

# Municipal Court Recorder

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## Attorney General Opinions and Open Records Decisions

Compiled by Ryan K. Turner, Program Attorney and Deputy Counsel  
Texas Municipal Courts Education Center, Austin

(Summarizing September 1, 2000 through January 14, 2002)

### I. Recent Opinions

**A. Does the Department of Public Safety have the authority to require that Texas driver's license applicants provide a social security number?**

JC-0409 (September 14, 2001)

Pursuant to federal and state law, in order to aid in the collection of child support, the Texas Department of Public Safety must require any and all applicants for a Texas driver's license who possess a social security number to provide that number. F.C., Sec. 231.302. An individual is not required to have a social security number as a condition of receiving a license.

**B. Does the Texas Department of Public Safety have authority to establish and administer a training and safety program for off-road dirt bikes?**

JC-0416 (September 26, 2001)

No. A state agency may exercise only those powers specifically conferred by statute, or those that may necessarily be inferred. Chapter 662 of the Transportation Code grants to DPS the authority to establish and administer "a motorcycle operator training and safety program." Because a "dirt bike" is not a "motorcycle" for purposes of Chapter 662, we conclude that the DPS may not regulate courses of instruction in the operation of off-road dirt bikes.

*AG Opinions continued on page 10*

## General Counsel Update

by W. Clay Abbott, General Counsel  
Texas Municipal Courts Education Center, Austin

### Constitutional Amendment Changes Destination of "Anti-bribery" Affidavit

On November 6, 2001 Texas voters passed the provisions of HJR 75 amending the Texas Constitution. The stated purpose of the amendments was to "eliminate obsolete, archaic, redundant, and unnecessary provisions." Buried on the twelfth page is a one-word inclusion to Section 1, Article XVI, Texas Constitution that changes important procedures in municipal courts. The inclusion of the adjective "state" to the group that must file affidavits with the Secretary of State excludes elected or appointed municipal officers from that group. The changes then go on to designate the "official records of the office" as the place the required affidavits be filed.

*Update continued on page 5*

### INSIDE THIS ISSUE

#### Articles:

Attorney General Opinions and Open Records Decisions by Ryan K. Turner .....	1
General Counsel Update by W. Clay Abbott .....	1
Ethics Advisory Opinions .....	3

#### Columns:

From the General Counsel .....	1
Around the State .....	2
Resources for Your Court .....	15
From the Center .....	22
TMCEC Schedule .....	23
Registration Form .....	24
Tech Corner .....	25

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**AROUND THE STATE**

**15th Annual  
Juvenile Law Conference**

The 15th Annual Juvenile Law Conference, sponsored by the Juvenile Law Section of the State Bar of Texas, is scheduled for February 27 - March 1, 2002 in Austin. Topics on the agenda include *The Adolescent Brain, Legislative Update, Confessions & Juvenile Processing Offices, School Attendance Issues in Municipal & Justice Courts, Cultural Diversity, Case Law Update*, and *Ethics*. The program is open to judges [attorney and non-attorney], defense attorneys, and prosecutors. The registration fee is \$175 for section members and \$200 for non-members. Participants are responsible for their own housing and meals. Information about the conference is available from the web site of the Juvenile Law Section [[www.juvenilelaw.org](http://www.juvenilelaw.org)].

Omni Southpark Hotel  
4140 Governor's Row  
Austin, Texas 78744  
512/448-2222

If you have any questions or need additional information, please contact Kristy Carr at 512/424-6710.

**Amicus Curiae**

The *Amicus Curiae* program is designed to identify members of the judiciary who have impairments and to provide a confidential resource for those judges to seek help. This new program operates within the disciplinary role of the State Commission on Judicial Conduct.

The Texas Legislature funded the program beginning September 1, 2001. The funds will enable the Commission on Judicial Conduct to hire a program manager to operate the program with oversight by a three-judge board. Initial steps of developing program guidelines, acquiring educational reference materials, developing a network of mentor judges, and reviewing similar programs for other professions have already begun.

*Amicus Curiae* translates as "friend of the court." The program is the first of its kind in the United States. Its goal is to assist judges in locating resources that can help identify and treat impairments that may be affecting their personal lives and their performance on the bench. The program will operate under the disciplinary authority given to the Commission on Judicial Conduct, created in 1965 by amendment to the Texas Constitution.

The Commission on Judicial Conduct is responsible for investigating allegations of judicial misconduct or disability and for disciplining judges. Identification of a judge as impaired will not remove the judge's actions from the scrutiny of the Commission's investigative authority. The Commission's major consideration is whether or not the public can be assured that Texas judges maintain the standards of conduct required of them by the laws and Constitution of Texas.

For further information, contact Margaret Reaves (Executive Director) or Mercedes Kutcher (Staff Attorney) at the Commission on Judicial Conduct, P.O. Box 12265, Austin, TX 78711 512/463-5533 or 877/228-5750 (toll free).



# ETHICS ADVISORY OPINIONS

The Judicial Ethics Committee of the Judicial Section of the State Bar of Texas issues opinions on ethical issues faced by Texas judges. Although these are not binding on the Judicial Conduct Commission, the reasoning of these opinions is insightful.

A municipal judge may request an ethics opinion by writing to the Honorable Suzanne Stovall, Chair of the Judicial Ethics Committee. Judge Stovall's address is: County Court at Law No. 1, County Courthouse, Conroe, Texas 77301-2883.

## MUNICIPAL COURT JUDGE OR J.P. AS SCHOOL BOARD MEMBER OR HEAD OF SCHOOL SECURITY

**Ethics Opinion 269 (2001)**

**QUESTION 1:** May a municipal court judge or justice of the peace serve as a school district board member, given the fact that such judge presides over cases involving students, employees, and parents of students of that school district?

**ANSWER 1:** Yes, Canon 6C(1)(b) removes the restrictions set by Canon 4H which would prohibit a judge from serving on a school board. In serving on the school board, the judge should be mindful of the restrictions of Canon 4, A(1), A(2) and C(1). Section A(1) of Canon 4 requires a judge to conduct extra-judicial activities so they do not cast reasonable doubt on the judge's impartiality. Canon 4A(2) requires a judge to conduct all of the judge's extra-judicial activities so that they do not interfere with the proper performance of the judge's duties. Canon 4C(1) prohibits a judge from participating in civic activities if the organization is likely to be engaged in proceedings that would ordinarily come before the judge or will be regularly or frequently engaged in adversary proceedings in any court. See Opinion 143.

