

Small Court Challenges



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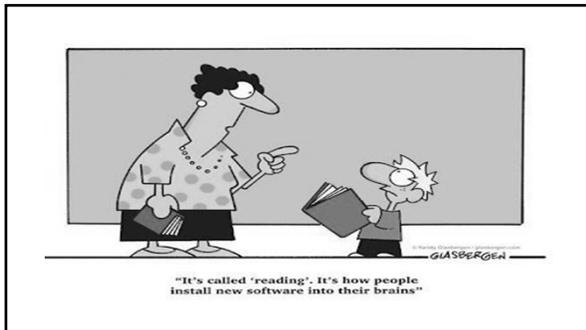
OBJECTIVES

- IDENTIFY PROCEDURAL CHALLENGES FACING SMALL COURTS
- EXPLAIN THE IMPORTANCE OF BEST PRACTICES
- LIST PERTINENT RESOURCES



CHALLENGES
I EXPECTED TIMES LIKE THIS - BUT I NEVER THOUGHT
THEY'D BE SO BAD, SO LONG, AND SO FREQUENT.

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QUESTIONS TO PONDER

What does justice look like in small towns across Texas?



Do you and your staff have the knowledge and training to provide due process to litigants?



QUESTIONS TO PONDER

Does your court afford defendants due process?



Is there sufficient Judicial leadership in the court?



Group Discussion Scenarios

- ✓ Count off
- ✓ Select a Scribe
- ✓ Select a Spokesperson/ Reporter for the group

- ✓ This is a safe environment for discussion and learning better and/or new ways of case flow management to enhance your court's performance.

- ✓ This is a timed exercise



Procedural Challenge Scenarios

Small court has three cases: a speeding case, no driver's license, and fail to maintain financial responsibility on Defendant Homer Dogood. Defendant has not appeared in court ever.

Court processes and issues a warrant for Homer Dogood. The Judge never reviewed the case file(s), but did sign the warrant(s) of arrest.

The police department arrests defendant and takes him to jail. The court does not get notice of the arrest of Homer Dogood.

Homer Dogood sits in jail for 3 days and is released with no bond paperwork because the jail is over crowded.



1. Who processes the cases?
2. Who issues the warrants?
3. How can the court encourage the defendant to appear in court?
4. What process(es) should be in place to deal with the defendant upon arrest?
5. Is the defendant due any jail time credit and how is this documented?
6. Does the defendant have any options available on his case(s)?
6. Who are the stakeholders involved in these processes?



Procedural Challenge Scenario

Defendant, Atta Girl, gets a citation for speeding 30 miles over the speed limit on January 1st. Defendant appears before her initial appearance date of January 11th and asks the court to set up the case on a payment plan because she can not pay the \$250.00 fine amount immediately. Defendant enters a plea of "no contest" and a payment plan is set up for defendant to pay \$50.00 per month beginning February 25th. She pays \$50.00 the day the payment plan is set up and has a balance due of \$200.00. The court adds the time payment fee of \$25.00 making the balance \$225.00. Defendant does not make the February 25th payment. Court processes a capias pro fine for her arrest. The defendant is arrested and booked into jail. The defendant bonds out of jail after the second day to re-appear in court but paperwork does not specify time or date.

What are the issues with this case scenario?

1. Was a judgment processed for the case upon the defendant entering a plea?
2. Did the Judge sign the judgment?
3. Was there an indigent hearing held before the payment plan was set-up?
4. Was the case filed reviewed by staff to ensure all pertinent documents on the case were processed?
5. Was there a show cause hearing set up prior to processing the capias pro fine?
6. Was the time payment fee assessed at the correct point in time?
7. Should have the defendant been able to bond out of jail?



Scenario

Defendant, Cutie Pie, is arrested on-site for Assault by bodily contact with another. This is a domestic violence incident. The defendant is booked into jail. The defendant is released on the third day after the arrest on a cash bond without a specific date and time to appear in Court. The defendant also completes and signs a optional plea form. The cash bond posted was done by the defendant's sister. No information was gathered from the sister in regards to the cash bond.

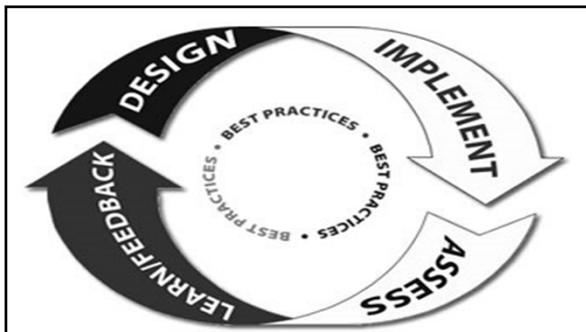
The Court receives and processes the optional plea form and applies the cash bond towards the fine, Court costs, and fees and closed the case.

1. What are the procedural challenges? Are there any?
2. Should the defendant been magistrate upon the arrest?
3. Can the court order a Magistrate's Order of Emergency Protection?
4. Can the Cash bond just be applied to the fines, court costs and fees?
5. Do you have to have the defendant's permission to apply the cash bond to the fine, court costs and fees?
6. Should there have been a process to gather information about who posted the cash bond?

Best Practices

- ✓ Vision
- ✓ Knowledge
- ✓ Skill
- ✓ Development
- ✓ Potential
- ✓ Experience
- ✓ Performance
- ✓ Ethic





Resources

TMCEC	Neighboring courts
TCCA	• Procedural Fairness for Judges and Courts: • http://proceduralfairness.org/
TMCA	•
NACM	• Rural Court Information Network: • http://www.imijustice.org/network-coordination/rural-court-information-network/

