4	-21
District Clerk	2015	5	-74
District Clerk	2015	6	-201
District Clerk	2015	7	-638
District Clerk	2015	8	-384
District Clerk	2015	9	-82
District Clerk	2015	10	-7
District Clerk	2015	11	-1,076
District Clerk	2015	12	-10
District Clerk	2016	1	2
<b>TOTAL</b>			<b>-2,862</b>

### Documented Issues:



- Conversion of old cases into new CM system
- Cases were closed but were shown as pending after conversion
- Cases didn't have correct closing event or any closing event entered even though were closed



Filings, adjustments, statistical closures that were processed after the month in which they occurred (after reporting period)

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## Resources Available from OCA

- More detailed information about the reports
- Answer questions, help you interpret reporting rules
- Take a quick look for things that look off



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## Resources

[www.txcourts.gov](http://www.txcourts.gov)



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## Resources/Assistance – Not Available from OCA



Codes used to track information in your case management system



Programming your case management system, development of reports from your case management system



Contact your vendor/local IT staff for assistance

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### DISTRICT & COUNTY COURT REPORTS

#### Enter or Run Reports

Enter or Run Reports

#### Forms and Instructions

Child Case Information Sheet

Child Case Report

Form  Instructions  (updated 01/22/2016)

Statutory County Courts Report (County Courts in Law/Statutory Probate Courts)

Form  Instructions  (updated 01/22/2016)

Constitutional County Court Report

Form  Instructions  (updated 01/22/2016)

#### Resources

Reporting Mental Health Assessments and Competency Evaluation Reports (SR 1326, SR 612015)

Child and Family Case Category Examples  (updated 01/11/16)

SPS Offense Codes Categorized by OCA Case Category  (Revision 16 - updated 02/05/2016); Markup Version

Frequently Asked Questions

Presentations on Judicial Council Reports

Helpdesk

#### XML Specifications and Tester

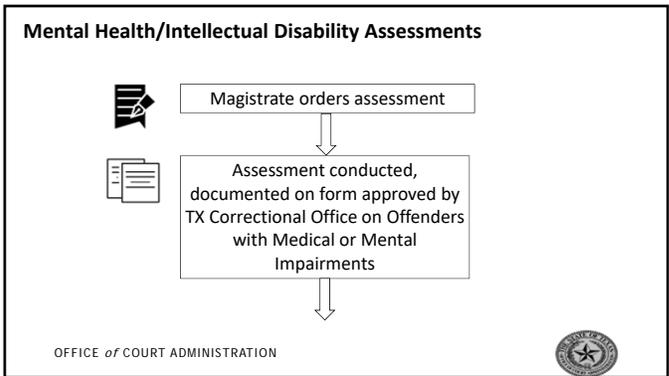
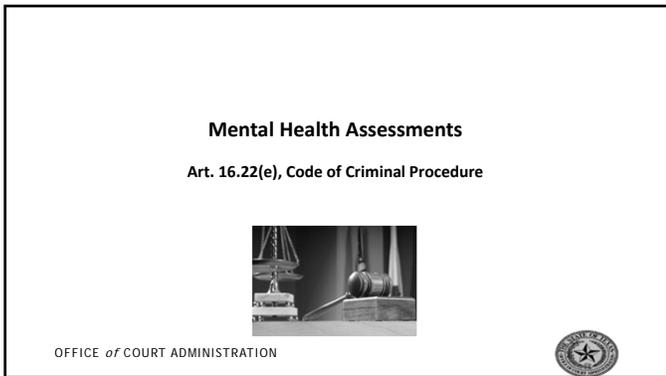
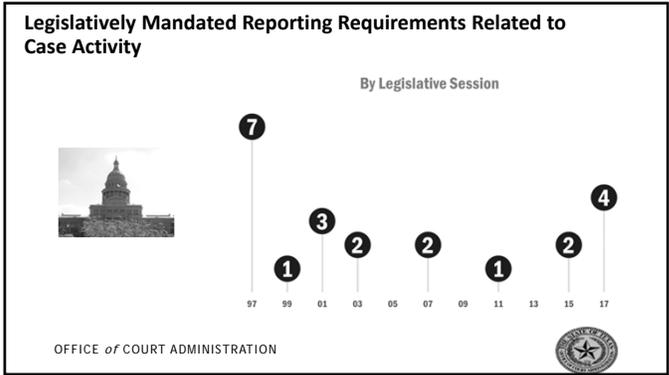
District Court XML Specifications  (updated 10/16/2015)

Statutory County Court XML Specifications  (updated 10/16/2015)

Constitutional County Court XML Specifications  (updated 10/16/2015)

XML Tester: Validate XML file format

Frequently Asked Questions



COLLECTION OF INFORMATION FORM FOR MENTAL ILLNESS AND INTELLECTUAL DISABILITY

SECTION I: RELEVANT INFORMATION

Defendant Name (Last, First, Middle) \_\_\_\_\_ Other \_\_\_\_\_

Date of Birth \_\_\_\_\_ CAPI# Identification # (if available) \_\_\_\_\_ SID or CID# (if available) \_\_\_\_\_

Last Four Digits of Personal Identification Number \_\_\_\_\_

Current County or Municipality of Detention \_\_\_\_\_ Date of Magistrate Order \_\_\_\_\_

SECTION II: PREVIOUS HISTORY

Has the defendant been diagnosed with a mental illness or to be assessed with an intellectual disability within the last 180 days?  Yes  No

Date of Previous Assessment (if applicable) \_\_\_\_\_

Previous Mental Health and/or Intellectual Disability Assessment Information (if available) \_\_\_\_\_

SECTION III: CURRENT INFORMATION

Most Recent Diagnosis and Details (if available) \_\_\_\_\_

As a result of the defendant's admission to or confinement on the jail, screening them for mental and intellectual disability assessment is the defendant's priority. Assessment should be completed according to the following:

Yes  No  Not applicable. Reason \_\_\_\_\_

Other relevant information pertaining to mental health and intellectual disability history and to previous treatment and assessment: \_\_\_\_\_

Observations and Findings Based on Information Collected

Defendant is a person who has a mental illness.

Defendant is a person who has an intellectual disability.

There is clinical evidence to support the belief that the defendant may be incompetent to stand trial and should undergo a competency evaluation under Subchapter B, Chapter 46B, Code of Criminal Procedure.

Any appropriate or recommended treatment or services \_\_\_\_\_

None of the above.

Procedure Used to Gather Information \_\_\_\_\_

SECTION IV: INFORMATION OF PROFESSIONAL SCREENING FORM

Name and Title/Title of Person Completing Form \_\_\_\_\_ Date of Submission \_\_\_\_\_

Upon completion of this form, the contents remain confidential as applicable to Health and Safety Code Chapter 221.001.

Assessment must be documented on form approved by the **Texas Correctional Office on Offenders with Medical or Mental Impairments**

- ### Mental Health/Intellectual Disability Assessments
- The assessment is **NOT**:
- > A screening form/notice sent by the jail or sheriff about a potential mental health issue
  - > A magistrate notification form or
  - > An order for an assessment to be completed
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## Involuntary Mental Health Commitments

Section 574.014, Health and Safety Code



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## Clerk of Court with Jurisdiction to Order Mental Health Commitments Must

Report

- ✓ the **number of applications** for commitment orders for **involuntary mental health services** filed and
- ✓ the **disposition** of those cases, including the number of commitment orders for inpatient and outpatient mental health services

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### MENTAL HEALTH CASES

	Temporary Mental Health Services	Extended Mental Health Services	Modification	
			Inpatient to Outpatient	Outpatient to Inpatient
<i>Intake</i>				
New Applications Filed	49,494	334	169	128
Orders for Protective Custody Signed	43,985	---	---	---
<i>Hearings</i>				
Probable Cause Hearings Held	36,024	---	---	---
Release/Dismissal Prior to Final Hearing	32,616	19	6	17
Final Commitment Hearings Held	10,921	196	8	17
<i>Other Information</i>				
Disposition at Final Hearing				
Denied (Release)	3,679	12	0	1
Granted (Commit)				
Inpatient	7,459	226	14	---
Outpatient	286	23	---	11

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## Offenses Related to Human Trafficking

Section 71.0353, Government Code



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## District Court or County Court at Law Must

 Report, as a component of the official monthly report to the Judicial Council, the **number of cases filed** for the following offenses:

- ✓ **trafficking of persons** under Section 20A.02, Penal Code
- ✓ **prostitution** under Section 43.02 (Prostitution), Penal Code and
- ✓ **compelling prostitution** under Section 43.05, Penal Code

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### Additional Court Activity:

	<u>Felony</u>
Cases in Which Jury Selected	2,476
Cases in Which Mistrial Declared	143
Motions to Suppress Granted or Denied	1,756
Mental Illness or Intellectual Disability Assessments	1,222
Competency Examination Reports	3,956
Cases Set for Review	39,046
Cases in Which Attorney Appointed as Counsel	149,142
Cases with Retained Counsel	74,560
Cases Filed for Trafficking of Persons	60
Cases Filed for Prostitution	3,212
Cases Filed for Compelling Prostitution	80

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**Chapter 36, Government Code**

**Report**

All appointments of and any fees paid to in any type of case

- ✓ attorney ad litem
- ✓ guardian
- ✓ guardian ad litem
- ✓ mediator
- ✓ competency evaluator



**HOWEVER**

most jurisdictions will have **little to nothing** to report in **criminal and juvenile** cases



**Chapter 36, Government Code**



Attorney ad litem



**These are NOT** attorneys appointed for **indigent defense in criminal or juvenile cases**



Competency evaluator  
**Guardianship cases only!**



“physician or psychologist who performs examinations to determine whether an individual is incapacitated or has an intellectual disability for **purposes of appointing a guardian** for the individual”



**TWO Reports Required per Court Each Month**

For each court: **2** reports:



- 1) All appointments
- 2) All fees approved/payments made

**REGARDLESS of AMOUNT or SOURCE of fee** or **EVEN IF there was NO ACTIVITY**



**Reporting Appointments**

For each appointment, must report:



- ✓ Name of judge/magistrate signing order
- ✓ Court
- ✓ Case number and style of case



In matters where confidentiality of the parties is required by state law or rule, or made confidential by local rule, judges and clerks should use discretion regarding the style of the case



**Reporting Appointments**

- ✓ Name of person or entity appointed  
must include State Bar number if attorney
- ✓ Position to which appointed
- ✓ Relationship to ward or deceased, if applicable
- ✓ Date of appointment



**Reporting Fees**

- ✓ **All of same information reported for Appointments (except Date of Appointment) plus**
- ✓ Date of approval/payment of fee
- ✓ Source of fees

Applicant	Insurance	Possessory Conservator
County	Managing Conservator	Registry of the Court
Defendant	Named Person	State
Estate	The Parties	Trust
General Fund	Plaintiff	Trustee



### Reporting Fees

✓ Amount of fee

**\$** If payment greater than **\$1,000** report, also include

 number of hours billed &

 billed expenses

if the info is available to the court

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### Special Situations



Contracts for a set fee regardless of number of cases



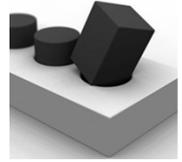
Office of child or parent representation



Managed assigned counsel program



Mediators



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### Attorneys Ad Litem and Guardians Ad Litem Under Contract for Set Fee

Contracts with law firms or specific individual to provide legal services for a set monthly/annual fee regardless of the number of cases



#### Report the Appointment

**Law firm:**

- ✓ Name of law firm as the Appointee or
- ✓ Name of specific attorney serving as counsel of record on case

**Individual attorney:**

Name of attorney



Fees do not need to be reported

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### Attorneys from Office of Child or Parent Representation

Established under Section 107.066, Family Code



#### Report the Appointment

List Appointee as:

- ✓ Office of Child or Parent Representation  
(or use whatever name it is called in your county)



Fees do not need to be reported

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### Attorneys on List Maintained by Managed Assigned Counsel Program

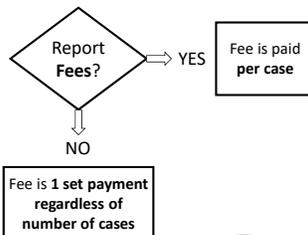
Established under 107.103, Family Code for representation of children and parents



#### Report the Appointment

List Appointee as:

- ✓ Managed Assigned Counsel Program  
(or use whatever name it is called in your county)



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### Mediators

#### Do Not Report the Appointment When

- x Local rules mandate mediation and county/court does not maintain list of mediators
- x Parties agree on and select mediator



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## Mediators

### Report the Appointment When

Parties have **no say** in selection of mediator

> judge or another party (e.g., district attorney's office) **selects** and appoints mediator

### Report any Fees

regardless of the source



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## Collecting Required Information



Judges/clerks need to locally determine specifics about how information to be obtained



Recommend:

✓ Each appointment be made by written order to document appointment

✓ Each approval of payment to be made by separate order

Examples of forms can be found on website



<http://www.txcourts.gov/reporting-to-oca/appointments-and-fees/district-county/>

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## Penalty



Any court failing to provide clerk information required for the report is **ineligible for grant money** awarded by the state or a state agency for the next fiscal biennium

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## Texas Indigent Defense Grant Rules



District Clerk & County Clerk must submit **all reports for fiscal year** for county to be eligible for grant funds



If reports not complete, must submit **Reporting Action Plan** acceptable to OCA



Grant funds from Texas Indigent Defense Commission will be **withheld for non-compliance**

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## [www.txcourts.gov/statistics/appointments-fees/](http://www.txcourts.gov/statistics/appointments-fees/)

### APPOINTMENTS & FEES

Chapter 36 of the Government Code requires the clerk of each court in the state to prepare a report every month on court appointments made and any fees approved/paid for an attorney ad litem, competency evaluator, guardian, guardian ad litem, or mediator, with a few exceptions.

#### FY 2018 (as of June 29, 2018)

- FY2018 Appointments Summary
- FY2018 Fees Summary

#### Reports by Court, FY 2018

Court Type	Detail Reports	Missing Reports
<b>District</b>	FY2018 Appointments Data by District Court FY2018 Fee Approval Data by District Court <ul style="list-style-type: none"><li>• September 2017 - November 2017 </li><li>• December 2017 - February 2018 </li><li>• March 2018 - May 2018 </li></ul>	FY2018 Missing Appt & Fees Reports - District
<b>County</b>	FY2018 Appointments Data by County Court FY2018 Fee Approval Data by County Court	FY2018 Missing Appt & Fees Reports - County

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## Judicial Bypass Cases

Section 33.003(l-1), Family Code



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**Clerk Must**



Report

- ✓ Case number & style
- ✓ Applicant's county of residence
- ✓ Date of filing
- ✓ Date of disposition
- ✓ Disposition of case

*Deemed Denied  
Denied  
Dismissed  
Granted  
Withdrawn/non-suited*



Submit report not later than **20<sup>th</sup>** day following end of the month in which the judgment was entered

*Judicial bypass case: application for order that allows minor to get an abortion without notification or consent of her parents*

[www.txcourts.gov/statistics/judicial-bypass-cases/](http://www.txcourts.gov/statistics/judicial-bypass-cases/)

**Judicial Bypass Cases Disposed of by Trial Courts**  
January 1 to December 31, 2017

Court of Appeals District	Disposition					Total
	Denied	Deemed Denied	Dismissed	Granted	Withdrawn/Non-Suited	
1 & 14	0	2	0	67	6	75
2	3	0	0	16	1	20
3	0	0	0	20	1	21
4	0	4	0	28	0	32
5	1	0	0	28	0	29
6	0	0	0	1	0	1
7	0	0	0	0	0	0
8	0	0	2	3	0	5
9	0	0	0	2	0	2
10	0	0	0	2	0	2
11	0	0	0	0	0	0
12	0	0	0	0	0	0
13	0	0	0	10	0	10
<b>Total</b>	<b>4</b>	<b>6</b>	<b>2</b>	<b>177</b>	<b>8</b>	<b>197</b>

**Jury Charges and Sentences in Capital Murder Cases**

Section 72.087(c), Government Code



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**Judge or Clerk Must**

Submit to OCA written record of

- ✓ any case involving the trial of a capital offense before a jury
- ✓ or any case in which defendant is found guilty of a capital offense by a judge and is sentenced by a jury

Within **30 days** after date the judgment of conviction or acquittal is entered in the case



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**Report Submission**

Send:

- ✓ Copy of jury charge for trial phase (if relevant)
- ✓ Copy of judgment
- ✓ Copy of jury charge for sentencing phase (if relevant)



Email to [Judinfo@txcourts.gov](mailto:Judinfo@txcourts.gov)



Office of Court Administration  
Judicial Information Section  
P O Box 12066  
Austin, TX  
78711-2066



Fax to (512) 463-1865

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[www.txcourts.gov/statistics/jury-charges-sentences-in-capital-cases/](http://www.txcourts.gov/statistics/jury-charges-sentences-in-capital-cases/)

Cases Reported Since September 1, 2007

County	Court	Cause #	Style	Date of Judgment	Jury Charge	Judgment	Jury Charge Sentencing	Sentence
Johnson	249th District Court	F40150	State v. David Michael Odoens	02/22/2007	PDF <input type="checkbox"/>	Conviction <input type="checkbox"/>	n/a	Life
Comanche	220th District Court	CCR-06-02842	State v. Rodger Alias Davis	07/31/2007	PDF <input type="checkbox"/>	Conviction <input type="checkbox"/>	n/a	Life w/o parole
Bexar	330th District Court	2005-CR-7171B	State v. Jacob Montez	08/28/2007	PDF <input type="checkbox"/>	Conviction <input type="checkbox"/>	n/a	Life w/o parole
Potter	47th District Court	50,138-A	State v. Ronnie Duane Mason	08/29/2007	PDF <input type="checkbox"/>	Conviction <input type="checkbox"/>	n/a	Life w/o parole

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## Vexatious Litigants List

### Ch. 11, Civil Practice & Remedies Code



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## Vexatious Litigant

Sec. 11.054. CRITERIA FOR FINDING PLAINTIFF A VEXATIOUS LITIGANT. A court may find a plaintiff a vexatious litigant if the defendant shows that there is not a reasonable probability that the plaintiff will prevail in the litigation and that:

(1) the plaintiff, in the 7-year period immediately preceding the date the defendant makes the motion under Section 11.051, has commenced, prosecuted, or maintained at least 5 litigations as a pro se litigant other than in a small claims court that have been:

(A) finally determined adversely to the plaintiff;

(B) permitted to remain pending at least two years without having been brought to trial or hearing; or

(C) determined by a trial or appellate court to be frivolous or groundless under state or federal laws or rules of procedure;

(2) after a litigation has been finally determined against the plaintiff, the plaintiff repeatedly relitigates or attempts to relitigate, pro se; or

(3) the plaintiff has previously been declared to be a vexatious litigant by a state or federal court in an action or proceeding based on the same or substantially similar facts, transaction, or occurrence.

## Vexatious Litigant – Prefiling Order

Sec. 11.101. PREFILING ORDER; CONTEMPT. (a) A court may, on its own motion or the motion of any party, enter an order prohibiting a person from filing, pro se, a new litigation in a court to which the order applies under this section without permission of the appropriate local administrative judge described by Section 11.102(a) to file the litigation if the court finds, after notice and hearing as provided by Subchapter B, that the person is a vexatious litigant.

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## Prefiling Order



Prefiling order issued by **district court** or **county court at law** under Sec. 11.101 **prohibits** self-represented person from **filing new litigation in any state court** in Texas

Order issued by **constitutional county court** applies only to that court

Some prefiling orders specify conditions (applies only to certain parties or in certain county)

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## Prefiling Order



Litigant **must obtain permission** from local administrative district or county court at law judge

Clerk may not file any litigation presented by person on list unless permission from local administrative judge obtained

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## Clerk Must



Send copy of prefiling order to OCA within **30 days** of date order issued



Email to [JudInfo@txcourts.gov](mailto:JudInfo@txcourts.gov)

OR



Fax to (512) 463-1865



Check for updates to list on regular basis

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## Vexatious Litigants List

[txcourts.gov](http://txcourts.gov)

Home Courts Rules & Forms Organizations Publications & Training Programs & Services Judicial Data eFile Texas

Welcome to the Texas Judicial Branch

**Trial Courts**

LIST OF VEXATIOUS LITIGANTS SUBJECT TO A PREFILING ORDER

Chapter 11 of the Civil Practice and Remedies Code establishes the definition and procedures for declaring a plaintiff vexatious. Section 11.101 of the Civil Practice and Remedies Code requires the clerk of a court to send OCA, within 30 days a copy of any prefiling order issued under Section 11.101, an order precluding a person from filing new litigation in a court in the state if the court finds, after notice and a hearing, that the person is a vexatious litigant. To file further litigation, the person must obtain permission from the appropriate local administrative judge. (Refer to the Judicial Directory for the list of local administrative judges.) The judge may grant permission only if it appears that the proposed litigation has merit and has not been filed for the purposes of harassment or delay. OCA is required to maintain a list of vexatious litigants subject to prefiling orders under Section 11.101 of the Civil Practice and Remedies Code. OCA has no discretion in maintaining the list, nor does it have the authority to remove a name from the list. In order to remove a name from the vexatious litigant list, OCA must receive an order directly from the issuing court regarding the prefiling order or from an appellate court reversing the order.

Use of Vexatious Litigants - Updated 12/22/2015 - Court ID: 122-12

Click on the link under Cause ID to view/print the prefiling order. Click on the appropriate links to sort the table.

Court	Case Number	Case Name						
122-12	122-12	122-12	122-12	122-12	122-12	122-12	122-12	122-12

Thomas V. Miller, Franchisee, Secretary of the Board of Directors and President and CEO, Robert H. Murray, Jr., Plaintiff, versus NOTE: Prefiling order against only to Registrar filed against the Franchisee, Robert H. Murray, Jr., Plaintiff, versus Defendant.