**QUESTION 2:** Can a municipal court judge serve as head of security for the same school district?

**ANSWER 2:** No, a municipal court judge may not serve as head of security for the school district. The duty of the head of security would be to enforce the regulations passed by the school board for the safety and welfare of the students, employees, and property of the district.

Education Code, Sec. 2(1).483. Since the judge has jurisdiction to hear alleged violations of those regulations, such employment would also violate Canons 2A and 4A(1).

## IS IT A VIOLATION OF THE JUDICIAL CANONS OF ETHICS FOR A JUDGE TO SERVE ON THE JUDICIAL COUNCIL OF THE CHILDREN'S ASSESSMENT CENTER?

**Ethics Opinion 270 (2001)**

**QUESTION:** Is it a violation of the Judicial Canons of Ethics for a judge to serve on the judicial council of the Children's Assessment Center. The center is a public/private partnership whose mission is "to provide a professional, compassionate, and coordinated approach to the treatment of sexually abused children and their families and to serve as an advocate for all children in our community." The center provides various services to such children such as: (1) videotaping a forensic interview with the child sexual abuse victim; (2) provide a sexual assault examination; (3) provide expert testimony in civil and criminal court; and (4) provide advocacy for children as they make their way through the justice system. The purpose of the judicial council is to open a dialogue regarding mutual concerns about the sensitivity of child sex abuse cases.

**ANSWER:** Yes, it is a violation of the Judicial Canons of Ethics for a judge to serve on such a council. It is a judge's function to act impartially and to be seen as neutral. Canon 2 provides, "A judge ... should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Canon 2B provides, "A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interest of ... others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge." For a judge to give advice to an organization whose mission is to advocate for witnesses/parties in lawsuits is a violation of this Canon.

Canon 4 which requires a judge to conduct extra-judicial activities so as not to interfere with judicial duties would be violated. Membership on this council would require frequent recusal in cases in which the members of the

organization were testifying.

The committee has issued several opinions regarding similar organizations and has consistently found membership in such groups to be a violation of the Canons. See Opinions 66, 86, 133, 225, 240.

#### **MAY A JUDGE BROKER THE SALE OF FINAL JUDGMENT, CASH STREAMS, OR ACCOUNTS RECEIVABLE?**

**Ethics Opinion 271 (2001)**

**QUESTION:** May a sitting district judge broker the purchase and sale of final judgments, cash streams, or accounts receivable? None of the brokered transactions involve any pre-judgment matters in any Texas court. The judgments could issue from any Texas court with the exception of the court over which the judge presides.

**ANSWER:** No. The Canons allow a judge to engage in financial and business matters with the limitation that such activity not exploit his or her judicial position or advance his private interest. The Committee believes that the nature of this business is such that it would be very difficult to conduct it without exploiting the judge's official position to advance the judge's private interests. Since the sale of judgments is inextricably intertwined with the judicial function there is at least an appearance of impropriety.

#### **APPROPRIATE FOR JUDGE TO SEND CORRESPONDENCE STATING, "IF NO RESPONSE YOU WILL BE LISTED AS MY SUPPORTER"?**

**Ethics Opinion 272 (2001)**

**QUESTION:** Is it a violation of the Canons of Judicial Conduct for a judge to send a letter to attorneys stating, "If I do not hear from you that you do not support me, I will list you on my campaign literature as a supporter"?

**ANSWER:** Yes, this would be a violation of the Canons of Judicial Conduct. Canon 5(2)(ii) requires that a judge shall not knowingly or recklessly misrepresent the identity, qualification, or other fact concerning the candidate. To assume that no response is an act of support violates this Canon. Also Canon 1 requiring a judge to uphold the integrity of the judiciary would be violated.

#### **MAY A FULL-TIME FAMILY COURT ASSOCIATE**

#### **JUDGE PRESIDE AS A MUNICIPAL JUDGE OR TEEN COURT JUDGE?**

**Ethics Opinion 273 (2001)**

**QUESTION:** May a full-time associate judge hearing family law matters serve as municipal judge and supervise Teen Court for a municipality?

**ANSWER:** Yes. There is no violation of the Canons of Judicial Conduct for an associate judge to preside as a municipal judge or supervise Teen Court. The Committee is not considering any question of law presented by this question.

#### **IS IT A VIOLATION OF THE JUDICIAL CANONS OF ETHICS FOR A COUNTY JUDGE TO SERVE IN THE BOARD OF DIRECTORS OF A SHRINE TEMPLE?**

**Ethics Opinion 274 (2001)**

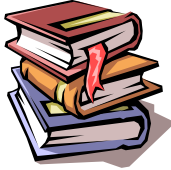
**QUESTION:** Is it a violation of the Judicial Canons of Ethics for a county judge who has judicial responsibilities to serve on the board of directors of a Shrine Temple? The board has administrative functions over the temple. The judge would not be involved in fundraising or any activities that could be considered an embarrassment to the office of county judge.

**ANSWER:** No, it would not violate the Canons of Judicial Conduct for a county judge (with judicial responsibilities) to serve on the board of a shrine temple. Canon 4(c) provides that a judge may participate in civic and charitable activities with certain restrictions. The service with the organizations must not reflect adversely upon the judge's impartiality or interfere with the performance of judicial duties. This Canon specifically authorizes a judge to serve on charitable or civic organizations boards: 1. so long as the organization is not likely to come before the judge in a judicial proceeding; 2. the judge does not solicit funds for the organization; or 3. The judge does not give investment advice to the organization.

See Opinions 158, 189, 245, 249.

To view all previous ethics advisory opinions, visit

[www.courts.state.tx.us/judethics](http://www.courts.state.tx.us/judethics)



# FROM THE GENERAL COUNSEL

## W. Clay Abbott

### Update continued from page 1

It is important to note that the Texas Constitution still requires that the same “anti-bribery” affidavit be executed and filed before the oath of office is made. The requirement that the affidavit precede the oath was unaltered. The language of the “anti-bribery” oath was not changed in any way. The requirements and content of the oath of office were not affected. The amendment is effective November 30, 2001.

The changes do not make clear exactly what the “official records of the office” are or who has control of them. The city secretary and municipal court clerk both seem to fit the bill. It is important that either of these officers keep the records and be able to produce them on a challenge.

