

JOURNAL

TEXAS ASSOCIATION FOR COURT ADMINISTRATION

PROFESSIONALS MANAGING TEXAS COURTS

Volume 29, No. 3, August 2005



El Paso County Courthouse
El Paso

TEXAS ASSOCIATION FOR COURT ADMINISTRATION 2005 JUDICIAL ADVISORY BOARD

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Dallas, Texas 75202-4658

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Houston, Texas 77002

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Austin, Texas 78711

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Houston, Texas 77002

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Supreme Court of Texas
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Austin, Texas 78711-2248

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318th District Court
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Midland, Texas 79701-4557

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112 West Beauregard
San Angelo, Texas 76903

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County Court at Law #1
115 North Bridge Street, Ste. 203
Victoria, Texas 77901-6544

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FROM THE CHAIR

Dear Friends:

This issue will be my last opportunity to address you as TACA Chair. The past four years on the board, two of which I have served as chair, have been very rewarding for me. I cannot tell you too many times what a wonderful organization this is! I am so proud to be a member and I am honored to have been able to serve you. The TACA Board of Directors has been an incredible group of people to work with. They have been a blessing to me in so many ways.

Being on the Board is a job in itself. We usually have 2-3 meetings during the year, telephone conferences and a ton of e-mails. We meet in March for the Action Plan. At this 2 1/2 day meeting, we develop a budget, lay out the upcoming conference and strategies for the year. We meet in June during the Professional Development Program in Austin, Texas. At this meeting, we finalize conference plans, encourage new coordinators/administrators to join TACA and discuss other business. Our final meeting for the year is during the annual Judicial Conference. This is our time to sit down with the TACA Judicial Advisory Board. We are so fortunate to have these judges who encourage us and want to provide guidance if needed. This is also our opportunity to talk with your judges and explain how important TACA is to you and your job. To all of you who have been involved these last two years – I send out my heartfelt thank you for all your hard work and time.

Allow me to take a few moments and tell you about some of our accomplishments. First, the TACA Journal has grown bigger and better with each issue. The decision to change the format of the Journal and increase input from the judiciary and our own members has brought a new and exciting Journal to TACA. Kudos to Kristy Harris and John Warren for an outstanding job!!

The Conference Committee has been top notch. Ed Wells, Cynthia DeJean, along with Valerie Olivas (2004) and now Sharon Jaquess have mapped out a strategy for educating our members and bringing information to us that develops every area of our working lives. They are such a great team whose efforts can be experienced first hand at the annual conference in October. Cathy Burnett, Exhibit Coordinator, has brought us the best of the new technologies. She has worked hard to bring in new and exciting exhibitors/technology. All of these people, along with the curriculum committee, have done an outstanding job and are greatly appreciated. We are all quite sure Dallas 2005 will be another great conference, one which will not disappoint you.

Membership is on the rise again with the diligent efforts of Jerome Coleman and Linda Kellum. Jerome and the membership committee are in the process of identifying each court in the state and inviting new coordinators/administrators to become a part of

TACA. They have also been contacting members who for some reason haven't sent in their membership dues. If you know of someone new to the court, please have them contact Jerome.



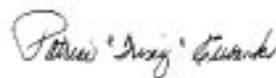
Grace Herrera our newest board member has hit the ground running. She has brought new ideas to the Association on raising money for scholarships. With her quick wit and her willingness to take on any task asked of her, she has done a tremendous job with the scholarships.

Sylvia Noriega and her nominations committee have worked to bring 4 outstanding nominees to the annual conference for your consideration to the TACA Board of Directors. Be sure that if you aren't attending the annual conference that you send your proxy ballot in. This is your opportunity to vote for the future of TACA.

All of these wonderful people and the voice of the membership have made TACA, and our profession, flourish. Thank you for allowing me to grow with you. As I look back at the last twenty-six years of being a TACA member, I am so very thankful for the lifelong friendships and wonderful education I have obtained.

I encourage each of you to attend the annual education conference October 11-14, 2005. We will be in Dallas this year at the Park West Omni. It will be an outstanding educational conference! We will also be taking charter buses one evening to the State Fair of Texas. For those who have never been, it will be quite an experience. You can eat and drink your way through the fair, watch any number of musical shows, pick out a new car, ride rides on the Midway, play games for stuffed animals, attend any number of livestock shows, spend money at the craft booths, and all the different buildings are wonderful to see – these are just a small number of things that are offered. Everything is purchased with "tickets" so bring extra cash to the conference and plan on purchasing your ticket when you register for the conference.

I look forward to seeing each of you in Dallas. As always, if you have any questions or comments I am available to each of you.



Patrice "Trisey" Eubanks

INTRODUCING TACA'S NEWEST BOARD MEMBER-GRACE HERRERA

by
Kristy Harris

When you walk into a room full of TACA members, you can't help but notice the quiet, yet confident, face of our newest Board member smiling back at you. Grace Herrera was elected to the TACA Board during our annual conference in Galveston. For those who have not had an opportunity to meet Grace, she is always easy to talk to and willing to help. She is a Court Coordinator in El Paso County and has been in her position since 1982. Prior to becoming a coordinator, she worked in the District Attorney's Office.

One of things about Grace that stands out in my mind is her faith and spiritual commitment. She professes that if she could do anything over in her life she wished that she could have developed a personal relationship with the Lord earlier.

Grace also loves challenges and likes to try different things. This is evident in the different challenges she has undertaken throughout her career. First, she graduated as a stenographer from the International Business College in 1980. She has also obtained her Paralegal certificate from UTEP. Grace was licensed in Cosmetology and was also a bartender and beverage manager at one point during her life. She is definitely full of surprises!

Grace is married to Ricardo Herrera. Her husband is the Judge for County Court at Law #1 in El Paso County. Grace thinks that the best part of both she and her husband working for the County is that they work basically the same hours. The difficulty of having a spouse as a Judge is getting other people to understand that she has nothing to do with his court. He sits at his desk and she at hers. Grace has had to adapt to the notion that her personal and work life are completely separate.

Besides being a wife, Grace is also the proud mother of two children. Her daughter Joanna, who graduated from the University of Texas El Paso (UTEP) this past May with a Bachelors Degree in History and minor in Secondary Education, and her son Michael who has just started his first year at UTEP. During her free time, Grace likes to bake and go to the movies.

If Grace could change anything about the judicial system, it would be that she would upgrade the clerk's pay in El Paso. She believes that the clerks in her county are drastically underpaid for the enormous responsibility that they have. She feels that they do an invaluable job for the court system.

We hope that this article gives you a glimpse of our newest Board member. The next time you are at a TACA gathering, feel free to introduce yourself to Grace. You will find her friendly and warm personality inviting. You will also see that she is dedicated to bettering our organization and excited about the challenges before her.



MEMBERSHIP COMMITTEE REPORT **Linda Kellum, Board Liason**

It has been a while since an update was provided to our organization on TACA Membership. What better time to do that than now with the upcoming annual conference in October.

I am very pleased to inform you that TACA now has 479 total members. We recently sent out two mass mailings. The first mailing was aimed at recruiting new members and the other was aimed at getting past members to renew their membership. These two mailings were successful and resulted in 40 new members and 74 renewals.

The TACA membership committee plans to do a mass mail out once every two years in hopes of a bigger and better response each time. The membership committee is also in the process of recruiting Judges as Associate or Sustaining members. The organization as a whole has improved vastly over the past two years and we are beginning to see our revenue increase slowly.

I look forward to seeing each of you at the annual TACA conference which will be in Dallas, Texas this October. If you know of any coordinators in your area that are not members of TACA, please encourage them to join the organization and to attend the annual conference.

