

Communications and Stress Management

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INTRODUCTION

More citizens come in contact with the Texas municipal courts than with all of the other Texas courts combined. From that experience, citizens form lasting impressions of the justice system. Confidence in and respect for our system is essential to ensure compliance with the law and orders of the court. The clerk has the responsibility of presenting a positive image and communicating about the judicial process and court procedures effectively.

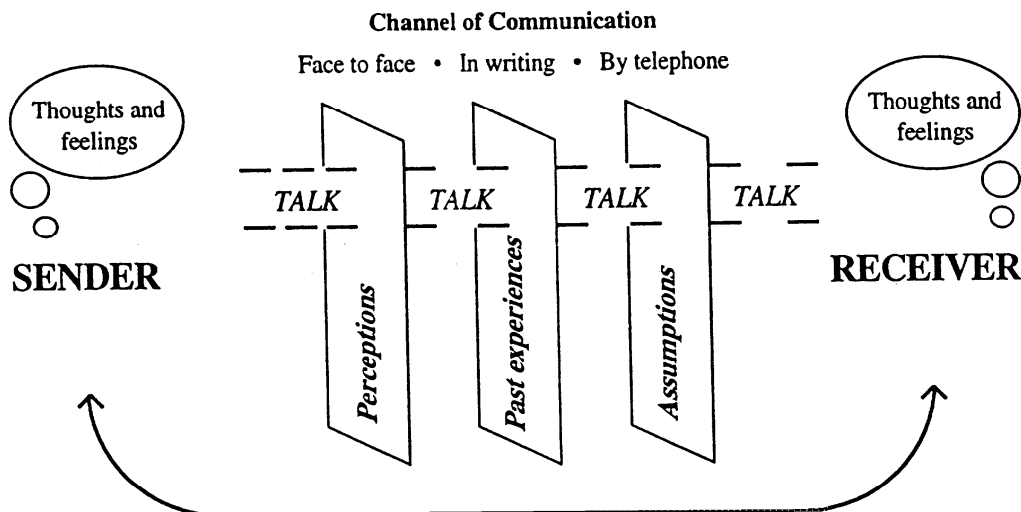
If clerks want to increase their knowledge of communication and stress management skills for personal and professional growth, there are many commercial seminars and books available. Strong verbal and written communications skills as well as stress and time management skills help clerks to become more effective in their jobs.

PART 1 COMMUNICATIONS

A. The Communication Process

The word “communication” evokes imagery of speech or conversation. The dictionary defines “communication” as exchanging information: both sending and receiving. When people communicate orally or in writing, the messages sent and received pass through filters that modify, and sometimes incorrectly skew, the original message’s intent. These filters may include:

- a person’s perception of a situation;
- past experiences; and
- assumptions about what a person might be trying to say.



Any one of these filters can block communication. In addition, a person's ability to communicate effectively is effected by his or her thoughts and feelings about the situation and the other speaker. A frightened or angry person will not be able to understand directions as easily as a person who is calm. Accordingly, if a defendant does not understand a set of instructions, clerks can try a different communication strategy rather than becoming irritated or defensive. Communication is less effective and often fails when one or both of the people exchanging information does not do his or her part as sender or receiver.

B. Communication Skills

Although this study guide focuses primarily on communications with defendants who come before the court, other work situations require effective communication skills, including:

- managing witnesses, jurors, lawyers, and other court users;
- interacting with co-workers, supervisors, and the judge(s).

1. Believable Communication

For a message to be believable, it must be consistent. Consistent communications include not only a verbal message, but also a vocal and visual component.¹ Trainers often say that believability depends on three factors:

- | | |
|-------------|-----------------------------------|
| Verbal: 7% | (what words you say) |
| Vocal: 38% | (how you sound when you say them) |
| Visual: 55% | (how you look when you say them) |

Research shows that verbal communication is the smallest factor of the communication process. How a person sounds and how a person looks are the biggest contributing factors to getting people to understand a message. Think for a moment of an unpleasant confrontation with an adolescent and how effective he or she was at using body language or tone of voice to convey attitude! Sometimes the verbal message is overpowered by the vocal and visual message. Rehearsing in front of a mirror, with a tape recorder, or with a co-worker will help clerks to be aware of how they are perceived by defendants.

2. Steps to Effective Communication

When dealing with citizens who come into the court, remember to:

- listen carefully;
- face the person you are speaking to;
- establish eye contact;
- adopt a concerned body posture, tone of voice, and facial expression;
- avoid a condescending or impatient tone;
- have and exhibit empathy;
- eliminate distractions;

¹ Boylan, Bob. *What's Your Point*. Warner Books (1988) p. 80.

- practice patience;
- be consistent; and
- do not take things personally.

True or False

- Q. 1. Communication involves only the giving of information. ____
- Q. 2. People listen through filters that often block communication. ____
- Q. 3. Communication is affected only by the sender's thoughts and feelings, not the receiver's. ____
- Q. 4. The believability of communication depends only on what words are said and not on how a person sounds or looks when speaking. ____

End True/False

- Q. 5. List the steps to effective communication. _____
- _____
- _____
- _____

PART 2 WORKPLACE COMMUNICATIONS

This section discusses adopting unbiased language; handling difficult defendants; dealing with violence; using the telephone; providing court interpreters; displaying procedural pamphlets; and talking with the judge. Although this guide does not discuss legal procedures, it does discuss how clerks can provide legal information without giving legal advice.

From this section, clerks will learn how to adjust their communication style to each situation and to the person they are communicating with. Clerks may worry that by developing different coping strategies for dealing with upset citizens that they are not treating all persons equally and fairly. Although communication strategies may vary, if all people that come into contact with the court are treated with dignity and respect and afforded the same due process of law, there should not be a complaint of unfairness.

A. Adopting Bias-Free Language

Clerks should avoid using biased language that reflects any predisposition or tendency to think and behave toward people mainly on the basis of sex, ethnicity, disability, age, religion, national origin, or socio-economic status. Frequently, bias in these areas is expressed subtly so that the one expressing it does not realize that a biased statement or action has occurred. The courts' challenge is to be alert to ways of thinking, speaking, writing, and acting that reflect unbiased behavior. Shown below are some guidelines.

- Use gender-neutral words. Avoid using "he" as the generic pronoun meaning all persons rather than all males. Instead, use plural pronouns ("they") or use a singular or plural noun that is a synonym (the "judge" or "judges").
- Avoid biased occupational terms:

INSTEAD OF

policeman
fireman
work men

USE

police officer
fire fighter
workers

- Avoid using male references when other words can be more specific.

INSTEAD OF

a one-man operation
man-made
to man a post

USE

a one-person operation
manufactured
to staff a position

- Avoid stereotyping roles and using words or phrases that imply an evaluation of the gender and ethnicity.
- Canons 3B(4),(5), and (6) of the *Code of Judicial Conduct* require judges and court support personnel to maintain bias-free courtrooms by exhibiting patience, dignity, and courtesy to litigants, jurors, witnesses, and lawyers; and avoiding bias or prejudice based on race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.