Due to the timing of this change the *Bench Book* and other TMCEC publications are now incorrect. Please make a notation in your materials.

### H.J.R. No. 75

A joint resolution proposing a constitutional amendment to eliminate obsolete, archaic, redundant, and unnecessary provisions and to clarify, update, and harmonize certain provisions of the Texas Constitution.

#### ARTICLE 8. CHANGES TO ARTICLE XVI

SECTION 8.01. Section 1, Article XVI, Texas Constitution, is amended to read as follows:

Sec. 1. (a) All [Members of the Legislature, and all other] elected and appointed officers, before they enter upon the duties of their offices, shall take the following Oath or Affirmation:

“I, \_\_\_\_\_, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of \_\_\_\_\_ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.”

(b) All [Each member of the Legislature and all other] elected or appointed officers, before taking the Oath or Affirmation of office prescribed by this section and entering upon the duties of office, shall subscribe to the following statement:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.”

(c) ~~[The Secretary of State, and all other appointed officers, before entering upon the duties of their offices, shall take the following Oath or Affirmation:~~

~~“I, \_\_\_\_\_, do solemnly swear (or affirm), that I~~

~~will faithfully execute the duties of the office of \_\_\_\_\_ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.”~~

~~[(d) The Secretary of State, and all other appointed officers, before taking the Oath or Affirmation of office prescribed by this section and entering upon the duties of office, shall subscribe to the following statement:~~

~~“I, \_\_\_\_\_, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, or promised to pay, contributed, or promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward to secure my appointment or confirmation thereof, so help me God.”~~

~~[(e) Members of the Legislature, the Secretary of State, and all other elected and appointed state officers shall file the signed statement required by Subsection (b) of this section with the Secretary of State before taking the Oath or Affirmation of office prescribed by Subsection (a) of this section. All~~

~~[(f) The Secretary of State and all] other [appointed] officers shall retain [file] the signed statement required by Subsection (b) [(d)] of this section with the official records of the office [Secretary of State before taking the Oath or Affirmation of office prescribed by Subsection (c) of this section].~~

SECTION 8.02. Section 2, Article XVI, Texas Constitution, is amended to read as follows:

Sec. 2. Laws shall be made to exclude from office persons who have been [; serving on juries, and from the right of suffrage, those who may have been or shall hereafter be] convicted of bribery, perjury, forgery, or other high crimes. [The privilege of free suffrage shall be protected by laws regulating elections and prohibiting under adequate penalties all undue influence therein from power, bribery, tumult or other improper practice.]

## Note to Prosecutors

There are a couple of new items from the Center for prosecutors. First, let me encourage any prosecutors with e-mail to look into the prosecutor listserv that was detailed in the December 2001 *Municipal Court Recorder*. This has proven to be a great resource for information, tactics, forms, briefs, and plain old venting. Each question or comment posted is e-mailed to each member of the list. Any response is posted to all of the members. This listserv is great for getting information out in a hurry and for seeking a variety of responses. Having trouble with language for an ordinance, complaint, or charge? Post your need on the listserv and prosecutors across the state are there to help you out!

Secondly, we are trying something new in the prosecutor schools. Our first school in Houston on February 14-15, 2002 is dedicated to in-depth analysis of problem issues. It is planned with the experienced city prosecutor in mind. In addition to case law updates and ethics, it will include sessions and breakouts discussing: alcohol offenses, standardized field sobriety tests, victim services, nuisance prosecution, enhancements, seatbelts, and using adult learning principles in advocacy. Our hope is to provide prosecutors who know the basics and have attended TMCEC programs in the past, exposure to different and deeper topics.

Have no fear if you are brand new; the June school in Austin will follow the more traditional trial skills format, with the inclusion of some small group practice workshops led by experienced faculty. Try to select the school most appropriate to you. Signing up as soon as possible will help us make sure we have the right number of rooms and faculty.

## New Magistrate Issues

New complications abound during 15.17 magistrate hearings due to changes made by SB 7, also known as the indigent defense bill. The 77<sup>th</sup> Legislature attempted to recreate the procedure for appointment of counsel. The good news is that defendants in fine-only offenses, all the offenses within our jurisdiction, still do not have a constitutional or statutory right to counsel. This means that most of the changes pass us by. But, municipal judges who act as magistrates in hearings pursuant to Art. 15.17, Code of Criminal Procedure, finding probable cause and setting

bond on arrested defendants, are caught up in several aspects of the new system.

The most major changes were in the language of the warnings and duties of the magistrate to assist in filling out paperwork for requesting appointment of counsel. These issues were covered extensively during legislative updates and I will forgo explaining them again.

Less visible on first reading, and much more apparent during implementation, were changes created by the imposition of time limits in Art. 15.17 and 17.033, C.C.P. Both code sections apply new time restrictions on magistrates that conduct Art. 15.17 initial appearance hearings. The two articles apply different times and consequences.

Before September 1, 2001, Art. 15.17, C.C.P., required that the person making an arrest bring the person arrested before a magistrate "without delay." The new Art. 15.17, C.C.P., expands the duty to "the person having custody of the person arrested" as well as the person making the arrest. The new statute also modifies the time requirement by adding the phrase "but not later than 48 hours after the person is arrested" to the former "without unnecessary delay." A written or recorded record of the proceeding was also added in Art. 15.17 (e), C.C.P. No specific penalty is imposed for a failure to meet the time limits. Suppression of custodial statements could presumably apply.

SB 7 also created Art. 17.033, C.C.P., which follows provisions authorizing personal bonds generally (Art. 17.03, C.C.P.), personal bonds for out-of-county warrants (Art. 17.031, C.C.P.), and personal bonds for the mentally ill (Art. 17.032, C.C.P.). The section applies only to warrantless arrest. It sets a 24-hour deadline on misdemeanor arrest and a 48-hour deadline for felonies. During that period a magistrate must find probable cause that the accused committed the offense for which they are held. No mention is made of Art. 15.17, C.C.P., but appellate cases have held that the hearing set forth in Art. 15.17, C.C.P., should include such a finding. The new section calls not for the simple release of the defendant, but rather the setting of a bond. The bond must not exceed \$5000 for misdemeanors or \$10,000 for felonies. The act further provides that the bond should be a personal bond if the accused is unable to secure a surety or post cash. The attorney for the state can petition a magistrate for a postponement of release for up to 72 hours from the arrest. The prosecutor must state the reasons for delay.