AGENDA – TACA 29TH ANNUAL EDUCATION CONFERENCE “Effective Leadership”

A Core Competency Tool for Improving Your Court’s Performance

Tuesday, October 11, 2005

- 1:00 pm Registration
- 3:00 - 3:15 pm Welcome
- 3:15 - 5:00 pm **PLENARY: “Celebrating Leaders”**
5:30 - 6:15 pm New Members/First Time Attendees Reception
- 8:00 - 10:00 pm **“Movie Night”**

Wednesday, October 12, 2005

- 8:00 - 9:30 am **PLENARY: “Your Role”**
9:30 - 9:45 am Break
- 9:45 - 10:45 am **Workshops Round I (3 Workshops)**
- Effective Leadership Practices
 - Caseflow Management - *Criminal District*
 - Information Technology- “Expectations of Modern Caseflow Management Systems”
- 10:45 - 11:45 am Legislative Updates
- 11:45 - 1:15 pm Luncheon
Presentation of PDP Certificates
Introduction of Candidates
- 1:30 - 2:30 pm **Workshops Round II (3 Workshops)**
- Caseflow Management - *Family*
 - Child/Adult Protective Services
 - Information Technology- “Expectations of Modern Caseflow Management Systems”
- 2:30 - 2:45 pm Break
- 2:45 - 3:45 pm **Workshops Round III (3 Workshops)**
- Caseflow Management - *Criminal (County)*
 - Indigent Defense - “Grant Application”
 - Rural Association for Court Administration - RACA

“State Fair Night” (First Bus Departs at 4:00pm)

Thursday, October 13, 2005

- 8:00 - 10:00 am **PLENARY: “Team Building”**
- 10:00 - 10:15 am Break
- 10:15 - 11:15 am **Workshops Round IV (3 Workshops)**
- Caseflow Management - *Juvenile*
 - Rural Association for Court Administration - RACA
 - Caseflow Management - *District*
- 11:15 - 11:45 am **Leadership**
- 11:45 - 1:00 pm Luncheon
Introduction of Board & Committees Awards
- 1:00 - 2:50 pm **PLENARY: Motivational**
- 2:50 - 3:05 pm Break
- 3:05 - 4:15 pm **Workshops Round V (3 Workshops)**
- Caseflow Management - *Probate*
 - Future Planning Focus Group
 - Caseflow Management - *County*
- 4:15 - 5:30 pm **TACA BUSINESS MEETING**
“Night On Your Own”

Friday, October 14, 2005

- 9:00 - 10:15 am **PLENARY: Focus on the Future: TACA and Improving Your Court’s Performance**
- 10:15 - 12:00pm **General Session**



TEXAS ASSOCIATION FOR COURT ADMINISTRATION

29th ANNUAL EDUCATION CONFERENCE

October 11-14, 2005

Please complete the form below and forward to:

Texas Association for Court Administration
Attn: Sharese Hurst
Correctional Management Institute of Texas
George J. Beto Criminal Justice Center
Sam Houston State University
Huntsville, Texas 77341-2296
Or fax to (936)294-1671

Last Name: _____ First Name: _____

Title: _____ Court: _____

Address: _____ City: _____ State: _____

Zip Code: _____ Telephone: _____ Fax: _____

County/Countries: _____ E-mail Address: _____

_____ First Time Attendee TACA Member Since: _____

Please indicate any special needs – dietary or disability: _____

*Registration Fee Before September 23, 2005: TACA Member \$175.00 Non-Member \$225.00
After September 23, 2005: TACA Member \$200.00 Non-Member \$250.00

*The registration fee includes:

- All written material
- Morning and afternoon breaks
- 2 lunches
- Transportation will be provided to the State Fair on Wednesday, October 12th; Admission tickets to the State Fair are approximately \$20.00

Cancellation Policy: Cancellations must be made in writing and received by Sharese Hurst no later than September 23, 2005, in order to receive a full refund. NO REFUNDS or CREDITS will be given to participants that NO-SHOW.

Spouse/Guest Luncheon Fee per lunch (\$25.00 charge): _____ Name of Spouse: _____

Method of Payment: _____ Check _____ Government Purchase Order _____ Amount Enclosed: _____
Purchase Order #: _____

Attire: Business casual. Meeting room temperatures and personal comfort ranges vary widely. Meeting rooms always seem very cold, please bring a sweater or jacket.

Location and Hotel Information:

Omni Dallas Hotel at Park West
1590 Lyndon B. Johnson Freeway
Dallas, Texas 75234
(972)869-4300

Room Rates: \$85.00 single \$95.00 double \$139.00 suite

- Complimentary Parking
- Check-in – 3:00 PM; Check-out – 12 Noon
- Hotel Cut-off Date for above rates: September 23, 2005 @ 5:00 PM
- Shuttles will be available from both airports for a fee
- Reservations may be made by email to: jones@omnihotels.com or by calling (972)869-4300; you must identify yourself as a TACA Conference attendee

Special "TACA" rate is available with Enterprise Rental Cars; reference #09D3053 when calling to make reservations at 1-800-Rentacar or www.enterprise.com

NOMINATION COMMITTEE REPORT

Sylvia Noriega, Nomination Chair

On June 30, 2005, the TACA Nomination Committee met by telephone conference to select the nominees for the 2006-2008 TACA Board of Directors. The by-laws of TACA provide for three open positions on the Board during this term. The Nomination Committee received four Declarations of Candidacies. All declarations comply with the qualifications for the open positions on the Board. The Nomination Committee nominates the following individuals:

1. Kristy Harris, County Criminal Court #10, Tarrant County
2. Linda Kellum, 88th District Court, Hardin & Tyler County
3. Tommy Munoz, County Court at Law #2, Brazos County
4. Ed Wells, 14th Court of Appeals, Harris County

All TACA members in good standing are eligible to vote for these nominees and the three individuals that receive the highest number of votes will be elected to the open positions. The by-laws provide that members unable to attend the Annual Education Conference, October 11 – 14, 2005, may vote by proxy (absentee) ballot. I would like to encourage all members to take this opportunity to vote for the Board of Directors. I would also like to take this opportunity to thank the Nomination Committee for their service.



Kristy Harris

I am the Court Coordinator for Judge Phil Sorrells in Tarrant County, Texas. I have been employed by Judge Sorrells since 1996. In May 2004, I graduated Summa Cum Laude from the University of Texas at Arlington with a Bachelor's in Criminology and Criminal Justice. I

have been a member of TACA since 1997 and have served on the Membership, Curriculum and Publications committee. I am currently serving as Chair of the Publications Committee. I have completed Phases I, II and III of the Professional Development Program, along with teaching the Trial Court Coordination portion of the Professional Development Program for the past four years. In

2004, I taught one of the Core Competencies, "Purposes and Responsibilities of Courts," at the 2004 TACA Annual Conference. I am also a member of the National Association for Court Management.

As you can see, I have shown dedication and commitment to the field of court administration since I became a coordinator. If given the opportunity to serve on the Board of Directors, I would bring my eight years of experience as a Court Coordinator and also the knowledge I have obtained through the Professional Development Program. During the past few years, I have seen a different outlook for our organization, not only by the Board, but also by the members themselves. I want to be a part of this new outlook and excitement within the organization. I feel that I would be an asset to the Board. Unfortunately, our Board members can only actively serve two terms in office and I would like to take the opportunity to step up to the plate and give back to an organization that has given me so much.

