

EXTERNAL ENVIRONMENT

Decentralization

The pervasive external challenge for OCA and the Judicial Council is the high degree of decentralization, complexity, and shared local/state responsibility within the Texas court “system.” A recent opinion by the Chief Justice of the Supreme Court of Texas¹ describes this state of affairs in some detail [some citations omitted]:

Texas has some 3,241 trial courts¹ within its 268,580 square miles.² Jurisdiction is limited in many of the courts; it is general in others. *Compare* TEX. GOV'T CODE § 25.0021 (describing jurisdiction of statutory probate court), *with id.* § 24.007-.008 (outlining district court jurisdiction); *Thomas v. Long*, 207 S.W.3d 334, 340 (Tex. 2006) (noting that Texas district courts are courts of general jurisdiction). We have at least nine different types of trial courts,³ although that number does not even hint at the complexities of the constitutional provisions and statutes that delineate jurisdiction of those courts. Statutory county courts (of which county courts at law are one type)⁵ usually have jurisdictional limits of \$100,000, *see* TEX. GOV'T CODE § 25.0003(c)(1), unless, of course, they do not, *see, e.g.*, TEX. GOV'T CODE §§ 25.0732(a) (El Paso County), 25.0862(a) (Galveston County), 25.0942 (a) (Gregg County), 25.1322(a) (Kendall County), 25.1802(a) (Nueces County), 25.2142(a) (Smith County); *see also Sultan v. Mathew*, 178 S.W.3d 747, 756 (Tex. 2005) (Hecht, J., dissenting) (observing that “[m]onetary jurisdictional limits on statutory county courts are generally from \$500 to \$100,000, but they vary widely from county to county, and many such courts have no monetary limits”). Appellate rights can vary depending on which court a case is filed in, even among trial courts with concurrent jurisdiction, and even when the same judge in the same courtroom presides over two distinct courts. *See, e.g., Sultan*, 178 S.W.3d at 752 (holding that there was no right of appeal to courts of appeals from cases originating in small claims courts, but recognizing that justice court judgment would be appealable); *see also id.* at 754-55 (Hecht, J., dissenting) (noting that the same justice of the peace hears small claims cases and justice court cases).⁶ Consider the five-step process involved in determining the jurisdiction of any particular trial court:

[R]ecourse must be had first to the Constitution, second to the general statutes establishing jurisdiction for that level of court, third to the specific statute authorizing the establishment of the particular court in question, fourth to statutes creating other courts in the same county (whose jurisdictional provisions may affect the court in question), and fifth to statutes dealing with specific subject matters (such as the Family Code, which requires, for example, that judges who are lawyers hear appeals from actions by non-lawyer judges in juvenile cases).

Our court system has been described as “one of the most complex in the United States, if not the world.” BRADEN, THE CONSTITUTION OF THE STATE OF TEXAS, at 367; *see also Continental Coffee Prods. Co. v. Cazarez*, 937 S.W.2d 444, 449 (Tex. 1996) (voicing “concern[] over the difficulties created for the bench, the bar, and the public by the patchwork organization of Texas’ several trial courts”); *Sultan*, 178 S.W.3d at 753 (Hecht, J., dissenting) (noting that Texas courts’ “jurisdictional scheme . . . has gone from

elaborate . . . to Byzantine”); *Camacho v. Samaniego*, 831 S.W.2d 804, 807 n.4, 811 (Tex. 1992) (stating that “confusion and inefficiency are endemic to a judicial structure with different courts of distinct but overlapping jurisdiction” and observing that “there are still more than fifty different jurisdictional schemes for the statutory county courts”); TEXAS JUDICIAL COUNCIL, ASSESSING JUDICIAL WORKLOAD IN TEXAS’ DISTRICT COURTS 2 (2001), (observing that “the Texas trial court system, complex from its inception, has become ever more confusing as ad hoc responses are devised to meet the needs of an urban, industrialized society” (quoting CITIZENS’ COMMISSION ON THE TEXAS JUDICIAL SYSTEM, REPORT AND RECOMMENDATIONS—INTO THE TWENTY-FIRST CENTURY 17 (1993))).

