

In Chambers



The Official Publication of the Texas Center for the Judiciary, Inc.
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- The Day Treatment Program
- New Judiciary Leaders Elected

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The staff of *In Chambers* strives to provide current information about national and local judicial educational issues and course opportunities for Texas judges.

Readers are encouraged to write letters to the editor and submit questions, comments, or story ideas for *In Chambers*. Contact Staci Priest, Publications Coordinator, by calling 800-252-9232, faxing 512-469-7664, or e-mailing stacip@yourhonor.com.

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In Chambers

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NEW COLLECTIONS LAW: “Problem or Opportunity”

By Office of Court Administration

Abraham Lincoln once said, “Law without enforcement is only good advice.” During the most recent Regular Session, the Texas Legislature pursued enforcement by passing a measure that will make it more difficult for defendants to get away with not paying court costs, fees, and fines in criminal cases. This is the story of how court collections became a legislative priority.

In the early 1990s, officials in Dallas County took a hard look at the collections process in their county criminal courts and concluded that something was wrong. A significant source of county revenue was being neglected or ignored. But there was an even greater issue. Those uncollected funds actually represented court orders ignored by lawbreakers.

After Dallas County officials determined that the problem was the process itself, they began to look at court collection programs across the nation. From their research and evaluation they determined that each successful program had six key components: a uniform collections policy; a clear line of responsibility for the collection of court costs, fees, and fines; immediate response to default; severe and timely sanctions for default; and realistic enforcement options. In essence, the programs having the greatest success applied a private sector, proactive approach

to collections. But before Dallas County could undertake such an approach, they determined that the following four elements had to be established as priorities:

1. Total Judicial Commitment: the key element of successful court collections programs. Everyone follows the judge’s lead. A willingness to make some changes, beginning with a different attitude about court collections, is usually required. No assumption is made about the ability of an offender to pay;

2. Simplicity: an essential element of successful court collections programs. The goal is to enhance compliance by reducing confusion;

3. Uniform Collections Policy: lays the foundation for a simple, consistent approach to collections. It establishes the parameters for collecting and, most important, puts everyone involved in the process on the same page; and

4. Quality Professional Staffing: the driving force of successful court collections programs. The staff must be qualified and committed to excellence. The court must have complete confidence in the decision making ability of the collections staff.

In February 1993, a court collections pilot program employing

proactive, private sector techniques was launched in Dallas County with a two-person staff and a budget of \$75,000, serving three county criminal courts. The pilot had 12 months to produce an increase of \$250,000 in the amount of court costs, fees, and fines collected. The goal was realized 90 days after the program was started. The pilot is now a fully self-supporting department operating under the Dallas County Clerk’s office, which serves all 13 county criminal courts.

The program is credited with increasing collections an estimated average \$4.0 million per year, providing the county with an additional \$48 million in revenue from inception through FY 2004. As a result of the success with misdemeanor cases, Dallas County later implemented similar programs to handle district court cases and juvenile cases, respectively.

The Office of Court Administration (OCA) became involved in the search for a solution to this issue in the mid-1990s. In September 1996, OCA implemented a court collections pilot project, modeled largely after the Dallas County program, in the county-level courts in Brazoria County. Unlike Dallas County, Brazoria County had a successful history of collecting court costs, fees, and fines. However, at the end of the first year of operation of the collections program, Brazoria County experienced a 131% increase

**"Law without enforcement is
only good advice."
-Abraham Lincoln**

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TEXAS JUDICIAL RESOURCE LIAISON



Hon. David L. Hodges

The Texas Center for the Judiciary is pleased to announce a contractual relationship with David L. Hodges as our Judicial Resource Liaison. This position is being funded by a recently acquired three year grant from the Texas Department of Transportation. NHTSA has identified Texas as a high priority state where impaired driving is a significant highway safety issue. We are fortunate that TxDOT has chosen to take the lead nationally and Texas is the only state that has a Judicial Resource Liaison. By working with the Texas judiciary, the Judicial Resource Liaison will assist in reaching the goal of reducing the number of DWI-related crashes, injuries and fatalities. Judge Hodges has assumed his duties and will be a regular contributor to In Chambers.