B. Handling Difficult Defendants

Almost every day, municipal courts deal with defendants who are angry, impatient, or uncertain about procedures. Court clerks are often the first to encounter the indignation, irritation, and anxiety felt by these people. Handling them courteously and effectively is perhaps one of the most burdensome tasks of the court clerk's job. This task will become easier if clerks recognize why people are being difficult and then adapt certain strategies for deflecting anger and redirecting their energies. The credibility of the court and the clerks will be enhanced if clerks work on how to verbalize instructions to defendants. Follow the steps below to deal with difficult defendants more effectively;

- assess the situation;
- stop wishing that the person would behave differently;
- formulate a strategy or plan;
- implement the plan; and
- monitor the effectiveness and modify where appropriate.

Below is a typical example:

A defendant appearing at the clerk's office is angry about getting a ticket. He refuses to talk to the clerk and demands to talk with the judge.

Clerk Response #1: "You can't talk to the judge. She is not available."

Clerk Response #2: "Court procedures give you two options. The option which allows you to talk to the judge about your side of the story requires you to enter a plea of guilty or no contest before the judge can hear the facts of your case. The judge can then take into account any extenuating circumstances before setting the fine. Unless

you enter a plea of guilty or no contest, it is a violation of the *Code of Judicial Conduct* for the judge to hear facts about a case when just one party is present. The other option is for you to plead not guilty and exercise your right to a trial. If you do that, after the prosecutor presents the evidence, the judge or jury hears both sides of the case and makes a decision from the evidence.”

The second response is more effective because the clerk is giving complete information about court procedures and giving the defendant clearer options. The clerk should follow up statements with questions that verify whether or not the receiver understood the message. When asking follow-up questions, clerks should avoid direct questions that begin with “do,” “did,” “will,” and “can.” These types of questions usually elicit a YES/NO answer, can make people feel defensive, and limit communication. Try questions that begin with words such as “how,” “when,” “what,” “where,” and “please explain for me.” This allows the listener/receiver to give the clerk more information and to verify whether or not the message received was correct.

1. Learning Helpful Communication Techniques

Imagine the following scenarios and think about how the defendant feels.

Example 1

The defendant believes police are unfair. He is shaking and red-faced. “I wasn’t speeding. The police officer ticketed me because I have a red sports car. Ten people passed me and she stops me! I’ve heard about small town ‘justice.’ I bet your salary is dependent on traffic violations.”

This defendant is displaying anger. When defendants are angry—with themselves, at the arresting officer, or at someone else who has caused a perceived injustice—they may direct that anger at the clerk. This anger may be expressed as verbal aggression and abusive language or non-verbal, threatening body language.

Example 2

The defendant is a business executive and talks loudly and firmly. “Look, I’ve waited in line for 20 minutes, and now you tell me that I can’t see the judge! I had an important meeting this morning that I missed. Do you know how much money my time is worth? You are all incompetent!”

The business executive is simply expressing impatience. When defendants are impatient, it is often because they value work and efficiency above many other facets of life. They blame the clerk for keeping them from important activities. As a result, they may attempt to intimidate, insult, or offend.

Example 3

The defendant has driven 20 years without a ticket. An older woman, she is nervous and distraught—rushing from point to point. “I have never had a ticket before, and I don’t know what to do. I’ve heard about taking a driving safety course, but I don’t know how it works. I don’t really think the officer should have given me a ticket . . . I wasn’t going that fast. What do you think I should do? Am I going to lose my insurance? I just don’t know what will happen.”

This defendant may speak quickly due to uncertainty and anxiety. If defendants are uncertain about what will happen to them, they may become incoherent, defensive, and even aggressive.

In general, there are three options for handling difficult people: be authoritative, be positive, or be task-oriented. Typically, these options should be used in combination for the greatest impact.

a. Be Authoritative, But Not Domineering

Defendants who attempt to be intimidating—whether because of impatience or anger—are less successful when the clerk has established authority, without being overpowering. Clerks can redirect domineering behavior by creating nonverbal barriers and actively asserting their rights. A wide, high counter between clerks and defendants make it more difficult for someone to nonverbally exert dominance. This physical barrier may also protect clerks from potential physical contact. In addition, if clerks perch on stools or use bumper steps to make themselves higher than a defendant or provide a seat for the defendant to sit in at the counter, they exhibit nonverbal control.

A sensible system of lines, is another method for averting domineering behavior. Lines make people aware of those around them, decreasing the opportunity for a disgruntled defendant to confront clerks without cause.

Clerks can assert themselves verbally by making people aware of the clerk's position and the correct manner for interacting with the court. For example, if a defendant starts cursing, clerks may warn the defendant, firmly but politely: "Sir, I cannot help you if you swear at me. I find it offensive and will call security. Now, please let us continue in a civil manner. How may I help you?" Threats and other attempts to intimidate should be handled similarly.

b. Be Positive, But Not Submissive

Negative behavior can be very trying, but it is greatly diminished when matched with a positive attitude. There is a natural tendency to match a negative comment or behavior with negative actions in kind, but such a reaction tends to aggravate and reinforce the negativity.

Here are two ways to be positive without giving the impression of being weak or defenseless.

1. Try using supportive listening responses. Nod your head, smile (if you feel it is appropriate), and use affirming phrases such as "yes," "right," and "okay." These positive behaviors encourage the other person to express themselves and explain the reasons for such behavior.
2. If the defendant is being emotional, let him or her vent his or her frustrations within reason. Use the supportive listening responses discussed above to keep the defendant talking until he or she calms down.

Clerks might also try to create a positive mood by introducing nonverbal softeners. These might include comfortable seating, soft lighting, and plants. Even a change in color can make a drab room more cheery. Making the waiting area in front of the counter or window more appealing can encourage positive feelings toward the court and clerk.

c. Be Task-Oriented, But Not Cold or Impersonal

When a person has calmed down or is willing to listen, a clerk will be able to more easily address his or her problems. Clerks should try to be task-oriented, but not cold or impersonal. Appropriately frame the situation for the defendant, and act in a problem-solving fashion.

Clerks should feel free to explain their role, the role of the judge, and others in the judicial process and the options available to the defendant. Many defendants do not know why they cannot talk to the judge immediately or why the court cannot correct the officer's obvious mistake in issuing them a ticket. Also, human nature being what it is, defendants often make incorrect assumptions about what they will have to do to contest a ticket. It is the clerk's job to explain court options and procedures, record pertinent information, dispense necessary forms, and indicate the appropriate people to contact.

2. Applying the Techniques

In the first example, the defendant was angry and acting negatively and emotionally. In response, clerks should be positive, but not submissive.

“I know that you are upset, and I want to assure you that the procedures exercised by this court are firmly established by law. However, I want us to be on civil terms if I am to help you. So please let me explain court procedures and give you this pamphlet so that you may better understand court procedures and the options available to you.”

The first sentence acknowledges the defendant's emotional state, hopefully making the defendant self-aware. It ignores the defendant's insults and addresses the misconception that the court is not fair. The second and third sentences signal that the clerk is there to help the defendant. The clerk is focusing on the problem—not the person.

Once the defendant has become calmer and more willing to listen, the clerk can be task-oriented.

“I can see your concern. Let me explain your options concerning your ticket. First, if you believe you are not guilty, you can request a trial. This will be a trial by jury unless you waive that right, in which case the judge will decide your innocence or guilt. Second, if you do not want to go to trial, you can request a driving safety course. Here is a pamphlet that explains that option in more detail. If you have additional questions after reading it, please ask me, and I will be glad to try to answer them.”