## www.txcourts.gov/judicial-data/vexatious-litigants/

Case Number	Case Name	Case Number	Case Name	Case Number	Case Name	Case Number	Case Name
Hill Kenneth L	TCDC#005040411	4/16/2018	A-0201316	50th	Jefferson	Kenneth L Hill v. T. Allen, et al	
Farach Jose E		4/24/2018	201200339	311th	Harris	In the Interest of Alex I. Farach a Child	
Wade Jr. Alex Melvin		5/15/2018	2017-39002	151st	Harris	Alex Melvin Wade, Jr. v. Bank of America	
Morgan Larry Joe		5/22/2018	P-7967-03-CV	83rd	Pecos	Larry Joe Morgan v. Doctor Talley, and Samuel B. Rice, P&P, in Their Individual and Official Capacity	
Schittler Philip		6/5/2018	2010V-0156	155th	Austin	David C. Schittler, Beneficiary & Plaintiff v. Adrian F. Meyer, Trustee, Beneficiary & Defendant v. Philip Schittler, Beneficiary & Third-Party Defendant	

## Writs of Attachment



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## Writs of Attachment – SB 291



Art. 2.212, Code of Criminal Procedure, effective September 1, 2017



Requires clerks to report **writs of attachment** within 30 days of issuance related to:

- Grand jury investigations
- Criminal trials or
- Other criminal proceedings

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## Writs of Attachment

Must Report:

- **Date attachment was issued**
- Whether attachment was issued in connection with a **grand jury investigation, criminal trial, or other criminal proceeding**
- **Name of the person requesting attachment**
- **Name of the judge issuing attachment and**
- The **statutory authority** under which attachment was issued:
  - Art. 24.011 – Child Witness
  - Art. 24.12 – Resident Witness
  - Art. 24.14 – Resident Witness Moving Out of County
  - Art. 24.15 – Grand Jury Witness Moving Out of County
  - Art. 24.22 – Out of County Witness

OFFICE of COURT ADMINISTRATION



## www.txcourts.gov/statistics/writs-of-attachment/

Writs of Attachment Issued in Connection with Criminal Proceedings  
September 1, 2017 through August 31, 2018

County	Court	Judge	Date Issued	Type of Proceeding	Requester	Authority Under Which Writ Issued
Bee	156TH	PATRICK FLANIGAN	10/7/2017	Grand jury investigation	JOSE LAUSIEDA JR	Art. 24.12 - Resident Witness
Bejar	379th	Ron Buegel	12/3/2017	Criminal trial	ADA Matthew R. Ludwig	Art. 24.12 - Resident Witness
Bejar	148th	Rumwell	02/02/2018	Criminal trial	STATE	Art. 24.12 - Resident Witness
Bejar	0517	JOEY CONTRERAS	04/13/2018	Other criminal proceeding	STATE	Art. 24.12 - Resident Witness
Brazoria	219th Judicial District	Pat Seibert	04/30/2018	Criminal trial	Jan Yarnie	Art. 24.12 - Resident Witness
Brazoria	423th	W. Ed Dennis	04/05/2018	Criminal trial	Jan Yarnie	Art. 24.12 - Out of County Witness
Cameron	469th	Gloria Ricones	12/29/2017	Criminal trial	Carlos Cisneros	Art. 24.12 - Resident Witness
Dallas	COUNTY CRIMINAL COURT #19	JUDGE ROBERTO CANAS JR.	01/22/2018	Other criminal proceeding	KRISTEN BROWN	Art. 24.12 - Resident Witness
Dawson	105TH JUDICIAL DISTRICT	CECIL PURYEAR	04/09/2018	Criminal trial	DISTRICT ATTORNEY, PHIL	Art. 24.12 - Resident Witness
El Paso	OC3	Ricardo Herrera	11/29/2011	Criminal trial	ADA Bryant Cabrera	Art. 24.011 - Child Witness
El Paso	COUNTY COURT AT LAW 2	JULIE GONZALEZ	12/05/2017	Criminal trial	DA	Art. 24.12 - Resident Witness
El Paso	County Court #1 Law 2	JULIE GONZALEZ	12/05/2017	Criminal trial	DA	Art. 24.12 - Resident Witness
El Paso	120TH DISTRICT COURT	MARIA SALAS-MENDOZA	02/20/2018	Criminal trial	THE STATE OF TEXAS	Art. 24.12 - Resident Witness
El Paso	120TH DISTRICT COURT	MARIA SALAS-MENDOZA	02/21/2018	Criminal trial	STATE OF TEXAS	Art. 24.12 - Resident Witness

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## Resources



OFFICE of COURT ADMINISTRATION



## Txcourts.gov

OFFICE of COURT ADMINISTRATION



### Reporting to OCA

Home Judicial Clerk Reporting to OCA

REPORTING TO OCA HOME

- Appointments and Fees
- Change in Municipal Judge or Clerk
- Collection Improvement Program
- Court Officers & Responings
- Court Security Incident Reporting
- eFiling Transaction Fee Certification
- Guardianship Reporting Requirements
- Judicial System Cases
- Judicial Officers That Court Activity Reports
- Judicial Officers & Responings in Capital
- Other Resources
- Vestitive Litigants
- Writs of Attachment

#### REPORTING TO OCA

The following reports must be submitted to the Office of Court Administration by clerks, judges, or other entities or individuals.

##### Collection Improvement Program

- Collection Improvement Program Reporting

##### Court Security Program

- Court Security Incident Reports

##### Electronic Filing Program

- eFiling Transaction Fee Certification

##### Guardianship Certification Program

- Guardianship Reporting Requirements

##### Information Services Help Desk

- Court Officers & Responings

##### Judicial Information Program

- Appointments and Fees
- Change in Municipal Judge or Clerk
- Judicial System Cases
- Judicial Officers That Court Activity Reports
- Jury Charges & Sentences in Capital Cases
- Vestitive Litigants
- Writs of Attachment

##### Other Resources

- District Clerk & County Clerk Reporting Requirements
- Municipal Court Reporting Requirements
- National Instant Background Check System (NICS) Reporting
- Protective Order Reporting

## NICS

### National Instant Criminal Background Check System (NICS)



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## What is NICS?

Computerized system established to instantly determine whether a prospective buyer eligible to buy gun

Contains information on persons prohibited from receiving gun—criminal, **mental health**, protective order, and other records



OFFICE of COURT ADMINISTRATION



## Sections 411.052 & 411.0521, Government Code

County clerks and district clerks must report information on prohibiting mental health adjudications and commitments to **CJIS** (Criminal Justice Information System)

Within **30 days** of order/judgment being issued

## Report

### Commitments

- for temporary or extended **involuntary inpatient** mental health services
- of a person determined to have an **intellectual disability** for long-term placement in a residential care facility

**Adult guardianships** of the person, estate or person and estate, including temporary guardianships

Acquittals in criminal cases for reasons of **insanity** or **lack of mental responsibility**

Cases in which a person is found to be **incompetent to stand trial**



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## Required Information

- ✓ Court ORI
- ✓ Case Number
- ✓ Case Type
- ✓ Court Date  
(Date of order/judgment)
- ✓ First Name
- ✓ Last Name
- ✓ Date of Birth
- ✓ Sex
- ✓ Race  
(You may select "Unknown")

## Optional Information

- ✓ State Identification No.
- ✓ Social Security No.
- ✓ Driver License No.

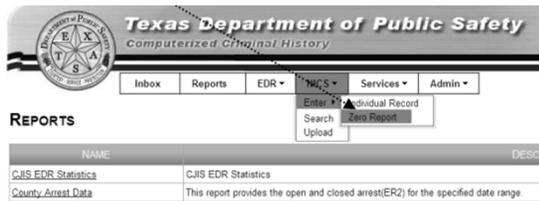


OFFICE of COURT ADMINISTRATION



## No Activity to Report?

Must enter a **zero activity report** into CJIS for that month to be in compliance



OFFICE of COURT ADMINISTRATION



## Removing Records from NICS

**Release from court-ordered mental health services or termination of a guardianship does not mean that a person may be removed from NICS**

Individual must **petition** the court and go through the **relief from disability process** to restore right to purchase firearm

Requirements for relief from disability detailed in

- Section 574.088, Health & Safety Code (mental health)
- Section 1202.201, Estates Code (guardianship)



OFFICE of COURT ADMINISTRATION



## Resources

### Office of Court Administration

 Texas NICS Mental Health Reporting Manual  
<http://www.txcourts.gov/reporting-to-oca/other-reporting-resources/>

### Texas Department of Public Safety

 CJIS NICS User Guide  
[http://www.dps.texas.gov/administration/crime\\_records/docs/cjis/cjisNICSUserGuide.pdf](http://www.dps.texas.gov/administration/crime_records/docs/cjis/cjisNICSUserGuide.pdf)

Contacts for CJIS, FBI Audit, Record Validation

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OFFICE of COURT ADMINISTRATION



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OFFICE of COURT ADMINISTRATION



**District and Statutory County Courts**  
**Felony Case Activity Detail**  
**January 1, 2017 to December 31, 2017**

FELONY CASES								
	Capital Murder	Murder	Other Homicides	Agg. Assault or Attempted Murder	Sexual Assault of Adult	Indecency With or Sexual Assault of Child	Family Violence Assault	Aggravated Robbery or Robbery
<b>Cases on Docket:</b>								
<b>Cases Pending 1/1/2017:</b>								
<i>Active Cases</i>	842	1,722	758	16,723	1,986	7,937	5,691	6,456
<i>Inactive Cases</i>	130	779	289	6,095	857	4,523	1,971	2,107
Docket Adjustments	(23)	(95)	2	(1,196)	(66)	(120)	844	(215)
<b>Cases Added:</b>								
Filed by Indictment or Information	445	872	472	20,866	1,315	5,526	9,684	7,526
Other Cases Reaching Docket:								
<i>Motions to Revoke Filed</i>	7	19	116	6,501	242	985	3,143	2,610
<i>Cases Reactivated</i>	61	182	174	5,968	433	1,599	4,066	2,266
<i>All Other Cases Added</i>	18	36	30	613	48	158	196	418
<b>Total Cases on Docket:</b>	<b>1,373</b>	<b>2,831</b>	<b>1,550</b>	<b>50,671</b>	<b>4,024</b>	<b>16,205</b>	<b>22,780</b>	<b>19,276</b>
<b>Dispositions:</b>								
Convictions:								
<i>Guilty Plea or Nolo Contendere</i>	150	349	235	7,140	359	1,861	4,530	3,746
<i>By the Court</i>	11	34	14	362	29	136	148	160
<i>By the Jury</i>	67	150	33	267	51	337	57	137
Total Convictions	228	533	282	7,769	439	2,334	4,735	4,043
Placed on Deferred Adjudication	5	11	103	6,497	249	1,085	2,769	1,907
Acquittals:								
<i>By the Court</i>	3	7	1	73	5	20	5	3
<i>By the Jury</i>	5	19	2	127	23	92	29	16
Total Acquittals	8	26	3	200	28	112	34	19
Dismissals	84	181	120	5,360	492	1,601	2,268	1,403
Motions to Revoke:								
<i>Granted/Revoked</i>	3	4	34	2,520	95	437	1,436	1,020
<i>Denied/Continued</i>	2	12	63	3,231	116	455	1,278	1,389
All Other Dispositions	15	19	14	905	27	123	181	333
<b>Total Cases Disposed</b>	<b>345</b>	<b>786</b>	<b>619</b>	<b>26,482</b>	<b>1,446</b>	<b>6,147</b>	<b>12,701</b>	<b>10,114</b>
<b>Placed on Inactive Status</b>	<b>75</b>	<b>231</b>	<b>194</b>	<b>7,341</b>	<b>511</b>	<b>1,965</b>	<b>4,405</b>	<b>2,735</b>
<b>Cases Pending 12/31/2017:</b>								
<i>Active Cases</i>	922	1,724	742	16,224	1,979	7,961	6,299	6,312
<i>Inactive Cases</i>	146	812	300	6,743	919	4,803	2,492	2,453
Cases in Which								
<i>Death Penalty Sought</i>	1	---	---	---	---	---	---	---
<i>Death Penalty Not Sought</i>	114	---	---	---	---	---	---	---
<b>Sentencing Information:</b>								
Prison	203	500	163	3,576	317	2,024	1,632	3,027
State Jail	7	13	21	352	15	83	102	284
Local Jail	0	2	17	2,595	37	59	2,058	454
Probation/Community Supervision	2	10	68	1,106	53	105	835	224
Shock Probation	0	1	0	15	0	2	4	34
Fine Only	0	0	0	12	0	2	14	4
Other	3	5	7	110	14	47	48	44

**District and Statutory County Courts**  
**Felony Case Activity Detail**  
**January 1, 2017 to December 31, 2017**

FELONY CASES								
	Burglary	Theft	Auto Theft	Drug Sale or Manufacture	Drug Possession	Felony DWI	Other Felony	Total Cases
<b>Cases on Docket:</b>								
<b>Cases Pending 1/1/2017:</b>								
<i>Active Cases</i>	10,143	15,971	3,404	12,255	34,576	9,938	39,654	168,056
<i>Inactive Cases</i>	4,729	10,428	1,665	4,137	15,711	4,292	17,975	75,688
Docket Adjustments	(171)	7	(86)	(74)	(244)	(33)	(49)	(1,519)
<b>Cases Added:</b>								
Filed by Indictment or Information	11,964	20,542	5,759	12,582	57,111	9,800	47,814	212,278
Other Cases Reaching Docket:								
<i>Motions to Revoke Filed</i>	5,850	6,570	1,512	3,997	18,153	3,605	12,390	65,700
<i>Cases Reactivated</i>	5,658	8,817	2,190	4,277	19,772	3,534	17,487	76,484
<i>All Other Cases Added</i>	368	482	92	434	1,187	588	1,275	5,943
<b>Total Cases on Docket:</b>	33,983	52,382	12,957	33,545	130,799	27,465	118,620	528,461
<b>Dispositions:</b>								
Convictions:								
<i>Guilty Plea or Nolo Contendere</i>	6,266	11,874	3,055	6,200	24,485	8,464	21,240	99,954
<i>By the Court</i>	346	465	98	266	1,090	507	1,142	4,808
<i>By the Jury</i>	68	60	11	95	134	59	352	1,878
Total Convictions	6,680	12,399	3,164	6,561	25,709	9,030	22,734	106,640
Placed on Deferred Adjudication	3,247	4,766	1,104	3,305	16,888	115	10,927	52,978
Acquittals:								
<i>By the Court</i>	12	13	1	5	28	1	64	241
<i>By the Jury</i>	15	15	4	13	34	7	84	485
Total Acquittals	27	28	5	18	62	8	148	726
Dismissals	2,350	4,174	1,340	2,785	12,041	855	12,819	47,873
Motions to Revoke:								
<i>Granted/Revoked</i>	2,824	3,402	759	1,542	8,557	1,595	5,632	29,860
<i>Denied/Continued</i>	2,531	2,516	508	2,036	6,974	1,651	5,017	27,779
All Other Dispositions	510	659	138	438	1,470	528	1,757	7,117
<b>Total Cases Disposed</b>	18,169	27,944	7,018	16,685	71,701	13,782	59,034	272,973
<b>Placed on Inactive Status</b>	6,065	9,614	2,502	5,017	22,978	3,860	19,735	87,228
<b>Cases Pending 12/31/2017:</b>								
<i>Active Cases</i>	9,619	14,957	3,358	11,782	36,141	9,765	39,929	167,714
<i>Inactive Cases</i>	4,930	10,945	1,920	4,720	17,959	4,495	19,490	83,127
Cases in Which								
<i>Death Penalty Sought</i>	---	---	---	---	---	---	---	---
<i>Death Penalty Not Sought</i>	---	---	---	---	---	---	---	---
<b>Sentencing Information:</b>								
Prison	2,824	1,525	368	4,068	5,318	2,825	9,868	38,238
State Jail	1,697	5,366	1,589	786	7,016	482	3,861	21,674
Local Jail	1,108	3,998	948	744	8,759	611	4,880	26,270
Probation/Community Supervision	919	1,316	249	786	4,167	4,674	3,462	17,976
Shock Probation	27	12	1	29	21	16	20	182
Fine Only	2	11	4	5	91	3	70	218
Other	74	174	15	90	323	354	376	1,684

**District and Statutory County Courts  
 Felony Case Activity Detail  
 January 1, 2017 to December 31, 2017**

Age of Cases Disposed:	90 Days or Less	91 to 180 Days	181 to 365 Days	Over 365 Days	Total Cases	Additional Court Activity:	Felony
Number of Cases	117,884	56,977	51,894	50,326	277,081	Cases in Which Jury Selected	2,476
						Cases in Which Mistrial Declared	143
						Motions to Suppress Granted or Denied	1,756
						Mental Illness or Intellectual Disability Assessments	1,222
						Competency Examination Reports	3,956
						Cases Set for Review	39,046
						Cases in Which Attorney Appointed as Counsel	149,142
						Cases with Retained Counsel	74,560
						Cases Filed for Trafficking of Persons	60
						Cases Filed for Prostitution	3,212
						Cases Filed for Compelling Prostitution	80



Required by Sec. 71.0353, Government Code

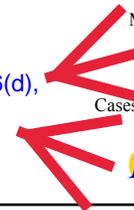
# County-Level Courts

## Misdemeanor Case Activity Detail

### January 1, 2017 to December 31, 2017

MISDEMEANOR CASES												
	DWI - First Offense	DWI - Second Offense	Theft	Theft by Check	Drug Possession- Marijuana	Drug Offenses- Other	Family Violence Assault	Assault - Other	Traffic	DWLS/ DWLI	All Other Misdemeanor Cases	Total Cases
<b>Cases on Docket:</b>												
<b>Cases Pending 1/1/2017:</b>												
Active Cases	62,173	9,296	30,546	26,360	40,285	15,736	22,547	14,993	16,659	15,887	76,604	331,086
Inactive Cases	30,180	4,169	39,658	28,480	16,028	4,837	11,839	7,714	9,524	8,327	45,307	206,063
Docket Adjustments	(1,525)	(85)	(1,544)	(741)	403	(741)	335	(1,771)	1,536	(130)	(851)	(5,114)
<b>Cases Added:</b>												
New Cases Filed	58,847	12,790	31,197	4,771	66,467	21,235	34,381	12,326	9,131	24,743	123,205	399,093
Appealed from Lower Courts	46	14	40	12	24	192	22	59	19,901	208	4,065	24,583
<b>Other Cases Reaching Docket:</b>												
Motions to Revoke Filed	7,987	2,058	4,701	738	6,245	2,193	3,134	1,322	774	1,141	8,742	39,035
Cases Reactivated	11,702	2,822	15,785	5,560	14,206	5,021	9,613	3,803	2,507	7,070	28,487	106,576
All Other Cases Added	266	114	376	12	292	141	357	233	110	83	630	2,614
<b>Total Cases on Docket</b>	<b>141,021</b>	<b>27,094</b>	<b>82,645</b>	<b>37,453</b>	<b>127,519</b>	<b>44,518</b>	<b>70,054</b>	<b>32,736</b>	<b>49,082</b>	<b>49,132</b>	<b>241,733</b>	<b>902,987</b>
<b>Dispositions:</b>												
<b>Convictions:</b>												
Guilty Plea/Nolo Contendere	39,518	10,238	15,041	2,165	25,662	8,617	10,948	4,763	7,246	10,851	59,107	194,156
By the Court	684	177	278	147	619	258	215	122	180	119	1,105	3,904
By the Jury	506	97	45	3	53	17	153	68	15	13	212	1,182
<b>Total Convictions</b>	<b>40,708</b>	<b>10,512</b>	<b>15,364</b>	<b>2,315</b>	<b>26,334</b>	<b>8,892</b>	<b>11,316</b>	<b>4,953</b>	<b>7,441</b>	<b>10,983</b>	<b>60,424</b>	<b>199,242</b>
Deferred Adjudication	3,119	323	6,821	849	13,897	3,424	5,952	2,027	8,542	2,422	16,881	64,257
<b>Acquittals:</b>												
By the Court	119	18	10	3	12	4	33	26	6	3	43	277
By the Jury	231	47	29	3	28	12	176	72	10	5	124	737
<b>Total Acquittals</b>	<b>350</b>	<b>65</b>	<b>39</b>	<b>6</b>	<b>40</b>	<b>16</b>	<b>209</b>	<b>98</b>	<b>16</b>	<b>8</b>	<b>167</b>	<b>1,014</b>
Dismissals	12,231	1,443	12,060	7,514	23,012	8,450	16,316	5,703	12,155	10,291	46,290	155,465
<b>Motions to Revoke:</b>												
Granted/Revoked	4,111	1,016	3,269	539	3,686	1,266	1,899	761	454	636	5,053	22,690
Denied/Continued	3,437	844	1,572	288	1,552	527	902	501	274	372	2,741	13,010
All Other Dispositions	803	131	717	152	2,475	1,143	443	318	1,357	1,051	4,196	12,786
<b>Total Cases Disposed</b>	<b>64,759</b>	<b>14,334</b>	<b>39,842</b>	<b>11,663</b>	<b>70,996</b>	<b>23,718</b>	<b>37,037</b>	<b>14,361</b>	<b>30,239</b>	<b>25,763</b>	<b>135,752</b>	<b>468,464</b>
<b>Placed on Inactive Status</b>	<b>13,838</b>	<b>3,207</b>	<b>15,549</b>	<b>3,115</b>	<b>16,045</b>	<b>5,993</b>	<b>10,559</b>	<b>4,163</b>	<b>2,728</b>	<b>7,756</b>	<b>33,081</b>	<b>116,034</b>
<b>Cases Pending 12/31/2017:</b>												
Active Cases	61,803	9,510	26,714	21,822	41,641	14,437	22,815	12,530	17,604	15,516	74,172	318,564
Inactive Cases	31,918	4,540	38,407	26,126	17,075	5,412	12,743	7,966	9,683	9,008	47,500	210,378
<b>Sentencing Information:</b>												
Local Jail	17,878	4,906	12,428	1,563	18,881	7,006	8,624	3,625	2,278	8,412	50,855	136,456
Probation/Comm. Supervision	21,316	5,304	1,758	419	2,873	1,169	1,777	791	784	794	5,193	42,178
Fine Only	722	121	886	227	3,720	453	702	325	4,129	1,342	2,656	15,283
Other	378	81	252	122	582	128	170	130	227	288	776	3,134
<b>Age of Cases Disposed:</b>												
	30 Days or Less	31 to 60 Days	61 to 90 Days	Over 90 Days	<b>Total Cases</b>	<b>Additional Court Activity:</b>						<b>Misdemeanor</b>
Number of Cases	110,307	49,545	45,278	263,334	468,464	Cases in Which Jury Selected						1,568
						Cases in Which Mistrial Declared						98
						Motions to Suppress Granted or Denied						1,174
						Competency Examination Reports						2,052
						Cases Set for Review						32,867
						Cases in Which Attorney Appted as Counsel						177,665
						Cases with Retained Counsel						152,550
						Mental Illness or Intellectual Disability Assessments						3,425