Many glaring omissions and dangers appear in the new article. It does not assign the responsibility to release the defendant, set the bond amount or determine the time of arrest, or the ability to make bond. If the responsibility

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belongs to the magistrate then the article is clearly unconstitutional in that it allows the magistrate to hold a defendant without probable cause. If the duty is given to non-magistrates then a judicial fact finding and discretionary power is provided to a member of the executive branch of government. No guidance is made on how to determine the ability to make bond. Further, a \$5000 bond on a Class "C" misdemeanor would seem excessive. No instruction is given about how this provision relates to the mandates concerning bond terms and personal bond offices that follow in the rest of Chapter 17 of the Code of Criminal Procedure.

The delay provisions related in Art. 17.033(c), C.C.P. may give some overdue assistance with that occasional lost paperwork case, otherwise the new section creates more problems than it solves. Clearly the legislature believes that citizens accused of crimes must be brought before a magistrate before Monday morning rolls around. The need to include time as well as date information in 15.17 paperwork is also clear. Many jurisdictions may simply overlook the whole section as unworkable, unconstitutional, or superfluous. For magistrates in jurisdictions that have focused on the new provisions we have included a modified 15.17 record in this issue.

I hate to raise more questions than I can answer. But, the one lesson that is clear is that arrested persons must be taken before magistrates in the same manner the old corrupt political machines encouraged voting: *Early and Often*.

## Sexual Harassment

It is rather embarrassing to have to make mention of two recent disciplinary actions by the State Commission on Judicial Conduct, but the two coming so close together indicates a reminder may be in order. On November 5, 2001 the Commission accepted a Voluntary Agreement to Resign from Judicial Office in Lieu of Disciplinary Action from H.N. McElroy, a Retired Harris County Justice of the Peace. On December 18, 2001 the Commission accepted a Voluntary Agreement to Resign from Judicial Office in Lieu of Disciplinary Action from David Christian a former Brazoria County Justice of the Peace. In both cases the Justices denied the allegations against them, but gave up the right to sit as a judge at any future date.

In Justice McElroy's case, he was accused of violating Canons 3(B)(4)(5)&(6). He was specifically accused of inappropriate physical touching of female employees of the court, sexually suggestive comments to female employees of the court, and racial slurs made to African-

American female employees of the court.

The charges made against Justice Christian were more extensive, but also included sexual harassment of female employees as well as a consensual sexual relationship with a court employee.

The Rules of Judicial Conduct make it clear that a judge's conduct must be dignified and courteous, Canon 3(B)(4). Judges are also prohibited from manifesting a bias or prejudice based on race or sex, Canon 3(B)(6). Some might decry these prosecutions as manifesting an overblown sense of political correctness, but a judge must remain above such coarse and offensive conduct. Inappropriate touching, joking and degrading conduct have no place in the conduct of one who carries the dignity of the bench in a judge's office. The court simply must be above reproach in such things. As these actions indicate, the Commission is of like mind.

The best defense against allegations of this nature is a studied practice of avoiding even the appearance of impropriety and conduct of judicial business in a constantly dignified manner. While dignity may not held as a premium by some of our society, the need for judicial decorum is essential. To those who are given much power we are entitled to demand much responsibility.

## Update on Licensed Court Interpreters

The website below has been updated to include information on all licensed court interpreters in Texas. On that search site you should first select "Licensed Court Interpreters" from the first pull-down menu. Then you may proceed to narrow your search by language, by typing the language in the "Inquire by Endorsement" window. The search can also be made by county, city, or zip code. Each of those selections has a pull-down menu or blank window. A search can be made for an interpreter by name or by license number as well. Once results are found you will be presented with available interpreters' license numbers, names, addresses, and telephone numbers, as well as the languages they can translate.

A quick run through the site leads me to believe that most metropolitan areas will have little problem finding licensed Spanish interpreters. Searches in more rural areas and for less common languages resulted in lots of "No Records Found" messages.

[www.license.state.tx.us/LicenseSearch/](http://www.license.state.tx.us/LicenseSearch/)

MAGISTRATE'S WARNING / COMMITMENT FORM

REFERENCE NUMBER: \_\_\_\_\_

STATE OF TEXAS  
VS.  
\_\_\_\_\_

**Attention:** This form replaces those located on pages 139 and 140 in the TMCEC 2002 *Forms Book*.

Before me, the undersigned magistrate in the State of Texas, on this day \_\_\_\_\_, 200\_\_,  
\_\_\_\_\_ personally appeared in the custody of \_\_\_\_\_,  
a peace officer, not later than 48 hours after said person was arrested, and said person was given the following warning by me:

- \_\_\_\_\_ 1. You are charged with the offense of \_\_\_\_\_  
 a misdemeanor    a felony.  
An affidavit charging you with this offense    has    has not   been filed in this court.
- \_\_\_\_\_ 2. You have a right to hire an attorney to represent you.
- \_\_\_\_\_ 3. You have the right to have an attorney present prior to and during any interview and questioning by peace officers or attorneys representing the State.
- \_\_\_\_\_ 4. You have the right to remain silent.
- \_\_\_\_\_ 5. You are not required to make a statement, and any statement you make can and may be used against you in court.
- \_\_\_\_\_ 6. You have the right to stop any interview or questioning at any time.
- \_\_\_\_\_ 7. You have the right to have an examining trial (felonies only).
- \_\_\_\_\_ 8. You have the right to request appointment of counsel if you cannot afford counsel.

Pursuant to #8 above, I explained the local procedures for requesting appointment of counsel in a manner the defendant could understand. I provided any necessary paperwork and reasonably assisted in its completion. I forwarded the paperwork, if any, to the appropriate authority, without unnecessary delay, in no event more than 24 hours.

- I have determined that the said person    is    is not   currently on bond in another cause or causes.
- I have found that Probable Cause does **not** exist for further detention on the above charge and that the defendant should be immediately released.
- I have found that Probable Cause does exist for further detention on the above charge.    My determination was made within 24 hours of arrest (misdemeanor).    My determination was made within 48 hours of arrest (felony).

Bail is set at \$ \_\_\_\_\_    Bail not determined    Bail denied    See Release Order – Fine-Only Misdemeanor Form

Additional Conditions of Bond are attached on a separate sheet.

\_\_\_\_\_  
Magistrate

City of \_\_\_\_\_

County of \_\_\_\_\_

I acknowledge that I was given the above warning and that I understand my rights as explained to me in the warning.