Sincerely,

*Mari Kay Bickett
Executive Director
Texas Center for the Judiciary*

The concept of having a Judicial Resource Liaison is to span the gap between traffic safety initiatives and the judiciary, allowing someone with judicial experience to facilitate communication and the exchange of ideas. The specific focus of the current Texas Judicial Resource Liaison grant position at the Texas Center is to target and assist judges who hear impaired driving cases. Texas is one of the leading states with alcohol-related traffic safety deaths and our goal is to relinquish that distasteful distinction. We want to provide a structure for judges to communicate among themselves about what works or doesn't work, and hopefully make some meaningful, systemic changes.

Specific goals will include:

- Participating as an ex officio member of the Texas Center curriculum committee to design programs that will assist judges who hear impaired driving cases

- Offering training to judges and their staff who want to start a repeat offender DWI docket (DWI Court)
- Finding funding for treatment
- Developing a DWI-specific web site with a list serve which allows judges to directly communicate with each other
- Developing an online impaired driving Benchbook
- Identifying efficient case disposition practices that can be replicated.

However, the idea to have a Judicial Resource Liaison has far-reaching implications for the entire Judicial Section. In the past, tax dollars have been spent on enforcement (police and prosecutors), while judges struggled to find funds to train themselves, their staff, probation officers, and treatment personnel. Now, however, we are seeing that a little money invested in the Judiciary can yield a huge multiplier effect on the bottom line - the efficient disposition of cases.

Considering that the Texas Judiciary only receives one half of 1% of the state budget, we have done an amazing job to keep up with burgeoning caseloads. We are leading the way and, through this Judicial Resource Liaison program, we will be able to demonstrate that dollars spent on the Judiciary will yield immediate and long lasting results for the entire system. We plan to enable judges to dispose of cases more quickly and efficiently, make improvements in the probation system we rely on to monitor and change behavior, and gain access to much needed treatment dollars which will, in turn, reduce recidivism. If we are successful in our efforts, we hope to demonstrate to our colleagues that money invested in the Judiciary is money well spent.

I welcome your comments and suggestions.

David L. Hodges
Texas Judicial Resource Liaison
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NEW JUDICIARY LEADERS ELECTED

Weiser and Walther to Head Texas Center & Judicial Section

Judges attending the Judicial Section, State Bar of Texas' 78th annual conference, held September 18 - 21 in Austin, elected new leaders for the 2005 - 06 term. Judge Laura Weiser of County Court at Law #1 in Victoria will serve as Judicial Section Chair, and 51st District Court Judge Barbara L. Walther will serve as Chair-Elect.

Formed in 1928, the Judicial Section promotes the objectives of the State Bar of Texas within the judiciary. Approximately 1,500 active and retired Texas judges compose the Judicial Section.

As Judicial Section Chair, Judge Weiser will preside at all Section and Board of Directors meetings; formulate and present a report of the Section's work at the State Bar of Texas' annual meeting; and perform other duties as pertain to the office.

Judge Laura A. Weiser serves as judge of County Court at Law #1 in Victoria. Prior to taking the bench, she was an associate with Cole, Cole and Easley, a staff attorney with Costal Bend Legal Services, and an assistant criminal district attorney for Victoria County. Judge Weiser is a graduate of Houston Baptist University and the University of Houston Law Center. She serves on the Texas Center for the Judiciary's Curriculum Committee, the Advisory Board for the University of Houston, Victoria Criminal Justice Program, and



Judge Laura A. Weiser

the Advisory Board for the Victoria College Police Academy. In 1998, Judge Weiser was named "South Texas Woman of the Year." She also received the Victoria Classroom Teachers Association's "Friend of Education Award" in 1991-1992 and 1992 - 1993. Judge Weiser serves as a resident adjunct professor at the University of Houston, Victoria Criminal Justice Program.