Numerous similar assessments are available from a variety of studies over the years.ⁱⁱ In the system as described in this excerpt, there are a lot of actors. Along with everyone else in 254 counties (by far the largest number in the United States), many of them independently elected officials such as district and county clerks, are the 3,241 trial judges noted by the Chief Justice, plus approximately 129 non-elected associate judges/magistrates/masters etc., and approximately 280 previously-elected “visiting judges” eligible for assignment to fill gaps in coverage.

The system is not just localized, it is administratively fragmented at the state level. Several functions that in most states fall within the administrative office of the courts - as an arm of the Supreme Court, which has constitutional responsibility for administration of the judicial branch - do not: administration of drug courts, which resides in the Office of the Governor under Ch. 469, Health & Safety Code; administration of adult probation, which resides in the Department of Criminal Justice under Ch. 509, Government Code; and certification of court interpreters, which is handled by the Department of Licensing and Regulation under Ch. 57, Government Code. The power of appointing the nine regional presiding judges, who in turn appoint visiting judges and hear recusal motions, rests with the Governor instead of with the Chief Justice or the Supreme Court.ⁱⁱⁱ And although the Supreme Court has constitutional responsibility for the administration of the judicial branch,^{iv} judicial education was legislated away from the Supreme Court in 1993, to be administered by the Court of Criminal Appeals.^v

The high degree of decentralization, complexity, and shared local/state responsibility within the Texas court system creates a challenge for OCA in meeting its statutory duty to “assist the justices and judges in discharging their administrative duties.”^{vi} However, shared governance of the mechanics of justice is embedded in the Texas Constitution and carried forward by the Philosophy of Texas State Government: “Decisions affecting individual Texans, in most instances, are best made by those individuals, their families, and the local government closest to their communities.”

Societal Transformation

The 2007 edition of *Future Trends in State Courts*, by the National Center for State Courts included a Court Futures dialogue.^{vii} The participants in that dialogue identified, but did not elaborate upon, societal trends with impact on the courts, some of which are discussed in Part IV:

- ❖ Biotechnology, privacy issues and genetic discrimination;
- ❖ Politicization of courts;
- ❖ Immigration and language issues;
- ❖ Increasing concern for fairness;
- ❖ Growth of therapeutic, problem-solving courts;
- ❖ The desire of individuals to value their personal time over other things.
- ❖ The desire of the average person to want services personalized for them.
- ❖ The expectation that courts will offer electronic services and access equivalent to what they see in private industry;
- ❖ A desire to unbundle monopoly services and get access to competitive solutions;
- ❖ "[W]hat's next' after 'the information society' . . . is: A Dream Society of Icons and Aesthetic Experience"; and [but]
- ❖ "[T]he main showstoppers for the emergence of a Dream Society are all the energy, environmental, and debt issues, . . . which may reduce us all to agricultural, if not to hunting-and-gathering, societies once again."

Major trends as predicted by those in the business of futurism will transform our society and world by the year 2030. Here are some examples that will affect courts and the legal system, although the exact nature of those impacts is more difficult to predict:

Everything you say and do will be recorded by 2030. By the late 2010s, ubiquitous unseen nanodevices will provide seamless communication and surveillance among all people everywhere. Humans will have nanoimplants, facilitating interaction in an omnipresent network. Everyone will have a unique Internet Protocol (IP) address. Since nano storage capacity is almost limitless, all conversation and activity will be recorded and recoverable.^{viii}

There may not be world law in the foreseeable future, but the world's legal systems will be networked. The Global Legal Information Network (GLIN), a database of local and national laws for more than 50 participating countries, will grow to include more than 100 countries by 2010. The database will lay the groundwork for a more universal understanding of the diversity of laws between nations and will create new opportunities for peace and international partnership.^{ix}