The first sentence acknowledges the defendant's concerns. Then the clerk immediately frames the situation by explaining specific options and procedures. Next the clerk provides written information to the defendant and states that he or she will be glad to answer questions about the informational pamphlet. By providing information to the defendant that he or she needs to make a decision, the defendant is enabled to have more control over the situation. The control helps the defendant calm down and behave in a more appropriate manner.

In the second example, the defendant was acting domineering and emotional. An appropriate response might be both authoritative and task-oriented.

“I know you've been waiting, and I understand you wish to see the judge immediately. It is unethical for the judge to talk to you before trial, and I believe you

would not want the judge's impartiality to be questioned. The judge must follow certain procedures so that everyone is treated fairly. My role is to help you decide how to proceed. I can help you set your case on the trial docket, provide information about taking a driving safety course, or set you for a hearing to talk to the judge if you want to plead guilty or no contest. Here is a pamphlet that explains the court's procedures. Please take a minute to examine it so I can help you as quickly as possible."

The first sentence acknowledges the defendant's frustration and underlying emotion. The remainder of the response asserts the clerk's rights by clarifying the judge's role and the clerk's role. This approach combines the authoritative approach with a task-oriented strategy.

In the third example, the woman is unsure of what to do. This response merits a task-oriented approach.

"I know you probably feel unsure about what will happen in your case. Let me explain several options you have for taking care of your ticket. First, if you believe you are not guilty, you can request a trial. This will be by a trial by jury unless you waive that right, in which case the judge will decide your innocence or guilt. Second, if you do not want to go to trial, you can request a driving safety course; if you complete it, your ticket will be dismissed. Third, if you want to plead guilty or no contest, I can set a hearing for you to talk to the judge about any circumstances you believe should be taken into account when setting the fine. Here is a pamphlet that explains these options in more detail. If you have additional questions after reading it, please see me, and I will be glad to try to answer your questions."

Showing empathy initially may establish trust and a willingness to listen. This will make the defendant more receptive to the information being given, and more likely to understand how to make an appropriate decision.

C. Dealing with Violence

Municipal courts are often at greater risk than other workplaces for threats and physical violence perpetrated against court employees. Look for potentially violent behavior by reading nonverbal communication signals, such as clenched fists, tight lips, agitated tone of voice, tense body posture, flared nostrils, red face, and wide eyes. Also, look for evidence of drugs or alcohol use.

Work with the judge, court administrator, and bailiff to develop a safety plan for the court. If the court does not have a bailiff on site at all times, establish a distress or panic signal known to law enforcement. Schedule periodic inspections to identify and evaluate security hazards. Remember to report any incidents related to the court's security to OCA at <http://www.courts.state.tx.us/oca/>.

D. Using the Telephone

When responding to questions on the telephone, communication is inhibited by the absence of visual clues that are so important to understanding. Therefore, tone of voice, pitch, and volume become even more important for making inferences and responding appropriately. Loud, harsh tones may signify anger, while loud, high-pitched laughter usually means nervousness. Clerks should remember the *Code of Judicial Conduct* and always project the

dignity and impartiality of the court. Patience and consistency is essential to effective communication on the telephone.

The court should establish a policy on answering telephones and giving out information over the telephone. Avoid forwarding the court's calls to the police department as this practice gives the public the impression that the court is not independent from law enforcement. Modern technology provides low cost voice mail, answering machines, and telecommunications systems that can give the public access to unbiased court information.

E. Providing Court Interpreters

The court must establish a clear policy for using court interpreters for defendants or witnesses who do not understand or speak the English language or persons who are deaf. Translated forms and signage can also help assist non-English speakers.

In counties with populations of at least 50,000, licensed court interpreters must be appointed by the court when a defendant or witness does not understand the English language. Sec. 57.002, G.C. Courts must also appoint a certified interpreter for a defendant or witness who is deaf or hearing impaired. If a juror is deaf or hearing impaired, the juror may request an auxiliary aid or service. A court procedures brochure will assist deaf persons, but it does not substitute for the services of an interpreter.

Because non-English speaking or deaf defendants may face difficulty in understanding court procedures, clerks who are bilingual or know sign language and interpret for defendants at the clerk's office must be cautious in making sure these defendants truly understand the procedures. Defendants who are unsure of what to do should be set for a hearing before the judge. The clerk should make the judge aware that the defendant needs an interpreter so that the judge may appoint someone to be available at the hearing.

F. Giving Legal Information—Not Legal Advice

When assisting the public, court clerks must learn to distinguish between legal advice and legal information. Clerks who give legal advice could be charged with the unauthorized practice of law and subject their city to liability. The following guidelines are from the publication, *User-Friendly Justice*:²

- Court staff has an obligation to explain court processes and procedures to litigants, the media, and other interested people.
- Court staff has an obligation to inform potential litigants how to bring their problems before the court for resolution.
- Court staff cannot advise litigants whether to bring their problems before the court or what remedies to seek.
- Court staff must always remember the absolute duty of impartiality. They must never give advice or information for the purpose of giving one party an advantage over another.
- Court staff must never give information to one party that they would not give to the opponent.

² Goldschmidt, Jona and Pilchen, Ira. *User-Friendly Justice*. Chicago: American Judicature Society (1996).

- Court staff should be mindful of the basic principle that legal counsel may not communicate with the judge *ex parte*.

G. Displaying Court Procedures Pamphlets and Other Information

It helps to provide defendants with a pamphlet that explains court procedures to reinforce the information provided at the window. See Appendix A for a sample pamphlet. The pamphlet should clearly outline court procedures on appearances, pleas, driving safety courses, trials, continuances, fines, court costs, and appeals. Make sure that the pamphlet is understandable, grammatically correct, and legally accurate.

Courts should also consider setting up displays of legal information on victims' rights, domestic violence, juvenile issues, and parental rights. Juror handbooks might explain practical information, such as parking locations and costs, nearby restaurants, emergency telephone numbers, and juror rights and responsibilities.

H. Talking with the Judge, Supervisors, and Co-Workers

People have different personality styles, work habits, approaches to learning, and time and stress management skills. Whether working with the judge, a supervisor, or a co-worker, try to carve out solutions to allow for those differences.

It helps a judge and clerk's working relationship if they approach conflicts collaboratively from a problem-solving perspective. This can be done by establishing regularly scheduled meetings for continuous improvement of the court. The basis of collaboration is finding an agreement that reflects the needs of the parties involved. Try using the following steps:

- gather information;
- identify the issue or problem;
- generate several options;
- evaluate each option;
- choose a course of action and plan it out;
- implement the plan;
- evaluate the result; and
- modify and try again.

There are many different ways to achieve a collaborative agreement to solve problems. The more creative and flexible the process, the better chance clerks have of working as a team with the judge.

Example:

Don't confront the judge with "*Do* you always have to grant time payments to everyone that asks? *Can't* you do indigent hearings on them? I know some of these people really do have the money to pay and it's frustrating to deal with the accounting for these payments."

Instead, try saying: "Judge, I would like to work with you to develop an easier way for handling defendants' time payments. It is difficult to manage the current procedures. *How* do you think that we could improve the process?"

