



Juvenile Case Managers: Courtroom Proceedings and Presentation

Presented by:

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Agenda

- Identify the role of key personnel in trial proceedings;
- Describe instances where Juvenile Case Managers may be called upon to appear in court;
- Discuss preparation of documentation and discovery;
- Describe ethical issues relating to Juvenile Case Managers;
- Explain the meaning of “courtroom protocol” and the importance of maintaining professional boundaries when appearing in court.
- Review courtroom etiquette and attire.



The Role of Key Personnel in Trial Proceedings

Common key personnel:

- Judge- a public official appointed or elected to hear and decide legal matters.
- Prosecutor- a legal officer who represents the city/county/state in criminal proceedings.
- Defense Attorney- a lawyer who represents a defendant in a criminal or civil case.
- Defendant- the individual accused in a criminal proceeding.
- Court Clerk- court officer responsible for filing papers, issuing process, and keeping records of court proceedings.



The Role of Key Personnel in Trial Proceedings

- Juvenile Case Manager- provides services in cases involving juvenile offenders before a court.
 - Assists the court in administering the court's juvenile docket.
 - Supervises court orders in juvenile cases.
- Juvenile Case Managers function in a hybrid role:
 - Court Clerk
 - Social Worker
 - Probation Officer



Therapeutic Jurisprudence

What is “Therapeutic Jurisprudence”?

- Courts can use the “law as a therapeutic agent” to promote the well-being of defendants.
- An attempt to stop “revolving door” defendants by focusing on the behavior which brought the defendant to court.

JCMs and “Therapeutic Jurisprudence”

- Juvenile case managers are a way courts can practice and execute therapeutic jurisprudence.



Preparing Documentation for Court Proceedings

- JCMs should maintain thorough, organized records and data on all cases handled.
- Document all interactions, conversations, e-mails, paperwork, and actions taken in the case file.
- Case files should be audited regularly to ensure quality and integrity of the documentation.



Preparing Documentation for Court Proceedings

Why is documentation so important?

- JCM case files can be considered an investigative record and subject to discovery.
- Discovery is a method of fact-finding which allows each side (state or defense) to learn each case's strengths and weaknesses.
- Proper documentation ensures that your file is complete and correct procedures were followed during the course of case management.



JCMs in Court

Juvenile Case Managers may be called to testify in court proceedings:

- Arraignment Dockets
- Show Cause Hearings
- Testify at Trial



Testifying in Court: Trial Proceedings

- JCMs may be subpoenaed to testify in trial proceedings.
- Direct Examination occurs when a witness is asked questions by the party who called them to the proceeding.
- Cross-Examination is an opportunity for the opposing party to question any witness who is called to testify.



Being an Effective Witness

Tips for the Witness Stand:

- Be succinct when speaking.
 - Answer yes or no questions with “yes” or “no”.
 - Do not explain outside of what you are asked.
- If you do not remember an answer to a question, simply say “I don’t recall” or “I don’t remember”.
- Listen to the question and consider your answer before responding.
- Tell the truth.
- Do not hesitate to ask for a question to be rephrased if you do not understand what the questioner is asking.
- Look at the questioner, not the jury, unless instructed.



JCMs in Court

SB 209, 82nd Legislative Regular Session

- Now 45.056 CCP section (f)
- Mandates:
 - JCMs will *timely* report to a judge who signed the order/judgment:
 1. Information or recommendations relevant to assisting the judge in making decisions in the “best interest” of the child.



JCMs in Court

SB 209, 82nd Legislative Regular Session

- Now Art 45.056 CCP section (g)
- A judge assigned to a case *shall* consult with the Juvenile Case Manager on:
 1. The child's home environment;
 2. The child's developmental, psychological, and educational status;
 3. The child's previous interaction with the justice system; and
 4. Any sanctions available to the court that would be in the best interest of the child.



JCMs in Court

When should this information be provided to the judge in a proceeding?

- Post-plea

Why do we see this language in legislation?

- Reduces recidivism by assisting the courts to:
 - Determine why the offense has taken place.
 - Formulate a plan to attempt to stop the behavior.
- Enables courts to assign tailored orders to suit the child's needs.



JCMs in Court

How can JCMs obtain required information on juveniles?

- Complete an assessment.
- Coordinate with school districts.
 - TFC Section 58.0051- Interagency Sharing of Educational Records
 - TFC Section 58.0052- Interagency Sharing of Non-Educational Records
- Identify/collaborate with community service agencies.
- Develop relationships with students and parents.
- Examine court records/previous referrals to the court.



Ethics

Common Pitfall #1: Ex parte communication

- What is ex parte communication?
 - Latin: “from the part”
 - Can be written or oral.
 - A communication between a judge and less than all parties who present a legal interest in a pending case.
- Judges and JCMs are equally responsible for guarding against ex parte communication.



Ethics

Common Pitfall #2: Advocating on behalf of the juvenile defendant.

- JCMs must present only facts in any proceeding.
- Cannot be biased for or against a defendant.
- Cannot present any personal assessments or opinions.



Courtroom Protocol: Etiquette

Proper Addresses in Court

- Address a judge as “Your Honor”.
 - Respond to a question with “Yes, Your Honor” or “No, Your Honor”.
- If you need to approach the bench during a proceeding, ask the judge, “May I approach the bench, Your Honor?”.

Helpful Tips

- Mirror the behavior of other court staff if you’re not sure of protocol.
- Respect and follow the procedures of each individual court.
- Communicate clearly and concisely.
- Be prepared for court and know the circumstances of each case.



Courtroom Protocol: Attire

Court Attire for JCMs- “When in Doubt, Leave it Out”

- Men- Slacks, dress shoes, button down shirt, tie.
 - Suit coat is optional for most proceedings.
- Women- Slacks/skirts/dresses, dress shoes, blouse.
 - The hem of skirts/dresses should be no shorter than the top of the knee.
- Not acceptable- Jeans, flip-flops, t-shirts, tennis shoes, shorts, short dresses/skirts, bare shoulders, hats, head wraps, loud jewelry.

Grooming

- Your appearance should be conservative, neat, and well-maintained.
- Haircuts should be conservative.



Conclusion

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