Professional knowledge will become obsolete almost as quickly as it's acquired. An individual's professional knowledge is becoming outdated at a much faster rate than ever before. Most professions will require continuous instruction and retraining. Rapid changes in the job market and work-related technologies will necessitate job education for almost every worker. At any given moment, a substantial portion of the labor force will be in job retraining programs.^x

As suggested by the last entry, the state courts exist within a legal system environment, with its own future subject to some question. At least one legal profession futurist suggests the future as "The End of Lawyers?",^{xi} a sequel to a 1996 book, "The Future of Law." He (not uniquely) foresees legal services as increasingly commoditized, information technology rendering the conventional legal advice business model redundant: clients and lawyers as collaborators under one virtual roof, disputes that are dominated by technology if not avoided in the first

place, and online systems and services competing with lawyers in providing access to the law and to justice.

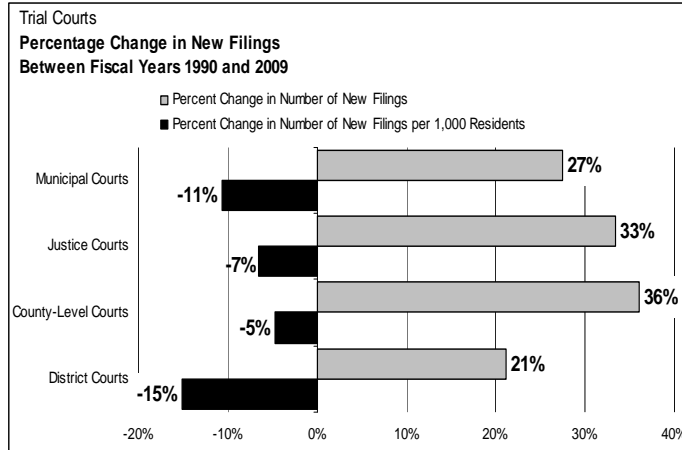
Courts and the Bar share in supporting the rule of law. But is that lofty goal a compelling one to the public? Is a state-sanctioned dispute resolution system preferred, tolerated, or resented? Will the practical availability of court data further drive civil litigants away from a state-sanctioned system, to protect their privacy? Can the court system be content with an institutional monopoly, or are there forces in play that will challenge and erode society's commitment to state-sanctioned dispute resolution and the rule of law? What will be the role of the local courthouse, of personal interaction with other people in the justice system, as society profoundly changes over the next 20 years and beyond?

Three Themes

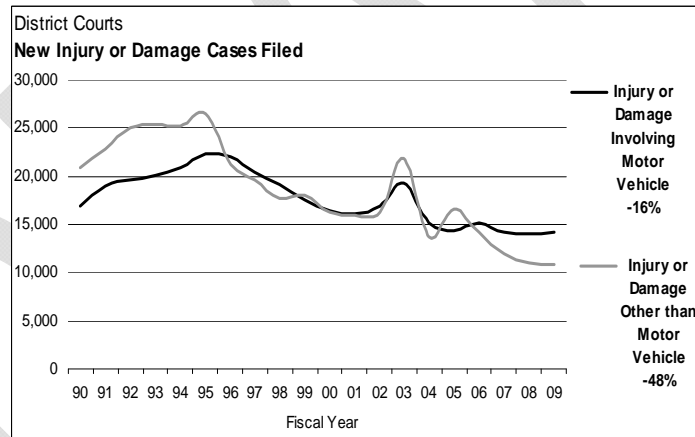
While answers to those questions are highly elusive, we can predict that Texas judges and courts will face major change and possible downsizing in the next 20 years. We cannot take for granted much of the business that currently defines our work in the state courts, and by extension, the very viability of the state court system. This is one of three themes, developed in a paper by the Administrative Director of OCA, for a symposium at the South Texas College of Law, on the future of Texas courts. He predicts:

1. An increased proportion of demand for access to justice by litigants with unique needs, including the elderly, children, self-represented, limited English proficiency, and technologically demanding litigants, merging with the changing expectations for judicial behavior in a gatekeeper context. This theme is about demands placed on the judiciary, and it also has a lot to do with the relationship between the courts and the executive branch agencies who bring cases.
2. Decreased use of court-driven dispute resolution, with migration away from resolving disputes by jury trial, and migration of disputes away from traditional courts and into arbitration, mediation, and administrative processes. This theme is about shrinking supply of cases, and the mismatch of skills as opposed to greater demands.
3. Increased budgetary pressure to do more with less and to maximize court revenue, combined with an increasing impact of state and federal legislative policy on state courts. This theme is about judicial independence, resources and capability, vis-à-vis the legislative branch in particular.

For example, this chart reflects theme two, showing decreasing court filings relative to population. Between 1990 and 2009, new filings in Texas trial courts increased 29 percent overall, but the Texas population increased an estimated 43 percent during the same time frame; the number of new filings overall decreased by 9.5% relative to population, from 569 for every 1,000 residents to 515 for every 1,000 residents. As the chart shows, each type of court experienced considerable growth in the number of new cases filed, but decreases in the rate per resident. When accounting for population growth (in terms of the number of new filings for every 1,000 Texas residents), trial court caseloads shrank by , 11 percent in municipal courts, 7 percent in justice courts, 5 percent in county courts, and 15 percent in district courts.



The next chart, showing tort cases in decline, is part of theme two as well, but it is also a prime example of theme three, the legislature’s profound effect on the court system. This chart shows filings in district courts, with the darker line is cases of injury or damage involving a motor vehicle and the light line is cases of injury or damage not involving a motor vehicle; both decreased over the past two decades, by 16 percent and 48 percent, respectively. Of course the decline is even worse considering the 43% population increase. Unlike family, criminal and juvenile cases, these declining case types are actions that are optional, that do not *have* to be brought into state court.



Court Resources

According to a survey just completed by OCA, in 2009 county governments in Texas spent approximately \$783 million on the operation of the courts. That year the state appropriated well under half that amount in Article IV, the Judiciary, approximately \$300 million, or .33% of the \$90 billion in all funds appropriated. Only South Carolina funds courts at a comparably small percentage; more robust judicial systems tend to be in the range of 2% to 5% of the state budget.^{xii}

The Comptroller has provided information to OCA that the courts generated approximately \$450 million in 2009, or .5% of \$90 billion. And, as reported by the LBB, OCA’s Collection Improvement Program alone generated an estimated \$26.4 million during the 2006–07

biennium, and an estimated \$49.0 million for the 2008-09 biennium in all funds is expected to be collected based on the mandatory program.^{xiii} That program costs the state only about \$.5 million to operate, and only a fraction of the revenue generated is dedicated back to the Judicial Branch.

Recognizing that the state is in difficult fiscal circumstances, we nevertheless respectfully submit that the Texas Judicial Branch is significantly underfunded.

- In the civil justice arena, Texas has 5.2 million persons defined by federal poverty guidelines to be eligible for basic civil legal services. Presently 4 out of 5 income-qualified applicants are denied service due to funding shortfalls. Public funding for Legal Aid in Texas is among the lowest of all states. Funding shortfalls have resulted in the lack of access to the courts; primarily in area of family law (protective orders, divorce, child support), but also in matters such as defending evictions, securing Veterans benefits, and in protecting consumer rights.
- In the criminal justice arena, state funding for indigent defense has risen dramatically in the last decade, but still the state pays only an estimated 15 cents of every dollar spent by counties.
- Problem-solving courts, a promising innovation in the criminal, juvenile, and child protection arenas, are not funded adequately to meet demand. Currently the state spends about \$7.3 million on this program, but requests for grants for new courts exceed \$10 million.
- In 2008 the Judicial Compensation Commission concluded that “an adjustment in compensation was necessary and appropriate in order to seek to attract the most highly qualified individuals,” but their recommendation, with a \$20 million cost to the state, was barely considered and not adopted.^{xiv}
- OCA’s very modest request in 2009, to have a single FTE devoted to disaster readiness for the entire Judicial Branch, also was not adopted. Executive agencies virtually all have funded staff devoted to this key function.^{xv}
- Fiscal considerations have motivated the proliferation of county courts at law in recent years, with wide variations in subject matter jurisdiction, greatly exacerbating the undue complexity of the court system.
- Adoption of Efiling and the higher efficiency of paper on demand, as discussed further below, has been impaired by the business model. That ‘toll-road’ model was apparently motivated by fiscal considerations, requiring filers to pay fees for each filing.