True or False

- Q. 6. The purpose of developing strategies of coping with difficult people is to change their feelings. _____
- Q. 7. Treating people fairly and with due process of law means treating them the same, even when they are upset or agitated. _____
- Q. 8. The *Code of Judicial Conduct* prohibits conduct that manifests bias or prejudice in the court behavior of both judges and clerks. _____
- Q. 9. Bias is acceptable as long as it does not surface in the form of words in the court. _____
- Q. 10. Judges and clerks may treat persons with preference based on their religion and sexual orientation. _____
- Q. 11. Three options for handling difficult people are to be authoritative, positive, and/or task oriented. _____

End True/False

- Q. 12. Short Answer: Write a memo to the judge explaining why it is not in the best interest of the court to forward the telephone to the police station while you and the judge are in trial.

Sample Memo

TO: Judge Goode
FROM: Taylor Smith, Clerk of the Court
RE: Call forwarding

True or False

- Q. 13. Court clerks may give legal advice to citizens if so directed by the judge. _____
- Q. 14. A deaf defendant appears at the window. He has the right to have court procedures explained to him in sign language even though you have offered him the court brochure that explain the procedures. _____

End True/False

- Q. 15. Apply the problem-solving approach to rewrite this dialogue:

Clerk to Judge: “Do you always have to have me check on every insurance card?”

Judge: Yes.

Clerk: Can we change that policy?

Judge: No.

Clerk to Judge:

PART 3 GRAMMAR AND WRITING SKILLS

Written communications from the court are as important as visual and verbal ones. Clerks should be familiar with generally accepted rules of grammar, such as the proper use of language and punctuation (comma, period, semi-colon, question mark, exclamation mark, dash, hyphen, parentheses, brackets, apostrophe, and quotation marks). Two excellent resource materials that clerks can keep at their desks to reference when writing communications are: Strunk and White’s *The Elements of Style* and the *AP Stylebook*. Many dictionaries also have a handy grammar reference section in the back. Stylebook publications have variations in certain rules, such as the use of commas in a series:

The mayor, city manager, and judge arrived³

The mayor, city manager and judge arrived⁴

Although both examples are correct, when putting communication in writing, clerks should be consistent in selecting one style within a document.

A. Basic Rules

1. Incorrect Usage

- Avoid double negatives: “You haven’t got no money?”
- Do not make double comparisons: “The defendant is more angrier than the code enforcement officer.”
- Avoid extra words: “Where did you get that there copy of your speeding ticket?”
- Do not confuse adverbs and adjectives: “I feel badly that your case was postponed.”
- Do not use inappropriate pronouns: “Bring the driving safety course form to the judge or I.”
- Make the subject(s) and verb(s) agree: “The defendant have pled no contest.”

3 Strunk, W. and White, E.B. *The Elements of Style* (1989), p.2 and Webster’s Ninth New Collegiate Dictionary (1985) p.1539.

4 *The Associated Press Stylebook and Libel Manual* (1980), p.42.

2. Capitalization

- Capitalize:
 - the first word of sentences, quotations, listed items in sentence form, salutations, and complimentary closings;
 - races, nationalities, languages, and religions;
 - the name of an organization, association, or team;
 - abbreviations of titles and organizations;
 - the letters used to indicate form or shape: U-turn;
 - all main words of headings, subheadings, and titles;
 - the names of directions when they indicate specific geographic areas; and
 - all proper nouns, such as people, places, things, days, months, holidays, streets, and titles. (Example: Austin Municipal Court, Travis County, Texas. When clerks are generally referring to the municipal courts throughout the state, there is no need to capitalize.)
- Refer to a dictionary or style guide when there is a question.
- Be consistent.

3. Abbreviations and Acronyms

- Make sure the reader understands the abbreviation or acronym.
- Consult a dictionary or style guide for the proper form.
- Be consistent within a document.
- When in doubt, spell it out.

4. Numbers

- Spell out numbers from one to nine.
- Use numerals for 10 and above.
- Spell out numbers at the beginning of a sentence.
- Be consistent within a sentence. (Example of Inconsistency: Forty-five of the cows were blue. Of those, 29 had spots. Only fifteen were less than three years old. We sold 3 of the 45 to the King Ranch).

5. Writing and Style

- Keep it simple and straightforward (KISS)—use everyday language concisely.
- Use active voice. “The court issued a warrant.” not “A warrant was issued.”
- Be gender-neutral.
- Avoid legalese: “We are returning the same herewith.”
- Proofread to catch errors.

B. Guidelines

1. Proofing a Business Letter

a. Form and Appearance

- The letter is typed or neatly written in ink with no smears or obvious corrections.
- The letter has all of the necessary parts: return address, date, inside address, salutation, body, complimentary closing, signature, initials, and notations.
- The letter is centered on the page, with equal spacing for the top and bottom margins as well as for the left and right margins.
- All left-hand margins are even.
- The right-hand margin of the body of the letter is fairly even.
- The signature is legible and written in blue or black ink.
- Special notations (enclosures, copies) are shown.

b. Punctuation

- A comma always separates the city and state. There is no comma between the state and the zip code.
- A comma separates the day of the month from the year.
- A colon is used after the salutation.
- A comma is used after the closing.

c. Capitalization

- The names of the streets, cities, and people in the heading are capitalized.
- The month is capitalized.
- The title of the person the letter is being written to and the name of the department and company listed in the inside address are capitalized.
- The first letter of the word *Dear* and all nouns in the salutation are capitalized.
- Only the first word of the closing is capitalized.

d. Numbers

- Numbered street names from one to nine are spelled out. Example: Fifth Street.
- Numerals are used for numbered street names above 10. Example: 11th Street.

e. Abbreviations

- The names of cities, streets, and months in the heading and inside address are spelled out.
- The state may be abbreviated correctly.

2. Writing In-Court Memos, Bulletins, and Short Reports

- State the purpose in the first sentence.
- Include the time and date.
- Be specific.
- Write neatly and clearly.
- Use only commonly understood abbreviations.
- Arrange the information in the order most useful for the reader.

Q. 16. Mark the business letter below to correct the capitalization and punctuation.

municipal court of mabry
123 oak street
mabry, texas 78621

may 16, 2009

Hope fairfield
P. o. box 12487
Austin, texas 78711

dear ms fairfield

on april 2, 2006 you were issued a citation for speeding you were scheduled to appear on may 16, 2009 at 9:00 a.m. in this court. You **failed to appear**. if you do not contact the court within 10 days a charge of violation of promise to appear will be filed in addition to the speeding charge. warrants will be issued for your arrest and you will have to pay an additional \$50 for each warrant if you are convicted

if you wish to waive your right to a jury trial and plead guilty or nolo contendere, meaning no contest you may do so by paying the fine and costs of \$75 if you wish to plead not guilty you must post a bond with the court in the amount of \$75.

the office hours of the court are 8:00 a.m. to 5:00 p.m. monday through friday. the court telephone number is .512.328-7809

your failure to respond to this letter will result in warrants being issued and your arrest

sincerely

mark Itup, court clerk

PART 4 STRESS

A. The Physical Environment

Stress is the response to environmental situations or events that place excessive psychological or physical demands on people. Each person has a different reaction to stressors, depending upon his or her personality, outlook on life, and overall health.