I do request appointed counsel.  
 I do not request appointed counsel.

\_\_\_\_\_  
Person Warned

Time: \_\_\_\_\_  
Date: \_\_\_\_\_

Accused refused to sign acknowledgement of warning:

\_\_\_\_\_  
Magistrate

Remarks on rear of form.

If Interpreter necessary:

\_\_\_\_\_  
Name of Interpreter

\_\_\_\_\_  
Certified Court Interpreter License Number

.....  
**RELEASE ORDER – FINE-ONLY MISDEMEANOR OFFENSE FORM (Article 15.17(b))**

Report #: \_\_\_\_\_

Agency: \_\_\_\_\_

Charge: \_\_\_\_\_

The Defendant is released without bond and ordered to appear in person at \_\_\_\_\_ Court, on or before the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_.m., located at \_\_\_\_\_.

A copy of this form shall be attached to the Magistrate Warning/Commitment Form. A copy shall be delivered to court with jurisdiction identified above. A copy shall be delivered to the defendant on his/her release.

SIGNED THIS \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_.m.

\_\_\_\_\_  
Magistrate  
\_\_\_\_\_  
County, Texas

I acknowledge receipt of the above order and setting and promise to appear as instructed.

\_\_\_\_\_  
Defendant

(Rev. 1/02)

**C. Must a school district expel a student who commits certain alcohol- and drug-related felonies within 300 feet of school property?**

JC-0446 (December 27, 2001)

A school district is not required to expel a student whose conduct: (1) constitutes a felony; (2) would require removal under Section 37.006(a)(2)(C) or (D) of the Education Code; (3) *does not* occur on school property or while attending a school-sponsored or school-related activity on or off of school property; and (4) *does* occur within 300 feet of school property as defined in Section 37.006(a)(2).

**D. If an individual falls asleep and drives off the road, does the driver possess the culpable mental state necessary to commit an offense under Section 545.060(a) of the Transportation Code (failure to drive in a single marked lane)?**

JC-0451 (January 14, 2002)

Without commenting on the specifics of any given case, the fact that a driver was asleep when he or she moved from the single lane does not as a matter of law remove that person's conduct from the scope of the statute.

**II. Texas Criminal Procedure**

**A. Does the addition of certain protest words to a traffic citation still constitute a valid promise to appear in court?**

JC-0317 (December 15, 2000)

Yes. The addition of protest words to a signature on a traffic ticket has no effect whatsoever on the obligation of the ticketed party to appear in court.

**B. Is a person sentenced to pay a fine and to deferred adjudication probation after pleading guilty to a Class C misdemeanor in county court entitled to an expunction of his arrest record?**

JC-0320 (December 22, 2000)

A person who is sentenced to pay a fine and to deferred adjudication probation in a county criminal court is not entitled to an expunction of his arrest record under Article 55.01 of the Code of Criminal Procedure.

**C. Does a defendant convicted of multiple Class C misdemeanors who defaults on the fines and court costs he or she is sentenced to pay and who is therefore confined discharge the fines and court costs concurrently or consecutively?**

JC-0393 (July 10, 2001)

It depends. A misdemeanor who is confined when a court orders a term of confinement to enforce the discharge of a fine or costs on a second conviction serves the confinements concurrently unless the court orders the terms to be served consecutively under Article 42.08 of the Code of Criminal Procedure. C.C.P., Articles 42.08 and 43.03(b). On the other hand, if the misdemeanor is ordered to be confined to enforce the discharge of multiple fines or costs when he or she is not confined, the confinements are served consecutively. If fines or costs are discharged consecutively, the court's order must indicate that the confinements will run consecutively. See Article 42.08. The court's order also should contain five elements, which may be adapted to the circumstances of a confinement to enforce a default: (1) the prior conviction's trial court number; (2) the correct name of the court where the prior conviction was taken; (3) the prior conviction's date; (4) the prior conviction's term; and (5) the prior conviction's nature. See *Banks v. State*, 708 S.W.2d 460, 461 (Tex. Crim. App. 1986) (en banc). A defendant convicted of multiple Class C misdemeanors receives credit for time spent in confinement prior to sentencing on each of the sentences as though the time ran concurrently. See *Hannington v. State*, 832 S.W.2d 355, 356 (Tex. Crim. App. 1992) (en banc) (per curiam); *Ex parte Bynum*, 772 S.W.2d 113, 115-16 (Tex. Crim. App. 1989) (en banc) (per curiam).

**D. What is the meaning of the term "recording" in Code of Criminal Procedure Article 27.18, providing for acceptance of pleas and waivers by closed circuit video conferencing?**

JC-0404 (August 10, 2001)

When a court accepts a plea or waiver of a defendant's right by closed circuit video conferencing pursuant to Article 27.18 of the Code of Criminal Procedure, a video recording of the communication must be made and preserved until all appellate proceedings have been disposed of. The record preservation requirement for video recordings in Article 27.18(c) does not conflict with the record preservation requirements for court reporters' notes in Government Code Section 52.046 and Rule 13.6 of the Texas Rules of Appellate Procedure, because the latter two provisions deal with different records. Both the recording required by Article 27.18 and the court reporter's stenographic notes must be kept. However, the official court reporter need not attend the portion of the proceedings conducted by video conferencing to make a written record of it if the parties decide that this is unnecessary.

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### III. Magistrates

#### **A. Emergency Detention Orders: Which county is responsible for mental health services proceeding costs under Section 571.018 of the Texas Health and Safety Code?**

*JC-0287* (October 3, 2000)

The county that initiates emergency detention procedures or, if no such procedures are initiated, the county that accepts an application for court-ordered mental health services, issues an order for protective custody, or issues an order for temporary mental health services is generally responsible for paying mental health services proceeding costs under Section 571.018 of the Health and Safety Code. A nonresponsible county conducting mental health services proceedings is authorized to collect the costs of those proceedings from the responsible county regardless of whether the responsible county has agreed to pay those costs. A county's responsibility for paying mental health services proceeding costs is not limited to actions that are "derivative" of the initial commitment proceeding. The costs of mental health services proceedings payable by the responsible county include, but are not limited to, those enumerated in Section 571.018(c) of the Health and Safety Code.