Strategic Direction

Court Resources

In the 2011 legislative session, we intend to work with the Legislature, the Supreme Court and other Judicial Branch partners on several ideas for increasing the resources provided by the state to the courts and for access to justice by low income litigants, both civil and criminal. These ideas include:

- A new fee on entries of judgment after arbitration or mediation. These techniques for dispute resolution operate in the shadow of the formal court system, so capturing revenue as a result of their operation has an inherent logic. Mediation and arbitration seem to have increased dramatically, though data is impossible to come by, so it will be difficult to estimate the revenue this idea would generate. Alternatively, impose a new fee to close any civil case that has already been filed. Anecdotally, a high percentage of civil court case files consist of the petition and an agreed judgment, indicating that the filing was used simply to induce a settlement. Litigants settling a case would likely be unphased by a nominal fee (\$15-\$25) to close out the case. A fee of \$1 for closing a civil case in district, county, or JP court would generate \$1 million per year.
- Create a dedicated self-leveling fund from a Judicial Access document fee that would be collected by county clerks on each document filed in their offices (deeds, liens, affidavits, assumed names registrations, etc). The fee would be nominal given the large volume of documents filed, (under \$10 per document filed or \$1 if billed by the page). Revenues and expenditures for the Judicial Access and Improvement Fund (JAIF) would include a biennial review as part of the appropriation process for all state funds.
- A proposal developed in 2009 by the Equal Access to Justice Foundation, a new fee on non-judicial foreclosures.
- A new fee tied to some category of cases to generate revenue for Judicial Branch disaster readiness, both within OCA and the Bar/ Access to Justice communities, as they enhance lawyer responses to disasters.
- Pursue a “Justice Reinvestment” strategy to redirect funding toward problem-solving courts, both from current costs of incarceration, and from current civil courts in counties with more than needed, to problem-solving courts.

Court Technology

This portion of our strategic plan is intended to foreshadow a more detailed report from the Judicial Committee on Information Technology to the Supreme Court. The major objectives of JCIT and OCA are to secure sufficient funding to transition from “pay-as-you-file” to free eFiling, support local document management systems to enable paper on demand, and provide standards for Supreme Court adoption in support of these objectives.

There are several reasons that eFiling has to be free. The pay-to-file model is really geared toward private attorneys and civil cases with existing filing fees, but in the courts there are also government filers, indigent filers, self-represented filers, and criminal defense eFilers. In

addition, recently there has been litigation filed over paid eFiling, as well as agitation by at least one major county to move to free eFiling. Texas courts have had electronic filing since 2003, but in the seven years since, adoption around the state has been slow. Handling, storing, and retrieving paper court documents remains a large and rising expense to the courts. While strong usage of eFiling would save state and local government money, the main obstacle to eFiling is cost to the filers, which may range from \$6 to \$16 per filing.

The current model also depends upon the courts using a vendor (currently NIC USA) under a contract with a separate, executive branch agency (the Department of Information Resources). This is not to say that vendor-based eFiling is the wrong idea. The processing of fees (for court costs, not convenience fees) by credit card is complex, and continuing the obligation of 24x7 help desk operations is a difficult obligation for the government staffing model. But depending upon a vendor with no direct contractual link is highly problematic as a practical matter, and offensive to separation powers as a principled matter.