Continuously high levels of workplace stress can have significant health-related effects. The physical environment may cause stress through low levels of lighting, smoke-filled air, loud noises, and high or low temperatures. Office furniture, computer terminals, and keyboards should all be adjusted to meet each person's body type and size. Some clerks modify their office environment by adding soft lighting, plants, or music. Other courts may make defendants communicate through a speaker imbedded in glass, forming a partition between the clerk and the public and reducing stress caused by threatening verbal confrontations.

B. The Work Itself

Work in municipal courts tends to fall into one of three categories: demand overload, demand underload, and competing demands, all of which can be a source of stress.

Demand overload occurs when a clerk is expected to accomplish too many activities in a set period of time. In smaller courts, clerks may continually feel behind on paperwork due to constant interruptions by citizens seeking information or other city employees. In larger cities, the sheer volume of cases filed creates an overload. Updating new computer systems and filing systems can temporarily make the situation worse. Clerks should discuss their workload with their supervisor, to discuss options for restructuring to avoid interruptions, or delegating responsibilities to others. Reserve time each day to work without interruption. Use time management skills to help plan, organize, and prioritize work more effectively.

Demand underload occurs when a person is not sufficiently challenged, usually due to the repetitive tasks. This may occur in a larger court where tasks are broken down and delegated to various divisions. A clerk's only job might be to sit at a computer and enter tickets all day. Clerks might request to rotate job duties occasionally or be given variation in responsibilities.

Conflicting demands involve meeting deadlines and expectations for multiple projects from multiple sources. This may happen in a small court, when the court supervisor, such as the city secretary, may not understand the legalities of operating the judicial branch. The monthly report to the Office of Court Administration and the quarterly reports to the State Comptroller's Office may be due on the same day that the city manager asks for the court's budget or revenue projections. Careful planning and time management are essential.

C. Stress Management Techniques

A major challenge in today's stress-filled world is to make stress work for a person instead of against the person. Stress is with people all of the time. It comes from mental, emotional, and physical sources, and it feels different for each person. If a person likes to keep busy all the time, "taking it easy" at the beach on a beautiful day may be extremely frustrating, nonproductive, and upsetting. This could cause emotional distress from "doing nothing."

There are five primary ways to relieve stress: diet/nutrition, relaxation, exercise, support groups, and time management. These five methods can be used together or separately to increase longevity of lifespan and create a continuous feeling of well-being.

1. Diet/Nutrition

Eat a variety of fruits, vegetables, and grains; maintain a healthy weight; and keep a diet low in fat and cholesterol. Use sugar, alcohol, salt, and caffeine in moderation.

- Eat breakfast regularly, and take time for lunch.
- Eat healthy snacks between meals.
- Select restaurants that offer a variety of foods.
- Limit desserts, second helpings, and fried foods.
- Control portion sizes.
- Reduce the amount of salad dressing, butter, margarine, sauces, and toppings.
- Take charge; ask for substitutions. Adapt food choices to meet your needs.
- Avoid alcohol, smoking, and other nicotine products.

2. Relaxation

One great strategy for avoiding stress is to relax outside of the workplace. Make it a point to tune out worries about time, court procedures, productivity, and “doing right.”

- Find satisfaction in just being, instead of striving.
- Find activities that give you pleasure, and focus on relaxation, enjoyment, and health.
- Make time for fun.
- Schedule time for both work and recreation.
- Create breaks in your daily routine to relax, have fun, stretch, or walk.
- Sleep seven to eight hours a night.

Techniques used to teach relaxation include yoga, meditation, biofeedback, progressive deep relaxation, guided imagery, and relaxed breathing. All have one goal: to quiet the mind and body and create a sense of inner peace.

3. Exercise

Physical exercise helps us feel better, have more energy, look better, tone muscles, increase resistance to fatigue, control appetite and weight, and create a positive feeling of wellness. Exercise also assists in coping with anxiety and depression and provides opportunities to interact socially.

Before starting an exercise program, it is wise to first have a medical examination and a physician’s approval. The program should balance *frequency* (how often one exercises) with *intensity* (how hard) and *time* (how long). Aim for a minimum of three times a week for at least 20 minutes at an increased heart rate, and incorporate a warm-up and cool-down period to avoid injury.

4. Support

Clerks should create a support system for themselves, whether it is a formal support group or just a friend. Sharing stress, talking with someone about concerns and worries may help you to see your problems in a different light. If a problem is serious, do not hesitate to seek professional help.

Clerks should know their limits. If a problem is beyond a person's control and cannot be changed at the moment, don't fight the situation. Learn to accept what is for now until such time that it can be changed.

5. Time Management

Appropriately managing time is another way to reduce stress both in and out of the workplace. Below are some helpful techniques to use to get organized:

- Know your mission and job description;
- Set your goals and prioritize them;
- Create and keep track of projects;
- Plan your year, month, and week;
- Prioritize your activities for the week;
- Schedule the most important activities first;
- Plan your day;
- Prioritize your daily list;
- Reach closure by finishing what you start; and
- Allow time for relaxation, planning, and interruptions.

True or False

Q. 17. It is possible through planning to eliminate all stress in court. _____

Q. 18. Stress is unique and personal to each of us. _____

End True/False

Q. 19. Give a specific example of demand overload or underload in your court and make suggestions to relieve the problem. _____

Q. 20. List one to two changes in your diet and/or nutrition plan that might help you cope with stress. _____

Municipal Court Procedures:

Adults

Prepared and Distributed by the
Texas Municipal Courts Education
Center

TMCEC is funded by a grant from
the Texas Court of Criminal
Appeals

City:

Address:

Telephone:

This pamphlet is designed to provide information about criminal court proceedings. It is not a substitute for legal advice from a licensed attorney. If you have questions about your best course of action, what plea you should enter, your rights, or the consequence of a conviction of the offense with which you are charged, you should contact an attorney. Neither the clerk, judge, nor prosecutor can give you legal advice.

Your Rights

Under our American system of justice, all persons are presumed to be innocent until proven guilty. The

State must prove you guilty “beyond a reasonable doubt” of the offense with which you are charged. Every criminal defendant has the right to remain silent and refuse to testify (without consequences). You have the right to retain an attorney and have them try your case or answer your questions. Since offenses in this court are punishable only by fine and not by incarceration, you do not have the right to appointed counsel.

You have the right to a jury trial. You may waive a jury trial and have a trial before the judge, commonly called a “bench trial.” If you elect to represent yourself, no person other than an attorney can assist you during a trial.

At trial you have many rights, including:

- 1) The right to have notice of the complaint not later than the day before any proceedings in the prosecution;
- 2) The right to inspect the complaint before trial, and have it read to you at the trial;
- 3) The right to hear all testimony introduced against you;
- 4) The right to cross-examine witnesses who testify against you;
- 5) The right to testify on your own behalf;
- 6) The right not to testify (your refusal to do so may not be held against you in determining your innocence or guilt); and

- 7) You may call witnesses to testify on your behalf at the trial, and have the court issue a subpoena (a court order) to any witnesses to ensure their appearance at the trial.

Appearance

In addition to your rights, you have some legal responsibilities. The law requires you to make an appearance in your case. Your appearance date is noted on your citation, bond, summons, or release papers. You or your attorney may appear in person in open court, by mail, or you may deliver your plea in person to the court. (Juveniles have a separate set of rules for their appearance. Please read the *Juveniles* pamphlet).