Judge Barbara Walther received her undergraduate degree from the University of Texas at Austin and her law

degree from Southern Methodist University Law School. Before joining the district court, Judge Walther was a Title IV-D Family Law Master for the 7th Administrative Judicial Region from 1987-1992. In 1997, the Girl Scout Councils of Texas selected Judge Walther as one of Texas' 85 Women of Distinction. Judge Walther is a member of the Criminal Justice Section Council of the State Bar of Texas and an advisory member of the Committee on Judicial Performance for the Texas Judicial Council. Judge Walther is also a member of the Texas Center for the Judiciary's Curriculum Committee and has served on the board of directors for the Judicial Section State Bar of Texas.

In addition to leading the Judicial Section, Judge Weiser and Judge Walther were also elected to head the Texas Center for the Judiciary, an Austin-based non-profit judicial education organization.

Judge Walther will succeed Judge Weiser as Chair of the Judicial Section and Texas Center during the 2006 - 07 term. ⚖️



**DOES THE TEXAS CENTER FOR THE JUDICIARY
HAVE YOUR CURRENT E-MAIL ADDRESS?**

The Texas Center frequently sends out important information via e-mail. To ensure you receive this information in a timely manner, please keep you e-mail current with us.

To submit or update your e-mail address, please contact Lacy Jemmott, Registrar, at (512) 482-8986 or lacyj@yourhonor.com.



JUDGE MENTALITY

What a Long, Strange Trip It's Been

by Judge Dean Rucker, Immediate Past Chair

I can't think of a more fitting description of my year as Chair of the Texas Center for the Judiciary and the Judicial Section, State Bar of Texas. It was an adventure which began with seeking a pay raise considered by some to be a cinch and with concerns about future funding for the Texas Center. It ended with a hard fought eight-month battle to get a pay bill passed and with the addition of federal grants that ensured the viability of the Texas Center far into the future. I enjoyed every minute of it.

We worked hard to build alliances with the State Bar of Texas, business and civic organizations. We took the high road, always mindful that if we want respect as the third and co-equal branch of

government, we must always act with honor and integrity. We honored two highly respected retired Chief Justices of the Texas Supreme Court, Jack Pope and Joe R. Greenhill, with the inaugural presentation of the Distinguished Judicial Service Award. We came together to raise a significant amount of money to aid the victims of Hurricane Katrina. We demonstrated that being a judge is more than just wearing a robe.

Our legislative efforts were immensely successful. The State's appellate and district judges received a long-awaited pay raise. Early on, it seemed that getting a pay raise would not be as difficult as it had been in previous sessions. The plight of Texas judges regarding compensation was illuminated by the legislature, the Bar and the public. It took eight months and a second special session to accomplish our goal. Who would have believed

there would be so many problems getting a bill passed that everyone thought was such a great idea.

In addition to the pay bill, we successfully obtained legislation that enhances judicial retirement and provides judicial immunity for the operation of community supervision and corrections departments. Even with all the judiciary has gained, our work is not finished. While many statutory county court judges will benefit from the pay raise for state judges, some statutory county court judges' salaries lag far behind.

*Sometimes the light's all shining on me
Other times I can barely see
Lately it occurs to me
What a long strange trip it's been.
-Truckin', The Grateful Dead*

We must provide the leadership to ensure all of our judges receive a salary commensurate with their duties and responsibilities.

The Texas Center for the Judiciary acquired three federal grants. The first two are the Court Improvement Project Task Force grant and its sister grant, the Children's Justice Act. The third grant is from TxDOT for DWI training. Combined, these grants total almost three and one-half million dollars. They allow the Texas Center to retain its prominence as the State's primary provider of judicial education.

Many thanks to the Boards and the committees of the Texas Center and the Judicial Section for their vision and their faithful service. The judiciary was extremely well served by the gift of your time and talent. It was an honor to serve with you.