Judge Sorrells has encouraged me to run for the Board and to make a difference for Court Administration across the state. You have my word that I will be dedicated to the organization and the membership and hope to only improve the future of TACA.



Tommy Munoz

Tommy A. Munoz is the Court Coordinator for the Brazos County Court at Law No. 2. He has been in the court system since 1991, first as Bailiff and then as Court Coordinator for the County Court at Law No. 2 in 1996. Tommy became a member of TACA in 1996 and has served on numerous

committees. In 1997 and 1998 he served on the Membership Committee and has served on the Education Committee since 1999. He has served on the faculty of the Professional Development Program for two years and has completed all three phases of Professional Development Program (PDP) in Huntsville, Texas. He is presently enrolled in the Institute for Court Management (Court Management Program) where he has completed courses in; Trial Court Performance Standards and Managing Financial Resources. Tommy is a native from Bryan and attended Allen Junior College in Bryan, Texas and also has completed courses while

on active duty through the Community College of the Air Force in Montgomery, Alabama. I served my country for twenty-one years in the United States Air Force and attained the rank of Master Sergeant upon retirement in 1987. I was named outstanding Administrator of the Year in 1984 and 1985. Additionally I have been awarded numerous other awards and decorations while on active duty. He is a past recipient of the College Station Rotary VIVA Award (Very Impressive Vocational Award). Now serving as a public servant I am offering my service to you (the TACA members) for being part of a committed group of court professionals—professionals who believe in the importance of training and development, who realize that vision is critical for success; who embrace change; and who will lead the courts into the future.. I would like to continue in assisting in anyway I can with each of you reaching your goals and providing you the opportunity for individual growth and education.

a plan and work the plan.” toward even a larger membership. I want to be an integral part of the training and educating of the staffs of the many court jurisdictions in our State. Being a part of such an outstanding group of people has greatly enhanced my self esteem and knowledge. I, in turn, will enhance the Board with my willingness, knowledge and abilities.



Linda Kellum

I joined TACA in 1997 immediately after coming on board with the 88th District Court and with Judge Stover. I am serving my second year as the Membership Liason for TACA. I have also served two years as Chairperson for the Education Board of TACA, and have served on the Scholarship Committee.

I completed the three years of study at the PDP in Huntsville in June 1999. I am also a member of the faculty for the PDP Program and have taught for the past five (5) years. I am a Certified Legal Assistant and a member of the Southeast Texas Association of Legal Assistants, and the Lumberton Civic Women’s League.

My court affiliated duties consist of court scheduling, preparing the dockets for the Court, maintaining the Court’s budget and other administrative duties. Some of these duties include, completing juror requests for being excused and serving as liaison between various offices in the courthouse.

I am asking the TACA members to allow me to continue to serve the organization by electing me to serve on the TACA Board for another term. First and foremost I want to continue to be a part of the “behind the stage” planning of such a wonderful conference for our fellow coordinators and administrators who are involved in the operations of our court systems. The TACA organization has experienced new growth in the last couple of years and I want to continue to “have



Ed Wells

Fourteenth Court of Appeals, Clerk of Court (5 years) – In this capacity I am both the Clerk of Court and the Court Administrator. I am responsible for all aspects of the Clerk’s office and all business administration of the Court. These duties include court procedures, personnel,

budget, facilities, and information technology. I am the Court’s representative to the media, and to local, state, and federal government entities.

Galveston County Office of Justice Administration, Director (7 years) – As Director I worked with five district courts, two county courts, one probate court, and nine justice courts. I was responsible for management of the district and county courts’ budgets, facilities, and information technology. I also directed the operation of the Law Library and the Pre-Trial Release Agency and managed the Mediation Services budget.

I would like to continue serving on the TACA Board of Directors to ensure TACA implements the plan developed and approved by the Board and membership at large. I believe TACA is THE best forum for continuing education for court personnel in Texas and would like to see that role furthered.

I believe my experience as an administrator and educator is what the Board of Directors needs to build on the traditions of the past. I have served on the Board for 3.5 years, on the Membership Committee as Host Facilitator and as Faculty Member for Education Conferences. I have further training through, Texas Center for the Judiciary Professional Development Program Certification (Coordination, Management, & Administration), Texas Center for the Judiciary Professional Development Program (faculty) Justice Management Institute – Caseload Management Seminar, Justice Management Institute – Advanced Caseload Management Seminar. All of which I will use in the advancement of TACA.

PROXY BALLOT

TACA offers a proxy ballot to enable those members unable to attend the Annual Education Conference in Dallas, Texas, October 11 – 14, 2005, the opportunity to vote for the Board of Directors. All regular members in good standing are eligible to vote.

THIS BALLOT MUST BE POSTMARKED OR FAXED NO LATER THAN September 30, 2005.

Eligible Candidates for the three (3) Board positions:

**Kristy Harris
Linda Kellum
Tommy Munoz
Ed Wells**

Eligible Candidates for the position of Chair of TACA:

**Grace Herrera
Linda Kellum
John Warren
Ed Wells**

(A person, who wishes to run for Chair, MUST have served a minimum of one (1) year as a member of the Board of Directors. TACA By-Laws, Article IV, Section 2.

I, _____, hereby assign my proxy to the Past Chair of TACA to vote for the election of officers. Specifically, I submit my proxy vote for the following individuals as Board Members:

1. _____
2. _____
3. _____

I also cast my vote for the following person to be elected as Chair:

I hereby certify that I am a regular TACA member in good standing and am unable to attend the 2005 Annual Meeting.

Signature of Voting Member

Date

MAIL PROXY BALLOT TO: Margo Wells, Secretary/Treasurer
Court Coordinator
Dallas County Criminal Court of Appeals #1
133 N. Industrial Blvd., LB #9
Dallas, Texas 75207
FAX-(214) 653-5777

NOTE: PROXY BALLOTS MUST BE POSTMARKED OR FAXED BY September 30, 2005.

SCHOLARSHIPS AND CONTINUING EDUCATION

by
Gracie Herrera

How quickly the time has come. With the annual conference right around the corner, the need to check your court's budget is now. The courts are still facing shortfalls due to budget cuts several years ago.

Many of our members are aware of the scholarships that are available through TACA for the annual education conference, but there are a number of new court coordinators who are unaware of the financial aide available to them for the conference. At the risk of being redundant, TACA offers three Founders scholarships, in the amount of \$500.00, to its members for the purpose of attending the annual education conference. We ask that you pass this information on to the new members of TACA, who may not be on the Journal's mailing list.

Submit your applications to Valerie Olivas, Scholarship Committee Chair, 500 East San Antonio, Room 1003, El Paso, Texas 79901. The deadline for submitting the applications is September 15, 2005.

Furthermore, the Scholarship Committee is seeking other avenues to increase the amount of money to be applied toward scholarships. This year the committee is hosting a raffle. Special thanks goes to Sandra Garcia, Jail Magistrate Court Coordinator, from El Paso, Texas. Sandra is responsible for getting many of the raffle items, which include a Polaroid 8" Portable DVD Player, a RCA Lyra MP3 256 MB, a Progressive DVD/VCR Combo, a 4.1 Sony Digital Camera, a Fuji Film Fine Pix A120 Digital Camera w/ Lexmark Z810 Color Jet Printer, a Turquoise Necklace - hand made by an El Paso Artist, and this is only a few of the items. Sandy - thanks a million.

The October conference promises to be a great one. Not only will you receive invaluable information to take back and apply to your courts, but it is also another opportunity to network with administrators/coordinators from across the state.

Please take advantage of the scholarships provided to all TACA members.