#### **B. Emergency Protective Orders: Does a protective order permit a perpetrator of family violence to collect his personal property from the residence he shared with his victim?**

*JC-0289* (October 3, 2000)

To clarify Attorney General Opinion *JC-0112* (1999), neither the domestic violence protective order sections of the Family Code or of the Code of Criminal Procedure explicitly permit, or specifically prohibit, a judge to include in such an order a provision requiring a police officer to escort a perpetrator of domestic violence to the family home to retrieve personal property. Article 5.045 of the Code of Criminal Procedure is not by its terms applicable in such a situation, and accordingly does not provide immunity from liability for a police officer providing such an escort.

### IV. Court Clerks

#### **A. Does the phrase "judicial officer who collected the fees" contained in Section 51.921(d) of the Government Code refer to the court clerk who collects time-payment fees?**

*JC-0306* (November 10, 2000)

The "judicial officer who collected the fees" to whom Section 51.921(d) of the Government Code refers is the court clerk who collects time-payment fees under Section 51.921(a). See G.C., Section 51.921.

#### **B. Must a county clerk file stamp an instrument immediately upon its delivery and acceptance for filing?**

*JC-0323* (January 5, 2001)

While a county clerk is not expressly required by statute to file stamp the date and time an instrument arrives in the clerk's office for filing upon receiving and accepting the instrument, the county clerk must devise some method for immediately and accurately noting that date and time. Just as the clerk must develop a method for noting the date and time a particular instrument is delivered in person, so must the clerk develop a method for noting the date and time of delivery of an instrument that arrives in the mail.

### V. Peace Officers

#### **A. Is the sheriff responsible for taking custody of a person hospitalized for injuries sustained while being arrested by law enforcement officers of a different jurisdiction?**

*JC-0312* (November 30, 2000)

A person arrested by a law enforcement agency other than the sheriff's department, and hospitalized as a result of that arrest, becomes the responsibility of the sheriff, pursuant to Article 2.18 of the Code of Criminal Procedure, upon the issuance by a magistrate of a commitment order directing that the sheriff "receive and place in jail the person so committed." See C.C.P., Arts. 2.18, 16.20.

#### **B. Does Section 573.012 of the Health and Safety Code authorize a municipal peace officer to execute an emergency-detention warrant?**

*JC-0387* (June 5, 2001)

Section 573.012 of the Texas Health and Safety Code authorizes a municipal or county peace officer to execute an emergency-detention warrant. See H.S.C., Section 573.012(d). A person who is actually admitted to a facility for emergency detention after a preliminary examination must be transported in accordance with Section 574.045. See Sections 573.025, .026.

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*AG Opinions continued on page 14*

# MUNICIPAL COURT JURISDICTION

	Non-Record Courts	Cite	Record Courts	Cite
<b>City Ordinance</b>	Territorial limits (exclusive jurisdiction)	Art. 4.14, C.C.P. Sec. 29.003, G.C.	Territorial limits (exclusive jurisdiction)	Art. 4.14, C.C.P. Sec. 29.003, G.C.
	Property owned by city in extraterritorial limits (exclusive jurisdiction)	Sec. 29.003, G.C.	Property owned in extraterritorial limits (exclusive jurisdiction)	Sec. 29.003, G.C.
	Extraterritorial limits nuisance ordinances adopted under Sec. 217.042, L.G.C. (exclusive jurisdiction)	A.G. Op. No. JC-0025	Extraterritorial limits nuisance ordinances adopted under Sec. 217.042, L.G.C. (exclusive jurisdiction)	A.G. Op. No. JC-0025
			Extraterritorial limits criminal cases arising under ordinances authorized by Secs. 215.072, 217.042, 341.903, 401.002, L.G.C.* (exclusive jurisdiction)	Sec. 30.00005, G.C.
			Concurrent civil jurisdiction with county courts to enforce nuisance abatement and junk vehicle provisions of Chapters 54 and 214 Local Government Code and Chapter 683, Transportation Code.	Sec. 30.00005(d), G.C.
<b>Joint Board Operating an Airport</b>	Territorial limits - Resolution, rule, or order (exclusive jurisdiction)	Sec. 29.003, G.C.	Territorial limits - Resolution, rule, or order (exclusive jurisdiction)	Sec. 29.003, G.C.
	Property owned by city in extraterritorial limits (exclusive jurisdiction)	Sec. 29.003, G.C.	Property owned by city in extraterritorial limits (exclusive jurisdiction)	Sec. 29.003, G.C.
<b>State law</b>	Territorial limits Fine-only offenses (concurrent jurisdiction with justice court)	Art. 4.14, C.C.P. Sec. 29.003, G.C.	Territorial limits Fine-only offenses (concurrent jurisdiction with justice court)	Art. 4.14, C.C.P. Sec. 29.003, G.C.
	Property owned by city in extraterritorial limits (concurrent jurisdiction with justice court)	Sec. 29.003, G.C.	Property owned by city in extraterritorial limits (concurrent jurisdiction with justice court)	Sec. 29.003, G.C.

\*Sections 314.903 and 401.002, L.G.C. only provide authority to a home-rule municipality

Abbreviations:

C.C.P. = Code of Criminal Procedure  
G.C. = Government Code

L.G.C. = Local Government Code  
A.G. Op. No. = Attorney General Opinion

# MUNICIPAL COURT THEFT and RELATED OFFENSES JURISDICTION

Offense	Legal Cite	Pecuniary Loss for Class C Misdemeanor Jurisdiction	Penalty (Class C misdemeanor – Sec. 12.23, P.C. – Max fine: \$500)
<b>Theft of Property</b>	Sec. 31.03, P.C.	Less than \$50	Sec. 31.03(e)(1)(A), P.C. Class C misdemeanor
<b>Theft by Check</b>	Sec. 31.06, P.C.	Less than \$20	31.03(e)(1)(B), P.C. Class C misdemeanor
<b>Theft of Service</b>	Sec. 31.04, P.C.	Less than \$20	Sec. 31.04(e)(1), P.C. Class C misdemeanor
<b>False Statement to Obtain Property or Credit**</b>	Sec. 32.32, P.C.	Less than \$50	Sec. 32.32(c)(1), P.C. Class C misdemeanor**
<b>Theft of Gasoline*</b>	Sec. 31.03, P.C.	Less than \$50	Sec. 31.03(e)(1), P.C. Class C misdemeanor; Art. 42.019, C.C.P. affirmative findings in judgment; and Sec. 521.349, T.C.: 2nd or subsequent offenses: automatic DL suspension or denial*
<b>Hindering Secured Creditors</b>	Sec. 32.33, P.C.	Less than \$20	Sec. 32.33(d)(1), P.C. Class C misdemeanor
<b>Credit Card Transaction Record Laundering</b>	Sec. 32.35, P.C.	Less than \$20	Sec. 32.35(e)(1), P.C. Class C misdemeanor
<b>Issuance of Bad Check</b>	Sec. 32.41, P.C.	No value amount limitation	Sec. 32.41(f), P.C. Class C misdemeanor unless check issued or passed was for child support obligation then it is a Class B misdemeanor
<b>Misapplication of Fiduciary Property or Property of Financial Institution</b>	Sec. 32.45, P.C.	Less than \$20	Sec. 32.45(c)(1), P.C. Class C misdemeanor
<b>Securing Execution of Document by Deception</b>	Sec. 32.46, P.C.	Less than \$20	Sec. 32.46(b)(1), P.C. Class C misdemeanor
<b>Insurance Fraud</b>	Sec. 35.02, P.C.	Less than \$20	Sec. 35.02(d)(1), P.C. Class C misdemeanor
<b>Criminal Mischief</b>	Sec. 28.03, P.C.	Less than \$50 or no dollar amount, but causes substantial inconvenience to others	Sec. 28.03(b)(1), P.C. Class C misdemeanor
<b>Reckless Damage or Destruction</b>	Sec. 28.04, P.C.	No value amount limitation	Sec. 28.04(b), P.C. Class C misdemeanor

\*For offenses committed on or after September 1, 2001

\*\* Prior to September 1, 2001, all violations of this provision, regardless of value, were punishable as a Class A misdemeanor.

## VI. City Attorneys

### **A. May police and fire personnel file information made confidential by Subsection 143.089(g) of the Local Government Code be released to the city manager and the city attorney?**

JC-0283 (September 7, 2000)

Information made confidential by Subsection 143.089(g) of the Texas Local Government Code may be released to the city manager and the city attorney with the consent of the governing body of the municipality.

### **B. May a city council pay attorney's fees incurred to defend certain of its members in prosecution for Open Meetings Act violations?**

JC-0294 (October 17, 2000)

A city council member is disqualified from voting on a resolution to pay his or her own legal fees or the legal fees of another city council member indicted on the same facts for the same offense. Although it is not required to do so, a city council may spend public funds to reimburse a city council member for the legal expenses of defending against an unjustified prosecution for Open Meetings Act violations. It may not decide to pay for such legal expenses until it knows the outcome of the criminal prosecution. The city may not pay the expenses of a city council member who is found guilty of such violations.

If the city council were able to take valid action to pay the attorney's fees of a city council member, the fees could be paid from the revenues of the city's water system revenues operated under Chapter 402 of the Local Government Code.

Attorney General Opinion No. DM-488 (1998) is overruled with respect to its statement that the disposition of charges in a criminal case against a chief appraiser is not relevant to the appraisal board's decision to reimburse him for his legal fees in defending against the charges.

## VII. Open Records

### **A. What information is excepted under Section 552.117(2) of the Government Code and may a governmental body may withhold the information without requesting a decision from the Attorney General?**

Open Records Decision No. 670 (February 5, 2001)

All governmental bodies covered by the Public Information Act may withhold the home address, home telephone number, personal cellular telephone number, personal

pager number, social security number, and information that reveals whether the individual has family members, of any individual who meets the definition of "peace officer" set forth in Article 2.12 of the Texas Code of Criminal Procedure or "security officer" in Section 51.212 of the Texas Education Code, without the necessity of requesting an Attorney General decision as to whether the exception under Section 552.117(2) applies. This decision as to this type of information is a "previous determination" under Section 552.301(a) of the Act.

### **B. Is information derived from a disposition database and compiled in a weekly report produced by the Ellis County District Clerk's office subject to the Texas Public Information Act?**

Open Records Decision No. 671 (February 5, 2001)

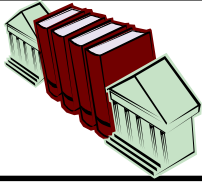
No. The information contained in the weekly index reports produced by the Ellis County District Clerk's office is derived from a case disposition database that is "collected, assembled, or maintained ... for the judiciary." G.C., Section 552.0035(a). Therefore, the information contained in weekly index reports is not public information under the Act. The Act imposes no statutory duty on the District Clerk to add categories of information to the weekly index reports.

## VIII. Local Government

### **May a governmental body prohibit the holder of a concealed handgun license from carrying a handgun onto property owned or controlled by the respective unit of government?**

JC-0325 (January 5, 2001)

A unit of government has statutory authority to bar entry to its property by a concealed handgun licensee carrying a weapon in the following manner: either by providing individualized verbal notice to the licensee or by erecting a sign or other written communication in compliance with Section 30.06 of the Penal Code that furnishes statutory notice to concealed handgun licensees that entry on the property while carrying a concealed handgun is prohibited. However, a unit of government may not, merely by promulgating its own rules, regulations, or policies, bar the holder of a concealed handgun license from carrying his weapon onto property owned or controlled by the particular governmental unit.



## RESOURCES FOR YOUR COURT

### Online Monthly Reporting Available

Municipal and justice courts can now submit monthly reports to the Office of Court Administration (OCA) over the Internet. This same feature allows judges to update information sheets as needed. To preview the online reporting feature, you may go to either of two practice sites:

#### MUNICIPAL COURTS:

[www.info.courts.state.tx.us/mn/mn.exe/practice](http://www.info.courts.state.tx.us/mn/mn.exe/practice)

Enter the User ID: Test

Enter the Court ID: 72345678900

Enter the Password: testing

#### JUSTICE COURTS:

[www.info.courts.state.tx.us/jp/jp.exe/practice](http://www.info.courts.state.tx.us/jp/jp.exe/practice)

Enter the User ID: Test

Enter the Court ID: 623123411

Enter the Password: testing

After previewing the online reporting features, if you would like to use this means to enter your monthly reports, simply call the OCA Help Desk (512/463-1642) to get your log-in information. You will then be able to instantly review submitted reports, print current and previous reports, and add or update reports from the previous quarter while logged into your account.