Required by Arts. 16.22(e) and 46B.026(d),  
Code of Criminal Procedure



**District and Statutory County Courts  
Civil and Family Case Activity Detail  
January 1, 2017 to December 31, 2017**

CIVIL CASES								
	Injury or Damage						Real Property	
	Motor Vehicle	Medical Malpractice	Other Professional Malpractice	Product Liability - Asbestos/Silica	Other Product Liability	Other Injury or Damage	Eminent Domain	Other Real Property
Cases on Docket:								
<b>Cases Pending 1/1/2017:</b>								
<i>Active Cases</i>	60,218	1,817	470	2,287	839	19,556	4,324	13,866
<i>Inactive Cases</i>	2,323	55	31	272	49	1,150	11	433
Docket Adjustments	(4)	20	(9)	8	(17)	(83)	(133)	(30)
<b>Cases Added:</b>								
New Cases Filed	47,022	1,068	231	102	255	10,404	1,224	11,854
Other Cases Reaching Docket:								
<i>Cases Appealed from Lower Courts</i>	11	0	0	0	0	55	0	166
<i>Cases Reactivated</i>	4,710	125	26	36	62	1,104	23	1,639
<i>All Other Cases Added</i>	1,124	34	12	17	9	350	15	283
<b>Total Cases On Docket</b>	<b>810,844</b>	<b>23,612</b>	<b>5,876</b>	<b>24,836</b>	<b>9,584</b>	<b>248,246</b>	<b>53,154</b>	<b>175,129</b>
<b>Dispositions:</b>								
Change of Venue Transfers	344	15	7	7	5	195	1	87
Default Judgments	1,714	3	6	1	7	293	6	700
Agreed Judgments	4,406	129	29	20	38	1,287	251	4,508
Summary Judgments	396	24	15	0	9	439	7	242
Final Judgments:								
<i>After Non-Jury Trial</i>	1,646	41	14	1	14	554	223	599
<i>By Jury Verdict</i>	694	22	1	2	5	119	13	27
<i>By Directed Verdict</i>	19	1	0	0	1	5	0	3
<i>Dismissed for Want of Prosecution</i>	5,419	95	38	189	41	1,288	42	976
<i>Non-Suited or Dismissed by Plaintiff</i>	21,493	535	93	552	185	4,872	432	2,130
All Other Dispositions	3,756	61	23	42	35	1,250	214	967
<b>Total Cases Disposed</b>	<b>39,887</b>	<b>926</b>	<b>226</b>	<b>814</b>	<b>340</b>	<b>10,302</b>	<b>1,189</b>	<b>10,239</b>
<b>Placed on Inactive Status</b>	<b>5,215</b>	<b>151</b>	<b>32</b>	<b>17</b>	<b>60</b>	<b>1,197</b>	<b>27</b>	<b>1,739</b>
<b>Cases Pending 12/31/2017:</b>								
<i>Active Cases</i>	67,880	1,964	470	1,623	751	19,805	4,248	15,778
<i>Inactive Cases</i>	2,514	71	33	248	42	1,142	14	472



**Constitutional County Courts  
Activity Detail from January 1, 2017 to December 31, 2017**

**83.3 Percent Reporting Rate  
2,538 Reports Received Out of a Possible 3,048**

CIVIL CASES									
	Injury or Damage			Contract			Civil Cases Relating to Criminal Matters	All Other Civil Cases	Total Cases
	Motor Vehicle	Other Injury or Damage	Real Property	Consumer/ Commercial/ Debt	Landlord/ Tenant	Other Contract			
<b>Cases on Docket:</b>									
<b>Cases Pending 1/1/2017:</b>									
<i>Active Cases</i>	313	115	22	2,388	87	213	8,670	7,748	19,556
<i>Inactive Cases</i>	30	5	0	157	3	6	299	378	878
Docket Adjustments	(67)	(2)	(2)	(258)	(6)	(21)	(152)	(113)	(621)
<b>Cases Added:</b>									
New Cases Filed	58	8	5	885	33	57	2,894	1,499	5,439
Appealed from Lower Courts	1	0	0	8	18	4	6	45	82
Other Cases Reaching Docket:									
<i>Cases Reactivated</i>	1	0	0	17	0	1	29	1	49
<i>All Other Cases Added</i>	0	0	0	17	1	0	77	38	133
<b>Total Cases on Docket</b>	<b>306</b>	<b>121</b>	<b>25</b>	<b>3,057</b>	<b>133</b>	<b>254</b>	<b>11,524</b>	<b>9,218</b>	<b>24,638</b>
<b>Dispositions:</b>									
Change of Venue Transfers	0	0	0	2	0	0	2	5	9
Default Judgments	2	2	0	191	5	10	97	97	404
Agreed Judgments	1	0	0	63	3	7	666	182	922
Summary Judgments	1	0	0	20	1	1	8	7	38
Final Judgments:									
<i>After Non-Jury Trial</i>	1	1	1	15	12	6	142	91	269
<i>By Jury Verdict</i>	0	1	0	0	1	0	0	0	2
<i>By Directed Verdict</i>	0	0	0	0	0	0	0	3	3
<i>Dismissed for Want of Prosec.</i>	2	3	1	45	3	1	476	73	604
<i>Non-Suited/Dism. by Plaintiff</i>	14	4	0	159	2	11	377	184	751
All Other Dispositions	5	5	2	43	9	3	654	643	1,364
<b>Total Cases Disposed</b>	<b>26</b>	<b>16</b>	<b>4</b>	<b>538</b>	<b>36</b>	<b>39</b>	<b>2,422</b>	<b>1,285</b>	<b>4,366</b>
<b>Placed on Inactive Status</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>22</b>	<b>3</b>	<b>0</b>	<b>95</b>	<b>35</b>	<b>157</b>
<b>Cases Pending 12/31/2017:</b>									
<i>Active Cases</i>	277	105	21	2,472	96	214	8,971	7,853	20,009
<i>Inactive Cases</i>	28	5	0	164	4	5	337	385	928
<b>Age of Cases Disposed:</b>	<b>3 Months or Less</b>	<b>Over 3 to 6 Months</b>	<b>Over 6 to 12 Months</b>	<b>Over 12 to 18 Months</b>	<b>Over 18 Months</b>	<b>Total Cases</b>	<b>Additional Court Activity:</b>		
Number of Cases	1,905	492	680	281	1,008	4,366		<b>Total</b>	
							Cases in Which Jury Selected		1
							Cases in Which Mistrial Declared		0
							Injunction or Show Cause Order Issued		3
							Protective Orders Signed		161
							Cases in Which Plaintiff/Petitioner Represented Self		1,150

**District and Statutory County Courts  
Civil and Family Case Activity Detail  
January 1, 2017 to December 31, 2017**

FAMILY CASES										
	Divorce		Parent-Child - No Divorce	Child Protective Services	Termination of Parental Rights	Adoption	Protective Orders - No Divorce	Title IV-D		
	Children	No Children						Paternity	Support Order	UIFSA
Cases on Docket:										
<b>Cases Pending 1/1/2017:</b>										
<i>Active Cases</i>	55,275	56,000	36,008	21,313	2,091	6,096	5,898	25,957	25,941	3,424
<i>Inactive Cases</i>	515	305	229	95	27	30	36	130	92	33
Docket Adjustments	(699)	(52)	(2,732)	(2,362)	(265)	(509)	(206)	1,257	1,663	151
<b>Cases Added:</b>										
New Cases Filed	56,947	66,018	22,010	14,015	2,064	8,726	9,029	35,371	41,638	4,162
Other Cases Reaching Docket:										
<i>Cases Reactivated</i>	2,338	2,072	518	288	22	141	122	84	103	14
<i>All Other Cases Added</i>	2,298	1,032	1,668	526	61	109	340	970	1,521	141
<b>Total Cases on Docket:</b>	116,858	125,122	60,204	36,142	4,238	15,072	15,389	62,382	69,203	7,741
<b>Dispositions:</b>										
Change of Venue Transfers	196	79	151	161	16	52	10	60	102	13
Default Judgments	3,514	5,819	2,115	214	100	107	678	3,216	2,851	298
Agreed Judgments	23,375	25,685	6,233	788	202	1,241	966	9,130	13,821	805
Summary Judgments	16	6	50	0	1	2	2	7	8	4
Final Judgments:										
<i>After Non-Jury Trial</i>	17,217	21,599	5,375	5,006	1,158	5,183	1,864	7,435	7,245	1,070
<i>By Jury Verdict</i>	20	29	17	28	3	8	4	10	26	2
<i>By Directed Verdict</i>	80	107	20	7	10	22	0	4	6	0
<i>Dismissed for Want of Prosecution</i>	7,990	6,762	3,843	247	153	367	1,213	4,962	4,637	327
<i>Non-Suited or Dismissed by Plaintiff</i>	3,743	2,811	4,530	3,765	114	165	1,826	9,457	8,865	992
All Other Dispositions	2,397	2,183	1,495	1,919	184	1,347	2,046	3,273	5,135	831
<b>Total Cases Disposed</b>	58,548	65,080	23,829	12,135	1,941	8,494	8,609	37,554	42,696	4,342
<b>Cases Placed on Inactive Status</b>	2,346	2,113	533	343	25	152	132	178	150	27
<b>Cases Pending 12/31/2017:</b>										
<i>Active Cases</i>	54,903	57,620	32,859	21,165	2,002	5,874	6,419	25,519	27,872	3,318
<i>Inactive Cases</i>	502	317	213	93	22	27	37	170	156	39

# District and Statutory County Courts Civil and Family Case Activity Detail January 1, 2017 to December 31, 2017

FAMILY CASES								
	All Other Family Law Cases	Post-Judgment Actions				Total Cases		
		Modification - Custody	Modification - Other	Enforcement	Title IV-D			
Cases on Docket:								
<b>Cases Pending 1/1/2017:</b>								
<i>Active Cases</i>	24,093	18,782	27,610	16,470	56,688	381,646		
<i>Inactive Cases</i>	189	143	301	344	2,605	5,074		
Docket Adjustments	(972)	324	(149)	(1,474)	(402)	(6,427)		
<b>Cases Added:</b>								
New Cases Filed	17,332	9,276	17,554	8,601	59,929	372,672		
Other Cases Reaching Docket:								
<i>Cases Reactivated</i>	442	145	812	261	2,331	9,693		
<i>All Other Cases Added</i>	1,550	2,110	2,199	1,362	7,630	23,517		
<b>Total Cases on Docket:</b>	43,417	30,313	48,175	26,694	126,578	787,528		
<b>Dispositions:</b>								
Change of Venue Transfers	136	539	893	214	1,506	4,128		
Default Judgments	286	611	980	178	2,625	23,592		
Agreed Judgments	3,025	3,224	7,094	2,467	28,684	126,740		
Summary Judgments	55	5	9	6	131	302		
Final Judgments:								
<i>After Non-Jury Trial</i>	8,455	2,912	3,189	2,123	14,697	104,528		
<i>By Jury Verdict</i>	20	19	17	7	34	244		
<i>By Directed Verdict</i>	32	11	40	5	12	356		
<i>Dismissed for Want of Prosecution</i>	1,801	1,412	2,407	1,349	3,341	40,811		
<i>Non-Suited or Dismissed by Plaintiff</i>	986	674	1,419	1,463	9,077	49,887		
All Other Dispositions	3,916	691	1,637	1,262	5,342	33,658		
<b>Total Cases Disposed</b>	18,712	10,098	17,685	9,074	65,449	384,246		
<b>Cases Placed on Inactive Status</b>	679	167	842	328	3,090	11,105		
<b>Cases Pending 12/31/2017:</b>								
<i>Active Cases</i>	22,735	20,257	29,416	15,745	57,954	383,658		
<i>Inactive Cases</i>	462	159	325	354	2,963	5,839		
<b>Age of Cases Disposed:</b>							<b>Additional Court Activity:</b>	
	3 Months or Less	Over 3 to 6 Months	Over 6 to 12 Months	Over 12 to 18 Months	Over 18 Months	<b>Total Cases</b>	<b>Total</b>	
Number of Cases	138,383	88,374	90,302	30,498	36,689	384,246	Cases in Which Jury Selected	188
							Cases in Which Mistrial Declared	65
							Injunction or Show Cause Order Issued	36,989
							Protective Orders Signed	9,142
							Cases Set for Review	24,561
							Cases in Which Plaintiff/Petitioner Represented Self	82,183

# District and County-Level Courts

## Juvenile Case Activity Detail

### January 1, 2017 to December 31, 2017

JUVENILE CASES											
	Delinquent Conduct										
	CINS	Capital Murder	Murder	Other Homicide	Agg. Assault or Attempted Murder	Assault	Indecency with or Sexual Assault of Child	Agg. Robbery or	Burglary	Theft	Auto Theft
<b>Cases on Docket:</b>											
<b>Cases Pending 1/1/2017:</b>											
<i>Active Cases</i>	963	39	45	6	1,312	2,560	1,340	764	1,524	1,190	490
<i>Inactive Cases</i>	79	1	3	3	209	470	109	142	205	205	65
Docket Adjustments	93	(2)	(2)	(1)	(143)	(201)	(16)	(40)	(73)	(51)	(27)
<b>Cases Added:</b>											
New Petitions Filed	352	11	19	9	1,730	3,598	1,054	919	1,451	1,155	813
Petitions for Transfer to Adult Crim. Court	---	2	5	0	15	7	42	18	5	7	1
Other Cases Reaching Docket:											
<i>Motions to Modify/Enforce/Proceed Filed</i>	37	0	1	0	569	782	232	292	477	337	314
<i>Cases Reactivated</i>	30	6	3	1	301	429	180	238	202	139	141
<i>All Other Cases Added</i>	31	0	0	1	25	33	36	12	34	17	21
<b>Total Cases on Docket</b>	<b>1,413</b>	<b>58</b>	<b>73</b>	<b>17</b>	<b>3,952</b>	<b>7,409</b>	<b>2,884</b>	<b>2,243</b>	<b>3,693</b>	<b>2,845</b>	<b>1,780</b>
<b>Adjudications:</b>											
Findings of Delinquent Conduct or CINS:											
<i>Plea of True</i>	101	1	2	6	888	1,087	582	602	800	532	489
<i>By the Court</i>	48	0	1	1	102	172	68	58	104	27	42
<i>By the Jury</i>	0	0	0	0	2	2	3	1	0	0	0
Total Findings of DC/CINS	149	1	3	7	992	1,261	653	661	904	559	531
Deferred Prosecution	22	0	0	0	293	1,029	111	40	140	126	50
Transferred to Adult Criminal Court	---	15	11	0	11	2	40	37	3	3	2
Findings of No DC or No CINS:											
<i>By the Court</i>	16	0	0	0	1	2	8	3	2	0	0
<i>By the Jury</i>	0	0	0	0	0	2	3	1	1	0	1
Total Findings of No DC/No CINS	16	0	0	0	1	4	11	4	3	0	1
Dismissals	106	1	2	0	305	785	205	93	257	205	98
Motions to Modify Disposition:											
<i>Denied</i>	2	0	1	0	39	98	22	57	42	42	35
<i>Granted</i>	21	0	1	1	361	290	145	208	370	202	196
All Other Adjudications/Findings	23	1	2	1	192	605	149	124	92	142	88
<b>Total Cases Adjudicated</b>	<b>339</b>	<b>18</b>	<b>20</b>	<b>9</b>	<b>2,194</b>	<b>4,074</b>	<b>1,336</b>	<b>1,224</b>	<b>1,811</b>	<b>1,279</b>	<b>1,001</b>
<b>Placed on Inactive Status</b>	<b>40</b>	<b>9</b>	<b>5</b>	<b>0</b>	<b>287</b>	<b>386</b>	<b>184</b>	<b>186</b>	<b>240</b>	<b>145</b>	<b>126</b>
<b>Cases Pending 12/31/2017:</b>											
<i>Active Cases</i>	1,132	29	46	8	1,367	2,847	1,339	762	1,596	1,412	613
<i>Inactive Cases</i>	82	4	5	1	156	309	119	121	209	167	61
<b>Dispositions:</b>											
<b>Cases with Findings of DC/CINS</b>											
Probation Granted											
<i>Determinate Sentence Probation</i>	---	0	0	1	307	541	199	256	201	183	199
<i>All Other Probation</i>	105	0	0	3	586	792	401	223	684	366	242
Committed to Texas Juvenile Justice Dept.											
<i>Determinate Sentence</i>	---	1	1	3	28	6	22	119	11	11	6
<i>Indeterminate Sentence</i>	---	0	0	0	76	10	24	40	43	19	23
Final Judgment Without Any Disposition	5	0	2	2	73	118	26	67	71	27	56
<b>Cases with Granted Motion to Modify Disp.</b>											
Probation Revoked, Child sent to TJJD	---	0	1	0	29	4	21	30	24	15	10
All Other Dispositions	53	2	0	31	257	237	93	179	301	200	150

**District and County-Level Courts**  
**Juvenile Case Activity Detail**  
**January 1, 2017 to December 31, 2017**

JUVENILE CASES								
	Delinquent Conduct					Total Cases	Total Delinquent Conduct Cases	
	Felony Drug Offenses	Misdemeanor Drug Offenses	DWI	Contempt of Court	All Other Offenses		Felonies	Misdemeanors
<b>Cases on Docket:</b>								
<b>Cases Pending 1/1/2017:</b>								
Active Cases	566	1,738	32	164	13,114	25,847	6,455	7,568
Inactive Cases	69	256	0	29	674	2,519	867	1,029
Docket Adjustments	(1)	(64)	0	(6)	(1,057)	(1,591)	(84)	358
<b>Cases Added:</b>								
New Petitions Filed	575	1,881	34	9	8,054	21,664	8,378	11,338
Petitions for Transfer to Adult Crim. Court	2	3	0	0	30	137	89	15
<b>Other Cases Reaching Docket:</b>								
Motions to Modify/Enforce/Proceed Filed	139	546	3	6	2,859	6,594	2,900	3,169
Cases Reactivated	71	265	3	14	995	3,018	1,471	1,393
All Other Cases Added	10	26	0	0	168	414	167	165
<b>Total Cases on Docket</b>	<b>1,363</b>	<b>4,459</b>	<b>72</b>	<b>193</b>	<b>25,220</b>	<b>57,674</b>	<b>19,460</b>	<b>23,648</b>
<b>Adjudications:</b>								
<b>Findings of Delinquent Conduct or CINS:</b>								
Plea of True	241	664	15	9	3,435	9,454	4,566	4,080
By the Court	27	115	0	0	409	1,174	501	545
By the Jury	0	0	0	0	5	13	4	4
Total Findings of DC/CINS	268	779	15	9	3,849	10,641	5,071	4,629
Deferred Prosecution	157	495	2	0	1,539	4,004	1,187	2,579
Transferred to Adult Criminal Court	23	1	0	0	10	158	147	6
<b>Findings of No DC or No CINS:</b>								
By the Court	0	3	0	0	57	92	16	7
By the Jury	0	0	0	0	10	18	6	6
Total Findings of No DC/No CINS	0	3	0	0	67	110	22	13
Dismissals	90	370	5	0	1,501	4,023	1,228	2,167
<b>Motions to Modify Disposition:</b>								
Denied	14	59	0	3	243	657	327	318
Granted	78	201	2	2	1,363	3,441	1,864	1,354
All Other Adjudications/Findings	70	345	4	2	1,421	3,261	1,083	2,033
<b>Total Cases Adjudicated</b>	<b>700</b>	<b>2,253</b>	<b>28</b>	<b>16</b>	<b>9,993</b>	<b>26,295</b>	<b>10,929</b>	<b>13,099</b>
<b>Placed on Inactive Status</b>	<b>66</b>	<b>219</b>	<b>3</b>	<b>0</b>	<b>916</b>	<b>2,812</b>	<b>1,350</b>	<b>1,224</b>
<b>Cases Pending 12/31/2017:</b>								
Active Cases	602	1,958	41	171	13,215	27,138	6,898	9,422
Inactive Cases	56	168	0	15	598	2,071	924	1,081
<b>Dispositions:</b>								
<b>Cases with Findings of DC/CINS</b>								
<b>Probation Granted</b>								
Determinate Sentence Probation	115	412	18	11	1,659	4,102	1,792	2,336
All Other Probation	171	436	12	2	2,094	6,117	2,881	2,585
<b>Committed to Texas Juvenile Justice Dept.</b>								
Determinate Sentence	1	0	0	0	27	236	197	15
Indeterminate Sentence	3	3	0	0	81	322	267	16
Final Judgment Without Any Disposition	25	68	4	0	288	832	402	411
<b>Cases with Granted Motion to Modify Disp.</b>								
Probation Revoked, Child sent to TJJD	6	0	0	1	26	167	146	11
All Other Dispositions	67	178	2	3	1,335	3,088	1,513	1,216

**District and County-Level Courts**  
**Juvenile Case Activity Detail**  
**January 1, 2017 to December 31, 2017**

JUVENILE CASES									
Age of Cases Adjudicated:					Additional Court Activity:				
	30 Days or Less	31 to 90 Days	91 to 180 Days	Over 180 Days	Total Cases	CINS	DC	Total	
Number of Cases	7,877	8,578	4,967	4,873	26,295				
						Grand Jury Approvals	---	817	817
						Release or Transfer Hearings	---	182	182
						Detention Hearings	1,950	35,412	37,362
						Cases Set for Review	121	8,625	8,746
						Competency Hearings	0	72	72
						Motions to Suppress Granted/Denied	0	50	50
						Applications for Sealing Records	102	1,104	1,206
						Motions for Sex Offender Un- or Deregistration	0	58	58
						Cases in Which Attorney Appointed as Counsel	255	19,504	19,759
						Cases with Retained Counsel	96	4,375	4,471

**County-Level Courts**

**Probate and Mental Health Activity from January 1, 2017 to December 31, 2017**

**100.4 Percent Reporting Rate**

**3,060 Reports Received Out of a Possible 3,048**

PROBATE AND GUARDIANSHIP CASES							
Cases on Docket:	Decedents' Estates			Guardianships		All Other Cases	Total Cases
	Independent Administration	Dependent Administration	All Other Estate Proceedings	Minor	Adult		
New Cases, Applications or Contests Filed	37,646	1,896	16,117	553	4,437	5,768	66,417
Other Cases Added:							
<i>Ancillary Cases</i>	216	76	78	1	73	70	514
<i>All Other Matters</i>	5,737	2,553	1,797	662	12,580	10,280	33,609
Inventories Filed	25,226	1,461	---	170	1,314	---	28,171
Guardianship of Person Reports Filed	---	---	---	1,012	27,343	---	28,355
Annual or Final Accounts Filed	---	1,881	---	1,172	6,724	---	9,777
<b>Additional Information:</b>							
	<b>Guardianships:</b>	<b>Total</b>					<b>Total</b>
	Dismissed or Denied	354			Ch. 1102 Investigations		3,911
	Granted	3,799			Ch. 48 Removals		82
	Closed	2,920			Hearings Held		74,295
	Active	51,185			Cases in Which Plaintiff/Petitioner Represented Self		2,527

MENTAL HEALTH CASES					
Required by Sec. 574.014, Health and Safety Code	Temporary Mental Health Services	Extended Mental Health Services	Modification		Order to Authorize Psychoactive Medications
			Inpatient to Outpatient	Outpatient to Inpatient	
<b>Intake</b>					
New Applications Filed	49,494	334	169	128	New Applications Filed 4,746
Orders for Protective Custody Signed	43,985	---	---	---	Dismissal Prior to Hearing 546
					Hearings Held 3,877
<b>Hearings</b>					Disposition at Hearing
Probable Cause Hearings Held	36,024	---	---	---	<i>Denied</i> 110
Release/Dismissal Prior to Final Hearing	32,616	19	6	17	<i>Granted</i> 3,735
Final Commitment Hearings Held	10,921	196	8	17	
<b>Other Information</b>					
Disposition at Final Hearing					
<i>Denied (Release)</i>	3,679	12	0	1	
<i>Granted (Commit)</i>					
<i>Inpatient</i>	7,459	226	14	---	
<i>Outpatient</i>	286	23	---	11	

# Caseload Highlights

## *Notes from the Field*

By practioners –  
for practitioners.