Below, is a list of the scholarships offered by TACA and the application form, or you can visit our web-site, at www.mytaca.org. Please take the time to review this information so that you know which scholarship best fits your needs.

1. FOUNDERS SCHOLARSHIPS

Total of Scholarships Available Annually - Three (3)

Amount of Scholarship - Amount not to exceed \$500.00 (May be used to attend the TACA Annual Education Conference).

2. THE HONORABLE PAUL FERGUSON SCHOLARSHIP

Amount of Scholarship - \$750.00 (May be used to attend any educational conference sponsored by the Institute of Court Management, The National Association for Court Management, The National Judicial College, The National Center for State Courts & Justice Management Institute)

3. THE HONORABLE JACK DILLARD SCHOLARSHIP

Amount of Scholarship - \$750.00 (May be used to attend any educational conference sponsored by the Institute of Court Management, The National Association for Court Management, The National Judicial College, The National Center for State Courts & Justice Management Institute)

4. THE HONORABLE LARRY GIST AWARD

Amount of Award - \$1,000.00 (May be used to complete Phase III and IV of the Institute of Court Management program)

5. CHIEF JUSTICE SCHOLARSHIP

Amount of Scholarship \$2,000.00 (must be a member of TACA for 5 years, have completed PDP, a faculty member of PDP and completed Phase I of ICM Program). Funding Entity - The Texas Center for the Judiciary, Inc.

6. THE JUSTICE CHARLES W. BARROW AWARD

The award has no monetary value. However, it is considered one of the highest coveted awards given annually to a TACA member, in that it recognizes the "high standards of excellence" exhibited in all endeavors of the recipient.

The deadline for scholarship applications is September 15, 2005. Please submit your application as soon as possible. We look forward to reviewing your applications.

"Applicants must sign a Commitment Contract with TACA, for a two (2) year personal commitment to serve on the Education Committee and/or any other committee as set forth in the by-laws of the association."

TEXAS ASSOCIATION FOR COURT ADMINISTRATION SCHOLARSHIP APPLICATION

NAME: _____

TITLE: _____

COURT: _____

ADDRESS: _____

CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

E-MAIL: _____

TACA MEMBER SINCE: _____

PDP YEAR COMPLETED: _____ IF NOT, YEAR EXPECTED: _____

OTHER PROGRAMS: _____

SCHOLARSHIP BEING SOUGHT: _____

Upon receiving a TACA scholarship, I understand a Commitment Contract will be executed between TACA and myself. Part of my commitment is to assist where needed in the professional development of court coordination and administration and/or assist the association at the Annual Education Conference. The funds provided by this scholarship are necessary for me to comply with Government Code 74.106 (a), and/or to enhance my professional education by attending an approved educational program as set forth in the Scholarship Guidelines. My county will not pay these expenses or will only pay part of them. I understand that this scholarship is no longer valid if I leave court administration prior to utilizing this scholarship.

Applicant's Signature: _____

Judge's Approval: _____

Submit this application to:
Valerie Olivas, Scholarship Chair
Court Coordinator, Family Court at Law #1
500 E. San Antonio, Ste. 1103
El Paso, Texas 79901

**DEADLINE FOR SUBMITTING SCHOLARSHIP APPLICATION:
September 15, 2005**

THE JUSTICE CHARLES W. BARROW AWARD NOMINATION FORM

This award was established in honor of the Honorable Charles W. Barrow, Senior Judge, Bexar County, who served as Justice on the Supreme Court of Texas 1977-1984. He also served as Chief Justice of the Fourth Court of Appeals, 1962- 1977; and as Judge of the 45th District Court, 1959-1962. Justice Barrow is one of TACA's biggest supporters since its inception and has lent support, advice and credibility to the association. The award recognizes one "for his/her extraordinary contributions in promoting court administration in Texas."

This award has no monetary value. However, it is considered one of the highest coveted awards given annually to a TACA member, in that it recognizes the "high standards of excellence" exhibited in all endeavors of the recipient.

Those wishing to nominate someone for this award should submit not only the nominee's name and current position but also, set out the contributions made in court administration and the reasons this individual merits recognition.

Please follow all eligibility and criteria, as outlined below.

Any TACA member, in good standing, who has contributed significantly in promoting Court Administration and met the following criteria:

- Nominee must have provided outstanding assistance to the overall Court Administration effort;
- Nominee must exhibit sustained dedication to Court Administration activities, generally;
- Nominee should have participated actively in promoting Court Administration.

A Narrative of the Nominee shall be attached with emphasis on eligibility, criteria and accomplishments. Narrative should be limited to two (2) pages.

MEMBER NOMINATED: _____

TITLE: _____

ADDRESS: _____

CITY/ZIP CODE: _____

PHONE: _____

***Submit form to:
Mr. Bob Wessels
Court Manager, Criminal Courts at Law
1201 Franklin, 7th Floor
Houston, Texas 77002***

MEMBER MAKING NOMINATION: _____

COURT & TITLE: _____

ADDRESS: _____

PHONE: _____ E-MAIL: _____

DEADLINE FOR NOMINATIONS: SEPTEMBER 15, 2005

JUDICIAL ADDRESS HIGHLIGHTS ACCESS TO JUSTICE

In his first State of the Judiciary address, Texas Supreme Court Chief Justice Wallace Jefferson emphasized the need to ensure that low-income people gain access to justice in both civil and criminal matters. Speaking to the combined houses of the Texas Legislature on February 23, Chief Justice Jefferson praised projects started by the Texas Access to Justice Commission to increase low-income people's access to civil legal aid. He also commended the Task Force on Indigent Defense for creating the first new public defender offices in Texas in almost 20 years.

Jim Sales, chair of the Texas Access to Justice Commission, remarked, "The strong support of the Supreme Court, as evidenced by Chief Justice Jefferson's address, is critical to our efforts to increase access to justice for the poor. Former Chief Justice Tom Phillips, Justice Harriet O'Neill, former Justice Deborah Hankinson and others on the Court have championed the work of the Commission since its inception. We are pleased but not surprised that Chief Justice Jefferson obviously will continue that tradition. His commitment is evident."

Jefferson was appointed chief justice September 14, 2004, by Governor Rick Perry. The portion of his address relating to indigent defense and civil legal services follows:

Indigent Defense

A third challenge facing the judiciary – and indeed confronting all three branches of government – is the need to continue the progress we have made in the criminal justice system. Texas has increasingly recognized victims' rights, ensuring that crime victims have a voice in the criminal justice system. Of course, it is vital not only that we convict the guilty, but that we acquit the innocent. Error, unfortunately, is a human affliction. The advance of science, in particular DNA testing, confirms that frailty but also promises a method to correct our mistakes. Judge Barbara Hervey and the Court of Criminal Appeals have worked hard to encourage the investigation of innocence claims; these projects are worthy of our support, and, during the upcoming biennium, I expect that the three branches will continue to cooperate to ensure that those who are truly innocent will be freed. Any wrongful conviction is a tragedy, because it leaves the guilty unpunished and condemns the innocent to prison, or death.

In addition, the Task Force on Indigent Defense, under the inspired leadership of Presiding Judge Sharon Keller, has worked diligently to increase meaningful interaction between state and local governments in providing representation to indigent defendants and to meet and exceed the mandates of the Texas Fair Defense Act. Statewide data shows that since the Legislature adopted the Act in 2001, nearly 100,000 more persons are receiving court appointed counsel, which represents an increase of almost 40 percent.

Last year, the Task Force administered grant programs totaling 12 million dollars, benefiting 244 counties. This year the Task Force has awarded over \$13 million in grants.

