

two years experience practicing laws in Texas for the judge's court to become a court of record. See Chapter 30 of the Texas Government Code for further detail.

Where can I get access to legal publications (case law, statutes, etc.)?

Case law reporters may be located in law libraries or libraries at universities. Please contact the library before visiting, as different locations have different policies on visitors. You can also pull up cases using an Internet database. The leading providers are Lexis and Westlaw. You need Internet access and a subscription to use either service, but the Office of Court Administration offers judges deeply discounted subscription rates (www.courts.state.tx.us/contract/accdocs.htm).

How do my duties as magistrate relate to my duties as a judge?

As a judge, it is your responsibility to act in accordance with local, state, and federal law. Inherent in your position as a municipal judge, you may be called upon in a magisterial capacity, to ensure that prisoners are being held in accordance with the law, and that probable cause exists for their arrest.

For prisoners who are not U.S. citizens, refer to the *Magistrate's Guide to the Vienna Convention*, found on the Texas Attorney General's website. There, you will find notification requirements and contact information for many international consulates, as well as admonishments to the prisoner in their native language. You can download the guide at www.oag.state.tx.us/AG_Publications/pdfs/vienna_guidebook.pdf

VI. About TMCA

How do I join the TMCA, and what does it provide?

The Texas Municipal Courts Association (www.txmca.com) is an association of municipal courts, whose purpose is to provide assistance, training, and support for municipal courts. TMCA is the parent organization of the TMCEC. You can join the TMCA by filling out an application form (www.txmca.com/appform.htm), and mailing in the form with a \$35 fee (no cash is accepted). Sadly, there is no secret handshake. Dues are \$35 per fiscal year, which runs from September 1-August 31.

For further information, please contact the Texas Municipal Courts Association:

1350 NASA Parkway, Suite 200
Houston, TX 77058
www.txmca.com

VII. About TMCEC

What services does the TMCEC provide for new judges?

The TMCEC is a valuable resource for new judges, and judges are encouraged to take full advantage of all that is offered. An 800 line (800/252-3718) allows judges to get assistance from the Center's legal staff. An orientation class is offered at the TMCEC offices for new judges several times a year. Also, training is provided for new non-attorney judges at a 32-hour school. An extensive series of educational events are offered by TMCEC. Go to the website for schedules and descriptions: www.tmcec.com. The Center also provides new judges with a listserv and helpful printed material, such as bench books, forms books, quick reference guides, *Rules of Judicial Education*, *Judicial Conduct Code*, codebooks, and videoclips available online. TMCEC publishes a journal called *The Recorder* (back issues are available online at www.tmcec.com).

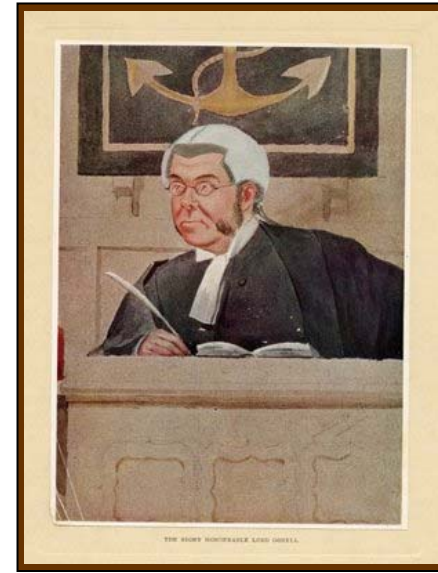
What should I expect at TMCEC seminars?

Please refer to the academic catalog, available at www.tmcec.com for details on all TMCEC programs and seminars. TMCEC offers judges nine opportunities to attend regional judicial education programs, which can be used to fulfill the mandatory judicial educational requirements for newly appointed judges (discussed above). Two introductory 32-hour programs are offered in Austin for newly appointed non-attorney judges. There is a \$50 registration fee. Hotel accommodations, breakfast, and some lunches and course material are provided at no additional cost. Funding for TMCEC is provided by a grant from the Texas Court of Criminal Appeals.

What if I have a question that wasn't answered here?

Please contact the Texas Municipal Courts Education Center:

1609 Shoal Creek Blvd., Suite 302 800/252-3718 (toll-free)
Austin, TX 78701 512/320-8274 (telephone)
www.tmcec.com 512/435-6118 (fax)



Frequently Asked Questions for New Judges

So, Now You're a Judge!

I. Continuing Education

What are the mandatory judicial education requirements for attorney judges?

Rule 5(a)(1) of the Rules of Judicial Education requires that judges who are licensed attorneys must complete 12 hours of judicial education within one year of taking office, and 12 hours per fiscal year thereafter.

What are the mandatory judicial education requirements for non-attorney judges?

Rule 5(a)(2) of the Rules of Judicial Education require non-attorney judges to take 32 hours of judicial education within one year of taking office, and 12 hours per academic year thereafter.

How do I file for a judicial exemption from MCLE reporting?

Judges who are licensed to practice law in Texas can change their MCLE status online at <http://www.texasbar.com> on "mybarpage." Once they enter "mybarpage," they will go to View/Update MCLE records. Once they get there, under "compliance year" there is an option called "change exemption status." They will select the judicial exemption and save it. This will change their MCLE status for the State Bar.