[www.courtstatistics.org](http://www.courtstatistics.org)

## Data Quality Management for Courts

*By Bob Wessels, Court Manager, Harris County Courts, and  
Harry Leverette, Assistant Court Manager, Information Technology*

Judges, court managers, and line staff are all familiar with the problems associated with using court data for management purposes. The contention that court data are generally not “clean” enough to be relied upon is the common complaint. With little confidence in the data, few are willing to use it as a foundation upon which to base decisions and opportunities for improved case management are therefore lost. The obvious solution is to scrutinize the data to such a degree that the resulting information is beyond reproach, which thereby restores the confidence of both the judiciary and court staff.

The courts of Harris County, Texas, are presently transitioning from traditional paper files to “E-records” as our official case records. This issue of Notes from the Field will describe our evolving methods for data quality management.

Historically, data quality assurance efforts in Harris County consisted of a dedicated team of clerks that reviewed the data entry of other clerks by comparing source documents to records in the court case management system (CMS). This system worked well, but who does what to assure data quality when paper records are no longer available for comparison? Errors and omissions in the data clearly pose risk and liability for individual cases. Moreover, bad data obstructs the processing of records and potentially distorts the metrics used for court management. And as paper records turn into Web-accessible e-records, bad data can end up in the hands of the public.

Inaccurate data is often the result of nothing more than an errant keystroke. However, careful inspection sometimes reveals systemic data problems. These problems can point to shortcomings in clerical procedure and training, a lack of discipline in the CMS software, or a need to make changes in case management plans. Though the responsibility for data accuracy and integrity lies primarily with the elected clerk of the court, the courts themselves (i.e., the judges and their courtroom staff) are equal stakeholders in data quality, and court managers/trial court administrators must also be part of the overall effort to manage data quality. Ideally, data quality

**Total Cases with Suspect Data in 16 Justice Courts, 2003-2008**



## Sample Online Suspect Data Reports

- Open Warrant Filing and Case is Disposed
- Open Warrant Filing and Case is Finalized
- Case Has No Person ID (PID) Number
- Disposed and Judged with Balance Due
- Disposition Date and No Disposition Code

### Description

These cases have payments that were partially disbursed to invalid cost codes.

### Risks

These cases represent inaccurate data sent to the Auditor and the Treasurer and will usually prevent a court from balancing properly for the receipt date in question.

### Possible Causes

These may have been caused by data entry errors.

### Fixes and Solutions

Contact **JCIS Help Desk** for assistance with correcting these cases.

Source: Sample Entry from *A User's Guide for Suspect Data Reports*

- Case Type and Case Number Do Not Match
- Case Has Disbursements to Invalid Cost Codes
- No Offense Code
- Bond Set in Future
- Disposed G/NG/DM and No Judgment Date
- Case Has No Offense Date
- Event Completed in Future
- Plea Date and No Plea Code
- Blank Case Status
- Offense Date in Future

assessment becomes part of a larger Court Business Intelligence system and a continuous focus of attention embedded in dashboards and key performance indicators.

In Harris County, our evolving data quality management plans address two different attributes of the data:

1. *Data Accuracy & Completeness* ~ searching for missing and illogical data
2. *Metadata Characteristics* ~ collecting, managing, and analyzing technical definitions of the type of data contained in the e-record and contextual information for understanding the meaning and usage of that data

Each of these efforts has its own project team. Data quality assessment for accuracy and completeness is a task for clerks and business process analysts. Metadata management is a task for database administrators, data analysts, and business process analysts. Ensuring that both efforts are successful is a task for court management.

## Data Quality Assurance for Accuracy and Completeness

A menu of online Suspect Data Reports was developed for the court CMS. Clerks use these queries to search for cases with data quality issues. Additional queries are added to this menu as new issues surface. These menus are specially adapted for court divisions and case types.

*A User's Guide for Suspect Data Reports* explains each of the target issues and provides analysis of likely causes and recommended solutions. The *User's Guide* also explains the risk represented by each suspect data category.

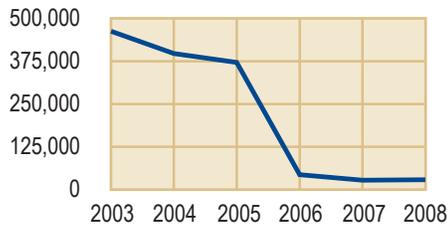
These kinds of queries were previously used to produce Exception Reports that were printed for distribution and subsequent research. As on-demand reports are integrated into the CMS, clerks can immediately drill-down into the suspect cases without having to query the cases individually. Additionally, the list can be sorted on a variety of parameters (e.g., case type, case status, age of case) to selectively address these concerns.

A growing set of specialized software tools is used to assure data quality. Programs search for instances of specific kinds of errors and omissions. The incidence of error and omission is measured, and trend reports are used to assess data quality performance.

## Data Quality Management for the Harris County Justice Courts

The court case management system offers on-demand reporting for thirty-six categories of suspect data. Some case records contain more than one kind of suspect data. The adjacent charts display the reduction of cases with suspect data reported between 2003 and 2008 in four of 16 Justice Courts. The unit of count on these charts is disposed cases containing at least one instance of suspect data.

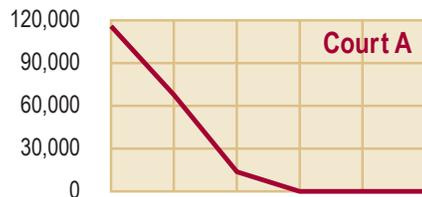
## Total Cases with Suspect Data in 16 Justice Courts, 2003-2008



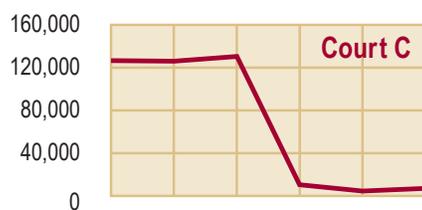
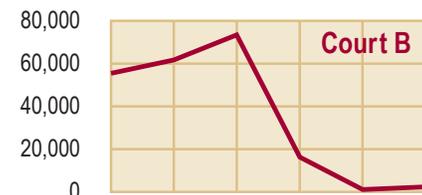
- There were more than 460,000 instances of suspect data when this report was first compiled in 2003.
- It took two years of reporting and analysis to convince the courts of the need to manage data quality.

### Suspect Data in 4 Selected Courts

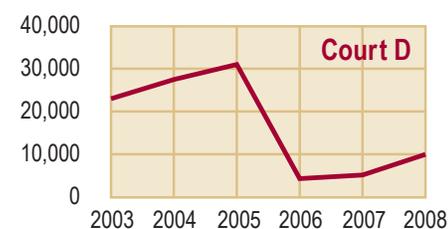
**Court A** immediately recognized the need for data quality management.



**Court B** and **Court C** began data quality management efforts in the second year of the program.



**Court D** corrected most of its case records with suspect data, but still does not monitor and manage data quality consistently.



## Conclusion

Few in the court community would dispute the need for quality data upon which to base court management decisions. The challenge for court managers is how to create and maintain a culture of trust in the data by restoring confidence in its accuracy. Automating the data quality audit process presents an opportunity to meet this challenge. Once judges, staff, and managers put their faith in the information a culture of data-driven decision-making can flourish and quality data can be maintained.

Besides the obvious benefit of improving management decisions, the routine examination of data provides opportunities for training of clerical staff and the identification of weaknesses in the case management system. Data errors are often rooted in how staff are originally trained. In that process, familiar assumptions, both implicit and explicit, are made: “The law requires that we do it this way” or “That’s the way we have always done it” or “That’s the way [Bill, Betty, Judge Doe] likes it done.” Once such assumptions are exposed, staff are freed from the misinformation—no one wants to do their job wrong. A healthy competition can be stimulated among the courts, as it was in our case, to see whose data is most accurate. Identification of data entry errors in this context is not a game of “gotcha” but a basis for providing focused training and reinforcing a common set of business rules for data entry.

A second source of data entry error is design weaknesses in the data entry side of the case management system. Too often, these systems allow illogical data to be entered (e.g., the date of a completed event (e.g., hearing) is in the future), instead of responding to the user with an error message. Systematic data audits can provide IT staff with specific instances that can be corrected in the system, and prevent future error.

As our data show, consistent attention and commitment to data quality is what drives performance. But just because some of our courts are doing an excellent job does not mean that all of them do this automatically. A consistent message from the court leadership team—judges, clerks of court, court administrators, managers, and supervisors—is required to initiate and sustain a high level of data quality.



RESEARCH DIVISION  
800.616.6109

## Court Statistics Project

Since 1975, the Court Statistics Project (CSP) has provided a comprehensive analysis of the work of state courts by gathering caseload data and creating meaningful comparisons for identifying trends, comparing caseloads, and highlighting policy issues. The CSP is supported by the Bureau of Justice Statistics and obtains policy direction from the Conference of State Court Administrators. A complete annual analysis of the work of the state trial and appellate courts will be found in *Examining the Work of State Courts, 2007*.



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# Texas Judicial Council Reporting Requirements

## Section 71.035, Government Code:

- (a) The council shall gather judicial statistics and other pertinent information from the several state judges and other court officials of this state...The monthly report shall be transmitted to the Office of Court Administration of the Texas Judicial System no later than the 20th day of the month following the month reported, in such form as may be prescribed by the Office of Court Administration...
- (b) The council may require a state justice, judge, clerk, or other court official, as an official duty, to comply with reasonable requirements for supplying statistics pertaining to the amount and character of the civil and criminal business transacted by the court or other information on the conduct, operation, or business of his court or the office of the clerk of his court that is within the scope of the functions of the council. If the official does not supply the information within a reasonable time after the request, he is presumed to have willfully refused the request. The council shall prescribe procedures, definitions of terms, and forms for supplying the statistics and other information.

**Chapter 171, Administrative Code:** These rules are adopted under the authority granted by §71.019 of the Texas Government Code, which authorizes the Texas Judicial Council to adopt rules expedient for the administration of its functions; and §71.035 of the Texas Government Code, which authorizes the council to require a state justice, judge, clerk, or other court official, as an official duty, to comply with reasonable requirements for supplying statistics pertaining to the amount and character of the civil and criminal business transacted by the court or other information on the conduct, operation, or business of the court or the office of the clerk of the court.

District clerks, county clerks, justices of the peace, and municipal judges shall submit a summary-level court activity report each month to the Office of Court Administration (OCA) using the methods required by this chapter no later than 20 days following the end of the month reported.

Detailed reporting instructions are posted on OCA's website: [www.txcourts.gov](http://www.txcourts.gov)



# Legislatively Mandated Case Activity Reporting Requirements

## Incorporated into Judicial Council Monthly Reports

### Mental Health Assessments

**Article 16.22(e), Code of Criminal Procedure:** The magistrate shall submit to the Office of Court Administration of the Texas Judicial System on a monthly basis the number of written assessments provided to the court under Subsection (a)(1)(B).

On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability, the magistrate, except as provided by Subdivision (2), shall order the local mental health authority, local intellectual and developmental disability authority, or another qualified mental health or intellectual disability expert to:

- (A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including, if applicable, information obtained from any previous assessment of the defendant and information regarding any previously recommended treatment; and
- (B) provide to the magistrate a written assessment of the information collected under Paragraph (A) on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments under Section 614.0032(b), Health and Safety Code.

### Competency Evaluation Reports

**Article 46B.026(d), Code of Criminal Procedure:** The court shall submit to the Office of Court Administration of the Texas Judicial System on a monthly basis the number of reports provided to the court under this article.

### Involuntary Mental Health Commitments

**Section 574.014, Health and Safety Code:** Requires the clerk of each court with jurisdiction to order mental health commitments to provide the Office of Court Administration each month with a report of the number of applications for commitment orders for involuntary mental health services filed with the court and the disposition of those cases, including the number of commitment orders for inpatient and outpatient mental health services. The Office of Court Administration shall make the reported information available to the department annually.

### Offenses Related to Human Trafficking

**Section 71.0353, Government Code:** Requires a district court or county court at law, as a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System, to report the number of cases filed for the following offenses: (1) trafficking of persons under Section 20A.02, Penal Code; (2) prostitution under Section 43.02 (Prostitution), Penal Code; and (3) compelling prostitution under Section 43.05, Penal Code.

### Request for Hate Crime Finding

**Article 2.211, Code of Criminal Procedure:** Requires a clerk of a district or county court in which an affirmative finding under **Article 42.014** is requested to report that request to the Texas Judicial Council, along with a statement as to whether the request was granted by the court and, if so, whether the affirmative finding was entered in the judgment in the case. The clerk must submit this report not later than the 30th day after the date the judgment is entered in the case.

**Article 42.014, Code of Criminal Procedure:** In the trial of an offense under Title 5, *Penal Code*, or Section 28.02, 28.03, or 28.08, *Penal Code*, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment of the case if at the guilt or innocence phase of the trial, the judge or the jury, whichever is the trier of fact, determines beyond a reasonable doubt that the defendant intentionally selected the person against whom the offense was committed or intentionally selected property damaged or affected as a result of the offense because of the defendant's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference.

## Separate Reporting Requirements

### Appointments and Fees

#### Section 36.004, Government Code:

- (a) In addition to a report required by other state law or rule, the clerk of each court in this state shall prepare a report on court appointments for an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for a case before the court in the preceding month. For a court that does not make an appointment in the preceding month, the clerk of the court must file a report indicating that no appointment was made by the court in that month.

The report on court appointments must include:

- (1) the name of each person appointed by the court as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for a case in that month;
  - (2) the name of the judge and the date of the order approving compensation to be paid to a person appointed as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for a case in that month;
  - (3) the number and style of each case in which a person was appointed as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for that month;
  - (4) the number of cases each person was appointed by the court to serve as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator in that month;
  - (5) the total amount of compensation paid to each attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator appointed by the court in that month and the source of the compensation; and
  - (6) if the total amount of compensation paid to a person appointed to serve as an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for one appointed case in that month exceeds \$1,000, any information related to the case that is available to the court on the number of hours billed to the court for the work performed by the person or the person's employees, including paralegals, and the billed expenses.
- (b) Not later than the 15th day of each month, the clerk of a court shall:
- (1) submit a copy of the report to the Office of Court Administration of the Texas Judicial System; and
  - (2) post the report at the courthouse of the county in which the court is located and on any Internet website of the court.
- (c) The Office of Court Administration of the Texas Judicial System shall prescribe the format that courts and the clerks of the courts must use to report the information required by this section and shall post the information collected under Subsection (b) on the office's Internet website.

**Section 36.005. FAILURE TO REPORT.** If a court in this state fails to provide to the clerk of the court the information required for the report submitted under Section 36.004, the court is ineligible for any grant money awarded by this state or a state agency for the next state fiscal biennium.

**Section 36.006. TEXAS JUDICIAL COUNCIL RULES.** The Texas Judicial Council shall, as the council considers appropriate, adopt rules to implement this chapter.

### Judicial Bypass

**Section 33.003(l) Family Code:** Requires district and county clerks to submit information on cases in which a minor files an application for a court order authorizing the minor to consent to the performance of an abortion without notification to and consent of a parent, managing conservator, or guardian.

- (l-1) The clerk of the court, at intervals prescribed by the Office of Court Administration, shall submit a report to the office that includes, for each case filed under this section:
- (1) the case number and style;
  - (2) the applicant's county of residence;
  - (3) the court of appeals district in which the proceeding occurred;
  - (4) the date of filing;
  - (5) the date of disposition; and
  - (6) the disposition of the case.

Requires the Office of Court Administration to annually compile and publish a report aggregating the data received under Subsections (I-1)(3) and (6). A report submitted under Subsection (I-1) is confidential and privileged and is not subject to disclosure under Chapter 552, Government Code, or to discovery, subpoena, or other legal process. A report under this subsection must protect the confidentiality of:

- (1) the identity of all minors and judges who are the subject of the report; and
- (2) the information described by Subsection (I-1)(1).

## Jury Charges and Sentences in Capital Cases

**Section 72.087, Government Code:** Requires the judge or clerk of court to submit a written record of the case containing the contents of the trial court's charge to the jury and the sentence issued in the case not later than the 30th day after the date the judgment of conviction or acquittal is entered in a case involving the trial of a capital offense. Requires the Office of Court Administration to annually collect and publish a report of information regarding cases involving the trial of a capital offense. The report must include (1) the contents of the trial court's charge to the jury, and (2) the sentence issued in each case.

## Vexatious Litigants Subject to a Prefiling Order

**Chapter 11, Civil Practice and Remedies Code:** Establishes the definition and procedures for declaring a plaintiff vexatious.

**Section 11.104** requires the clerk of a court to send OCA, within 30 days a copy of any prefilng order issued under Section 11.101, an order prohibiting a person from filing new litigation in a court in the state if the court finds, after notice and a hearing, that the person is a vexatious litigant.

To file further litigation, the person must obtain permission from the appropriate local administrative judge. The judge may grant permission only if it appears that the proposed litigation has merit and has not been filed for the purposes of harassment or delay.

OCA is required to maintain a list of vexatious litigants subject to prefilng orders under Section 11.101. OCA has no discretion in maintaining the list, nor does it have the authority to remove a name from the list. To remove a name from the vexatious litigant list, OCA must receive an order directly from the issuing court vacating the prefilng order or from an appellate court reversing the order.

## Writs of Attachment

**Article 2.212, Code of Criminal Procedure:** Not later than the 30th day after the date a writ of attachment is issued in a district court, statutory county court, or county court, the clerk of the court shall report to the Texas Judicial Council:

- (1) the date the attachment was issued;
- (2) whether the attachment was issued in connection with a grand jury investigation, criminal trial, or other criminal proceeding;
- (3) the names of the person requesting and the judge issuing the attachment; and
- (4) the statutory authority under which the attachment was issued

**Section 71.034(e), Government Code:** Requires the Council to include in its annual report a summary of the information received.

## Performance Measure Reporting by the Office of Court Administration

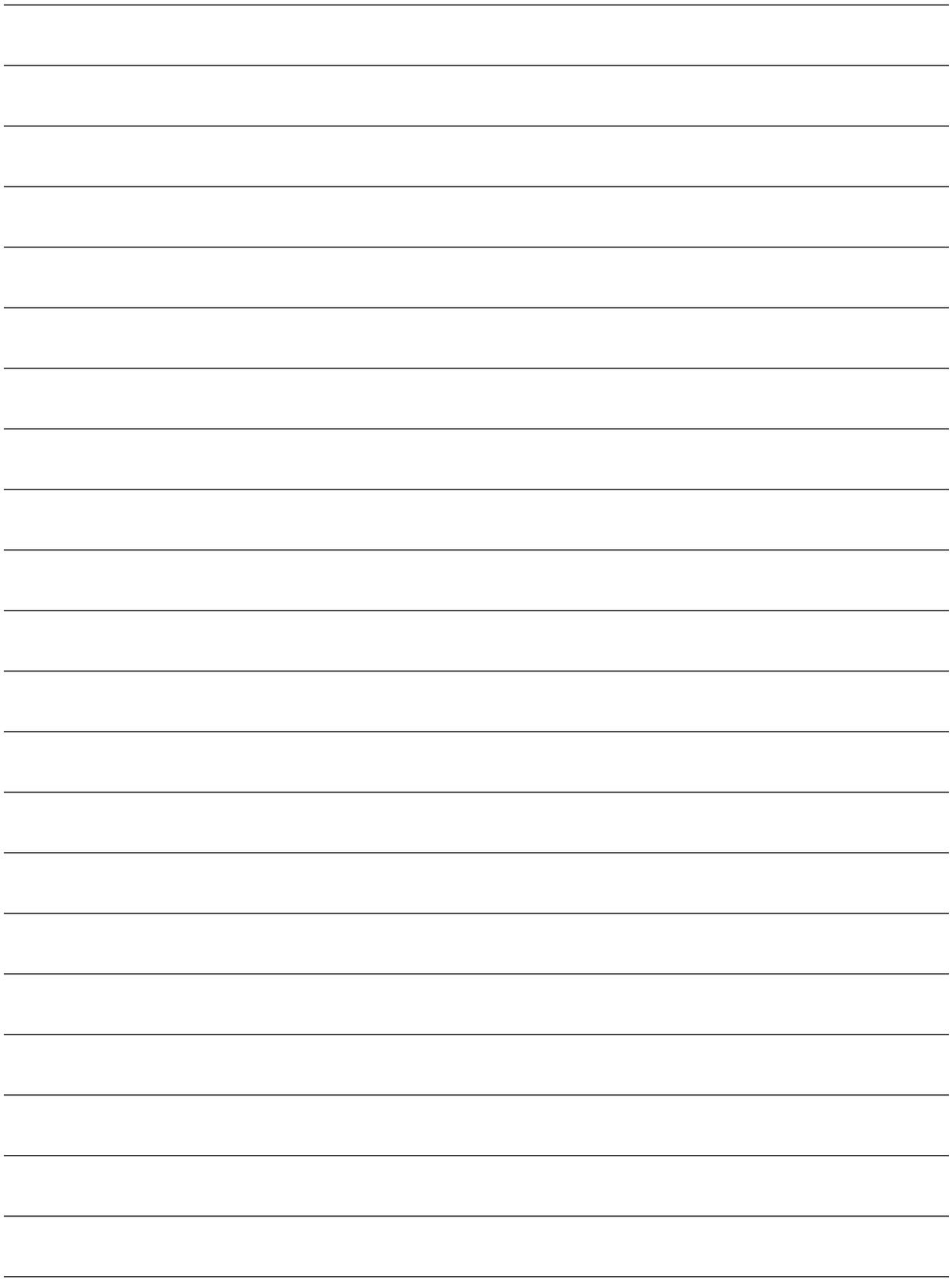
**Section 72.082, Government Code:** Requires OCA to annually collect and publish a performance report of information regarding the efficiency of the courts of this state. The report shall include the aggregate clearance rate of cases for the district courts (**Section 72.083, Government Code**).