The highlights of this grant cycle include awards to Dallas and Limestone counties for mental health defender services and Bexar and Hidalgo counties to establish public defender offices. The creation of these public defender

offices mark the first large scale offices established in Texas since the late 1980's.

Access to Justice

Finally, a fourth challenge facing our judiciary is the need to ensure that all of our citizens, rich and poor, have access to our courts. Even in the face of our human imperfections, we should aspire to the imperative of Amos, to "Let justice flow down as the waters and righteousness as a mighty stream."¹³ In that spirit, we will continue the progress made in the last decade to support the Texas Access to Justice Commission that, along with the Equal Access to Justice Foundation, has been recognized nationally as premier examples of the legal system's capacity to provide legal services to the poor.

The Court has found a real hero in the exceptional leadership of James B. Sales, who heads the Commission, and a true heroine in my colleague Justice Harriet O'Neill, who serves as the Commission's liaison. The Commission is not a provider of service but rather assists the work of the various legal services providers to develop strategic alliances across the state. It recently launched an ambitious 5-year strategic plan, which includes creating an endowment fund, increasing corporate support for legal aid programs, formulating programs to expand pro bono legal services, and engaging law schools in the disbursement of legal aid to the poor. In addition, after finding that poor individuals in rural areas are chronically underserved by legal services programs, the Supreme Court (at the Commission's request) recently created the Task Force to Expand Legal Services Delivery. The task force is charged with developing recommendations to facilitate coordination with existing legal service providers and to provide a basis for increased pro bono service in those underserved areas of the state.

The Court has created a Protective Order Task Force in response to studies showing that access to the judicial system by victims of domestic abuse is often limited. The Task Force, under the leadership of Stewart Gagnon of Houston, developed a protective-order kit for use by Texans who cannot afford a lawyer or who may not otherwise have access to the courts. The Court intends to launch the kit in April, during National Crime Victims' Rights Week, with the help of First Lady Anita Perry and Attorney General Greg Abbott.

Conclusion

Let me close with a vision for the judiciary. I believe we can achieve a fully funded judicial branch of government, one that reflects the wisdom and experience of those who have chosen to serve. I want a strong relationship with the Legislature, one that respects the legislature's prerogative to set policy but entrusts the judiciary with responsibility to construe legislation fairly and impartially. I see our wood-paneled courthouses transformed into virtual courtrooms with unlimited seating and accountability. I am confident that, with your help, the ability to seek justice, in a criminal or civil case, for the rich or the poor, will be preserved as a cornerstone of our jurisprudence.

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'ACHIEVING JUSTICE EFFICIENTLY WITH A MINIMUM OF STRESS'

An Interview with Lamar McCorkle, Judge of the 133rd District Court (Civil)

by
Sharon Hemphill

Chief Justice Warren Burger noted that "justice is that mechanism which can produce an acceptable result in the shortest possible time with the least possible expense, and with a minimum of stress on the participants." "Justice Burger summed up my own vision of justice in a nutshell," said Judge Lamar McCorkle of the 133rd District Court of Harris County, Texas. "I felt this was an ideal worthy of note so we have included the quotation in the Harris County Bench Book over the past eleven years." Judge McCorkle, as managing editor, is proud of the success of the Harris County Bench Book, a compilation of information by judges and members of the HBA and HYL A about courts.



Judge McCorkle, born in Scranton, Pennsylvania, was the first of his parents' three children. His father worked for The DuPont Company and his mother made a career as a public school teacher. His family was transferred around the country during the 50s and 60s, so he had the opportunity to live in different states, including Delaware, Utah and Wyoming, and to travel extensively. He attended many different schools and his interests centered around history, science and reading. He enjoyed Scouting and camping during his younger years. During high school, he developed an interest in fine arts and he participated in musicals and choir. He also was a member of the football and track teams. As a teenager, he held a variety of jobs, once working as an assistant curator of a Delaware museum dedicated to the history of The Dupont Company's development of gunpowder.

Judge McCorkle went west for college, attending the University of Arizona. He worked his way through school with many different jobs, from waiting on tables to working in a copper mine. He graduated with a degree in public

administration and went to work for a private restaurant enterprise. He came to Houston in 1977 to attend South Texas College of Law. His experiences in law school fostered an interest in trial work, and he was a member of South Texas College of Law's first national champion mock trial team in 1980. Judge McCorkle's mentors in law school included the Honorable Spurgeon Bell, who was then a law professor, and the Honorable David Hittner, currently a United States District Judge who at the time was judge of the 133rd District Court.

"While in law school I worked as a student bailiff in Judge Hittner's court because he was looking for someone who had law review experience and I had been an editor of the South Texas Law Journal," McCorkle said. He went to law school full time and worked full time. He feels fortunate to have had opportunities to work with respected judges early in his career.

Judge McCorkle clerked for Chief Justice Tom Coleman of the First Court of Appeals after graduation from law school, and then went into private practice doing business litigation with the Houston law firm of Reynolds, Allen & Cook. He was elected judge of the 133rd District Court in 1986 after Judge Hittner was appointed to the federal bench. Judge McCorkle was then one of the youngest judges on the bench in Harris County.

Over the years, Judge McCorkle has devoted substantial time to the HBA, the Texas Center for Legal Ethics & Professionalism, the Judicial Section of the State Bar, and the Texas Center for the Judiciary, which he chaired in 2000-2001, in addition to many other community and professional activities. He has taught at local law schools since 1980, and currently teaches advocacy courses at South Texas College of Law

and the University of Houston Law Center. Judge McCorkle particularly enjoys working with fellow judges when he teaches at the Texas College for New Judges, state judicial conferences, and the National Judicial College in Reno, Nevada.

He also has a special interest in mentoring young people. He is active in Communities in Schools Houston and greatly values his mentoring experience through the HBA's Adopt-a-School program with B.C. Elmore Middle School. Judge McCorkle is most proud of the many talented young people who have interned in his court over the past 16 years, some beginning as early as the seventh grade, many of whom are now attorneys themselves.

Judge McCorkle's service on the Supreme Court's committees on Judicial Information and

Technology and to draft the Lawyer's Creed of Professionalism, as well as on the Commission on Judicial Efficiency, underscores his commitment to improving the judicial system. Everyone who works in the 133rd District Court strives to fulfill the Court's mission statement to "provide consistent and timely service in a courteous and professional manner," all with the aim of achieving Chief Justice Burger's objective to "produce an acceptable result in the shortest possible time, with the least possible expense, and with a minimum of stress on the participants."

Judge McCorkle is married to attorney Regina Giovannini, and they have two daughters who are the joy of their lives.

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THE IGNORED STEPCHILD OF ADR

by
Dan Downey

Chapter 151 of the Texas Civil Practice and Remedies Code¹ allows the trial court, upon agreement by all parties, to refer a civil or family case for a non-jury trial by a “special judge.” To permit such referral, all parties must file a motion in the trial court in which the case is filed: (a) requesting the referral, (b) waiving their right to trial by jury, (c) stating the issues to be referred, (d) stating the time and place agreed upon by the parties for the trial, and (e) stating the name of the special judge and the fact that he or she has agreed to hear the case and identifying the fee the judge is to receive.

The trial court may then issue an order of referral that specifies the issues referred (which can include all issues of fact and law) and the name of the special judge. Such an order may also designate the time and place for trial and the time for the filing of the special judge’s “report.” When such an order is signed, the proceedings in the trial court are stayed pending the outcome of the trial by the special judge.

