

TMCEC Academic Year 2011-2012 Regional Clerks' Course Descriptions and Objectives

Day 1: Optional Pre- or Post-Conference

Managing Juvenile Cases

In Texas, municipal and justice courts come into contact with more children accused of violating the law than do juvenile courts. Municipal courts need to be prepared to handle this large volume of juvenile cases.

By the end of the session, participants will be able to:

1. Describe the role of municipal court as a component in the Texas juvenile justice system;
2. Identify specific intake and administrative requirements when handling juvenile cases filed in municipal court;
3. Analyze the legal, logistical, and ethical issues relating to juvenile case managers in municipal courts; and
4. Distinguish permissive and mandatory transfer from municipal court to juvenile court.

Day 2: General Session

Education Code and School Offenses

Many of the cases filed against juveniles in municipal court involve failure to attend school or offenses committed in the classroom or on school grounds. Significant changes were made in several statutes involving these laws in the last legislative session.

By the end of the session, participants will be able to:

1. Identify the most common offenses filed in municipal court and disposition options for each charge;
2. Discuss key statutory provisions of Section 37, Education Code as they relate to different juvenile defendants in municipal court;
3. Explain the most significant changes to the Education and Penal Codes as they relate to juvenile offenders
4. Formulate strategies to effectively implement the recent changes to Texas juvenile law.

Records Requests

Every year municipal courts in Texas generate millions of documents. During the same time they receive paperwork from various sources. Each of these documents triggers a distinct series of legal rules relating to the public's right to know. Court personnel should be ready to properly deal with requests to inspect files, regardless if the request

comes from the media or a member of the public.

Balancing public access with particular exceptions can be a difficult task both legally and ethically, but this session will explore the difference between case records and judicial records, discuss special rules affecting access to records, and examine the new confidentiality model for juvenile records.

By the end of the session, participants will be able to:

1. Distinguish court case records & judicial records;
2. Contrast rules controlling access to judicial records and court case records;
3. Identify special types of records that are controlled by special rules Trump Card; and
4. Explain the changes that should be assessed for providing records.

Hits & Misses from the 82nd Legislative Session*

The 82nd Regular Legislature of Texas convened on January 11, 2011. Of the thousands of bills filed, about 800 would have affected municipal courts in Texas. After 140 days, less than a quarter of those bills became law. This session will highlight the most significant and notable changes that judges need to be aware of. Some laws bring about long-needed change, while others will present new challenges for the municipal courts of Texas.

By the end of this session, participants will be able to:

1. Identify the significant new legislation that apply to municipal courts;
2. Compare and contrast the new legislation with the previously existing laws;
3. Analyze the impact on the laws in terms of the courts' workload and
4. Determine what measures need to be taken in participant's court to implement new laws.

Day 2: Break Out Sessions

Citations & Complaints-Track A

This class focuses on the fundamentals of the process to initiate the filing of a case in court. The class distinguishes the difference in the two terms and the legal distinctions of both. It is a valuable refresher course for experienced clerks and invaluable for new clerks.

By the end of the session, participants will be able to:

1. Differentiate between citations and complaints;
2. Identify the requirements for each and be able to explain; and
3. Explain what is a citation, what is required and who has the authority to write a citation

On the Record: Communicating with DPS-Track B

This session reviews the reports required to be filed with DPS by the court and the information required by each report.

By the end of the session, participants will be able to:

1. Explain the importance of clear & accurate communication with DPS. Show success of reporting CDL drivers;
2. Describe processes to timely and efficiently submit reports and correct errors; and
3. List all forms relating to reporting to DPS

Courts, Communities, & Classrooms: Educating the Public About the Law-Track C

The notion that the role of court personnel is limited to functions in the courtroom is a common misconception that is neither supported by law nor any canon of judicial conduct. Municipal judges and court personnel have a unique opportunity to play a meaningful role in discussing the law and various traffic safety issues with students and members of the community.

By the end of the session, participants will be able to:

1. Recognize the importance of public outreach and individual interventions to educate about the law and traffic safety;
2. Identify opportunities for municipal judges and court support personnel to work with school and community groups; and
3. Describe free resources available from TxDOT, TMCEC, and other national and state organizations.

It's an Order: Writs, Warrants and Orders- Track A

This class focuses on the distinctions and applicability of different court orders, such as warrants and capias pro fines. It is a good refresher course for experienced clerks and ideal for newer clerks.

By the end of the session, participants will be able to:

1. Define writs, warrants and judgments and be able to recognize and identify each one;
2. Distinguish between the different types of warrants; and
3. Differentiate between a judgment and sentence and understand what a judgment must include.

Court Security-Track B

In addition to addressing the fundamentals of municipal courtroom safety and security, the class also addresses

practices that individual court personnel can take to remain safe on the job.

By the end of the session, participants will be able to:

1. Identify and utilize personal safety strategies in the court environment;
2. Identify and describe parking lot safety; and
3. Personal safety in public places.