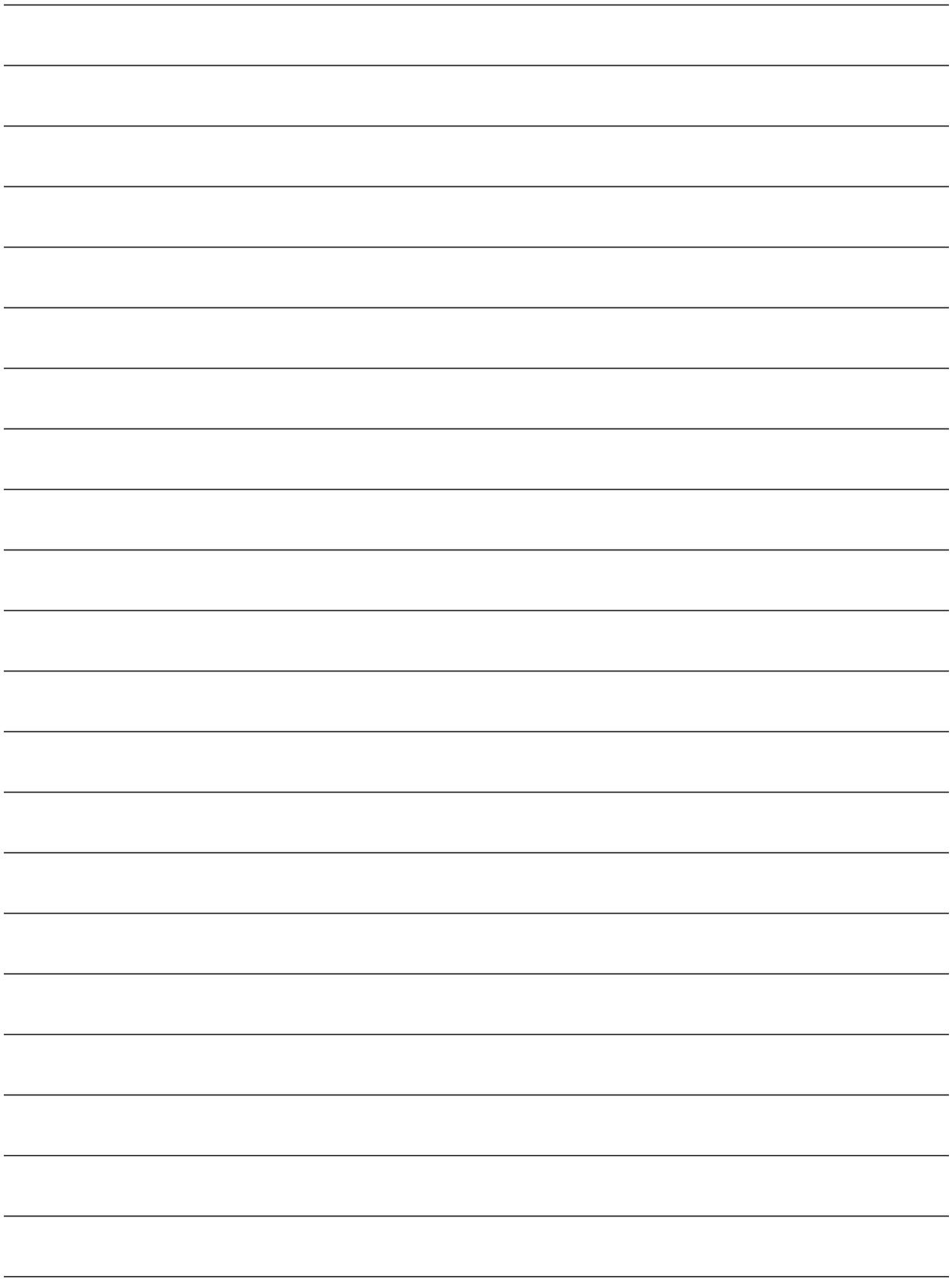
**85<sup>th</sup> Legislature, S.B. 1, OCA Rider 5:** From funds appropriated, OCA shall report data for the district courts on a countywide basis. The data shall measure countywide clearance rates for criminal, civil, and juvenile cases and measure age of cases disposed and the backlog index for criminal and civil cases. Further, OCA shall revise its reporting system for the trial courts as necessary to simplify reporting, improve data collection and compliance, and streamline its annual report of the Texas judicial system. *Note: The same information is posted for county courts.*

# **Criminal - Felony**

*Judge Christi Kennedy*



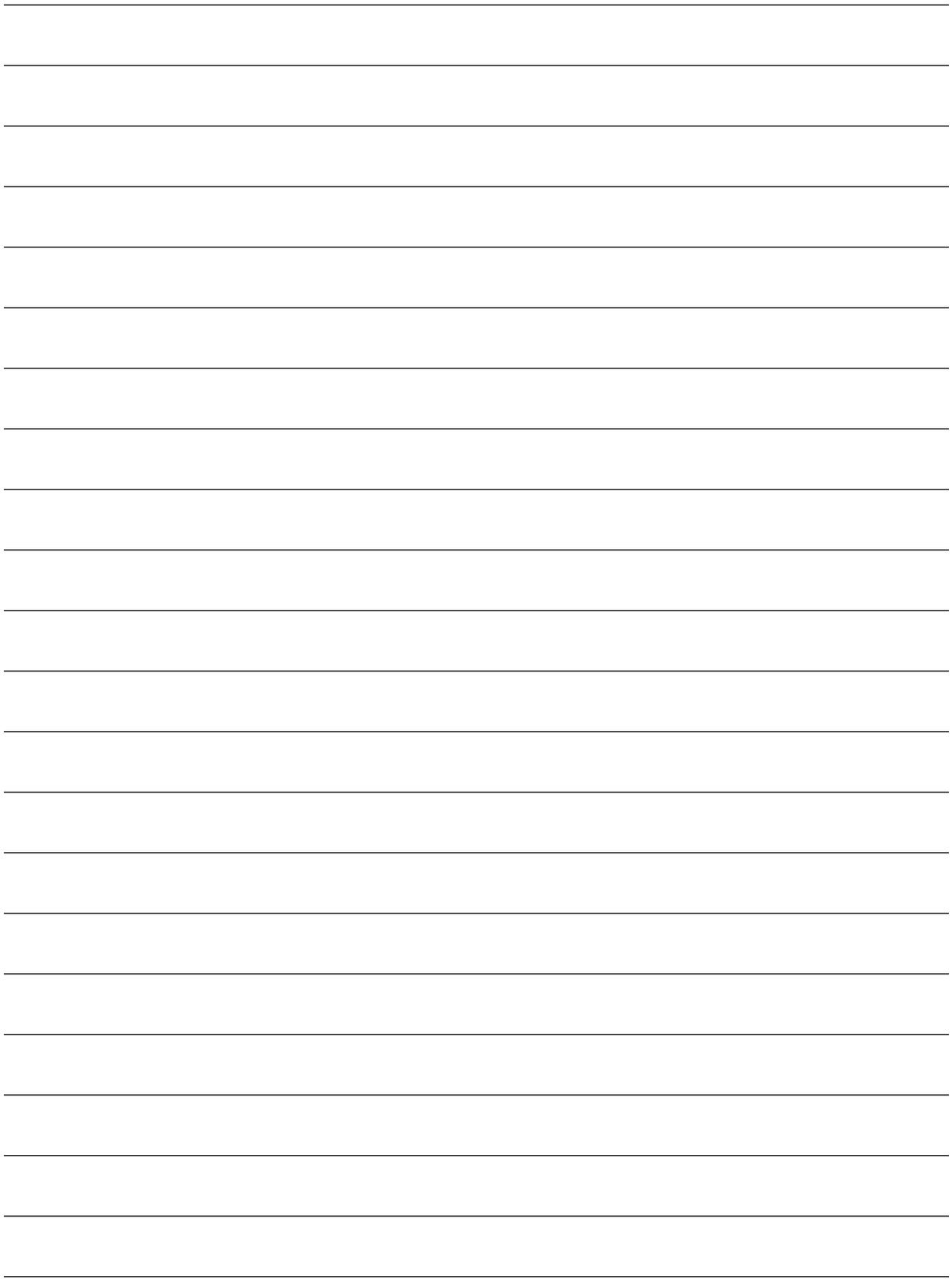


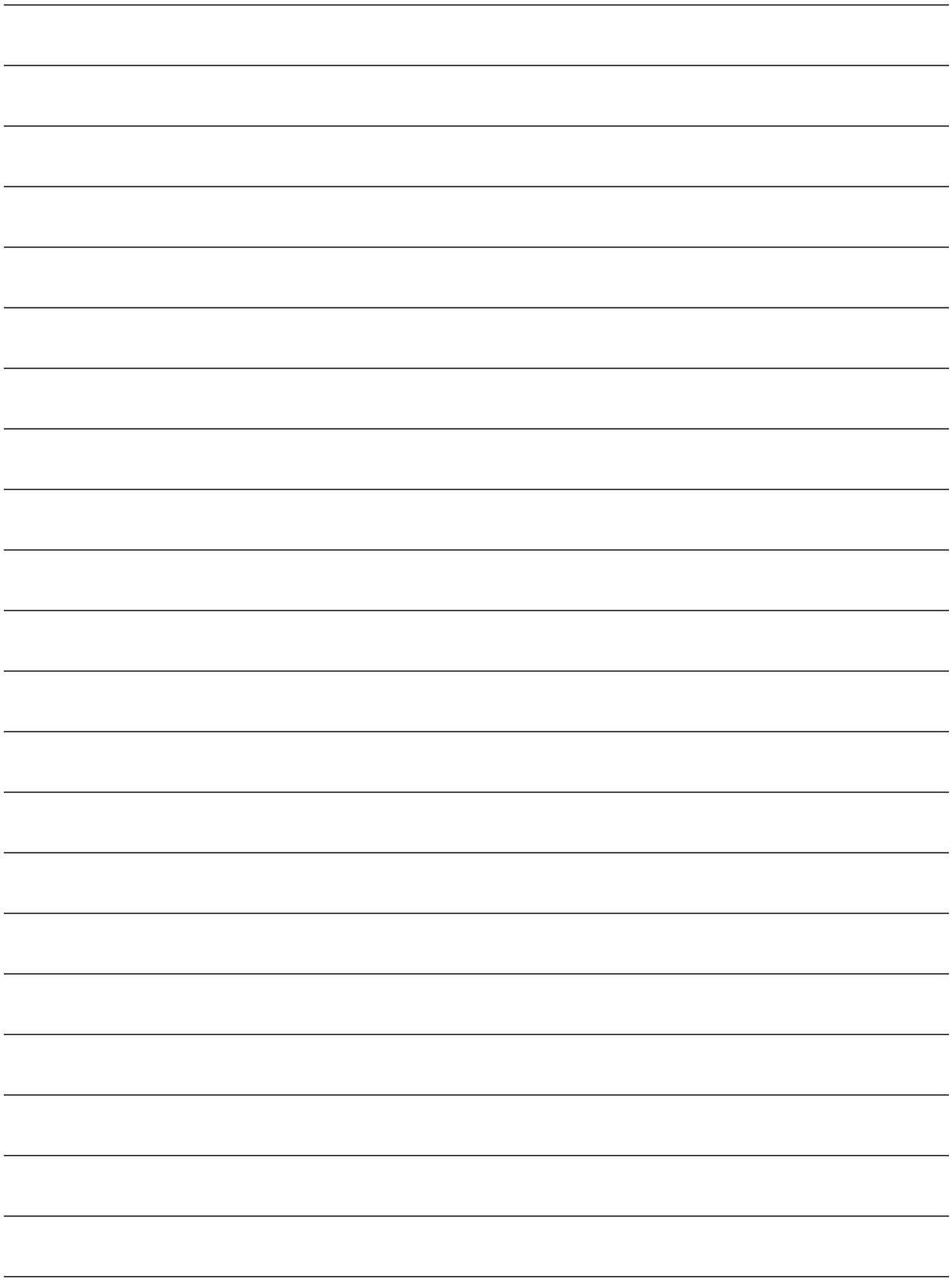


# **Criminal - Misdemeanor**

*Judge Tommy Stolhandske*



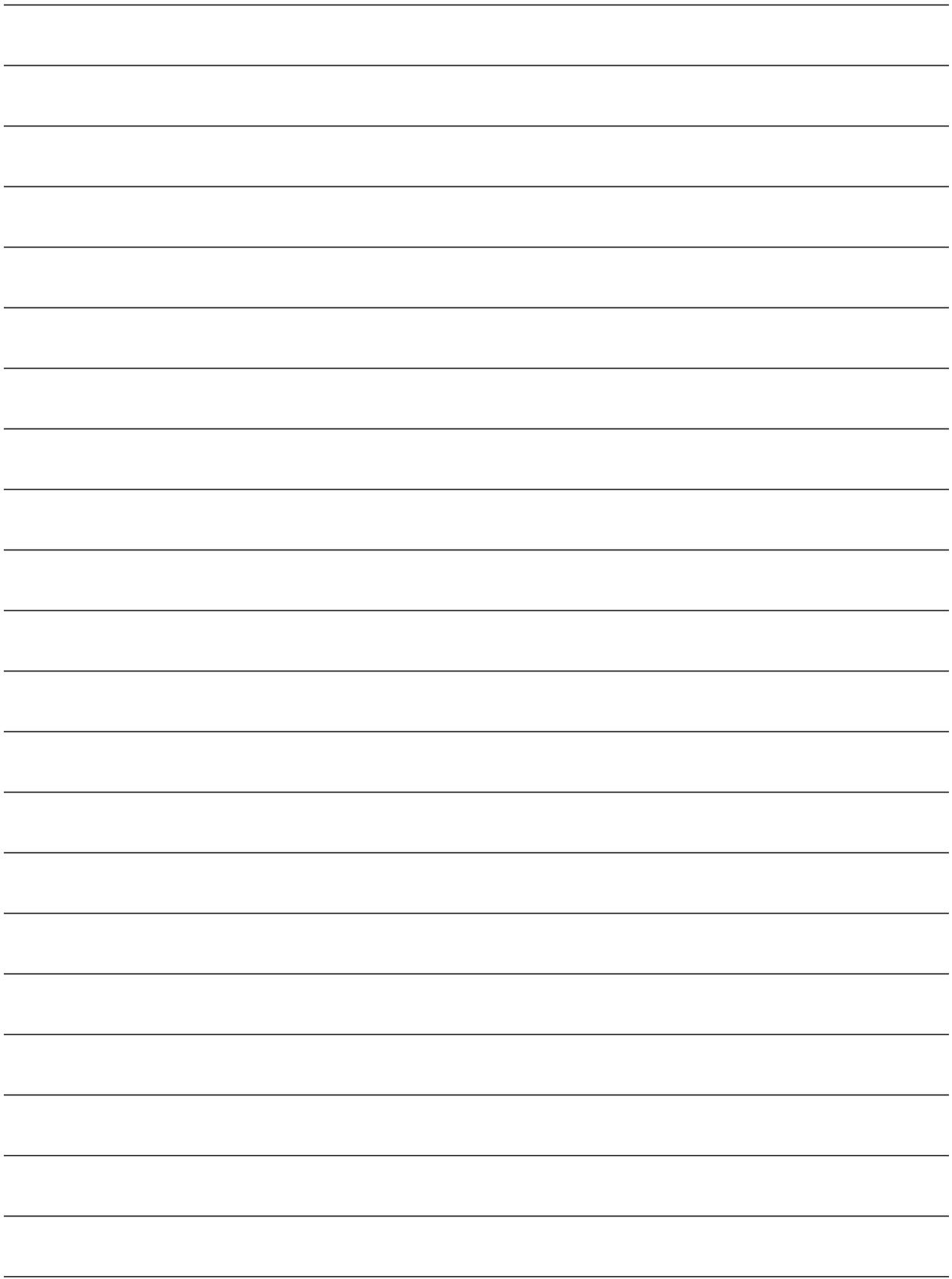


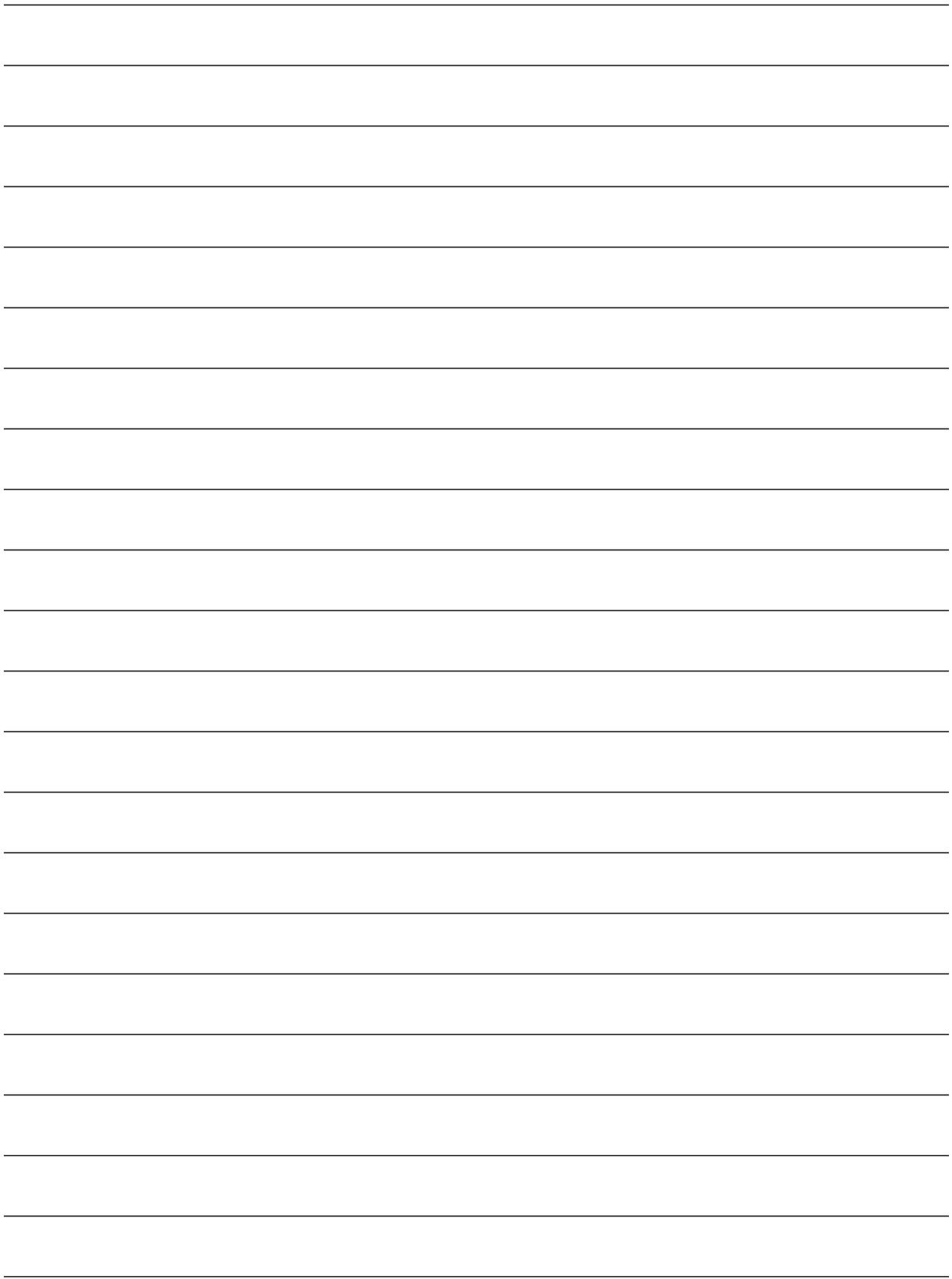


# **Civil**

*Judge Norma Gonzalez*







**Family Law**  
**Smorgasbord**  
*Judge Tim Womack*



***FAMILY LAW***  
***SMORGASBORD***

**HON. TIM WOMACK**  
**JUDGE, 307<sup>TH</sup> DISTRICT COURT**  
**GREGG COUNTY, TEXAS**

# **FAMILY LAW: SMORGASBORD**

This paper has been written to specifically address issues you as an organization indicated you were interested in related to Family Law Cases. As you can see the topics provided ranged a significantly on subject matter. I have attempted to provide limited responses to the questions your members submitted. I hope this is helpful to you in some manner.....However, I am just a drummer in a rock and roll band. So don't expect too much.

## **I. ENFORCEMENT ACTIONS**

### **WHAT IS THE TIME ALLOWED FOR A BOND HEARING WHEN A RESPONDENT IS ARRESTED FOR FAILURE TO APPEAR?**

Let us begin by retreating to the Court's authority related to the issuance of a *capias* shall we?

1. If a party, after proper notice, fails to appear for the Enforcement Hearing, the Court possesses the authority to issue a *capias* for the Respondent's arrest.

