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Sent: Tuesday, November 18, 2008 5:10 PM

To: Babcock, Chip; Senneff, Angie

Cc: Nathan Hecht

Subject: SCAC Agenda Item - Civil Cover Sheets

Chip and Angie,

The attached cover sheets were developed as a component of a joint Texas Judicial Council ("TJC") and Office of Court Administration ("OCA") project known as the Judicial Data Project. The project, which involved an extensive review of the data elements used by trial courts in reporting case activity, began in 2002 when the TJC Committee on Judicial Data Management asked OCA data workgroups to recommend various changes to the OCA. As part of the project, the OCA data workgroups were tasked with developing a civil cover sheet, intended to take the burden off clerks in categorizing cases and make the attorney or litigant responsible for indicating what type of case is being filed. Dallas County, which has required a civil cover sheet in its district courts for several years, offered its sheet as an example. Members of the OCA data workgroups and TJC Committee on Judicial Data Management responded positively to that sheet.

Angela Garcia — Manager of OCA's Judicial Information Department — developed draft civil and family case cover sheets using Dallas County's cover sheet as the primary base. She also obtained samples of cover sheets used by other Texas counties, other states, and the federal government and incorporated elements from those sheets into the model cover sheets. The case categories included in the model cover sheets were structured around the case categories included in the new OCA monthly reports for district and county-level courts (effective September 1, 2010).

When the initial drafts of the model cover sheets were complete, Judge Sharolyn Wood — the former chair of the TJC Committee on Judicial Data Management and a longtime civil district judge in Harris County — circulated the drafts among civil and family judges in Harris County. Judge Wood and other judges suggested a few changes, which Ms. Garcia made. Prior to the TJC's meeting on September 19, 2008, the cover sheets were forwarded to Blake Hawthorne, Alice McAfee, and me for our review. Mr. Hawthorne suggested a couple of changes to the civil cover sheets, which were made prior to the meeting. Then, the draft civil and family law cover sheets were presented to the TJC at its meeting on September 19. The TJC approved the cover sheets as model forms that could be modified for local use.

After the TJC approved the draft cover sheets, Mary Cowherd — Deputy Director of OCA and Director of Research and Court Services — presented the cover sheets to Mr. Hawthorne and me for further consideration. Concurrently, Ms. Cowherd asked the Court to promulgate a rule that requires parties to file cover sheets containing the following information, at a minimum: the style of the case, name of the attorney or party filing the case, contact information for the attorney or party filing the case, state bar number of the attorney (if applicable), names of the parties, and case type (to be selected by local jurisdictions). Justice Hecht and I decided and conveyed that it would be best to refer this matter to the Supreme Court Advisory Committee. The drafters of the cover sheets agreed with that approach.

In the last few weeks, the draft cover sheets were revised to address concerns raised by clerks, primarily Sheri Woodfin and Clyde Lemon. The TJC reviewed the cover sheets (with the changes proposed by the clerks) at its meeting on November 7, 2008 and approved the clerks' proposed changes. Then, the Judicial Council on Information Technology ("JCIT") reviewed the revised drafts on November 13, 2008. In response to a suggestion from JCIT member Judge Steve King, Ms. Cowherd made the "style of the case" line more general by removing "Plaintiff v. Defendant" designations. The attached cover sheets incorporate that revision.

To summarize, the TJC and JCIT have approved substantially similar versions of the attached cover sheets. Now, the Court requests that the Advisory Committee:

- (1) review the attached cover sheets and provide feedback;
- (2) recommend a Texas Rule of Civil Procedure addressing the cover sheets;

(3) consider whether the attorney or party filing a case must sign the completed cover sheet and, if so, what the consequences of no signature will be; and

(4) consider the consequences of not filing a cover sheet with an initial pleading.

The Court would like to thank the Advisory Committee in advance for its invaluable input on these issues. Please let me know if you have any questions or concerns.

Best Regards,

Kenyon

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