Your first appearance is to determine your plea. If you waive a jury trial and plead guilty or nolo contendere (no contest), you may present extenuating circumstances for the judge to consider when determining the proper punishment. However, the judge is not required to reduce your fine. If you plead not guilty, the court will schedule a jury trial. You may waive a jury trial and request a bench trial.

When you make your appearance by mail, your plea must be postmarked by your scheduled appearance date. If you plead not guilty, the court will notify you of the date of your trial. If you enter a plea of guilty or no contest, you must also waive your right to a jury trial. You may request the amount of fine and appeal bond in writing and mail or deliver it to

the court before your appearance date. You then have up to 31 days from the time you received a notice from the court to pay the fine or file an appeal bond with the municipal court.

Pleas

Unless you are entitled to a compliance dismissal, you must enter one of the following three pleas:

Plea of Not Guilty – A plea of not guilty means that you deny guilt and require the State to prove the charge. A plea of not guilty does not waive any of your rights. A plea of not guilty does not prevent a plea of guilty or no contest at a later time.

Plea of Guilty – By a plea of guilty, you admit that you committed the criminal offense charged.

Plea of Nolo Contendere (no contest) – A plea of nolo contendere means that you do not contest the State’s charge against you.

The difference between a plea of guilty and nolo contendere is that the no contest plea may not later be used against you in a civil suit for damages. For example, in a civil suit arising from a traffic crash, a guilty plea can be used as evidence of your responsibility or fault.

If you plead guilty or no contest, you will be found guilty and should be prepared to pay the fine. A plea of guilty or no contest waives all of the trial rights discussed earlier. If you are unable to pay the entire fine and costs, you should be prepared to document and explain your financial situation.

Fines, Costs, and Fees

The amount of the fine assessed by the court is determined by the facts and circumstances of the case. Mitigating circumstances may lower the fine, and aggravating circumstances may increase the fine. The maximum fine amount allowed for *most* traffic violations is \$200; for *most* other violations of State law and city ordinances—\$500; for fire safety, health, zoning, and sanitation ordinance violations—\$2,000.

Courts are required by the laws of the State of Texas to collect court costs and fees. Because costs vary for different offenses, check with the court for the amount of costs that will be assessed for the violation with which you are charged. If you go to trial, you may have to pay the costs of overtime paid to a peace officer spent testifying at trial. If you request a jury trial and are convicted, a \$3 jury fee is assessed. If a warrant was served or processed, a \$50 warrant fee is also assessed. If you do not pay the whole fine and costs within 30 days of the court's judgment, you must pay an additional \$25 time payment fee.

Court costs are only assessed if you are found guilty at trial, if you plead guilty or nolo contendere, or if you are granted deferred disposition or a driving safety course. If you are found not guilty or the case is dismissed, court costs are not assessed.

Judge's Ability to Dismiss

The municipal judge is responsible for conducting a fair, impartial, and public trial. The case against you is

brought by the State of Texas through the prosecutor, not the court. Therefore, the judge may not dismiss a case without the prosecutor having the right to try the case.

There are several exceptions to this rule, including deferred disposition, driving safety courses, and compliance dismissals.

Trial Procedures

If you need a continuance, you must put the request in writing with your reason for your request and submit it to the court prior to trial. You may request a continuance for the following reasons:

- 1) A religious holy day where the tenets of your religious organization prohibit members from participating in secular activities such as court proceedings (you must file an affidavit with the court stating this information);
- 2) You feel it is necessary for justice in your case; or
- 3) By agreement of the parties (you and the prosecutor).

The judge decides whether or not to grant the continuance. Failure to submit the request in writing may cause your request to be denied.

If you choose to have the case tried before a jury, you have the right to question jurors about their qualifications to hear your case. If you think that a juror will not be fair, impartial, or unbiased, you may ask the judge to excuse the juror. You are also permitted to strike three members

of the jury panel for any reason you choose, except a strike based solely upon race or gender.

As in all criminal trials, the trial begins with each party given an opportunity to make an opening argument. Then the State presents its case first by calling witnesses to testify against you.

You then have the right to cross-examine the State's witnesses. You may not, however, argue with the witnesses. Cross-examination must be in the form of questions.

After the prosecution has rested, you may present your case. You have the right to call witnesses who know anything about the incident. The State has the right to cross-examine the witnesses that you call.

If you so desire, you may testify on your own behalf, but as a defendant, you may not be compelled to testify. It is your choice, and your silence cannot be used against you. If you do testify, the State has the right to cross-examine you.

After all testimony is concluded, both sides can make a closing argument. This is your opportunity to summarize the evidence, present your theory of the case, argue why the State has failed to meet its burden of proof, and make other arguments allowed by law. The State has the right to present the first and last arguments.

In determining the defendant's guilt or innocence, the judge or jury may consider only the testimony of witnesses and evidence admitted during the trial. The judge or jury

must find the defendant guilty "beyond a reasonable doubt."

You may elect the jury to assess the fine if you are convicted. If you do not file an election before the trial begins, the judge will assess the fine. You should be prepared to pay the fine and costs or post an appeal bond if you are convicted.

Driving Safety Course

If you are charged with a traffic offense, you may be eligible to ask the judge to take a driving safety course to dismiss the charge. The request must be made on or before the appearance date on the citation. It must be made in person, by counsel, or by certified mail. (If you are under age 17, you must appear in open court with a parent or guardian to make the request.) If you were operating a motorcycle, you may be required to take a motorcycle operator's training course. If you are charged with allowing a child to ride unsecured in a safety belt or a child passenger safety seat system, you must take a special driving safety course that has four hours training on child passenger safety seat systems. At the time of the request, you must do the following:

- 1) Plead guilty or no contest;
- 2) Pay court costs;
- 3) Pay a \$10 administrative fee, if required;
- 4) Present proof of financial responsibility (insurance); and
- 5) Present a valid Texas driver's license or permit. (Active military and spouses or

dependent children of active military may present a valid driver's license from any state.)

To be eligible, you:

- 1) Cannot have taken a driving safety course or motorcycle operator's course for a traffic offense within the last 12 months from the date of the current offense;
- 2) Cannot currently be taking the course for another traffic violation;
- 3) Cannot be the holder of a commercial driver's license (CDL) or have held a CDL at the time of the offense; and
- 4) Have not committed one of the following offenses:

Failure to Give Information at Accident Scene;

Leaving Scene of Accident;

Passing a School Bus;

A serious traffic violation, which applies to commercial motor vehicle operators;

An offense in a construction or maintenance work zone when workers are present;

Speeding 25 mph or more over limit; or

Speeding 95 mph or more.

The case will be deferred for 90 days. During that time you must:

- 1) Complete a driving safety course approved by the Texas Education Agency or a motorcycle operator's course

approved by the Department of Public Safety and present the completion certificate to the court;

- 2) Present a certified copy of your driving record from the Department of Public Safety that shows that you have not had a driving safety course within the preceding 12 months from the date of the current offense; and
- 3) Swear to an affidavit that you were not taking a driving safety course at the time of the request for the current offense and that you have not taken one that is not shown on your driving record.

If you do not present the required documents in time, the court will notify you to return to court and explain why you failed. The judge may, but is not required to, allow you to file the proper papers for an extension at that time. Your failure to be present at that hearing will result in a conviction, a fine being assessed, and a *capias pro fine* for your arrest being issued.