TEX.FAM.CODE, Section 157.066 states in pertinent part:

*"If a respondent who has been personally served with notice to appear at a hearing does not appear.....to respond to a motion for enforcement of an existing court order, . . . the court may not hold the respondent in contempt but may. . . issue a *capias* for the arrest of the respondent."*

2. TEX.FAM.CODE, 157.101

- (a) Upon issuing a *capias*, the Court is required to set a bond in a reasonable amount, payable to the Obligee or another person designated by the Court.
- (b) A bond of \$1,000 or \$250 cash is presumed reasonable. However, if the Respondent:
  - (i) Attempted to evade service of process;
  - (ii) Has previously been found guilty of contempt; or
  - (iii) Has an arrearage in excess of \$1,000

The presumption is rebutted and the Court sets a "reasonable bond"

3. TEX.FAM.CODE, Section 157.104

If the Respondent is arrested and posts bond; the bond is conditioned on Respondent's promise to appear in Court for the enforcement hearing without the necessity of any further formal service of process or notice.

4. TEX.FAM.CODE, Section 157.105

- (a) If the Respondent is arrested and cannot post bond, the Respondent must be brought before the court *on or before the 3<sup>rd</sup> working day after arrest*.
- (b) The Court must determine if there is another method of assuring the Respondent's appearance other than posting the bond or security previously established.
- (c) The Court can release the Respondent without requiring the posting of bond or security and set the hearing on the enforcement action and provide the Respondent notice of the hearing. Again, no other formal notice is required.
- (d) If the Court is not satisfied the Respondent will appear and the Respondent remains in custody, a hearing on contempt must be held as soon as practicable, *but not later than the 7<sup>th</sup> day after the date the Respondent was taken into custody*, unless this time frame is waived by the Respondent and his attorney.

## II. PRO SE LITIGANTS IN CONTESTED MATTERS

“NOTHING IS FOR CERTAIN EXCEPT DEATH AND TAXES”

**WRONG!!!!!!!**

“NOTHING IS FOR CERTAIN EXCEPT DEATH, TAXES AND PRO SE LITIGANTS”

Like it or not like it...Pro se litigants are a permanent fixture in Family Law cases. One can lament the fact and complain of all the difficulties associated with this fact, but it will do no good. So, I propose, as has the Texas Supreme Court, that we make efforts to assist those representing themselves in Family Law matters and attempt to alleviate as much of those difficulties as possible. I understand some of these challenges are inevitable and unsolvable. I say we do our best.

The Texas Access to Justice Commission was created by the Texas Supreme Court in 2001. The Commission as set forth in its web site is:

*charged with developing and implementing initiatives designed to expand access to, and enhance the quality of, justice in civil legal matters for low-income Texans.*

As part of its mission the TAJC and the Texas Supreme Court have worked to develop forms for pro se litigants to be used in relatively simple legal matters and specifically in Family Law matters. The first set of forms were developed by the Texas Supreme Court's Protective Order Task Force in 2005. These forms were created to assist domestic violence victims obtains a protective order. In 2011 the Texas Supreme Court Uniform Task Force created a set of forms entitled "Divorce Set One". These forms were approved by the Texas Supreme Court in 2012. These forms are available to pro se litigants involved in "uncontested divorces with no children or real property". Outside of those forms approved by the Texas Supreme Court, there is an expanse of other forms related to Family Law matters available to pro se litigants in the vast regions of Internetland.

It is my opinion, as a judge who regularly sees pro se litigants, it is desirable for these litigants to file pleadings from one source. In this way, the judge, the clerk and the judge's staff become familiar with these forms. This familiarity allows all involved to speed up the process by having the ability to answer questions more quickly regarding a party's pleadings, to know where to look to ensure the pleading forms are properly completed, to know where the critical language in the pleading is located, to know if any attachments (i.e., affidavits, exhibits, etc). are missing.

Regarding contested matters the Court is required to hold pro se litigants to the same rules of procedure and evidence as a licensed attorney. Although, the Courts are instructed to liberally construe pro se pleadings, the Court must hold pro se litigant to the same standards as licensed attorneys and require them to comply with applicable laws and rules of procedure. *In re N.E.B.*, 251 S.W.3d 211, 212 (Tex.App.-Dallas 2008, no pet.).

"The right to self-representation is not a license to abuse the dignity of the courtroom. Neither is it a license not to comply with the relevant rules of procedure or substantive law. *Mansfield State Bank v. Cohn*, 573 S.W.2d 181, 184 (Tex. 1978); citing, *Faretta v. California*, 422 U.S. 806, 835 n. 46, 95 S.Ct. 2525, 2541, 45 L.Ed.2d 562 (1975) (a criminal case).

"There cannot be two sets of procedural rules, one for litigants with counsel and the other for litigants representing themselves. Litigants who represent themselves must comply with the applicable

procedural rules, or else they would be given an unfair advantage over litigants represented by counsel.”  
*Mansfield State Bank*, 573 S.W.2d at 184-85.

### **III. DWOP DOCKETS**

#### **DWOP DOCKETS: HOW LONG BEFORE A CASE CAN BE PLACED ON THE DWOP DOCKET?**

##### **T.R.C.P. 165a. NON-COMPLIANCE WITH TIME STANDARDS**

“Any case not disposed of within the time standards promulgated by the Supreme Court under its Administrative Rules may be placed on the dismissal docket.”

*Texas Rules of Judicial Administration*, Rule 6.1(c)

- (1) Contested Family Law Cases: Within 6 months from appearance date or within 6 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later
- (2) Uncontested Family law Cases: Within 3 months from appearance date or within 3 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

The rules do not distinguish the family law cases between divorce actions with children as opposed to without children or modification cases involving children. In general civil cases the rules provide for 18 months from the defendant’s appearance date in jury cases and 12 months from the Defendant’s appearance date in non-jury cases. *Texas Rules of Judicial Administration*, Rule 6.1(b)(1) and (2).

At the dismissal hearing the Court **shall** dismiss the case for want of prosecution unless there is “good cause” for the case to be maintained on the docket. T.R.C.P., 165a (1).

### **IV. CITATION BY PUBLICATION**

#### **IS AN ATTORNEY AD LITEM REQUIRED**

“Citation by publication is a form of substituted service that, through a small notice published in the classified section of a local newspaper, is meant to apprise a Defendant that his or her rights are at

stake.”. *In re E.R.*, 385 S.W.3d 552, 558 (Tex. 2012). “Because notice by publication is a poor and sometimes hopeless substitute for actual service of notice. . . . its justification is difficult at best. *Id.*, at 561, citing, *City of New York v. N.Y., New Haven & Hartford RR Co.*, 344 U.S. 293, 296, 73 S.Ct. 299, 97 L.Ed. 333 (1953); See also, *Walker v. City of Hutchison*, 352 U.S. 112, 117, 77 S.Ct. 200, 1 L.Ed.2d 178 (1956)(stating, “In too many instances notice by publication is no notice at all). Notice by publication today is even more suspect, given the precipitous decline in newspaper readership. *In re E.R.*, 385 S.W.3d at 561. (noting in 1950 80% of Americans read a weekday newspaper, today that number is 50%). One thing is absolutely clear: service by publication should be a last resort, not an expedient replacement for personal service. *Id.*

#### T.R.C.P. 109: CITATION BY PUBLICATION

A party to the suit or their attorney must make an oath”

-the residence of the party Defendant is unknown to the affiant; or

-the Defendant is a transient person; and

-that after due diligence such party and the affiant have been unable to locate the whereabouts of such Defendant.

When these elements have been met, the Clerk shall issue citation for such Defendant for service by publication. However, the rule specifically places a duty on the Judge to:

“inquire into the sufficiency of the diligence exercised in attempting to ascertain the residence or whereabouts of the Defendant. . . . before granting any judgment on such service”. If personal service can be effected by the exercise of reasonable diligence, substituted service is not to be resorted to”. *In re E.R.*, 385 S.W.3d 552, 564 (Tex. 2012), citing, *Sgitcovich v. Sgitcovich*, 241 S.W.2d 142, 147 (Tex. 1951). A diligent search must include inquiries that someone who really want to find the Defendant would make. Diligence is not measured by the quantity of the search but by its quality. *In re E.R.*, 385 S.W. 3d at 565.

When service has been made by publication, and no answer has been filed nor appearance entered within the prescribed time, the court shall appoint an attorney to defend the suit in behalf of the defendant, and judgment shall be rendered as in other cases; but, in every such case a statement of the evidence, approved and signed by the judge, shall be filed with the papers of the cause as part of the record thereof. T.R.C.P., 244.

## V. **DISTINCTIONS: AMICUS ATTORNEY; ATTORNEY AD LITEM; AND GUARDIAN AD LITEM**

Simply put:

Amicus Attorney – means an attorney appointed by the court in a suit . . . whose role is to provide legal services necessary to assist the court in protecting the child’s best interests rather than to provide legal services to the child. TEX.FAM.CODE: Section 107.001 (1).

The role of an amicus attorney is “to provide legal services necessary to assist the court in protecting a child's best interests rather than to provide legal services to the child.” Tex. Fam.Code Ann. § 107.001(1). This simply means that the court has the authority to appoint a lawyer to advocate for the best interests of the child, without being bound by the child's objectives of representation or the wishes that the child may express. In fulfilling the specified duties included in Chapter 107 of the Texas Family Code, the attorney will necessarily be assisting the court in fulfilling its purpose to rule in accordance with the best interests of the child. *In re S.A.G.*, 403 S.W.3d 907, 915 (Tex.App.- Texarkana 2013, pet. denied).

Attorney Ad Litem – means an attorney who provides legal services to a person, including a child, and who owes to the person the duties of undivided loyalty, confidentiality and competent representation. TEX.FAM.CODE, Section 107.001 (2)

Guardian Ad Litem – means a person appointed to represent the best interests of a child. The term includes:

- A volunteer advocate from a charitable organization. . . who is appointed by the court As the child’s guardian ad litem;
- A professional, other than an attorney, who holds a relevant professional license and Whose training relates to the determinations of a child’s best interest;
- an adult having the competence, training, and expertise determined by the court To be sufficient to represent the best interests of the child; or
- an attorney ad litem appointed to serve in a dual role.

# **Texas Indigent Defense**

*Geoff Burkhart*





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### How We Got Here

- 1791 – Bill of Rights + 6<sup>th</sup> Amendment
- 1963 – Gideon v. Wainwright
- 1999 – Study of TX indigent defense
- 2001 – Fair Defense Act and Task Force
- 2011 – Texas Indigent Defense Commission

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### What We Do



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### Oversight Program

	<b>Financial</b>	<b>Policy</b>
<b>Breadth</b>	<b>Indigent Defense Expenditure Report (IDER)</b> All 254 counties submit annual IDERS.	<b>Indigent Defense Plan (ID Plans)</b> All 254 counties submit biennial ID Plans.
<b>Depth</b>	<b>Fiscal Monitoring</b> 1 Fiscal monitor audits counties' indigent defense spending.	<b>Policy Monitoring</b> 4 policy analysts monitor counties' legal compliance.

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### TIDC Priorities

- Greater funding
- Better quality, data, accountability, efficiency

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### Questions

- Geoff Burkhart: (512) 936-6994

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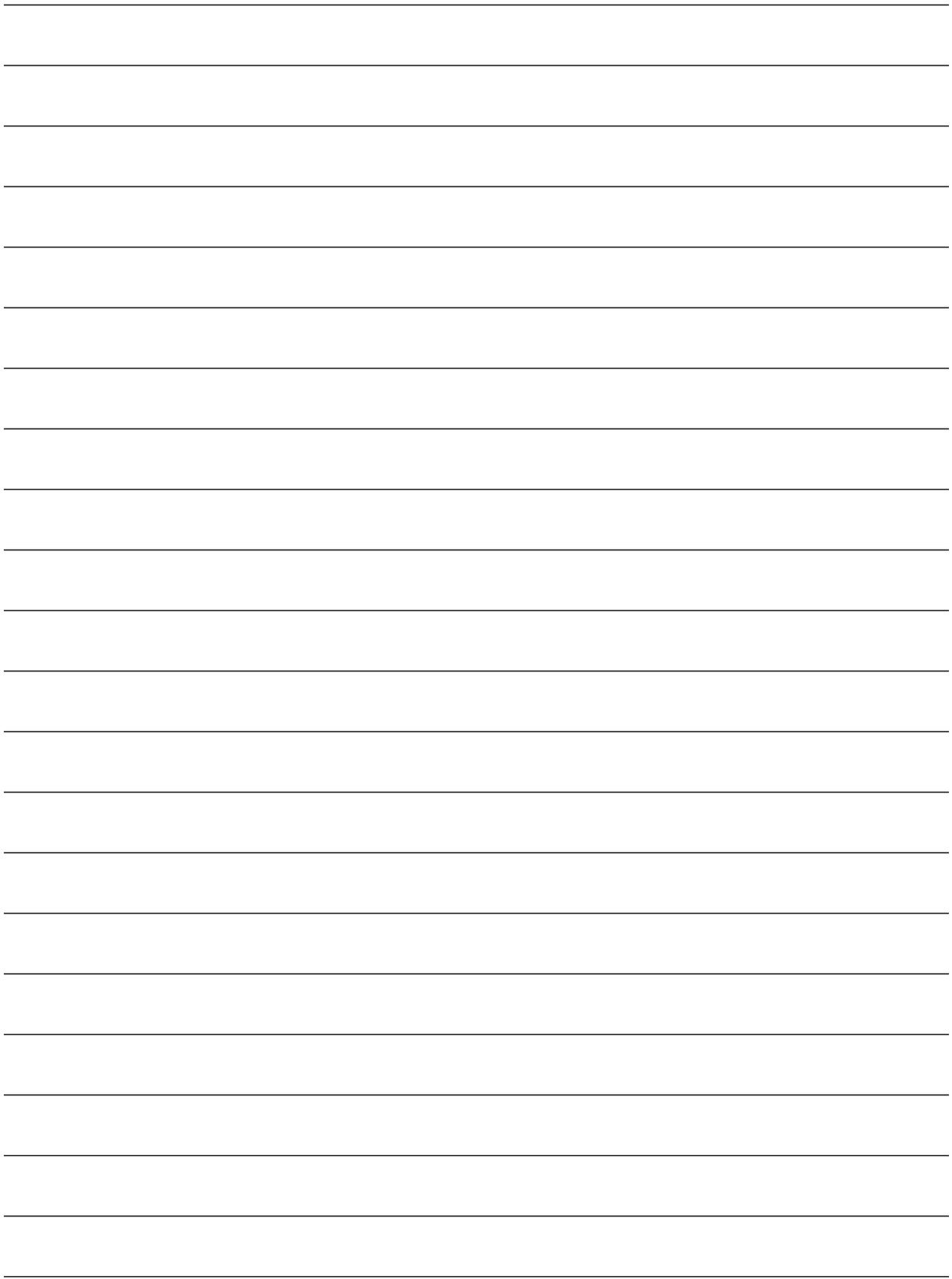
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# **Probate and Guardianship**

