

CONTEMPT



Rod Goble	Peter J. Graham
Judge	Associate Judge
City of Woodway	City of Irving

OBJECTIVES



1. Define contempt.
2. Classify contempt as direct or indirect.
3. Describe and apply an appropriate sanction to the contemptuous act.
4. Prepare the documents required to effect the sanction.

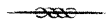
GOVERNMENT CODE



1. TITLE2. JUDICIAL BRANCH
 SUBTITLE A. COURTS
 CHAPTER 21. GENERAL PROVISIONS
 Sec. 21.001. INHERENT POWER AND DUTY OF COURTS.

See Course Materials

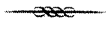
CONTEMPT IS:



- 1. Conduct offensive to the dignified, orderly and expeditious administration of justice.....but watch the exception for wearing religious apparel.
- 2. Conduct in violation of lawful orders.

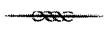
...a purposeful act of disrespect and an affront to the dignity of the court (Ex Parte Adam Reposa, AP-75,965, unpublished)

Classify the conduct as DIRECT or INDIRECT/CONSTRUCTIVE



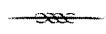
- 1. **Direct contempt** involves conduct that occurs in the court's presence AND the conduct requires the court to act instantly to suppress a disturbance or obstruction to the proper conduct of the court's business. (Ex parte Knable, 818 S.W.2d 811,812- 813)
- 2. **Indirect/Constructive contempt** involves conduct that occurs outside the presence of the court or the in-court conduct does not require immediate action to suppress a disturbance or obstruction to the proper conduct of the court's business.

Examples of Direct Contempt:



- 1. **Refusal to rise on the entrance and exit of the judge.** (Ex parte Krupps, 712 S.W.2nd 144, 148)
- 2. **Disruptive act or event in the courtroom or just outside the courtroom while the court is in session** (Ex Parte Aldridge, 334 S.W.2d 161, 165)
- 3. **Altercation at court door between pro se Defendant and bailiff.** (Ex parte Daniel- 722 SW2 707, 710)
- 4. **Offensive comments which are disruptive to the administration of justice....although an affront to the judge's sensibilities may not necessarily be contempt** (In re Bell 894 S.W.2d 119, 127)

Indirect Contempt



∞ **Indirect/Constructive contempt involves conduct that occurs outside the presence of the court or the in-court conduct does not require immediate action to suppress a disturbance or obstruction to the proper conduct of the court's business.**

Examples of Indirect Contempt:



1. **Failure to comply with a valid court order.** (Ex parte Gordon, 584 S.W.2d 686, 687)
2. **Failure to appear in court.** (Ex Parte Cooper 657 S.W.2d 435, 437)
3. **Jurors who don't show up or file false exemption claims.** (CCP 45.027, CCP 35.01, Government Code 62.111)
4. **Failure to appear for a show-cause or other hearing.** (Ex parte Gordon, 584 S.W. 2d 686, 688)

WARNING:



DUE PROCESS REQUIRES THE RIGHT TO ASSISTANCE OF COUNSEL IN CONTEMPT CASES WHERE IMMEDIATE ACTION IS NOT REQUIRED BY THE COURT

Ex parte Hiester, 572 S.W. 2d 300, 302

Applying the Sanction – Indirect Contempt

☞ Everyone except jurors who fail to appear - Show Cause Order, Plea form, Judgment.

☞ Jurors - Complaint, Show Cause Order & Judgment

- 1) Define contempt.
- 2) Classify contempt as direct or indirect.
- 3) Describe and apply an appropriate sanction to the contemptuous act.
- 4) Prepare the documents required to effect the sanction.

“A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity”

Chapter 33, Government Code.

Questions?