Deferred Disposition

The judge may, in the judge's sole discretion, defer disposition on most cases. The holder of a commercial driver's license (CDL) is not eligible for deferred disposition on moving traffic violations, and neither is a person charged with a traffic offense in a work zone with workers present. Costs must generally be paid when the court grants deferred. If you

complete the required terms, the case is dismissed, and the court may impose a special expense fee not to exceed the maximum fine amount authorized by state law. The deferred period cannot exceed 180 days.

New Trial and Appeal

If you are found guilty, you may make an oral or written motion to the court for a new trial. The motion must be made within five days after the court's rendering a judgment of guilt. The judge may grant a new trial if persuaded that justice has not been done in your case. Only one new trial may be granted. Defendants in courts of record should check with the court for rules regarding new trials.

If you are found guilty, you have the right to appeal your case. To appeal, you must file an appeal bond with the municipal court within 10 days of the judgment. The court must set the appeal bond amount for at least twice the amount of the fine and costs. For an appearance by mail, look at the section *Appearance* for the special rules for appealing pleas made by mail. Defendants in courts of record should check with the court for rules regarding appeals.

Updated 9/11

Municipal Court Procedures:

Children

Ages 10-16

Prepared and Distributed by the
Texas Municipal Courts Education
Center

TMCEC is funded by a grant from
the Texas Court of Criminal
Appeals

City:

Address:

Telephone:

This pamphlet is designed to provide information about criminal court proceedings involving children. It is not a substitute for legal advice from a licensed attorney. If you have questions about your best course of action, what plea you should enter, your rights, or the consequence of a conviction of the offense with which you are charged, you should contact an attorney. Neither the clerk, judge, nor prosecutor can give you legal advice.

Your Rights

Under our American system of justice, all persons are presumed to be innocent until proven guilty. The State must prove you guilty “beyond a reasonable doubt” of the offense with which you are charged. Every criminal defendant has the right to remain silent and refuse to testify (without consequences). You have the right to retain an attorney and have them try your case or answer your questions. Since offenses in this court are punishable only by fine and not by incarceration, you do not have the right to appointed counsel. Although your parents or guardians must appear with you, they may not act as your counsel (or attorney) unless they are, in fact, a licensed attorney.

You have the right to a jury trial. You may waive a jury trial and have a trial before the judge, commonly called a “bench trial.” At trial you have many rights including:

- 1) The right to have notice of the complaint not later than the day before any proceedings in the prosecution;
- 2) The right to inspect the complaint before trial, and have it read to you at the trial;
- 3) The right to hear all testimony introduced against you;
- 4) The right to cross-examine witnesses who testify against you;
- 5) The right to testify on your own behalf;
- 6) The right not to testify (your refusal to do so may not be held

against you in determining your innocence or guilt); and

- 7) You may call witnesses to testify on your behalf at the trial, and have the court issue a subpoena (a court order) to any witnesses to ensure their appearance at the trial.

Appearance

In addition to your rights, you have some legal responsibilities. The law requires you to make an appearance in your case. Your appearance date is noted on your citation, bond, summons, or release papers.

You and a parent or guardian **must appear** in person **in open court**. You are not allowed to appear by mail or by delivery of a plea or fine to the clerk’s office. You have an absolute right to be accompanied by your retained attorney. Your parent or guardian, however, must still appear with you even if your attorney accompanies you to court.

Your first appearance is to determine your plea. If you enter a plea of guilty or no contest, you must also waive your right to a jury trial. Be prepared to pay the fine or file an appeal bond with the court. You may present extenuating circumstances for the judge to consider when determining the proper punishment. However, the judge is not required to reduce your fine. If you plead not guilty, the court will schedule a jury trial. You may waive a jury trial and request a bench trial.

Pleas

Unless you are entitled to a compliance dismissal, you must enter one of the following three pleas. The plea must be made by the defendant charged with the offense. Parents or guardians, while they must be present, may not enter a plea on a child’s behalf.

Plea of Not Guilty – A plea of not guilty means that you deny guilt and require the State to prove the charge. A plea of not guilty does not waive any of your rights. A plea of not guilty does not prevent a plea of guilty or no contest at a later time.

Plea of Guilty – By a plea of guilty, you admit that you committed the criminal offense charged.

Plea of Nolo Contendere (no contest) – A plea of nolo contendere means that you do not contest the State’s charge against you.

The difference between a plea of guilty and nolo contendere is that the no contest plea may not later be used against you in a civil suit for damages. For example, in a civil suit arising from a traffic accident, a guilty plea can be used as evidence of your responsibility or fault.

If you plead guilty or no contest, you will be found guilty and should be prepared to pay the fine. A plea of guilty or no contest waives all of the trial rights discussed earlier. If you are unable to pay the fine and costs, you should be prepared to document and explain your financial situation.

Fines, Costs, and Fees

The amount of the fine assessed by the court is determined by the facts and circumstances of the case. Mitigating circumstances may lower the fine, and aggravating circumstances may increase the fine. The maximum fine amount allowed for *most* traffic violations is \$200; for *most* other violations of State law and city ordinances—\$500; for fire safety, health, zoning, and sanitation violations—\$2,000.

Courts are required by the laws of the State of Texas to collect court costs and fees. Because costs vary for different offenses, check with the court for the amount of costs that will be assessed for the violation with which you are charged. If you go to trial, you may have to pay the costs of overtime paid to a peace officer spent testifying at trial. If you request a jury trial and are convicted, a \$3 jury fee is assessed. If a summons was served on your parents, a \$35 fee is also assessed. If you do not pay the whole fine and costs within 30 days of the court's judgment, you must pay an additional \$25 time payment fee.

Court costs are only assessed if you are found guilty at trial, if you plead guilty or nolo contendere, or if you are granted deferred disposition, teen court, or a driving safety course. If you are found not guilty or the case is dismissed, court costs are not assessed.

Deferred Disposition

The judge may, in the judge's sole discretion, defer disposition on most

cases. Costs must generally be paid when the court grants deferred. The court may also impose educational terms, different types of treatment, or other terms, and the court may impose a special expense fee not to exceed the maximum fine amount authorized by state law. If you complete the required terms, the case is dismissed. The deferred period cannot exceed 180 days.

Discharge by Community Service or Tutoring

The judge may, in the judge's discretion, allow you to discharge your obligation to pay a fine and costs by performing community service or attending a tutoring program. This must be granted by the court. Please let the judge know if you are unable to pay the fine and costs.

Judge's Ability to Dismiss

The municipal judge is responsible for conducting a fair, impartial, and public trial. The case against you is brought by the State of Texas through the prosecutor, not the court. Therefore, the judge may not dismiss a case without the prosecutor having the right to try the case.

There are several exceptions to this rule, including deferred disposition, driving safety courses, teen court, and compliance dismissals.

Trial Procedures

If you need a continuance, you must put the request in writing with your reason for your request and submit it to the court prior to trial. You may

request a continuance for the following reasons:

- 4) A religious holy day where the tenets of your religious organization prohibit members from participating in secular activities such as court proceedings (you must file an affidavit with the court stating this information);
- 5) You feel it is necessary for justice in your case; or
- 6) By agreement of the parties (you and the prosecutor).