II. Oath and Anti-Bribery Statement

Where do I file my oath of office and anti-bribery statement?

All elected and appointed officials must subscribe to an anti-bribery statement before taking the oath of office. The anti-bribery statement must be filed with the city secretary or clerk of the court. The oath of office, which is required under Article XVI, Section 1(a) of the Texas Constitution, must be filed with your city's custodian of records (typically the city secretary). Forms are provided at the TMCEC website: www.tmcec.com, or you can contact the Center at 800/252-3718.

III. Decorum and Practical Matters

Do I need to wear a robe?

Municipal judges aren't required to wear a robe, but it is encouraged because robes promote a solemn and professional atmosphere associated with courts. The judge is the pivotal figure in the court. If a judge is sitting on the bench in Bermuda shorts and a Hawaiian t-shirt, imagine how much respect he or she will be garnered.

Where do I buy a robe?

There are a number of internet sites and specialty stores that sell robes. It's usually a safe bet that if a store sells graduation robes, it might also sell judicial robes. A few examples of places to buy robes are Harbro Robes (www.judgesrobes.com), Judicial Robes (www.judicialrobesonline.com), and Academic Apparel (www.academicapparel.com). Some judges even wear robes used for another purpose, such as choir or graduation. Consider the temperature of your courtroom when selecting a fabric and consider adding pockets.

What to wear under the robe?

Clothes! To be more specific, clean and professional clothing is the best option. Women should wear business attire and respectable, close-toed shoes. Men should wear a dress shirt, slacks, socks, and dress shoes. Shorts, jeans, and casual shoes should not be worn, as this does not promote professionalism in the court.

Where do I buy a gavel? Should the city provide one?

Cast that meat-cleaver aside and get a real gavel online. Some sites include The Gavel Store (www.gavelstore.com), and For Counsel

(www.forcounsel.com). Bookstores in law schools also tend to carry gavels (to give law students something to aspire to?). You might also try your luck at flea markets or perhaps eBay.

The city is not required to provide you with a gavel, unless the city ordinance so stipulates.

Do I need a badge and where do I get one?

You do not need to have a badge. Badges are typically associated with law enforcement, not the judiciary. However, you may have a badge specially made online, at sites such as Blackinton Badge Company (<http://www.blackinton.com>). Municipalities typically issue some form of identification for identity and security access purposes. We do not recommend that you flash your badge to get a free cup of coffee!

Can I carry a gun on the bench?

A judge can have a concealed handgun on the bench, but to do so, he or she must have a license to carry a concealed weapon. The Government Code makes a special exception for judicial officers (including municipal judges), allowing the license fee to be waived in some instances and allowing active judicial officers to forego the classroom portion of continuing education required to maintain their license. See Section 411.201, Texas Government Code.

Do I get a judicial license plate?

No. Special license plates are not available for municipal judges. Transportation Code, Chapter 504.

IV. Ethical Considerations

Can my wife, husband, or significant other place a political yard sign on our front yard?

A judge should not endorse a political candidate. A judge may, however, express support for his or her political party, and may express an opinion on political events. But the important thing to remember in being a judge is that the appearance of impropriety should be avoided. A judge should also appear impartial. So even if your wife posts a sign endorsing a political candidate in your yard, if someone might think it is YOU that supports the candidate, then your spouse should consider the possible implications of posting the sign. The spouse of a judge, however, does not have the same ethical or legal obligation as a judge.

Can I endorse political candidates if I am a part-time judge?

Even part-time judges would be well advised not to endorse any political candidate. The Code of Judicial Conduct applies to part-time judges as well as full-time judges.

Where can I find the Code of Judicial Conduct?

You can find the code on the State Commission on Judicial Conduct website (www.scjc.state.tx.us/texcode_txt.php). You can also purchase print copies from most law school bookstores.

What is the State Commission on Judicial Conduct and when should I call them?

The Commission is an agency that monitors the behavior of judges to ensure that they perform in an ethical and unbiased manner. The Commission also investigates and sanctions judges who behave in an inappropriate manner. You should file a complaint with the Commission if you have knowledge of a judge using profanity, making inappropriate or prohibited comments about a pending case, being biased, having a drug or alcohol problem, making public endorsements of political candidates, or anything else that is inappropriate behavior for a judge. You may contact the Commission toll free at 877/228-5750, or fill out a complaint form located at: www.scjc.state.tx.us/forms/Complaint_Form_English.PDF, or www.scjc.state.tx.us/forms/Complaint_Form_Spanish.PDF, and mail it to the Commission. Be prepared to describe your complaint in detail.

V. General Questions

What is a municipal court of record?

Municipal courts of record, governed by Chapter 30 of the Texas Government Code, are municipal courts that keep records of trial proceedings (typically electronically or by means of a court reporter). In municipal courts of record, appeals stem from preservation of error in the court record and transcript. Defendants are not entitled to a trial *de novo* on appeal (as is the case with a municipal court of non-record), rather, appeals from municipal courts of record are governed by Texas Rules of Appellate Procedure. Error must be preserved in municipal court to be considered on appeal from a municipal court of record.

Both municipal courts of record and non-record appeal to county court.

How does my court become a municipal court of record?

Under the Municipal Courts of Record Act, passed in 1997, a municipal court may become a court of record through the passage of local ordinance. The municipal judge, however, generally must be a licensed attorney with