The special judge so appointed must be a retired or former district, statutory county court, or appellate judge who: (a) has served as a judge for at least four years in one of those courts, (b) has developed substantial experience in his or her area of specialty, (c) has not been removed from office or resigned while under investigation for discipline or removal, and (d) has completed at least five days of continuing legal education in the past calendar year in courses approved by the State Bar or Supreme Court.

The trial may be conducted anywhere the parties choose except a public courtroom. Nor can public employees be involved during “regular working hours.” All of the rules and statutes relating to procedure and evidence in the district court apply to the trial by the special judge¹⁰ and a record of the proceedings is kept by a court reporter who meets the qualifications prescribed by law for district court reporters. The special judge must conduct the trial in the same manner as a court trying an issue without a jury and is vested with the powers of a district judge, except that he or she may not hold a person in contempt of court unless the person is a witness in the trial.

The fees of the special judge, court reporter,

and any other administrative costs associated with the trial are borne by the parties equally. However, the cost of a witness or any other cost related solely to a single party’s case is borne by that party. Further, the state or any unit of local government is prohibited from paying any costs associated with such a trial.

Upon completion of the trial, the special judge issues a “verdict,” which must comply with the requirements for a verdict by the court. This verdict is considered the verdict of the district court and, unless otherwise specified in the order of referral, must be submitted no later than the 60th day after the trial adjourns. Should the special judge fail to timely submit the verdict, the trial court may grant a new trial if a party files a motion requesting it and a hearing is conducted after due notice to all parties. Perhaps the most unusual feature of this alternative dispute resolution procedure is that the right to appeal the verdict issued by the special judge is preserved and is treated as though the trial court rendered it.

Advantages

The Right of Appeal — While contracting for binding arbitration can spare one the uncertainty of a jury trial, it is by no means certain that the process or outcome will meet expectations. There is no appeal from the arbitration decision and it cannot be set aside absent unusual circumstances. Similarly, rulings on procedure and evidence are not subject to challenge or review. The rules applicable to arbitration typically contemplate a more informal approach to such issues and, therefore, can be unpredictable depending upon the arbitrators. A special judge, however, must have served at least four years on the bench and will be accustomed to applying the rules of evidence and procedure. Additionally, the judge’s history of rulings may be ascertainable through appellate decisions or informal discussion with lawyers who have appeared in his or her court.

A proceeding under Chapter 151 is virtually identical to a non-jury trial. All rights of appeal to the courts of appeals and the Supreme Court are preserved, and the appeal is directly from the “verdict” of the special judge.²³ The trial judge’s

role is the ministerial entry of judgment based upon the verdict of the special judge. Further, the rules of procedure and evidence apply to the proceedings in the same manner they would in the trial court. Such rulings are subject to review in the appellate courts under the same standards that apply to any case.

Cost — Litigants and lawyers are learning that the suggestion that arbitration is faster and cheaper is not always true. It can be significantly more expensive than a special judge proceeding if a panel of arbitrators is employed. Additionally, there can be significant filing fees associated with arbitration. The fee of the special judge, on the other hand, is split equally between the parties and there are no additional filing fees or costs in addition to those associated with the filing of the case.

Whether one works on a contingency basis or bills by the hour, uncertainty over when a case will be tried leads to increased costs. For the billing lawyer, it is necessary to prepare for trial every time the case is set and to bill the client accordingly. When the case is not "reached" and then reset months later, the client may have difficulty understanding why he or she was billed for something that did not happen. The client may become especially perturbed when this process repeats itself two or three times before the case is tried. The contingent fee lawyer knows that time is money and that delays in setting the case merely prolong the interest paid on money advanced for costs associated with the case, capital that remains burdened and cannot be used for other cases. As a result, the certainty of a trial setting may well offset the per diem expenses associated with the fees of the special judge.

Convenience — The certainty of scheduling is enhanced under the special judge procedure. With an arbitration tribunal, scheduling as well as the issuance of the final opinion can be delayed as the members of the panel struggle to find time in their respective schedules for deliberation. A case proceeding under the special judge provisions may be the only case of its kind on the judge's docket. The lawyers can usually pick the dates they prefer and take comfort in knowing that, absent unusual circumstances, the case will be tried on that date. Most lawyers will agree that an impending trial date is by far the most influential factor in reaching a settlement of the matter. On the other hand, if both sides agree to

a continuance of the trial setting, it is rare that the judge will require any showing of good cause in addition to the agreement of the parties.

Conclusion

While personal injury cases may not lend themselves to the use of a special judge, the process can be useful in complicated commercial cases. Such cases typically require the trier of fact to review numerous documents, consider the practices and policies unique to that industry, and apply a sophisticated legal analysis to such evidence. A former or retired judge who has performed such tasks on a routine basis over the course of his or her judicial career may be a prudent alternative for lawyers to consider.

DAN DOWNEY is a former judge of the 295th District Court in Houston. He practices law in Houston and Austin and serves as an adjunct professor at South Texas College of Law. He is certified in civil trial law by the Texas Board of Legal Specialization and serves as a mediator, arbitrator, and special judge.

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A New Source of Communication

With the continuing evolution of modern technology, and the assistance of Sam Houston State University, TACA members are now able to communicate with each other via, the new list server. What is it exactly? It is a bulk email messenger where you can post jobs, articles, conference info, etc. Each TACA member will have to submit their own information to be a member.

Please go to the web site listed below to sign up. It is a free service that is provided to our members.

<http://lists.shsu.edu/mailman/listinfo/taca>

Once you become a member of the list server, you can send your email to:

taca@shsu.edu

This is a great opportunity to communicate with others in the field of court administration.

AN OVERVIEW FROM THE 25TH ANNUAL PROFESSIONAL DEVELOPMENT PROGRAM

by
Kristy Harris

In June 2005, 110 coordinators from across the state assembled in Austin, Texas, to gather knowledge, make new friends and learn to operate at a higher level of performance as a court coordinator/administrator. The 25th Annual Professional Development Program was held at the Hyatt Regency in Austin, Texas. The hotel offers a scenic view of Town Lake and is accompanied by the nightly bat show. It is also home to hundreds of fitness enthusiasts running, walking and rowing along the lake. What a beautiful backdrop for a conference that would open coordinators eyes to new ideas and wisdom.



The conference began with a welcome from the Texas Center for the Judiciary's Tana Petrich and our own favorite, Bob Wessels. Monday afternoon was spent in



the classroom getting to know the other coordinators and their jurisdictions. This year's instructors offered new faces along with some of our old favorites. Cynthia DeJean and Kristy Harris welcomed a new instructor, Ruben Escandon. Ruben is from El Paso and was a great addition to the Specialty group. Cathy Burnett and Linda Kellum continued to instruct rural coordinators on the ways of multi-county jurisdictions. Unfortunately, Ed Wells was attending ICM's Court Executive Development Program, so Tommy Munoz and Sandra Parker joined



with Wayne Bowling to instruct the general jurisdiction attendees. The week was full of individual group classroom time and general sessions with guest speakers. The first general session was conducted by Judge Kelly Moore. Judge Moore spoke to the students about the roles and responsibilities of judges. This was a key component of their instruction, since some

of the first year attendees had only been on the job for a month. Another familiar face throughout the week was Judge Lamar McCorkle discussing ethics with the group. As usual, the attendees enjoyed his knowledge and ability to make ethics interesting. (There is one thing I'm not clear on - can you or can't you accept food from attorneys?) One of the students favorite speakers of the week was Judge Laura Weiser. If anyone can make civil procedure interesting, Judge Weiser can. She entertains the class with her great personality, quick wit and great stories.