*Judge Guy Herman*



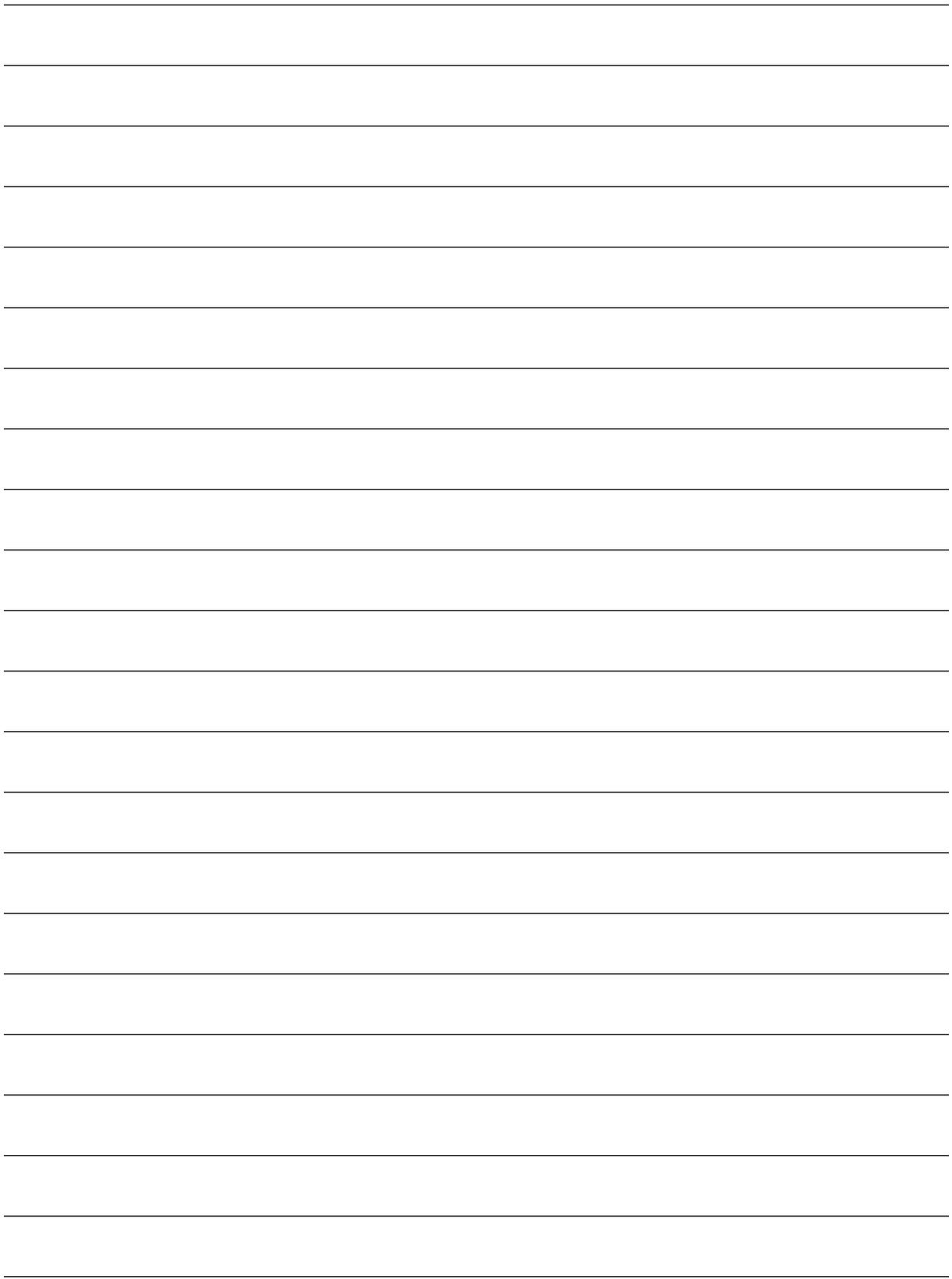




# **Legal Information vs Legal Advice**

*Scott Gibson*



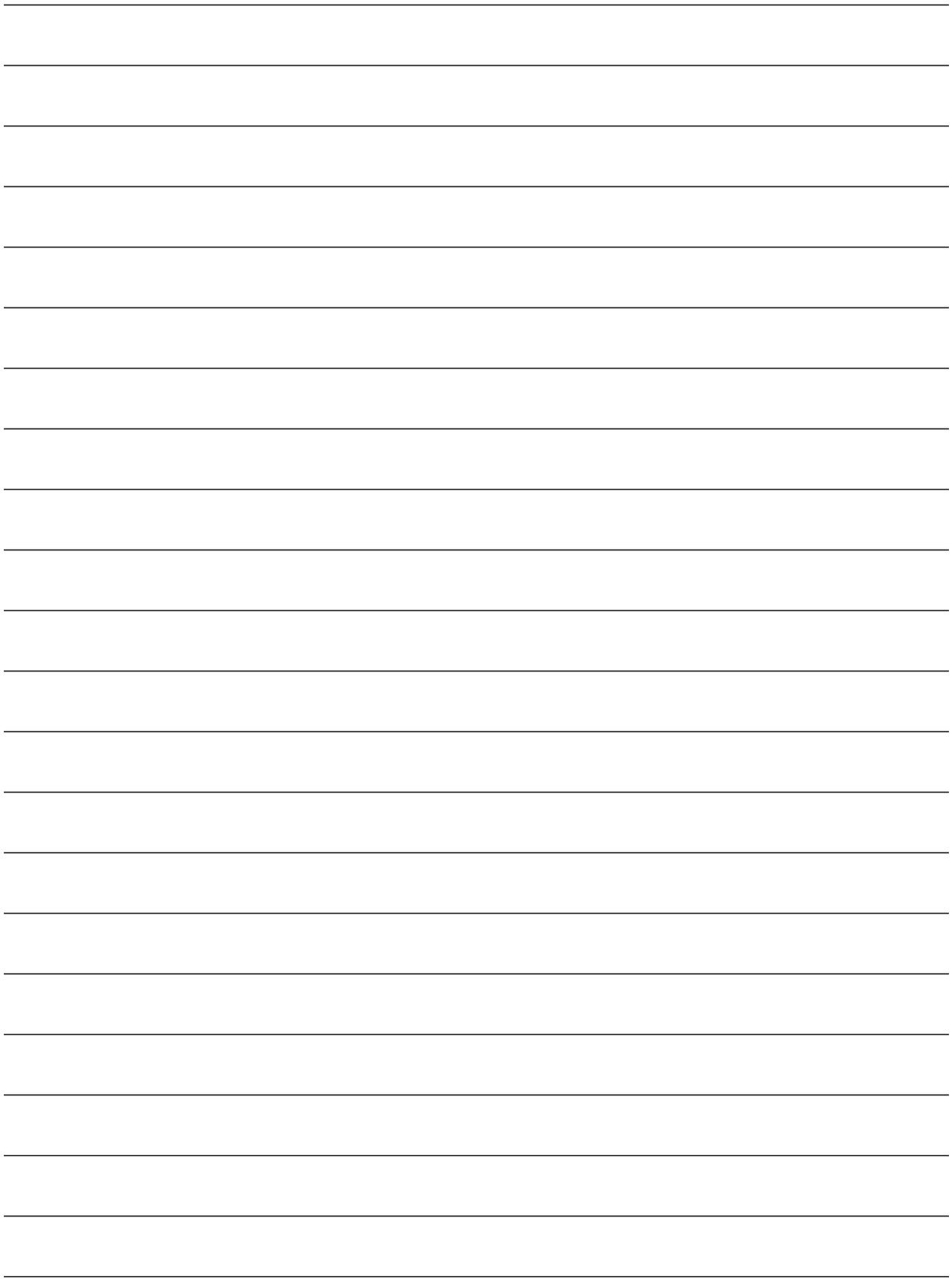


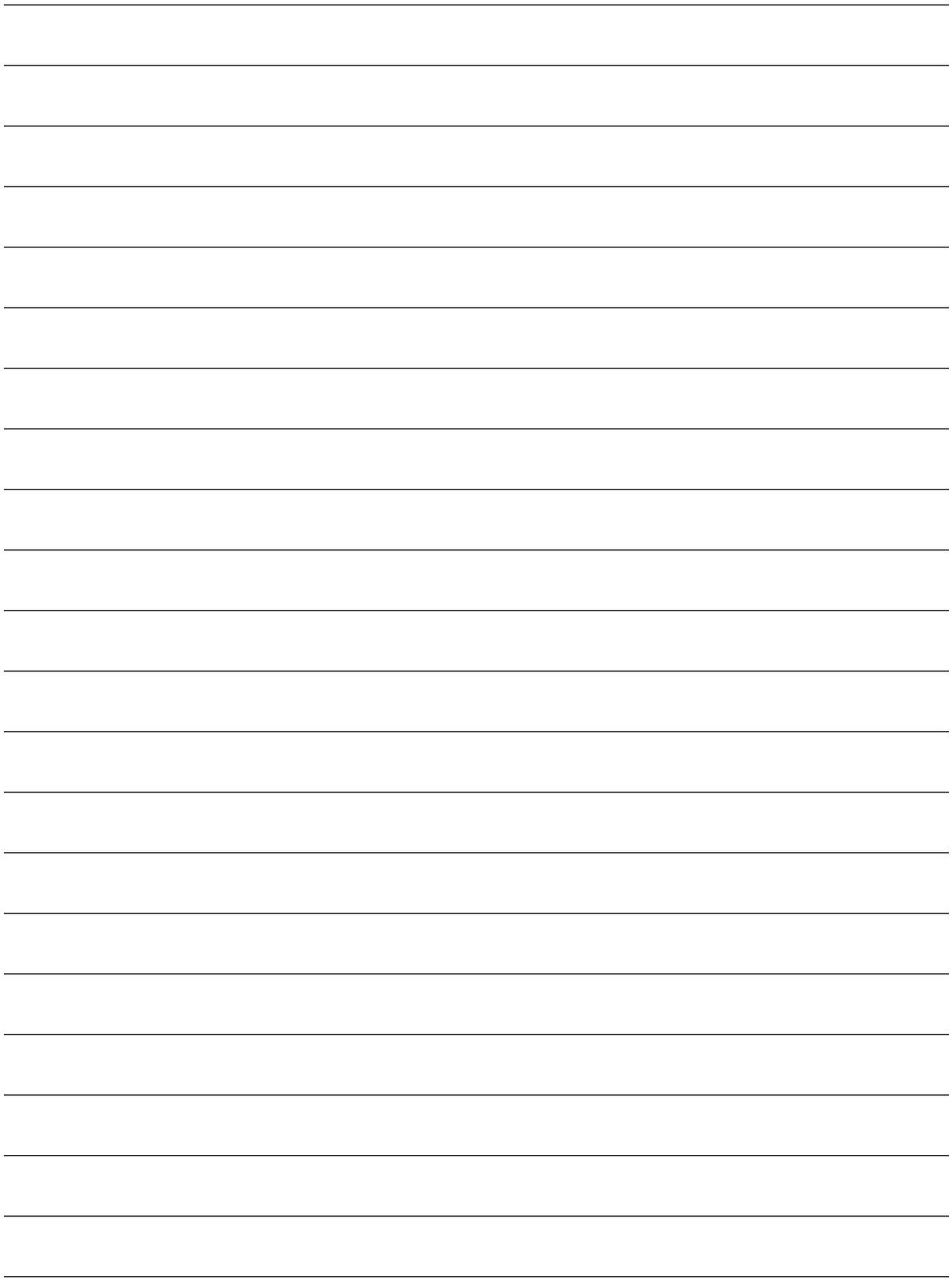


**Texas Judicial Counsel  
Review of the Upcoming  
86th Legislative Session**

*Megan LaVoie*



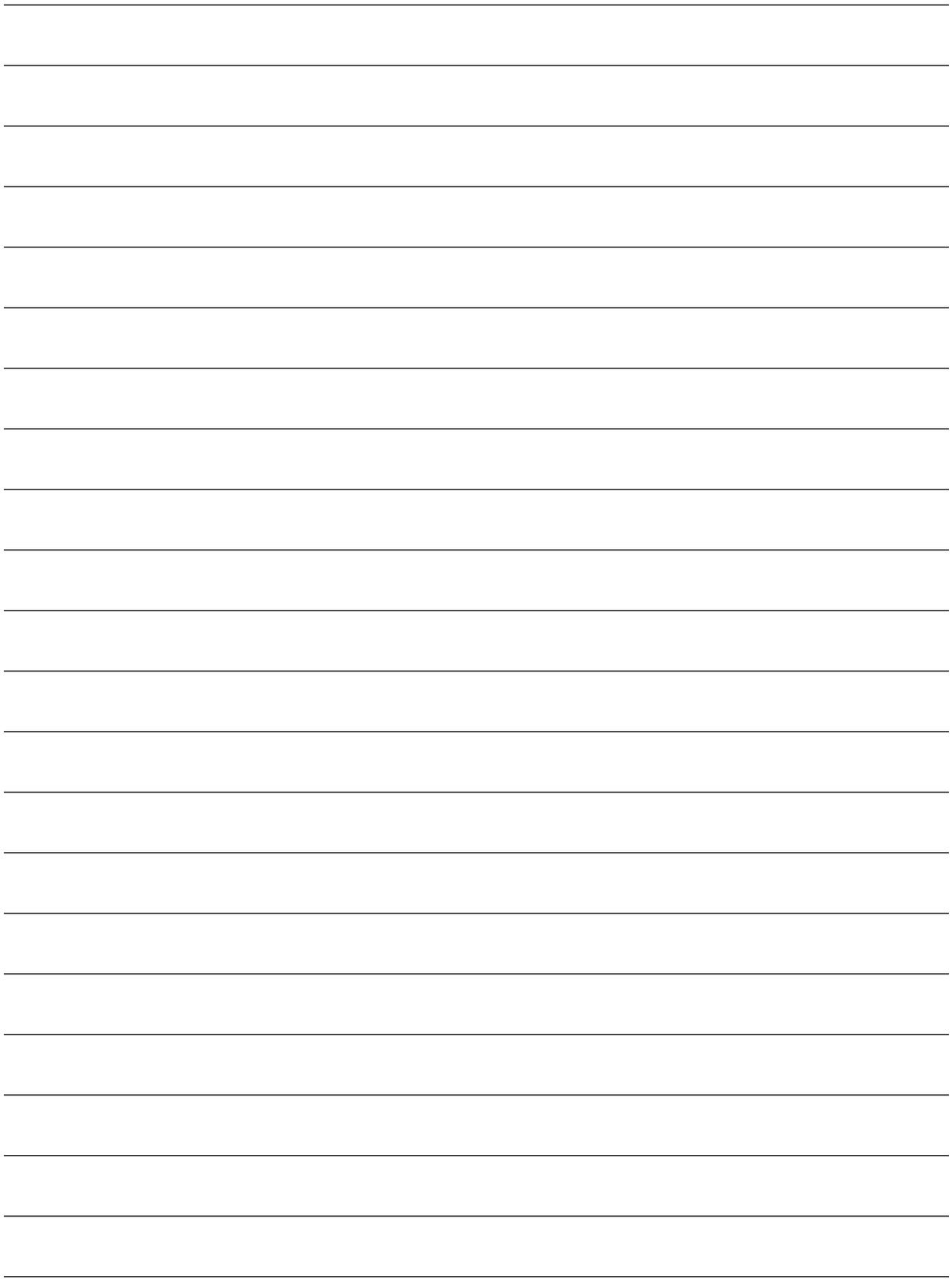


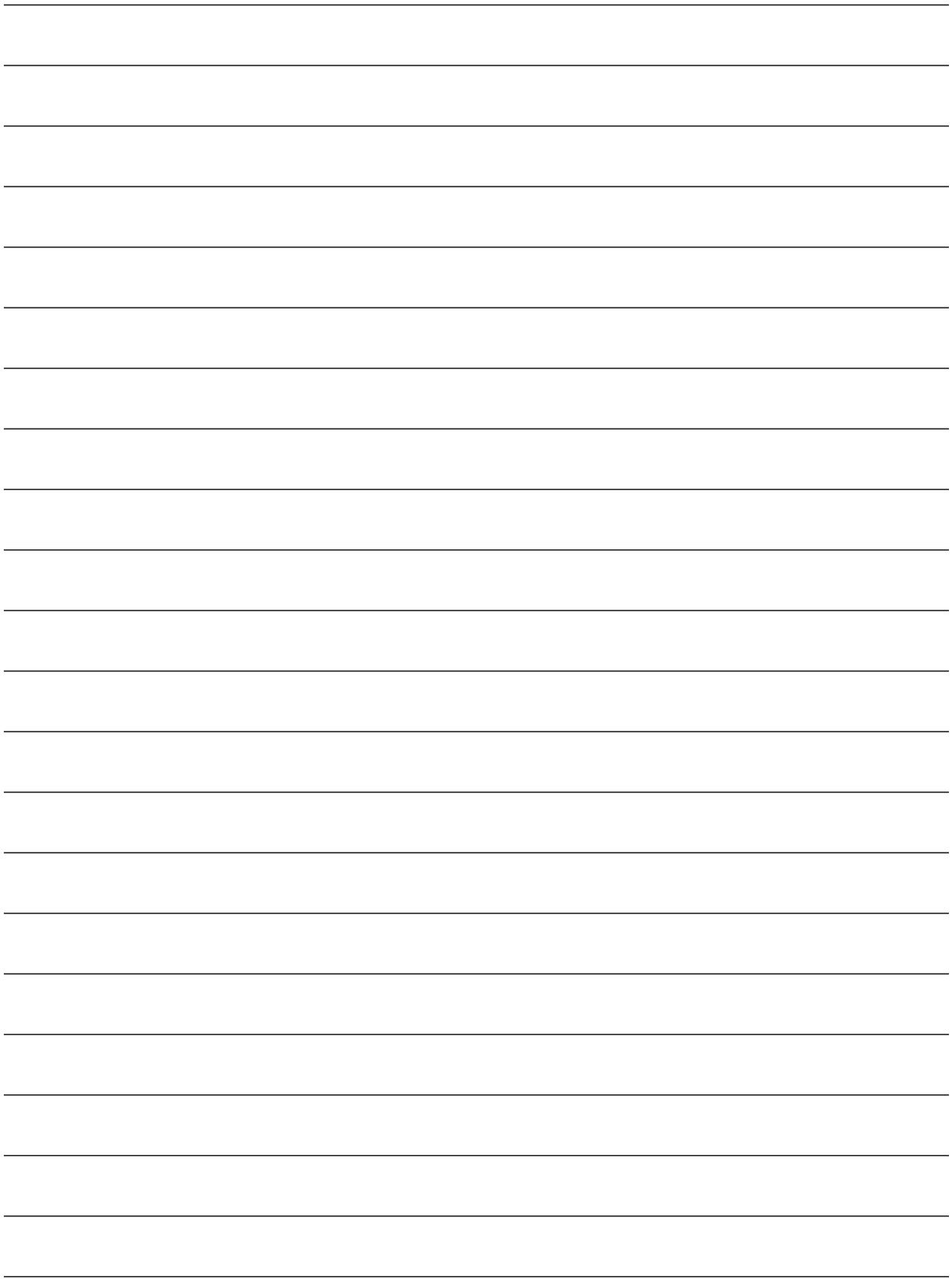


# **Understanding CPS Timelines**

*Judge Melissa McClenahan*







# **Incompetency to Stand Trial & The Insanity Defense**

*Andrew W. Carruthers*



# DEFENDANTS WITH MENTAL ILLNESS

**INCOMPETENCY TO STAND TRIAL**  
**Chapter 46B.**

**THE INSANITY DEFENSE**  
**Chapter 46C.**

Andrew W. Carruthers  
Criminal Law Magistrate of Bexar County



Acknowledgment: <https://powerofadvocacy.wordpress.com/category/quotes/>

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## **A defendant is incompetent to stand trial if he lacks:**

- present ability to consult with his lawyer with a reasonable degree of rational understanding and/or
- a rational and factual understanding of the proceedings and/or
- the ability to assist in the preparation of his defense

✦ 46B.003

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## **Informal Inquiry**

**An Informal Inquiry is a hearing at which a party tries to convince the Court that there is “some evidence” indicating that the defendant may be incompetent to stand trial.**

**Right to Counsel at an Informal Inquiry**

46B.004(c)

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Acknowledgment: Mike Twoby found at [http://www.condenaststore.com/csp/Incompetent-to-Stand-Trial-New-Yorker-Cartoon-Print\\_0449166.html](http://www.condenaststore.com/csp/Incompetent-to-Stand-Trial-New-Yorker-Cartoon-Print_0449166.html)

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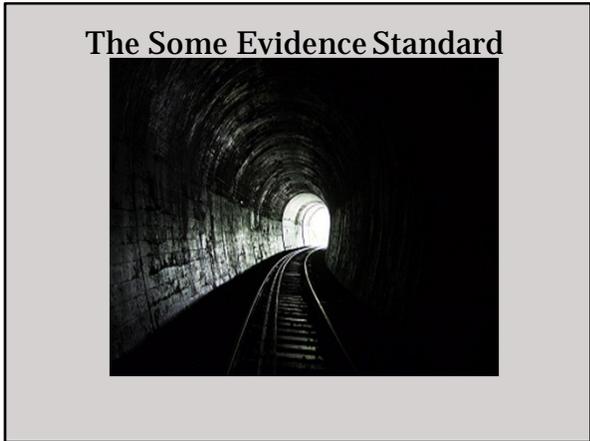
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### The Some Evidence Standard

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**Appointing Experts**  
**Experts' Qualifications**  
**46B.022**  
**Ph.D Psychologist**  
licensed in the State of Texas  
OR  
**Psychiatrist**  
licensed as a physician in the State of Texas  
  
Art. 46B.022 C.C.P. for other requirements

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**Evaluation of the Defendant**

An expert involved in the treatment of the defendant **may not** be appointed to perform a competency evaluation.

46B.021(c)

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**The Expert's Report  
(Competency Evaluations)**

- Report should be filed with the trial court within 30 days of court order
- The report should contain the expert's opinion as to whether the defendant is presently competent to stand trial
- Copies of the expert's report must be given to the parties**

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**Resolving the Issue of  
Incompetency**

**Competency Disposition Hearings**

**Agreed Incompetency Hearings**

**Competency Trials (Jury or Bench)**

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## Competency Trials

The issue of incompetency can be tried to the court or before a jury at the request of either party or the court.

Cannot be the same jury selected to determine guilt or innocence.

Each side gets 6 peremptory challenges in district court.

Each side gets 3 peremptory challenges in county court.

Jury verdict must be unanimous.

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## Incompetency Raised During Trial

The court is not required to stay proceedings but must determine competency sometime before sentencing . 46B.005(d)

If found incompetent after trial has begun, a defendant cannot be sentenced until competency is restored.

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## Defendants With Mental Illness

### If Found Incompetent & Unlikely to Be Restored in the Foreseeable Future:

State must prove by a **clear and convincing evidence**:

- (1) Defendant is a person with mental illness and/or
- (2) Defendant meets **criteria for involuntary commitment**:
  - a. Defendant is likely to harm himself; or
  - b. Defendant is likely to harm others; and/or
  - c. Defendant is experiencing
    - i. Mental, emotional or physical distress;
    - ii. Deterioration of ability to meet own basic needs; and
    - iii. Unable to make rational treatment decisions

46B.071(b)

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## Defendants with Intellectual Disability

If Found Incompetent & Unlikely to Be Restored in the Foreseeable Future

Criteria for Involuntary Commitment Must Be Decided

State must prove **beyond a reasonable doubt**:

- 1) Defendant is a person with intellectual disability
- 2) Defendant meets the criteria for long term commitment:
  - a. Defendant is a risk for injury to himself or others
  - b. Defendant is unable to provide for his most basic physical needs
- 3) Defendant cannot be adequately habilitated in a less restrictive setting
- 4) Residential care facility meets the proposed treatment needs

46B.071(b)

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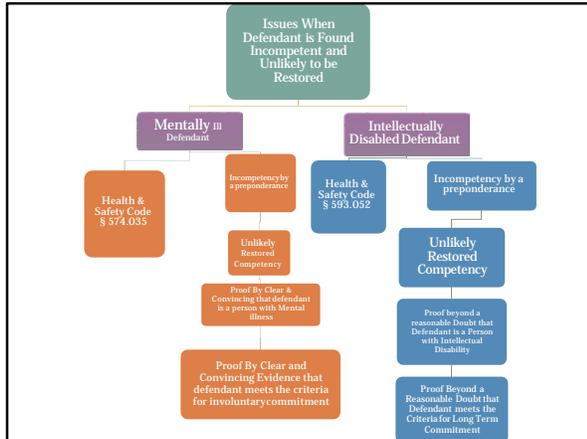
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## PLACEMENT OPTIONS AFTER INITIAL FINDING OF INCOMPETENCY

Outpatient/Community Based Commitment

Inpatient/Residential Care

Jail Based Competency Restoration

Maximum Security Commitment

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**THE COURT'S PLACEMENT OPTIONS  
AFTER A FINDING OF INCOMPETENCY**

**Commitment to Inpatient/Residential Care**

If the defendant:

- is *not* charged with an Art. 17.032 felony,
- indictment does not allege affirmative finding on use of a deadly weapon and
- court determines outpatient/community treatment is not appropriate

the court shall commit the defendant to a mental health facility or residential care facility determined to be appropriate by either the local mental health authority or the local intellectual disability authority

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**COMMITMENT TO MAXIMUM  
SECURITY (17.032 Offenses)**

If defendant is charged with:

- one of the violent offenses listed in Article 17.032(a)  
*or*
- if the indictment seeks an affirmative finding on use of a deadly weapon

the court **shall** commit the defendant to the maximum security unit at Vernon or Rusk State Hospital a period not to exceed 120 days

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**DURATION OF INITIAL COMMITMENTS**

All Class B Misdemeanor Commitments 60 Days

Class A Misdemeanor Inpatient Commitments 60 Days

Class A Misdemeanor Outpatient Commitments 120 Days

All Felonies Commitments 120 Days whether Inpatient or Outpatient

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## Getting on the Waiting List

Call North Texas State Hospital (Vernon) to place your defendant on the Clearinghouse List

They will place your defendant on the appropriate hospital's waiting list.

Include in your packet defendant's name, offense, type of commitment, DOB, SS#

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## DOCUMENTS WHICH ACCOMPANY DEFENDANT

Experts' Report/s  
Psychiatric, psychological or social reports related to defendant's mental condition  
Documents provided by counsel for both sides related to past or present mental condition  
Copies of indictment, information or documents used to establish probable cause  
Criminal history  
Attorneys addresses  
Transcript of medical testimony

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## HEARING ON CREDIBLE EVIDENCE OF IMMEDIATE RESTORATION

If the court receives credible evidence that the defendant has been restored to competency *after* the defendant is found incompetent *but before* he is transported following his commitment, the court can order re-evaluation and if found competent, the parties can agree the defendant is competent and he can be restored on record. Criminal proceedings can then resume.

If the parties cannot agree, the issue can be litigated before the court or a jury upon request of either party or the court.

See Art. 46B.0755

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### Expiration of Initial Commitment-Facility's 15 Day/Final Report

Facility shall send notice & a report to the court at least 15 days before expiration of initial commitment

The facility can request one 60 day extension of the initial commitment

60 day extension only applies to the initial commitment

Court shall provide copies to the parties

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### Defendant's Return to Court and No Objection to the Report

- No expert testimony is necessary if there is no objection to the report.
- The Court can make its determination from the 15 day notice, the facility's report, other medical information and/or personal history of defendant.
- If no jury is requested, hearing may be by video conference.
- Defendant must be returned to court no later than the date of expiration of the commitment.

46B.084

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### Defendant's Return to Court and Objection to the Report

**If a party objects to the report, a hearing shall be held before the court except the defendant, defense counsel, the prosecutor or the judge can request that the hearing be held before a jury.**

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## RESTORATION OF COMPETENCY

*Restoration to competency must be made on record and reflected in a judgment.*

*If defendant is found competent to stand trial, whether by way of a trial or agreement, criminal proceedings must be resumed not later than the 14<sup>th</sup> day after the court determines the defendant is competent.*

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## AGREED CIVIL COMMITMENT HEARINGS

### **Agreed Competency/Restoration**

If the treatment provider's report states that defendant has been restored to competency, the parties can agree that defendant has been restored, the court can find defendant competent on record and criminal proceedings may resume.

### **Agreed Incompetency and Recommitment**

If neither party objects to the report, Article 46B.084 (a) permits the court to make the incompetency determination and enter its order of commitment from the facilities report, the certificate, & other medical/personal information.

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## PRESUMPTIONS AND BURDEN OF PROOF

### **Presumption**

When the defendant returns to court, the competency or incompetency finding in the facility's report, determines whether the defendant is presumed to be competent or incompetent.

### **The Burden of Proof**

A party opposing the finding of competency or incompetency has the burden of proof by a preponderance of the evidence.

Art.46B.113

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**ISSUES AT RECOMMITMENT HEARINGS**

*The judge or jury has to determine if the defendant is incompetent and if he is incompetent, in order to recommit the defendant, the state must prove by a preponderance of the evidence that:*

- 1) Defendant a person with mental illness
- 2) Defendant meets the criteria for involuntary commitment because:
  - a. Is he likely to harm himself; or
  - b. Is he likely to harm others; and/or
  - c. Is Defendant experiencing deterioration
- 3) Defendant's condition is expected to continue for more than 90 days
- 4) Defendant has been under a 46B commitment for 60 consecutive days within the preceding 12 months

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**Issues at Recommitment Hearings**

***Defendants with Intellectual Disability***

*If the Defendant is found incompetent, in order to recommit, State must prove to the judge or jury (beyond a reasonable doubt) that:*

- 1) Defendant is a person with intellectual disability
- 2) Defendant meets the criteria for long term commitment

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**Duration of Commitments**

***Defendants with Mental Illness***

- Civil/extended mental health commitments are for a period not to exceed 12 months.
- The exception: when 12 months exceeds maximum period of restoration.