I cannot imagine having gone through this year without

Mari Kay Bickett. She is an outstanding Executive Director and one of the most remarkable people I have had the privilege to know. She accepts nothing less than excellence, and she performs her job with grace, dignity and humility. We have no greater friend. Likewise, I extend my thanks to the Texas Center's extraordinarily talented staff. They uphold the highest standards, and labor tirelessly for our benefit. As has been its tradition, the Texas Center offered a number of excellent programs, all of which received sterling evaluations. Mari Kay and her staff deserve the thanks of a grateful judiciary.

Last but not least, I want to thank each of you for your steadfast support throughout the year. Your words, notes and calls of encouragement gave me strength and inspiration. I have never seen the judiciary as united as it was this past year and look at the success we shared as a result. As we face the future, I believe that as long as the judiciary can continue to speak with one voice, the possibilities are limitless.

Thanks to your kindness and generosity, I am going to Dallas to see Paul McCartney.¹ I cannot begin to describe how excited I am to be able to go to the concert. It is a most thoughtful and meaningful gift for this Beatles fan. However, it is the gift of your friendship I treasure most.

The Texas judiciary is the finest in the nation. Thank you again for the honor and privilege of serving as your Chair.

FOOTNOTE:

¹ For those of you born after 1970 or who live under a rock, Paul McCartney was in a band before Wings. No group has had as much influence on modern music as the Beatles, and Paul McCartney is one of the most prolific songwriters of our time.

Conference Roundup

The 2005 Judicial Section Annual Conference



"Great Job!
Thanks!"



"Great
conference --
I look forward
to next year."



"Overall, a very
good job as
usual. You
have created
very high
expectations but
do continue to
meet them."



"Superb!"

"Excellent service and
accommodations."



"Another outstanding
conference!"



"Staff
did a
terrific
job."



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THE DAY TREATMENT PROGRAM

A Viable Alternative in the Progressive Sanction Era

From Judge Todd Blomerth & Leman "Buzz" Sawyer

The Community Supervision and Corrections Department (CSCD) consisting of Caldwell, Comal, and Hays Counties recognized in August 2001, that it had a problem. The waiting time to place an offender into 90-day residential treatment for chemical dependency had grown to more than six (6) months. During the wait, an offender either sat in jail or remained on the streets. Neither alternative was good. The first clogged up the jails with those better served elsewhere, and the second did not remove the offender from the environment that was conducive to chemical dependence. CSCD enlisted the help of a local council on alcohol and drug abuse in assisting in statewide residential placements and it also expanded its utilization of Court Residential Treatment Centers. With the cutback in State funding for chemical dependency programs, this effort showed what many had predicted - after numerous placements with the ever-increasing expenses, the waiting period still existed.

What was needed was an alternative to the standard 90-day residential program. This led to an innovative response to the ever-present, and growing, issue of chemically dependant probationers.

The Community Supervision and Correction Department had started a Day Reporting Center in 1990 using Community

Corrections Program funds. This center was currently serving the unemployed and underemployed population. Recognizing the critical need for chemical dependency treatment, the Day Reporting Center was converted from working with employment issue to taking on the task of chemical dependency treatment. Thus the Day Treatment Program was created. The addition of this



new component to the county's inventory of rehabilitative services gave the judges and probation departments a powerful new option in dealing with offenders who would not, or could not, successfully complete outpatient programs. In doing so, CSCD's District Resource Center (DRC) helped establish a workable and accountable way of dealing with offenders without losing the possible later usage of more restrictive sanctions.

The Day Treatment Program has provided a very real alternative for the judges of our districts.