The judge decides whether or not to grant the continuance. Failure to submit the request in writing may cause your request to be denied.

If you have a jury trial or bench trial scheduled, the case proceeds the same as if you were an adult. See the *Adults* pamphlet for information on trial procedures.

Continuing Obligation to Appear

You and your parents or guardians have a duty to continue appearing in court even after you reach age 17. If you fail to appear before reaching age 17, you can be arrested and brought before the court. If you fail to appear after your 17th birthday and after notification by this court, you can be charged with an additional offense of *violation of continuing obligation to appear* and be arrested in the same manner as any other adult.

Obligation to Notify Court of Address Change

You and your parents or guardians have an obligation to inform the court in writing each time you change your address. You must notify the court within seven (7) days of each change of address. This obligation continues until your case is fully resolved and all fines and costs are paid or discharged. This obligation does not end when you turn age 17. Failure to make a proper notification may cause you and your parents or guardians to be charged with an additional criminal violation and to be arrested.

Mandatory Alcohol and Tobacco Courses and Community Service

If you are found guilty of, or placed on deferred disposition for, an alcohol offense, the court must order you to complete an alcohol awareness course. The court must also order you to complete a period of community service.

If you are found guilty of, or placed on deferred for, a tobacco offense, the court must order you to complete a tobacco awareness course.

Contempt

If you fail to pay your fine and costs, or violate other orders in the court's judgment, the court must provide an opportunity for you to explain your conduct. The court at this time may:

- 1) Determine that you are not in contempt;
- 2) Refer your case to the county juvenile court as delinquent conduct; or

- 3) Retain jurisdiction and find you in contempt and assess a fine up to \$500 and/or order the Texas Department of Public Safety to suspend or deny issuance of a driver's license, until you comply with the court's order.

Failure to Pay a Fine and Turning Age 17

Even when you turn age 17, you are still obligated to discharge your responsibility to the court by paying your fine. If you do not, at age 17, the court may issue a *capias pro fine* for your arrest. You may then be committed to jail until you have earned enough jail credit to satisfy the fine(s) and costs owed.

Driver's License Suspension

You may be denied issuance of a driver's license or, if you have a driver's license, your privilege to drive may be suspended until you comply with the order(s) of this court. The following is a list of acts that can cause you to be denied or to lose your license:

- 1) Failing to appear in court;
- 2) Failing to pay or discharge your fine and costs;
- 3) Failing to take and present proof of taking an alcohol or tobacco awareness course; and
- 4) Violating a court order in the court's judgment.

Some offenses, such as the Alcoholic Beverage Code offenses, require courts upon conviction to order the Department of Public Safety to deny

issuance of or to suspend a defendant's driver's license for a period of time.

Expunction Rights

The records of this court, including all records in your case, are public and accessible to the public. However, if you are convicted of an offense in this court, the records in your case will be deemed confidential once you satisfy the orders in the court's judgment against you. Confidential records can only be released to you, your parents, attorneys in your case, other courts, or criminal justice agencies.

You may be entitled to an expunction of the records of a conviction in your case.

For a single alcohol conviction, you may petition this court for an expunction after your 21st birthday.

For tobacco convictions, you may petition this court for expunction after your 18th birthday.

For a single conviction for failure to attend school violation, you may petition this court for an expunction after your 18th birthday. If you successfully comply with the court's orders in a failure to attend school case, the court shall expunge the records relating to your case.

For a single conviction of any other non-traffic violation, you may petition this court for expunction after your 17th birthday.

Ask the court for proper forms for the application for expunction. The cost of an expunction is a minimum of \$30. If you have questions concerning

the right to, need for, or consequences of expunction, please consult with a licensed attorney.

New Trial and Appeal

If you are found guilty, you may make an oral or written motion to the court for a new trial. The motion must be made within five days after the court's rendering a judgment of guilt. The judge may grant a new trial if persuaded that justice has not been done in your case. Only one new trial may be granted. Defendants in courts of record should check with the court for rules regarding new trials.

If you are found guilty, you have the right to appeal your case. To appeal you must file an appeal bond with the municipal court within 10 days of the judgment. The court must set the appeal bond amount for at least twice the amount of the fine and costs. Defendants in courts of record should check with the court for rules regarding appeals.

ANSWERS TO QUESTIONS

PART 1

- Q. 1. False.
- Q. 2. True.
- Q. 3. False.
- Q. 4. False.
- Q. 5. The steps to effective communication are:
- Listen carefully;
 - Face the customers;
 - Establish eye contact;
 - Adopt a concerned body posture, voice tone, and facial expression;
 - Avoid a condescending or impatient tone;
 - Have and show empathy;
 - Eliminate distractions;
 - Practice patience;
 - Be consistent; and
 - Do not take things personally.

PART 2

- Q. 6. False.
- Q. 7. False. (Treating persons fairly and with due process of law means affording them the same legal protections and procedures. The clerk can use varying communication strategies without violating due process.)
- Q. 8. True. (The judge shall perform his or her duties without bias and require the same of the staff.)
- Q. 9. False.
- Q. 10. False.
- Q. 11. True.
- Q. 12. Sample response:
- The city requested that I forward court calls to the police department while court is in session. I am concerned about doing this. As part of my research into the issue, I reviewed the Code of Judicial Conduct specifically looking at Canon 1 and Canon 2. Canon 1 requires the court to be independent. Canon 2 requires judges to avoid impropriety in all judicial activities. Having the police department answer the phone will make it more difficult to appear independent and impartial. This may give an appearance of impropriety. I suggest that the court have an answering machine take messages or have the calls forwarded to the city hall receptionist to take messages. Please respond so that I may resolve this issue. Thank you.

Q. 13. False. (Clerks can only explain procedures to give legal information.)

Q. 14. True.

Q. 15. Sample response:

When we process tickets for failure to maintain financial responsibility, it is very time consuming to check on everyone's insurance card. I learned at the last TMCEC seminar that defendants should present the court with the policy or certificate of self-insurance as their proof. How do you think that information could change our procedures?

PART 3

Q. 16. Mark the business letter shown below for correct capitalization and punctuation.

*Municipal Court of Mabry
123 Oak Street
Mabry, Texas 78621*

May 16, 2009

*Hope Fairfield
P. O. Box 12487
Austin, Texas 78711*

Dear Ms. Fairfield,

On April 2, 2002, you were issued a citation for speeding. You were scheduled to appear on May 16, 2009, at 9:00 a.m. in this court. **You failed to appear.** If you do not contact the court within 10 days, a charge of violation of promise to appear will be filed in addition to the speeding charge. Warrants will be issued for your arrest, and you will have to pay an additional \$50 for each warrant if you are convicted.

If you wish to waive your right to a jury trial and plead guilty or nolo contendere, meaning no contest, you may do so by paying the fine and costs of \$75. If you wish to plead not guilty, you must post a bond with the court in the amount of \$75.

The office hours of the court are 8:00 a.m. to 5:00 p.m. Monday through Friday. The court telephone number is 512.328.8754.

Your failure to respond to this letter will result in warrants being issued and your arrest.

Sincerely,

Mark Itup, Court Clerk

PART 4

Q. 17. False.

Q. 18. True.

Q. 19. Answers will vary.

Q. 20. Answers will vary.