An agency never wants to be captive to a vendor. But there is always a point in negotiations with a vendor that the agency gives up the moment of maximum leverage and pass that on to the vendor, making the vendor the monopoly when it comes to change orders. Unfortunately, the Judicial Branch was never actually at the table for the initial dealmaking. Having the vendor making certain decisions becomes part of the lifecycle, and it is an issue if they are unreasonable or incapable of performing.

So the premise is that the funding model is the problem, and the logical solution we have identified – which has been adopted in several other states – is that eFiling should be paid for from a statewide judicial technology fee on petitions. We hope to pursue legislation that would create a fee that is structured to fund statewide eFiling without creating a disincentive to e-file or order parties to pay vendors to have access to courts. The legislation would allow the Judicial Branch to control its own technology destiny by providing this dedicated fund to support free eFiling, and exempting the judiciary from eFiling and data center consolidation through DIR. OCA would be free to enter into its own contractual arrangement for eFiling, on behalf of the courts.

Court Organization

In the 2011 legislative session, several issues involving the structure of the courts and the governance of Judicial Branch functions will be proposed through the Texas Judicial Council. We anticipate these will include:

- Combining the Task Force on Indigent Defense and the new Office of Capital Writs, into an independent Judicial Branch agency with an appointed board, modelled somewhat on North Carolina's Office of Indigent Defense Services.
- Developing a new model for statewide governance and funding of problem-solving courts, given the Criminal Justice Division's stated desire to relinquish this responsibility.
- Enacting uniform provisions governing associate judges, and other non-controversial elements of SB 992 from the 81st Legislature.

- Providing a governance structure for state and local, judicial and executive data exchanges, following the conventions of the National Information Exchange Model.

Court Performance

State court leaders have a duty to hold our organizations accountable to the public and our interbranch partners by instituting a set of empirical measures, and a program of ongoing assessment of court outcomes with the wide publication of the results of those assessments. Whether state courts utilize the CourTools® system developed by the National Center for State Courts (NCSC) or other standards tailored to the needs of individual jurisdictions, a commitment to performance measurement will help state court leaders evaluate the organizational and operational effectiveness of our court programs and outcomes.

To begin tackling this major initiative, we propose to work with Judicial Branch partners to develop a comprehensive guide for judges, clerks, administrators, and coordinators to have a single resource to explain the expectations they should aspire to achieve. By taking this approach, the court system can provide a set of principles for judicial administration, such as:

- Every Case Receives Individual Attention;
- Individual Attention is Proportional to Need;
- Decisions Demonstrate Procedural Justice; and
- Judges Control the Legal Process

Courts need to work to build a managerial culture conducive to making performance based on these administrative principles a systemwide goal. The guide would be read and used as a reference for every court official and also serve as a foundation for education conducted under the Judicial and Court Personnel Training Fund.

Judicial Education

Decentralization means that current, relevant educational content is a primary strategy for effecting change and improving the system. This applies in virtually every area of the Judicial Branch, but certainly includes: technology and data, leadership and collaboration, using problem-solving techniques, seeing children in the courtroom, understanding family violence and child abuse, ethically assisting self-represented litigants, understanding cognition and bias, providing procedural fairness to all, using case management, and education on family law and other specializations commensurate to the workload of the courts.

Judicial education has not had any systematic legislative attention. For example, there is currently no mandate that newly elected or appointed judges attend the college for new judges; perhaps the most important opportunity to educate is thereby potentially lost. The statutes governing particular topics in judicial education are haphazard and somewhat dated. In addition, an opinion issued by the Texas Ethics Commission in August 2009, EAO-484, casts doubt on the legitimacy of reimbursing elected officials (judges and district attorneys, for example) for their expenses to attend or speak at educational conferences. To quote the opinion, "the provision of transportation, meals, and lodging to an officeholder to facilitate the officeholder's attendance at the event would constitute an officeholder contribution *if the expenses are not reimbursable with public money.*"

OCA proposes to work with Judicial Branch partners to: streamline and update the legislature's requirements for judicial educational content; demonstrate a commitment to accountability for the funding received; require new judges to attend the college for new judges; and reverse the chilling effect on judicial education of EAO-484 by clarifying that officeholders can be reimbursed for expenses to attend and participate in legitimate Judicial Branch educational events.