Justice Molly Francis took the time out of her busy schedule to talk to the attendees about criminal procedure and everyone seemed to enjoy Dr. Ralph Pease's presentation on communication. Justice Francis and Dr. Pease have enthusiastically taught for PDP for many years and we certainly appreciate them both.



This year, the faculty decided to bring in a guest speaker to illustrate the importance of teambuilding within the field of court administration. Mitch Winick, the Director of Education & Planning for the Texas Center for Legal Ethics and Professionalism spoke to the group about different personality styles and how to make them work within our court environment. His presentation was a welcome addition to the program. Last but not least, Friday morning was wrapped up with a presentation on e-filing by Nicole Creed, the senior manager for Bearing Point in Austin.



As usual, Bob Wessels used his knowledge and experience to teach the 2nd year students the ways of the world as it pertains to Trial Court Management. Personal

contracts were reviewed and Dr. Natemeyer gave the students a better understanding of human behavior. They learned how to set goals and evaluate performance measures. By the end of the week, they had a wealth of knowledge and were armed for battle.



The third year students were old pros and looked upon by others as "the lucky ones who were finally finishing the program!" They spent the week concentrating on budgeting and planning with Dr. Hudzik. By the end of the week, the students were equipped with the skills to solve problems – creatively and able to focus on building leadership within their departments.



As the week went on, faces became more familiar, students were more vocal and lifetime contacts were made for many of the coordinators. By the Wednesday night boat ride on Town Lake, everyone was much more at ease and relaxed! On Friday, everyone was exhausted from such an

intense week, appreciative of their new friends, and ready to get home to implement their new work ethic, "Work smarter, not harder".

The TACA Board of Directors were at the conference to promote the organization by selling TACA memorabilia, taking photographs and answering questions about the organization. As usual, the Texas Center for the Judiciary put on a great conference with Lacy and Sherry always in the background willing to help. It is also important to thank the instructors that dedicate their time throughout the week to make the conference a success. Most important of all are the students – who are

so fresh and new. They are thirsty for knowledge and full of ideas to take back to their courts. It is so rewarding to see how far they come over the course of a week and to be able to help make more sense out of the chaos that overcomes each of them when they get to the office everyday. If only we could be first year attendees again - open to new ideas, blind to the system we work in every day and ready to hit the ground running when we get back to the office. If we didn't see you this year, please come join us next June in Austin. It is one of the most rewarding experiences you will ever have when it comes to "evolving" as a court coordinator.



NEW ENERGY AFTER PDP

I am the court coordinator for Criminal District Court #2 in Tarrant County and my judge is Wayne F. Salvant. I became Judge Salvant's coordinator on May 9, 2005.

After being a coordinator for only six weeks, I was encouraged to attend the Professional Development Program's conference hosted by the Texas Center for the Judiciary in Austin, Texas. The instructors at PDP were energetic, knowledgeable and, most of all, open to feedback.

The energy they had gave me the insight on where to go with cases filed in my court. They took the time to show us ways to control our caseload without feeling overwhelmed with potential opposition. Now, I can be more effective and I have tools to help ensure that the court staff understands my objectives concerning cases and how they will be managed within our court.

The knowledge I obtained from PDP allowed me to know what, when and how to deal with attorneys on both sides concerning their cases. Knowing these things is allowing me to succeed and meet my objectives in the interest of justice, as well as what is in my court's best interest.

I learned to take in feedback whether positive or negative. We had "objects" (harmless) at each table to remind us not to "shoot" down others ideas. Feedback from court staff, prosecutors, clerks, defense attorneys and most of all, my judge, helps me figure out what needs "tweaking" or what needs to be left alone.

As a neophyte in the coordinator/court manager world, I recall coming in and not having a clue what I was doing. I knew what I wanted to accomplish but I was not sure how to get it done effectively and efficiently. My goal/objective was to be sure I understood how to prioritize and what could wait.

When I left the conference, I felt encouraged and I at least had some idea of how I could accomplish my goals. I will take this energy and knowledge a long way in my position as court coordinator and I will always be open to feedback because I witnessed first hand that the instructors were attentive to our thoughts and ideas.

I would like to thank the instructors and the committee who helped put this conference together. The time and efforts was well thought through.

Sincerely,
Sherri Lockridge



TEXAS JUDGES LEARN *PERMANENCY BY THE NUMBERS* IN OHIO

by
Chris Hubner, Texas CASA

Imagine that you are a family court judge presiding over an extensive CPS docket. Under Texas law, these types of cases must be resolved by a final order within 12 months after the Department of Family Protective Services has been named as temporary managing conservator, with the possibility of a six month extension if the court finds that continuing the appointment of the department is in the child's best interest.¹ But, dockets are crowded, lawyers and caseworkers are incredibly busy and court cases are inevitably delayed. How do you as a judge ensure that children who are caught up in the legal system, your legal system, find a safe and permanent home?

Last fall, The National Center for Adoption Law & Policy hosted a national symposium, *Permanency by the Numbers – Improving Dependency Caseload Management Through Data-Driven Strategies*, in Columbus, Ohio, to address such issues. The symposium was co-sponsored by *Fostering Results* (a public education and outreach campaign supported by The Pew Charitable Trusts) and the Public Children Services Association of Ohio. Thanks to a generous grant from the Court Improvement Project, Texas CASA was able to send three court/agency teams to this important conference to learn new methods of utilizing case data to better manage individual cases and court dockets.

The premise of the symposium was to bring together judges, social workers, government managers, lawyers, treatment providers and other child protective and adoption system stakeholders to learn and work together in order to better understand each other's problems and perspectives. Day One of the conference featured presentations by nationally recognized experts who described the implementation of data-driven strategies to problem solving in their particular regions. Day Two involved a juvenile dependency caseload management workshop designed to plan for and implement the concepts introduced during the previous day's sessions.

Texas was represented by three "teams", one each from a rural, mid-size and urban area. Each team included a judge: Associate Judge Camile DuBose of Uvalde participated on the rural team; Judge Larry Thorne of Beaumont was part of the mid-size team; and Associate Judge Peter Sakai of San Antonio represented the urban team. Also in attendance as a member of the state level team was Mari Kay Bickett, Executive Director of the Texas Center for the Judiciary. Together, they worked with Texas lawyers, CPS representatives and CASA program directors, as well as colleagues from around the country, to improve their ability to serve the abused and neglected children of our state.

Of particular interest to judges was the caseload management workshop conducted by Doug Somerlot of the Justice Management Institute. One of the goals was to improve the juvenile justice system's ability to oversee the movement of dependency cases involving foster care, and to shorten the time needed for children to reach appropriate permanent placement. This workshop focused exclusively on the court process, exploring ways to effectively and efficiently use resources consistent with fairness and the child's best interest.

Essential elements to successful caseload management include judicial leadership and commitment. It was stressed that judges should create an "expectation of performance" by ensuring that only "meaningful events" occur in court that advance the case toward resolution. Mr. Somerlot noted that an event is not meaningful if:

- The only purpose of the event is to schedule another event;
- Everyone is not present or all of the needed information is not available; or
- There are other ways to advance the case without the need for a court hearing.

Meaningful events, on the other hand, fulfill as many purposes as possible to move the case toward a conclusion. Mr. Somerlot emphasized how vitally important it is for judges to manage the time between events, not only to comply with time limits but also to insure that parties have adequate time to prepare. Court participants need to understand that "the event and the case will go forward when scheduled and for the purpose scheduled." Only the judge is in a position to make this happen.

Perhaps the most important point made during this workshop was the presenter's admonition that we must all think of time from the perspective of a child. While adults are used to marking time in months or years, a 12- or 18-month delay for a young child will have a much greater impact. "The enemy and the challenge of dependency courts is time."

