
Williamson County Courts

Proposal for Associate Judge & Court Reporter Position

Executive Summary

Since 2014, Williamson County has seen filings and proceedings in mental health-related matters skyrocket. This is largely due to the psychiatric hospitals that have opened within the County, resulting in cases previously handled in other jurisdictions being filed in Williamson County. These matters are handled by the Judge of County Court at Law #4, *in addition to his normal docket of Probate, Civil and Family cases*. Compared to 2014, in 2021 we have seen an increase of 342% in Applications for Temporary Mental Health Services, and 875% in Applications for Forced Medication. Each application must be reviewed, considered, and decided-upon by a judicial officer. In the same timeframe, we have seen an increase of 109% in Protective Custody Hearings and 420% in Final Commitment Hearings. These hearings are governed by very strict time requirements in order to preserve the right of proposed patients.

As we continue to recover from the backlog created by the COVID-19 pandemic, the District Judges have identified several critical points in criminal cases where additional judicial support would expedite criminal case processing. This includes bail reconsideration, referred pleas and sentencings, and bond modification hearings.

The purpose of this proposal is to request an additional Associate Judge to provide the judicial capacity needed in these two key areas. By assigning these duties to Associate Judges, the trial court judges can recover time to handle matters that only they are able to adjudicate. We also propose adding a Court Reporter, which is necessary because much of the work that the Associate Judge will handle requires hearings that must be done on the record.

Statement of Problem and Proposed Solution

Issue: Mental Health Case Capacity

Because of the significant rise in mental health cases, the County Court at Law Judge who hears Probate cases, and to whom mental health cases are assigned by statute, has seen a large increase in his workload. MH cases have a direct impact on the health, safety, and liberty of a proposed patient, and are extremely time sensitive. A result of this is that the CCL Judge must often delay his normal dockets, often having to step down from the bench, to handle mental health hearings in the time required by law. This was sustainable when there were fewer filings, for example in 2013 when there were 5 Applications for Temporary MH Services. It is untenable to continue this approach in 2021 when through November there were 318 such filings. This is only one of the supporting datapoints; others, discussed in the Appendix have seen similar levels of increase.

Issue: Enhancing Use of Judicial Resources

The lifecycle of a criminal case is lengthy due to the time that it takes to arrive at case disposition (due to further investigations, negotiations, discovery, and trial preparation). The sheer number of cases which require judicial attention also impacts the time to dispose of a case. District Judges have identified several judicial activities during a criminal case that may be referred to Associate Judges. This would increase capacity for the trial court judges to work on matters that require their intervention. Such matters include bail reconsideration hearings (which may result in a positive impact to the jail population), hearings on bail conditions and protective order modifications, and drafting time-intensive writ responses in criminal cases. Finally, Associate Judges may hear agreed pleas and conduct sentencings. Currently, it is not unusual for the State and a Defendant to arrive at a plea agreement, which must then be set for sentencing two or more weeks in the future. For an individual in custody, this extends their stay in the Wilco jail and in any event delays the resolution of the case.

Solution: An Additional Associate Judge

We propose adding 1 Associate Judge, assigning this position to County Court at Law #4, to be administered by the Magistrate's Office. Currently, County Court at Law #4 has worked with the Magistrate's office in conjunction with providing mental health care coverage. The requested Associate Judge position is to be primarily utilized in a mental health docket to be administered by the current Magistrate's office, under the direction of the County Court at Law Judge assigned to matters of probate. Currently, Williamson County has 4 Associate Judges. The additional Associate Judge allows for coverage for Magistrations 7 days per week, 365 days per year, as well as after-hours access to sign arrest warrants and blood-based search warrants. With the current number of Associate Judges, they can take on a limited number of additional duties in support of the trial courts, including conducting Cite and Release, EPO modification hearings for County Courts at Law, and supporting District Court specialty dockets.

Adding an Associate Judge allows for the current level of work and increases capacity to support the CCL Mental Health cases. The proposed position can be assigned additional duties, in support of the trial courts, including holding bail review dockets, condition modification dockets, expanding EPO modification hearings, and holding plea/sentencing dockets by referral from the trial courts, as well as capacity to work on writs.

Solution: A Court Reporter

We propose adding 1 Court Reporter, assigning this position to the County Courts at Law. Many of the proceedings that are proposed for the Associate Judge to hear must be conducted on the record (i.e. pleas and sentencings, final commitment hearings, forced medication hearings, EPO modification hearings). A major barrier to fully implementing this plan is the lack of a Court Reporter to make that record. Since the goal of this proposal is to increase trial court capacity, an additional Court Reporter would allow the judges to remain on the bench (with their current Court Reporter), while the proposed Associate Judge and new Court Reporter concurrently conduct proceedings.

In addition to supporting the Associate Judges and their additional duties, the Court Reporter can serve as a "Roving Court Reporter" and provide support to the trial courts when Court Reporters are not available, minimizing down-time due to illness, vacation, training, etc. (For example, the 425th District Court had to cancel a jury trial in late 2021 because the Court Reporter was out on sick leave and a substitute could not be found). Many jurisdictions utilize one or more "Roving Court Reporters" for similar purposes as we propose.¹

¹ The following counties report that they utilize one or more "Roving Court Reporters": Bexar County: 6, Travis County: 1 Criminal, 2 Civil, Montgomery County: 1, Nueces County: 2

Appendix: Mental Health Case Data

Since the opening of two behavioral health hospitals in Williamson County, County Court at Law #4 and the Magistrate's office have shouldered an ever-increasing workload. The chart below focuses on the key datapoints for mental health cases, each of which carry significant implications for the health and liberty of proposed patients.

MH Case Data	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021 ²
New Applications for Temp MH Svcs Filed	3	1	5	72	115	208	297	312	349	296	318
Orders for Protective Custody Signed	0	0	5	72	114	210	296	312	341	298	317
PC Hearings Held	0	0	1	11	39	72	40	26	51	21	23
Final Comm. Hearings Held	0	0	0	5	45	43	41	37	34	37	26
Forced Med Apps Filed	0	0	0	4	15	15	28	39	50	35	39
Forced Med Hearings Held	0	0	0	0	7	4	22	30	29	28	28

Applications for Temporary Mental Health Services are requests for a Court to order a proposed patient to receive mental health services for a defined timeframe.³ This ordinarily begins the MH case process. **Orders of Protective Custody** are a judicial directive to detain a proposed patient in a mental health facility for their safety or that of the community.⁴ **Protective Custody Hearings** must be held within 72 hours of an OPC being signed if the patient's condition requires their continued custody.⁵ **Final Commitment Hearings** must be conducted within 14 days of filing of an Application for Court Ordered Mental Health Services, and may result in the Court determining that a patient is required to receive inpatient or outpatient mental health services for a period of time.⁶ **Applications for Forced Medication** are requests from physicians for judicial authorization to administer medication to a patient over the patient's objection.⁷ **Forced Medication Hearings** must be held within 30 days of the date on which a Forced Med. App. is filed.⁸

² 2021 data is through 11/2021

³ Tx. Health and Safety Code 574.034, 574.0345,

⁴ Tx. Health and Safety Code 574.023

⁵ Tx. Health and Safety Code 574.025(b)

⁶ Tx. Health and Safety Code 574.036

⁷ Tx. Health and Safety Code 574.106

⁸ Tx. Health and Safety Code 574.104 (d)