OCA Reporting-Track C

It is a duty of each judge, clerk, or other court official to report statistical information pertaining to the business transacted in the court to the Office of Court Administration (OCA). OCA's mission is to provide administrative assistance and technical support to all of the courts in Texas. The Texas Supreme Court appoints the Administrative Director of OCA who also serves as the Executive Director of the Texas Judicial Council. The Texas Judicial Council is the policy-making body for the state judiciary, and the council uses the information reported by the courts to study methods to simplify judicial procedures, expedite court business, and better administer justice. It examines the work accomplished by the courts and submits recommendations for improvement of the system to the Legislature, the Governor, and the Supreme Court.

By the end of the session, participants will be able to:

1. Identify who decides that data will be collected;
2. Identify the importance of and use of the data collected;
3. Describe the changes to the reporting form effective September 1, 2011;
4. Know how to run activity reports; and
5. Describe how to search the judicial directory.

Travels Through the Transportation Code: Rules of the Road*-Track A

As with the other Track A classes, this class focuses on the fundamental distinctions between different commonly used terms in the Transportation Code and also identifies Rules of the Road offenses commonly used in court cases.

By the end of the session, participants will be able to:

1. Define "Rules of the Road" and "Moving Violations;"
2. Differentiate between "Rules of the Road" and "Moving Violations;"
3. Describe the significance of "Moving Violations;" and
4. Explain DPS points, length in record, and surcharge triggers.

Insurance Law-Track B

It is estimated, at a minimum, that 20% of the vehicles on Texas roads are uninsured, which translates to one out of every five cars. Uninsured drivers cost Texans an estimated

\$1 billion each year. Texas law requires that vehicles and drivers be insured; it is a Class C misdemeanor offense to fail to maintain financial responsibility, of which insurance is the most prevalent form.

This session will examine Chapter 601 of the Transportation Code and look at the laws related to auto insurance in Texas. From the requirement to maintain financial responsibility, to the ways to prove financial responsibility, to the criminal offense for failure to maintain financial responsibility, this class will address some of the frequently asked questions in the realm of insurance laws. As detailed as the laws in Chapter 601 are, there are still many gray areas as far as how to handle a criminal offense for failure to maintain financial responsibility in municipal court.

By the end of the session, participants will be able to:

1. Identify statutory authority requiring “establishment” of financial responsibility;
2. Analyze coverage issues;
3. Discuss methods of verification; and
4. Examine laws applicable to license suspension and surcharges.

Animal Hearings in Municipal Court-Track C

Municipal judges preside over hearings to determine if animals are a danger to persons or other animals and also to determine if animals are being cruelly treated. Dangerous and cruelly treated animals may be seized under warrant from municipal court and, in some cases, destroyed. These procedures can be unfamiliar territory as the procedures stray from the usual criminal complaint process. Further complicating the issue, many of the statutory procedures changed in the recent legislative session. This session aims to provide municipal judges and support personnel with necessary guidance in dealing with animal hearings.

By the end of the session, participants will be able to:

1. Define “cruelly-treated” and “dangerous dog” as those terms relate to animal hearings in municipal court;
2. Identify the statutory procedures for both cruelly-treated animals and dangerous dog hearings in municipal court;
3. Discuss the required court actions involved in the lawful seizure of a dangerous dog or cruelly treated animals;
4. Discuss the disposition options available after a court has ruled in a dangerous dog or cruelly-treated animal hearing; and
5. Explain the municipal court’s role and limitations in animal-related cases.

Day 3: General Session

Pedestrian and Bicycle Laws

Traffic fatalities are often reported in terms of motorists, motorcyclists, bicyclists, or pedestrians. In recent years, of all deaths resulting from motor vehicle traffic crashes,

pedestrians accounted for about 12% of the fatalities nationally. This is a scary number, considering we often disregard pedestrians as “traffic.”

With national movements encouraging Americans (and state movements encouraging Texans) to get active and walk, it is important for pedestrians. Cyclists, and motor vehicle traffic to learn to share the road. This class will examine the laws in Chapter 552 of the Transportation Code, including laws on who has the right of way.

By the end of this session, participants will be able to:

1. Discuss the importance of pedestrian and bicycle laws;
2. Identify laws applicable to regulation of pedestrians and bicycles; and
3. Explain administrative implications of pedestrian and bicycle laws.

Crossing the Line/Where is the Line: Advice vs. Legal Advice

The objectives of Chapter 45 of the Code of Criminal Procedure require that procedures are conducted with dignity, but without undue formalism and that the rules are followed with sufficient flexibility to serve the ends of justice. In other words, the Code itself recognizes that municipal courts are dealing with pro se defendants who are not fully aware of all the procedures of the court. It is a daily challenge for court personnel to address the questions of the defendants, but not cross the line of offering legal advice.

By the end of the session, participants will be able to:

1. Define what constitutes legal advice;
2. Describe customer service through providing accurate information;
3. Identify procedural explanations vs. procedural recommendations; and
4. Locate practical resources to provide ways defendants can get help.

Social Media

The prevalence of the use of social media is being felt in every sector, and municipal courts are able to utilize some of the benefits of social media sites, but personnel must be concerned with the pitfalls as well.

By the end of this session, participants will be able to:

1. Summarize ethical rules and opinions that should govern online behavior for court personnel;
2. Discuss traps for the unwary users of technology with examples;
3. Examine scenarios where ethical dilemmas can come into play in the workplace and in areas of life impacting an employee’s performance; and
4. Provide strategies for the ethical use of modern technology including the internet, blogs, tweets, and social media.