***Defendants With Intellectual Disability***

- No period of time is specified in a commitment order for a person with intellectual disability under the Health & Safety Code.
- This indefinite commitment period is referred to as a **long-term commitment.**

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## Documents the Court Must Have Before Recommitting

### Defendants with Mental Illness

The restoration facility/outpatient restoration program should provide a report telling the court that the defendant has not attained competency and requesting recommitment.

If the facility believes the defendant remains incompetent, the facility should include a Certificate of Medical Examination for Mental Illness in its recommitment packet.

Civil recommitment proceedings for mentally ill defendants who the facility finds still incompetent should not be held unless there is a current **Certificate of Medical Examination for Mental Illness** on file with the court.

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## Documents the Court Must Have Before Recommitting

### Defendants with Intellectual Disability

#### *Determination of Intellectual Disability*

A person is not eligible to receive intellectual disability services unless the person is formally declared to be a person with intellectual disability. (Health & Safety Code § 593.003)

If the facility believes that the defendant is a person with intellectual disability, it should forward an affidavit to the court expressing that opinion.

A formal determination of intellectual disability is a necessary prerequisite to long-term commitment to a residential care facility or a community based program.

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## RENEWAL of CIVIL COMMITMENT

### Defendants with Mental Illness

The issues are the same as a civil/extended commitment hearing except under § 574.066(f), the trier of fact is **not required to make a finding as to whether the defendant has received 60 consecutive days of inpatient mental health services** within the preceding 12 months under § 574.035(a)(4).

Unless there is an objection, a certificate and the report provide sufficient evidence for recommitment. Art. 46B.084(a-1)(1)

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**RENEWAL of CIVIL  
COMMITMENT  
PROCEEDINGS**

***Defendants with Intellectual  
Disability***

The issues for renewal hearings involving persons with intellectual disability do not differ from the procedures in a civil/extended commitment proceeding.

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**REDETERMINATION OF COMPETENCY**

- ❖ During an unexpired commitment, the court can hold a hearing to re-determine competency on the request of the facility head, the court's own motion or request by either party.
  - ❖ The court or either party can obtain a jury trial on the issue of competency.
  - ❖ The defendant is presumed competent if the facility head has provided an opinion that the defendant has regained competency.
  - ❖ The defendant is presumed incompetent if the facility head has provided an opinion that the defendant is incompetent.
  - ❖ The burden of proof to the contrary is by a preponderance.
- Art. 46B.108-113.

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**MAXIMUM PERIOD OF  
RESTORATION**

- ❖ Art. 46B.0095(a) establishes a maximum period of restoration.
- ❖ For felonies and misdemeanors, the total time of inpatient or residential care commitment cannot exceed the maximum prison or jail term for the offense charged.
- ❖ Defendants charged with felonies cannot be committed to an inpatient facility, a residential care facility, an outpatient competency restoration program or a combination thereof for a cumulative period in excess of the maximum term provided by law for the offense with which the defendant is charged.
- ❖ The maximum period of restoration for a defendant charged with a Class A or B misdemeanor and committed to an outpatient/community based competency restoration program or a combination of inpatient/residential outpatient community based care is **two years** beginning on the date of the initial order for outpatient commitment.

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## TIME CREDITS

- ❖ A court sentencing a defendant shall credit to the term of the defendant's sentence, the time the defendant is confined in a mental health facility, residential care facility, jail or a jail-based competency restoration program pending trial as a result of being found incompetent to stand trial. Art. 46B.009
- ❖ Art. 46B.0095 subsection (e) allows the court to credit any good time the defendant may have been granted in jail to the maximum period of restoration.

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## INSANITY AT THE TIME OF THE OFFENSE



Acknowledgment: Bill Robles, APAttorney "Judy Clark and Jared Loughner"  
[http://usatoday30.usatoday.com/news/nation/2011-05-25-giffords-shooting-tucson-loughner-trial\\_n.htm](http://usatoday30.usatoday.com/news/nation/2011-05-25-giffords-shooting-tucson-loughner-trial_n.htm)

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## NOT GUILTY BY REASON OF INSANITY

Insanity at the time of the offense is an affirmative defense under Section 8.01 of the Penal Code.

The defendant has to prove by a preponderance of the evidence that *at the time of the commission of the offense*, as a result of severe mental disease or defect, he/she did not know that his/her conduct was wrong.

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# NGRI

## Scope of the Evidence

Evidence of insanity can include a broad range of evidence covering periods of time before, during and after the alleged conduct.

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Art. 46C.051 requires that a defendant planning to raise the defense of insanity **must** file with the court a notice of intent to raise the insanity defense at least **20 days before trial or at any pretrial hearing held before that 20 day period.**

The statute requires that the notice contain a certification that a copy of the motion has been served on the attorney representing the State.

Art. 46C.052 says failure to timely file Notice of Intent to Raise the Insanity Defense **results in a bar** to presentation of evidence related to the insanity defense unless the trial court finds there is good cause for failing to timely file the notice.

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## Getting Expert Appointed to Evaluate Defendant

Defense or the State can file a motion for appointment of an expert qualified under 46C.102.

If defendant retains an expert of his own choosing, upon timely request, court shall provide the examiner reasonable opportunity to examine the defendant.

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## Trial of the Insanity Defense

- Insanity must be supported by competent evidence .
- Absent competent evidence, the trial court can refuse to consider evidence of insanity or refuse to submit the issue in the jury charge.
- Testimony that has been held **inadequate** to require submission of a jury charge on insanity:
  - Defendant was not acting like himself;
  - Defendant was nervous;
  - Defendant could not remember what happened;
  - Defendant had visions a few days before;
  - Defendant was upset
- Lay Testimony can be sufficient to raise the defense.

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## Informing the Jury of Consequences of NGRI Finding

Art. 46C.154 provides that neither party nor the court shall inform the jury of the consequences to the defendant if a verdict of not guilty by reason of insanity is returned.

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## Essential Ingredients for NGRI

Before the insanity defense is applicable, **the State must prove each element of the offense beyond a reasonable doubt.**

Once the State has proven all elements of the offense, **Defendant must prove by a preponderance of the evidence that at the time of the offense, due to severe mental disease or defect, the defendant did not know that his conduct was wrong.**

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### **Dangerous Conduct Finding**

Following a finding of NGRI, the Court **must determine** (and the record and judgment **must reflect**) whether Defendant's conduct:

- 1) Caused serious bodily injury to another;
- 2) Placed another person in imminent danger of serious bodily injury; or
- 3) Consisted of a threat of serious bodily injury to another person through the use of a deadly weapon.

Art. 46C.157.

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### **Retention of Jurisdiction**

If the court finds that the offense involved dangerous conduct, the court shall retain jurisdiction of the defendant.

Art. 46C.158.

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### **Commitment to Maximum Security**

If court retains jurisdiction, the court is required to commit Defendant to a maximum security unit of the Texas Department of State Health Services for **no more than 30 days** for an evaluation of his present mental condition and for treatment.

Art. 46C.251(a)

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# Disposition Hearing



Art. 46C.253

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## Option #1 Inpatient or Residential Care

The court shall order inpatient treatment and supervision or residential care if State establishes by clear and convincing evidence:

1. Defendant has a **severe mental illness** or intellectual disability;
2. **Likelihood that defendant will cause serious bodily injury** to another if the Defendant is not provided with treatment and supervision; and
3. **Inpatient treatment or residential care is necessary to protect the safety of others.**

Art. 46C.256(a)(1)-(3).

The order of commitment to inpatient or residential care **expires on the 181<sup>st</sup> day** following the date the order is issued. The order is subject to renewal.  
Art. 46C.256(c).

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## Option #2 Outpatient or Community Based Treatment

Court shall order outpatient or community based treatment and supervision if State establishes by clear and convincing evidence:

1. Defendant has a severe mental illness or intellectual disability;
2. Likelihood that defendant will cause serious harm to another if the defendant is not provided with treatment and supervision; and
3. **State fails to establish by clear and convincing evidence that inpatient treatment or residential care is necessary to protect the safety of others**

The order of commitment **expires 12 months** after the date the order is issued. The order is subject to renewal.

Art. 46C.257(b).

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### Option #3

#### Transfer to an Appropriate Court for Civil Commitment Proceedings

If State fails to establish grounds required for inpatient or outpatient commitment but evidence provides a reasonable basis for believing that Defendant is a proper subject for civil commitment under Title 7, Subtitle C or D of the Health & Safety Code, Court shall order Defendant **transferred to the appropriate court** for such proceedings.  
Art. 46C.253(f).

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### Option #4

#### Discharge and Release

If State fails to establish grounds for inpatient commitment, outpatient commitment or transfer for civil commitment proceedings, Court shall order Defendant's discharge and **immediate release**.

Art. 46C.253(f).

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### Renewal Hearings

If the Disposition Hearing resulted in commitment, not later than the 60<sup>th</sup> day before the commitment expires, the head of the facility shall transmit to the court, a psychological evaluation, a certificate of medical examination for mental illness and recommendation for further treatment. Court shall make copies available to the parties.

Not later than **30 days** before expiration of the commitment order entered following the Disposition Hearing, the institution to which a person is committed, the person responsible for providing outpatient/community based treatment and supervision, or the attorney representing the State may file a request for renewal of the order.

The court shall set the matter for a hearing before the certificate expires and make sure defendant has counsel

Art.46C.261

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## Renewal Hearings

### The Certificate of Medical Examination for Mental Illness

The request for renewal must be accompanied by a certificate of medical examination for mental illness signed by a physician who examined the person during the 30-day period preceding the date on which the request is filed. Art. 46C.261(c).

If no objection is made, the court may admit into evidence the certificate of medical examination for mental illness. Admitted certificates constitute competent medical or psychiatric testimony, and the court may make its findings solely from the certificate, the detailed request for renewal and/or the psychological evaluation. Art. 46C.261(g).

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## Renewal Hearings

### The State's Burden of Proof

A court shall renew the order only if the state proves by clear and convincing evidence that **continued mandatory supervision and treatment are appropriate.** Art. 46C.261(h)

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## Renewal Hearings

### Burden of Proof for Outpatient/Community Based Treatment

The court may modify the order to provide for outpatient or community-based treatment and supervision if the court finds the acquitted person has established by a preponderance of the evidence that treatment & supervision can be safely and effectively provided through outpatient or community-based treatment & supervision. Art. 46C.261(i).

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## ***What Juries Can Hear***

The court is required to grant a jury trial if the state, the defense or the court requests a jury trial in 46C.253 disposition hearings, 46C.261 renewal hearings, and Art. 46C.268 advance discharge hearings.

Art. 46C.255(b)(1)-(4).

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## ***What Juries Cannot Hear***

Juries are specifically prohibited from hearing proceedings to modify or revoke outpatient/community based treatment under Art. 46C.266 and hearings to modify inpatient/residential care to outpatient/community based treatment and supervision under Art. 46C.262.  
Art. 46C.255(a) and (b).

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## ***The Bottom Line***

Although **juries** can determine the various issues required for commitment in disposition, renewal, modification and revocation of outpatient/community based treatment proceedings, **the court** in each instance makes the ultimate determination as to whether Defendant is placed in an inpatient/residential care setting or an outpatient/community based setting.

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## **Time Limitations on Retention of Jurisdiction**

Court cannot retain jurisdiction and commit a defendant to inpatient care, residential care, or outpatient/ community based treatment & supervision for a cumulative period exceeding the maximum term provided by law for the offense of which the defendant was acquitted.

Art. 46C.002, Art. 46C.158(2).

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## **Automatic Termination of Court's Jurisdiction**

The court's jurisdiction automatically terminates on the date when the cumulative total period of institutionalization and outpatient/community based treatment and supervision equals the maximum sentence for the offense of which the defendant was acquitted.

Art. 46C.269.

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## **The Insanity Defense & Motions to Revoke Probation**

The insanity defense does not apply to technical violations.

It does apply to MTR allegations involving the commission of a new offense.

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## COMPELLED MEDICATION HEARINGS

Defendants committed for competency restoration or NGRI **can be compelled** to take psychoactive medications.

Health & Safety Code § 574.106, 592.156 & C.C.P. Art. 46B.086



Acknowledgment: John Rawlston/Times Free Press from <http://www.timesfreepress.com/news/local/story/2014/oct/03/breaking-cycle-proposed-mental-health-court-gains-28867/>

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## Protecting the Community & the Rights of the Individual



Acknowledgment: <https://powerofadvocacy.wordpress.com/category/quot> Acknowledgment: <http://www.courts.phila.gov/common-pleas/trial/criminal/mhc.asp>

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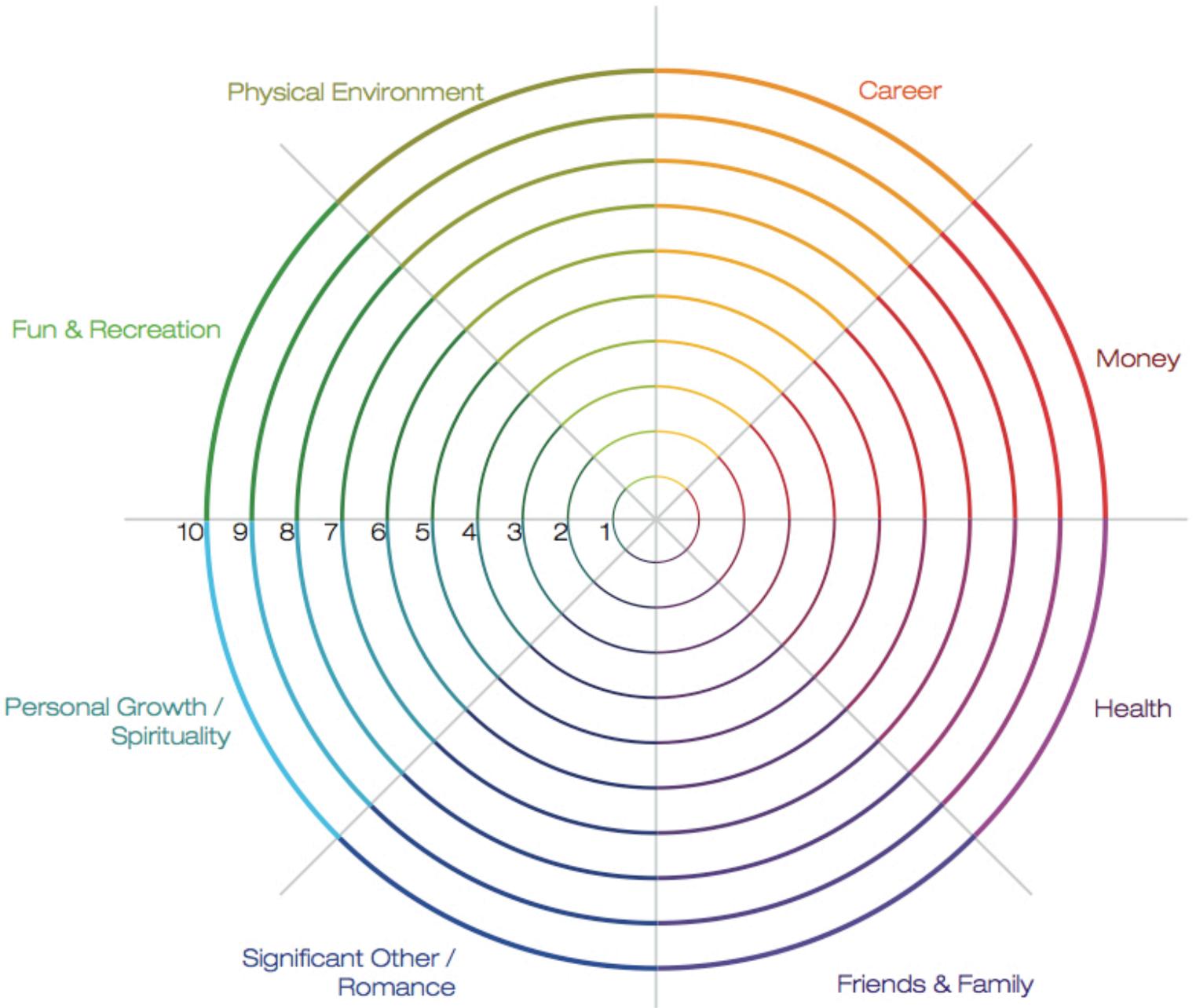
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**Thriving in  
Lifestyle Changes**  
*Colleen Robison*



# Wheel of Life



# Thriving

What do I want? (What is my big change)

Why do I want it?

What's holding me back?

What do I need to do? How will I thrive?

**Baby Steps:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Game Plan:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**One small Baby Step at a time:** \_\_\_\_\_

\_\_\_\_\_

<b>MONTH</b> _____	<b>Saturday</b>					
	<b>Friday</b>					
	<b>Thursday</b>					
	<b>Wednesday</b>					
	<b>Tuesday</b>					
	<b>Monday</b>					
	<b>Sunday</b>					

# Self Care Ideas

- Drink a fresh juice
- Read a magazine
- Take a long bath or shower
- Spend 5 minutes or more in quiet
- Go for a walk
- Spend an evening with a friend
- Learn a new stretch
- Watch a game with a friend
- Sleep 10 extra minutes
- Listen to your favorite cd all the way through
- Fix a cup of tea or coffee
- Get a massage
- Plan a time to grill out
- Try a new workout
- Listen to a new or favorite podcast
- Enjoy a meal outside
- Start a conversation with a stranger
- Have a session with a counselor
- Take “should” out of your vocabulary for a day
- Clean out a junk drawer
- Visit a library or bookstore
- Go to be early
- Attend a local sporting event
- Watch your favorite movie
- Diffuse essential oils
- Go for a run
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



## Thriving In Lifestyle Changes

Colleen Robison  
Speaker | Trainer | Coach

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### What does it mean to THRIVE?

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**THriv**  
grow or develop well or vigorously

**Synonyms:** flourish, prosper, burgeon, bloom, blossom, mushroom, do well, advance, succeed, prospering, growing, developing, healthy, successful, booming, profitable, expanding

**Informal:** going strong

**Antonyms:** decline, wither, moribund

**Origin:** Middle English (originally in the sense 'grow, increase'): from Old Norse thrifask, reflexive of thrifa 'grasp, get hold of.'

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My Story | Part 1



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Are you currently going through a big change or do you see one on the horizon?

And what makes a change BIG?



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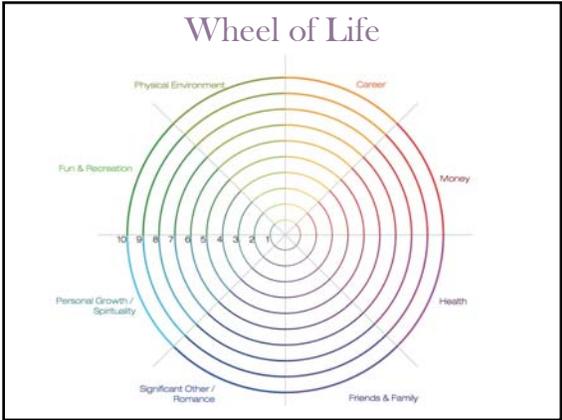
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## Thriving Worksheet

Pull out Handout #2

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What do I want? (What is my big change)

Why do I want it?

What's holding me back?

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## The Myth of Motivational Quotes

"If nothing ever changed, there'd be no butterflies."

"Be stronger than your excuses."

"Make today worth remembering."

"It's okay to be a glowstick. Sometimes we have to break before we shine."

"Sweat is magic. Cover yourself in it daily to grant your wishes."

"Fall in love with taking care of your body."



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## My Story | Part 2



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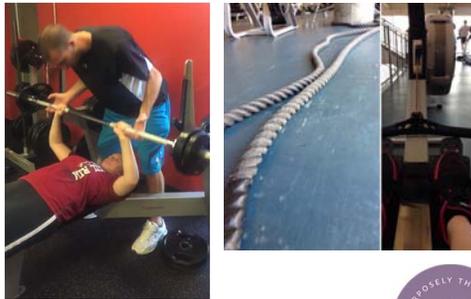
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LEG DAY  
ISN'T OVER YET

DO YOU WANNA  
DO A WORKOUT?

Me: [uncontrollable sobbing]  
I can't see you anymore.  
I won't let you hurt me again.  
Trainer: It was a sit-up.  
You did one sit-up.

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#whatbrusselsprouts

#squashdog

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# Thriving Worksheet

Pull out Handout #2 & #3

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What do I need to do? How will I thrive?

**Baby Steps:** \_\_\_\_\_  
\_\_\_\_\_

**Game Plan:** \_\_\_\_\_  
\_\_\_\_\_

**One small Baby Step at a time:** \_\_\_\_\_  
\_\_\_\_\_

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MONTH \_\_\_\_\_

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

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### Self Care Ideas: Handout #4

- Try a new workout
- Enjoy a meal outside
- Listen to a new podcast
- Read a magazine
- Go to bed early
- Get a massage
- Drink a fresh juice
- Plan an evening with friends
- Watch your favorite movie
- Learn a new stretch
- Sleep an extra 10 minutes
- See a counselor
- Clean out a junk drawer
- Get your hands in the dirt
- Attend a local event
- Go for a walk
- Read a book
- Put your feet up

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“No matter how many mistakes you make or how slow your progress, you’re still way ahead of everyone who isn’t trying.” – Tony Robbins

“What you get by achieving your goals is not as important as what you become by achieving your goals.” – Zig Ziglar

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THE BEST THINGS IN LIFE START WITH THE LETTER **S**

- SUN
- SLEEP
- SQUATS
- SPANDEX
- SPIZZA
- SDONUTS
- SPEANUT BUTTER

Why can't I be comforted by carrots? Why does it have to be chocolate and ice cream?

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If that cookie was in a cave you can bet that Neanderthal would eat it. So cookies are Paleo!

your cards  
www.yourcards.com

So glad I don't have a thigh gap. Almost dropped my phone in the toilet but my legs were like, nah girl, we got you.

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### Resources

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 @PurposelyThrivingMembership

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