The Rule of Law

International organizations, seeking to bring stability and economic prosperity to the developing world, constantly emphasize the importance of the rule of law. American judges and court professionals share a deep-seated reverence for the value of the rule of law, and frankly a deep-seated fear that their reverence may not transcend the generations. We hope that all teachers utilize high-quality resources available to teach the next generation about civics and our constitutional order. In Texas, the American Board of Trial Advocates and the State Bar of Texas Law-Related Education Department, along with the Texas Bar Foundation, the Western Judicial District of Texas, and Law Focused Education, Inc., launched a pilot program in 2009 called the Teachers Law School. Texas civics teachers also have a wealth of resources available for Law Focused Education and Law Related Education.

The decrease of civil litigation in the courts is clearly an issue that OCA shares with other organizations. In conjunction with partners in the Judicial Branch, the Bar, and elsewhere, we are available to provide information and education in support of preserving the viability of state courts and the rule of law.

Assumptions and Philosophy

We assume there will be continued external pressure for more robust judicial branch self-governance and efficient use of state resources. We also assume there will be increased pressure on the Judicial Branch for greater administrative coherence and a stronger gatekeeper function in the areas of mental health, probate, abuse and neglect, domestic violence, criminal justice, and juvenile justice.

In fulfilling our statutory duty "to provide for uniform administration of the courts and efficient administration of justice,"^{xvi} we must work with the diversely funded and diversely administered trial courts of the state to identify the best opportunities for delivering administrative methods or tools that can benefit Texas courts. Our efforts must be targeted at assisting local jurisdictions to avoid "reinventing the wheel" in court administration, while enabling the judges of local government, who are closest to their communities, to decide cases in the best way for the individual Texans in their communities.

We will further our mission if we can provide a common set of administrative tools to courts and judges, helping courts to help themselves so that they may concentrate their energies on the cases before them. To do this successfully, we are ever mindful that we do not have the resources to provide individual solutions for individual jurisdictions.

Based on these assumptions, OCA foresees the need to be prepared:

- for the prospect of assuming additional judicial administration functions that currently reside in other agencies, or that are not yet established but would be beneficial.
- to continue providing more and better knowledge and information about the court system, no matter how complex it is, and be positioned to support incremental improvements to the system through collaboration.
- to ensure that all initiatives are designed to ensure that the appropriate interests are represented, and unintended consequences of reforms are minimized.
- to continue to employ other techniques to improve the administration of justice in a decentralized and localized environment.

Openness and engagement with customers, and a willingness to learn from them, are hallmarks of OCA's collaborative approach to issues and problem resolution. Active involvement in a variety of national and state organizations, including groups that are representative of local government,^{xvii} should also continue, as this type of collaboration furthers the quest for best practices, and keeps communication open in a decentralized system.

ⁱ *In Re United Services Automobile Association*, No. 07-0871 (March 26, 2010) (opinion by Chief Justice Jefferson).

ⁱⁱ State Bar of Texas, "Report of the Court Administration Task Force," 2008; ("green book"); Texans for Lawsuit Reform Foundation, "The Texas Judicial System: Recommendations for Reform," 2007; Texas Courts Online: [Commission on Judicial Efficiency - Volume 2 \(1997\) \[pdf\]](#); [Commission on Judicial Efficiency - Volume 1 \(1996\) \[pdf\]](#); [Citizens' Commission on the Texas Judicial System \(1993\) \[pdf\]](#); [Texas Courts: Caseflow Management in the Urban Courts \(1992\) \[pdf\]](#); [Texas Courts: A Proposal for Structural-Functional Reform \(1991\) \[pdf\]](#); [Texas Courts: A Structural - Functional Overview \(1990\) \[pdf\]](#); and the many earlier efforts catalogued in "The Texas Judicial System: Historical Development and Efforts Towards Court Modernization," by C. Raymond Justice, *South Texas Law Journal* (1973) and "Court Reform Texas Style," by Clarence A. Guittard, *21 Southwestern Law Journal* 451 (1967).