Its 120-hour format consists of 5 hours of formal programming per day, four days a week for six weeks, with an operating day that begins at 9 a.m. and ends at 3 p.m. The program is open-ended in order to facilitate new placements on any given week. There is zero tolerance for non-attendance. Group sessions for offenders consist of basic chemical dependency education and counseling; orientation to 12-step self-help support groups; basic cognitive-behavior awareness; recovery issues; cognitive restructuring; victim thinking; anger management; values-attitude-behavior awareness; relapse prevention; problem solving and goal setting; crisis intervention; parenting; nutrition, exercise and leisure time assessment. Also, offenders participate in mini-ROPES and recovery games experiences. Additionally, counseling is provided on issues relating to self-esteem, codependency, conflict resolution, crisis intervention, and tobacco education

While some participants are allowed to report from the free world, the overwhelming number of offenders remain in custody during the initial six-week program. The lock-up aspect serves two purposes:

- a) it stresses the seriousness of the treatment program, and
- b) decreases the chances of free world attractions (e.g. drugs and alcohol) vitiating

continued on next page

the individual's progress.

After successful completion of the six-week DRC period, the probationer is immediately evaluated and placed in a continuum of care. At a minimum, AA/NA attendance is mandatory. The post Day Treatment process involves various components that the offender will be required to participate in depending upon their particular needs. And, an offender can, and often is required to, be involved in more than one component. These components include:

- 1) educational and literacy,
- 2) employment and life skills,
- 3) special need therapy groups for mentally impaired or those with personality disorders, and
- 4) individual psychological therapy.

These components are usually at the District Resource Center in the evenings and on Saturdays, and the length of involvement in any one of these components can be long term and indefinite. Outside programs such as Serenity Seekers, Male Offender Groups, Female Offender Groups, and relapse management groups are

also used.

The reality is that funds for effective drug/alcohol treatment programs at the state level are not likely to return to levels that will allow probation departments the flexibility once available. Coupled with that are the decreased

The addition of this new component to its inventory of rehabilitative services gave the judges and probation departments a powerful new option...

numbers of actual treatment facilities. These can leave judges and community supervision departments in a conundrum. Unless there is some "outside the box" thinking, the probation system often can do one of two things: ignore continued drug/alcohol related behavior, or revoke and incarcerate an ever-increasing number of probationers. Neither option is viable, and neither option serves the public good. In addition, community service funding is penalized for TDCJ incarcerations on revocations not directly attributable to new offenses.


Any community supervision department contemplating the

creation and operation of a Day Treatment Program must be aware that there has to be a close cooperative effort with the County Sheriff's Office. Day treatment facilities in our districts are not co-located with the jails, and SO personnel are required to release to and receive from the community supervision personnel all participants. We have been fortunate in Caldwell, Hays and Comal counties to have that type of cooperation.

Since the Day Treatment Program began in May 2002, the center has had over 300 successful completions. Over the last two years of tracking completions, the Center has a 82% success rate. After six-month follow-ups, 74% of participants had no new arrests, while 61% were still clean and sober. The change of focus from the unemployed to chemical dependency treatment seems to be money well spent.

About the Authors

Leman "Buzz" Sawyer is District Resource Center Director.

Todd Blomerth is Judge for the 421st Judicial District Court, serving Caldwell County. 

IN MEMORIAM

For Those Who Served Our State Courts As of November 12, 2005

Honorable Richard Bosworth
Senior District Judge
354th District Court, Heath

Honorable John R. McFall
Senior Judge
237th District Court, Lubbock

Honorable Bill Logue
Senior District Judge
19th District Court, Waco

Honorable T. C. Chadick
Justice (Ret.)
Supreme Court of Texas, Texarkana

in the dollar amounts collected within 60 days of sentencing and their collection rate increased by approximately 10 percentage points. They also experienced a 58% decrease in credits given for jail time served. By the end of calendar year 1997, Brazoria County's collections rate, which in 1995 was an impressive 75%, was approaching 90%.

After the success of the Brazoria County pilot project, OCA began to assist cities and counties interested in improving compliance and revenue collections with the implementation of its model program.

As of September 1, 2005, OCA has assisted with the development and implementation of collection programs in 50 counties and 17 cities.