In a report issued last year, The Pew Commission on Children in Foster Care made the following observation:

"Effective judges understand the dynamics of their caseloads. These judges can identify the groups of children most likely to languish in foster care and will know why. They can assess how quickly cases move through each stage of the court process and where delays are most likely to occur. They know the percentage of children in their caseload who leave foster care only to reenter because of subsequent abuse or neglect, and they can identify the most common circumstances for repeat victimization."²

While the above statement is true, judges alone cannot affect positive outcomes in these types of cases. They need the participation and "buy in" of outside stakeholders who are also actively involved in the lives of these children. *Permanency by the Numbers* provided judges with a "hands on" opportunity to talk and work with other attendees to strategize about how to make positive, data-driven improvements not only in their dockets, but also in the ultimate outcome of these cases. As a result of these collaborations, the judges and court personnel who attended last fall's Ohio symposium greatly enhanced their ability to achieve "safety, permanence and well-being for children."

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(Footnotes)

¹ Texas Family Code, §263.401 (a) and (b).

² *Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care*; The Pew Commission on Children in Foster Care, p. 36 (May 18, 2004). <http://pewfostercare.org/research/docs/FinalReport.pdf>

(To learn more about the Pew Commission's judicial recommendations visit www.whateverthewebaddressforpewis.org.)

AMERICAN JUROR

by
Kevin Priestner

Each time she presides over jury impaneling, Travis County Court at Law Judge Elisabeth Earle asks for a show of hands of the jurors who are excited to be there. Few, if any, respond. But when she asked the question on January 10, hands shot up across the room. The jurors had just watched the premiere of "American Juror: The Decision is Yours," a video created by the Texas Young Lawyers Association (TYLA).

With the simultaneous rollout of the video and its companion website, TYLA launched a major initiative to educate and inspire citizens about jury service. The engaging and informative video, replete with film clips from popular movies such as "My Cousin Vinny" and "The Verdict," will be screened at jury selection proceedings throughout the state.

The website, www.americanjuror.org, allows potential jurors to stream the video and find answers to questions about eligibility, jury selection, and terminology, as well as tips for reporting for service. "TYLA has distinguished itself yet again by addressing an issue that is fundamental to our system of justice — the participation of jurors," said Texas Supreme Court Justice Dale Wainwright, who narrates the video. TYLA President David McAtee hopes the project will reinforce confidence in the justice system. "As lawyers, we hear about lawyer-bashing" he said, "but when I talk to citizens around the state, I realize that their distrust is deeper, extending to our entire system of justice. Not only does American Juror make people feel better about serving on juries, it reminds them that our justice system is better than it has ever been."

TYLA Vice President Karin Crump said McAtee's charge to the group was simple: "When David decided he wanted to create a juror project to complement the American Bar Association's efforts, he asked us to create a project that would be meaningful to the public and inspire them to participate." Interviews with jurors who watched the premiere suggest that TYLA hit its mark. "I loved it," said Ana Marie Montalvo, who was reporting for jury duty for the first time. "It opened my eyes and I understood. It was very informative and

I learned a lot." Frank Jennings has served on several juries. "They tell you what to do," he said. "It's not intimidating. That came across real well in the video."

Another juror appreciated that the video incorporates clips from movies. "Most of us are exposed to the court system through entertainment," she said. "It was nice to see these familiar images, yet be told what was true and what was false."

The video includes testimonials from judges, lawyers, and jurors, as well as a brief history of jury service, but the segment that elicited the greatest response was "Jury Service: Fact vs. Fiction," which uses film clips to debunk common misconceptions about juries and the jury selection process. One juror, who had served many times, said he knew most of the factual information in the video, but that the movie clips were entertaining and helped everyone calm down. McAtee said that calming influence was an unintended, but welcome, development. "One of the most surprising things about the video is the calming effect it has on people," he said. "People get to sit down, catch their breath, and see some familiar images. I thought the video's most important purpose was educating and motivating, and it probably still is, but right behind that is this calming influence." Earle agreed. "It seemed much calmer today," she said, a statement which seemed remarkable, given that the January 10 impaneling was the first to take place at the Northcross Conference Center. The fact that the impaneling proceeded so smoothly on a day that featured a new venue, a new video, and special guests that included a Texas Supreme Court justice is testament to the tight ship run by Travis County District Clerk Amalia Rodriguez-Mendoza.

In her 15 years as district clerk, Rodriguez-Mendoza has been an early adopter of new technologies. Three years ago, Rodriguez-Mendoza implemented iJury, which allows jurors to answer their jury summons online, where they can impanel, claim exemptions, or enter scheduling conflicts. Industry experts estimated she would achieve 15 percent participation. "We

started at 75 percent and have since climbed to 90 percent," she said.

The 900 people at the Northcross Conference Center on the day of the premiere represented the 10 percent of jurors who did not answer their summons through the iJury system. Rodriguez-Mendoza was among a group of judges and clerks who served on the advisory panel for American Juror. McAtee said the watershed decision was getting the advisory panel members involved early in the process. "The advisory panel members were absolutely critical to the project's success," he said. "Without them, the video would not have been as powerful. With them, we have been able to put together a project that is better than we could have hoped for when we started out. We're looking forward to working with all of them as we implement the project."

Because of the scale of American Juror, TYLA divided the project into two phases. The first phase, which was funded by a grant from the Texas Bar Foundation, included creation of the American Juror video and the initial rollout. The second phase — unveiling the website, implementing a marketing plan, and taking the message to civic groups — is being funded through a grant from the Product Liability Advisory Council Foundation. McAtee credits State Bar President-elect Eduardo Rodriguez with securing the funding for phase two. "Eduardo Rodriguez was the key from start to finish," he said. Rodriguez and TYLA President-elect Lee Ann Reno plan to expand the project during their terms in office. "Truly, this public service, if not the most ambitious, is one of the most ambitious approaches to a societal problem TYLA has been involved with," McAtee said. "I'm not aware of a project we've worked on that comes from so many angles, using so many techniques, aimed at so many audiences." Crump described it as the quintessential team effort. "I can't remember a project to which so many contributed," she said. "The committee has been magnificent. They've contributed countless hours and put their hearts and souls into this."

During weekly conference calls over the course of six months, committee chairs Cori Harbour, Cheryl Camin, and Tal Hammock inched the process along. "Everyone did everything," Camin said, "but Cori took the lead on the video, I took the lead on the website, and Tal took the lead on distribution." They were assisted by TYLA Director

Bob Stokes, Chair-elect Bill Miller, and staff member Tracy Brown. Hammock said it has been fascinating to watch the project come together and that the hard work has been well worth it. "One thing I was very pleased about is that people seemed to be paying attention," he said. "My hope, as one who tries cases, is that when panels come up, they'll feel better about the process. They'll understand. They'll be happier. As a lawyer, you don't want grumpy jurors."

As a judge, Earle wants jurors to be as excited about the jury system and the jury Selection process as she is. "Some judges dread impaneling," she said. "Some enjoy it. I love listening to people. It's just fascinating to me." Crump hopes the video will convey the enthusiasm of Earle and the other advisory panel members to jurors across the state. "We're trying to bottle up that enthusiasm. So when there isn't a Judge Elisabeth Earle at an impaneling, we still want people to be excited and to say, 'It's my duty. I want to serve.'"

Again, TYLA seems to have hit its mark. As one juror who watched the premiere of the video said, "It's general, but real positive. It made me want to serve!"

For more information, visit www.americanjuror.org.

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