ⁱⁱⁱ Sec. 74.005, Texas Government Code.

^{iv} Article 5, Sec. 31, Texas Constitution: (a) The Supreme Court is responsible for the efficient administration of the judicial branch and shall promulgate rules of administration not inconsistent with the laws of the state as may be necessary for the efficient and uniform administration of justice in the various courts. (b) The Supreme Court shall promulgate rules of civil procedure for all courts not inconsistent with the laws of the state as may be necessary for the efficient and uniform administration of justice in the various courts. (c) The legislature may delegate to the Supreme Court or Court of Criminal Appeals the power to promulgate such other rules as may be prescribed by law or this Constitution, subject to such limitations and procedures as may be provided by law. . . .

^v See Chapters 56 and 22, Texas Government Code, and the General Appropriations Act riders applicable to the Court of Criminal Appeals.

^{vi} Government Code, 72.023(a).

^{vii} The commentators are Clement Bezold, Ph.D., Founder and Chairman of the Institute for Alternative Futures (IAF) in Alexandria, Virginia, and its for-profit subsidiary Alternative Futures Associates (AFA); Tom Clarke, Ph.D., Vice President for Research and Technology at the National Center for State Courts; Jim Dator, Ph.D., Professor and Director of the Hawaii Research Center for Futures Studies; Chuck Ericksen is Founder and owner of Wellness at Work, a management-consulting business in Bellingham, Washington. Glen Hiemstra is the founder and owner of Futurist.com ; Kathy Mays Coleman, Of Counsel Consultant at the National Center for State Courts; and Noreen Sharp, Special Deputy Court Administrator for Trial Courts of Maricopa County Arizona.. Dialogue available at <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR=974> .

^{viii} Gene Stephens, "Cybercrime in the Year 2025," *THE FUTURIST* July-Aug 2008

^{ix} Joseph N. Pelton, "Toward a Global Rule of Law: A Practical Step Toward World Peace," THE FUTURIST Nov-Dec 2007

^x Marvin J. Cetron and Owen Davies, "Trends Shaping Tomorrow's World, Part Two," THE FUTURIST May-June 2008

^{xi} Richard Susskind, "The End of Lawyers? Rethinking the Nature of Legal Services," 2009 Oxford University Press.

^{xii} State Court Organization 2004, Table 16 (Bureau of Justice Statistics); available at:

<http://bjs.ojp.usdoj.gov/content/pub/pdf/sco04.pdf>.

^{xiii} Financing the Judiciary in Texas – Legislative Primer (Legislative Budget Board 2009, 2nd ed.), p. 38; available at:

http://www.lbb.state.tx.us/Other_Pubs/Judiciary_Leg_Primer_0109.pdf.

^{xiv} Report available at <http://www.courts.state.tx.us/oca/jcc/pdf/LegReport-120108.pdf>.

^{xv} Our informal survey finds that the Department of Criminal Justice and the Office of Attorney General each have two FTEs, the Department of Agriculture and Department of Assistive and Rehabilitative Services each have one FTE, the Texas Workforce Commission has eight FTEs, and the Department of State Health Services and the Department of Housing and Community Affairs each have 14 FTEs.

^{xvi} Government Code, 72.023(d).

^{xvii} These include the organizations listed on pages 21–22 and others such as the Conference of Urban Counties, the County Information Resources Agency, the County Treasurers Association, the County Auditors Association, and various judicial organizations.