In most of the counties, however, the program does not serve all levels of court within the county (i.e., district, county, and justice courts). In FY 2004, those programs reporting both a pre-program and a post-program collection rate averaged a 91% increase in their collection rate (from an average pre-program collection rate of 33% to an average post-program collection rate of 63%), bringing in an additional, approximately \$39 million in revenue.

Those figures came to the attention of the Senate Finance Committee in 2005, leading to the filing of S.B. 978. Ultimately, the concept was incorporated into Article 10 of Senate Bill 1863, which requires cities with a population of 100,000 or more and counties with a population of 50,000 or more to implement a program to improve the collection of court costs, fees, and fines in criminal cases. All the courts in those jurisdictions that handle criminal cases are required

to participate.

Approximately half of the affected cities and counties must implement programs by April 1, 2006, and the remaining number must be implemented by April 1, 2007 (See implementation list at <http://www.courts.state.tx.us/oca/collections/PriorityLists.xls>).

To comply, the city or county must implement a program that has two components. The first component is designed to improve in-house collections and the second component is designed to improve

This concept was not embraced voluntarily because it was easy. It was embraced because it works.

the collection of balances more than 60 days past due. The in-house component must conform to the model developed by OCA. A city or county can comply with collecting balances of more than 60 days past due by entering into a contract with a private attorney or public or private vendor.

The bill requires the Comptroller of Public Accounts to determine pre-mandatory program collection rates for the cities and counties and to conduct periodic audits. Cities and counties found not to be in compliance will be penalized financially -- they will not be able to retain a portion of certain fees they collect for the state until they are back in compliance.


In response to the new legislation OCA has developed a plan for the implementation of S.B. 1863. The plan includes dividing the state into implementation regions and staffing each region with a Regional Collections Specialist who will work

with each affected city and county on compliance issues. A special regional meeting has been held in each region to introduce those in the area to their new Regional Collections Specialist and to begin working on implementation schedules. OCA has also been working with the Comptroller's office to coordinate implementation and compliance efforts.

Collection improvement programs have two major benefits. First, they encourage personal responsibility. According to the National Center for State Courts, "Lack of compliance in paying fines and fees denies a jurisdiction revenue and, more important, calls into question the authority and efficacy of the court and the justice system."

Second, improving collections benefits both the local jurisdiction and the state of Texas. A portion of what is collected is remitted to the state to fund numerous worthwhile programs (e.g., compensation to victims of crime, criminal justice planning, and indigent defense). Most of the funds collected are retained locally and used to fund local programs (e.g., courthouse security, court technology, and records management), and to increase local general revenue.

OCA's model collections program is a logical approach to the court compliance issue. In recent years, the program has been embraced by more and more cities and counties. This concept was not embraced voluntarily because it was easy. It was embraced because it works.

Additional information is available at the OCA web site: <http://www.courts.state.tx.us/oca/collections/collections.asp>. New details will be posted there as they become available. 

Texas' Newest Administrators of Justice

As of November 12, 2005

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Judge, Criminal District Court #6
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Judge, County Court at Law
Newly Created Court

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Newly Created Court

Hon. William R. Henry
Judge, 428th District Court
Newly Created Court

Hon. David S. Hunter
Judge, County Court at Law #1
Succeeding Hon. Larry Wagenbach

Hon. Livia Liu
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Newly Created Court

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Newly Created Court

Hon. Danny Mills
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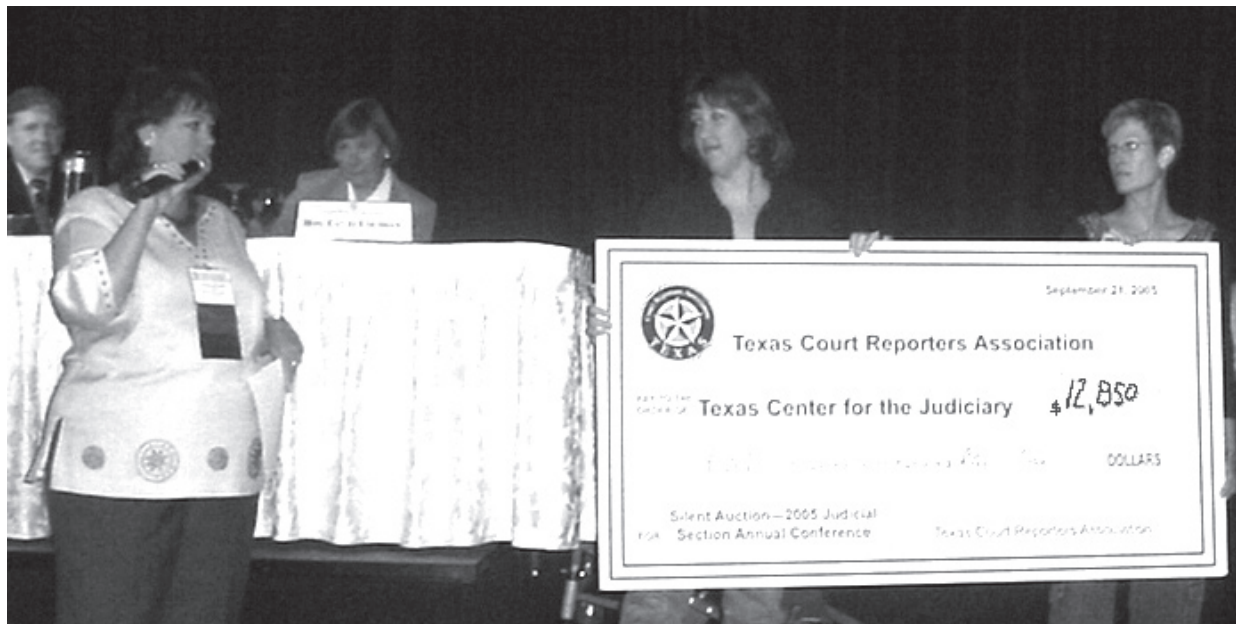
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Meet The Texas Center Staff



Teri Moran
Administrative
Assistant CIP/CJA

Teri Moran serves as Administrative Assistant CIP/CJA for the Texas Center for the Judiciary. She divides her time between the finance office and working

as administrative assistant to Carole Hurley, Director of the Texas Children's Justice Act and the Texas Court Improvement Project. Ms. Moran holds a degree in Journalism from the University of Texas at Austin. Prior to joining the Texas Center, she was an account manager with a web design firm. Ms. Moran is the mother of three active children. Her oldest son, Seth, is a member of the Air Force Reserve and currently stationed in Iraq. Her daughter is attending nursing school and her youngest son is a football player in his senior year of high school. In her spare time, Ms. Moran likes to read. 



ETHICS OPINIONS Question & Answer

No new ethics opinions have been issued since July 2005. To ask an ethics question, contact Judge Stephen B. Ables (830.792.2290) or the State Commission on Judicial Conduct (877.228.5750).

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LOOKING AHEAD

Judicial Conference Calendar

2006

College for New Judges
January 9-11, 2006
Austin

Regional Conference (Regions 3, 4, 5, 6, 7 & 9)
January 22-24, 2006
San Antonio

Regional Conference (Regions 1, 2 & 8)
February 12-14, 2006
Horseshoe Bay

Mental Health Conference
March 27-29, 2006
Galveston

Texas College for Judicial Studies
April 23-28, 2006
Austin

Professional Development Program
June 19-23, 2006
Austin

Criminal Justice Conference
August 2 - 4, 2006
Frisco

Judicial Section Annual Conference
September 10-13, 2006
Houston

College for New Judges
December 2-8, 2006
Austin

2007

Judicial Section Annual Conference
September 16-19, 2007
Galveston

2008

Judicial Section Annual Conference
September 14-17, 2008
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