### Surplus Computers

Courts can acquire state surplus computers, modems, and printers for little or no cost by shopping online. The Comptroller maintains a list of surplus equipment that can be claimed by "political subdivisions." The list is updated on the first day of each month and items can be claimed on a first come-first served basis. Generally the claimant pays only for shipping the equipment. Some computers on the list are in good condition and contain Pentium processors with reasonable speeds.

Here are the sites to visit:

Basic rules and eligibility information:

[www.window.state.tx.us/localinf/surpintro.html](http://www.window.state.tx.us/localinf/surpintro.html)

Categories of surplus equipment:

[www.window.state.tx.us/comptrol/surplus/surplus.html](http://www.window.state.tx.us/comptrol/surplus/surplus.html)

Surplus computer equipment listing:

[www.window.state.tx.us/comptrol/surplus/cpunits.txt](http://www.window.state.tx.us/comptrol/surplus/cpunits.txt)

More information is also on the web site of the Judicial Committee for Information Technology (JCIT)

[[www.courts.state.tx.us/jcit/tsp.htm](http://www.courts.state.tx.us/jcit/tsp.htm)]

TMCEC thanks Mike Griffith at the Office of Court Administration for bringing this to TMCEC attention.

For more information about JCIT project, Mike Griffith can be reached at 512/463-1641.

### Telecommunications Infrastructure

The Office of Court Administration has developed a database of telecommunications and connectivity options for each trial court in Texas. The database will be available through the Texas Judiciary Online website beginning December 2001 at <http://telecom.courts.state.tx.us/>.

Courts can connect to the database and use the information to determine available telecommunications options for their locations. The database will display a list of service providers, the type of services available (dial-up, DSL, satellite, frame relay, etc.) and the estimated costs of each type of service. The database will also include information on free dial-up Internet service through the FBI's Law Enforcement Online.

### Court Costs Handbook

The Office of Court Administration has released its latest version of *Court Costs & Fees Handbook for Municipal Courts*. This is an excellent handbook that outlines for every state court cost the legal reference, who the fee is administered by, the purpose, amount to charge, offenses included, offenses excluded, reporting period, reports and

*Resources for Your Court continued on page 26*

## Total of Reported Activity for the Year Ended August 31, 2001\*

90 Percent Reporting Rate 9,417 Reports Received Out of a Possible 10,440					
	TRAFFIC MISDEMEANORS		NON-TRAFFIC MISDEMEANORS		REPORTED TOTALS
	Non- Parking	Parking	State Law	City Ordinance	
<b>CASE DOCKET ACTIVITY:</b>					
<b>NEW CASES FILED</b>	5,220,530	1,066,817	911,737	244,359	7,443,443
Dispositions Prior to Trial:					
Deposit Forfeited	58,026	735	15,574	2,554	76,889
Fined	1,806,051	654,886	272,767	71,494	2,805,198
Cases Dismissed	344,001	48,028	83,759	35,506	511,294
Dispositions at Trial:					
Trial by Judge					
Guilty	888,762	18,175	219,667	59,064	1,185,668
Not Guilty	26,874	698	5,939	2,620	36,131
Trial by Jury					
Guilty	2,021	55	846	643	3,565
Not Guilty	680	42	381	161	1,264
Dismissed at Trial	599,517	9,187	156,906	49,545	815,155
Cases Dismissed After:					
Driving Safety Course	444,723				444,723
Deferred Disposition	514,804	1,666	48,242	16,311	581,023
Proof of Financial Responsibility	507,012				507,012
Compliance Dismissal	312,530				312,530
<b>TOTAL DISPOSITIONS</b>	5,505,001	733,472	804,081	237,898	7,280,452
<b>COMMUNITY SERVICE ORDER</b>	107,514	279	28,100	5,475	141,368
<b>CASES APPEALED</b>	10,920	76	1,596	442	13,034
<b>JUVENILE ACTIVITY:</b>					
Alcoholic Beverage Code Offenses Filed				44,790	
DUI of Alcohol Offenses Filed				3,480	
Health & Safety Code Offenses Filed				13,592	
Transportation Code Offenses Filed				111,444	
Truancy or Failure to Attend Hearings				7,766	
All other Non-Traffic Fine-Only Offenses				85,070	
Waiver of Jurisdiction of Non-Traffic cases				5,283	
Education Code Violations Filed				8,024	
Warnings Administered				5,186	
Statements Certified				1,626	
<b>OTHER ACTIVITY:</b>					
Safety Responsibility and Driver's License Suspension Hearings Held				608	
Search Warrants Issued				5,247	
Arrest Warrants Issued				2,000,053	
Magistrate Warnings Given				189,628	
Emergency Mental Commitment Hearings Held				837	
Emergency Protective Orders				5,392	
<b>TOTAL REVENUE</b>				\$451,599,258	

\* From Annual Report of the Office of Court Administration

## Profile of Appellate and Trial Judges as of September 1, 2001

	Supreme Court	Court of Criminal Appeals	Courts of Appeals	District Courts	Criminal District Courts	County Courts at Law	Probate Courts	County Courts	JP Courts	Municipal Courts
<b>NUMBER OF JUDGES:</b>										
Number of Judges Positions	9	9	80	408	10	195	16	255	835	1300
Number of Judges	9	9	79	408	10	195	16	255	833	1257
Number of vacant positions	0	0	1	0	0	0	0	0	2	0
Number of municipalities										870
Cities - no judges										264
<b>AGE OF JUDGES:</b>										
Mean	(7)	(7)	(67)	(363)	(10)	(156)	(15)	(205)	(653)	(726)
Oldest	52	55	55	52	50	51	56	58	57	55
Youngest	70	68	74	74	63	77	70	80	94	87
	44	48	42	35	37	36	45	35	27	24
<b>RANGE OF AGE:</b>										
Under 25	0	0	0	0	0	0	0	0	0	1
25 through 34	0	0	0	0	0	0	0	0	0	23
35 through 44	1	0	3	60	3	40	0	12	66	111
45 through 54	5	4	34	177	3	70	7	65	204	219
55 through 64	0	2	21	105	4	37	6	82	216	198
65 through 74	1	1	9	21	0	6	2	40	124	129
75 through 84	0	0	0	0	0	3	0	6	31	43
Over 85	0	0	0	0	0	0	0	0	3	2
<b>GENDER OF JUDGES:</b>										
Males	(9)	(8)	(72)	(285)	(9)	(139)	(11)	(190)	(511)	(511)
Females	6	4	52	213	7	95	7	170	345	335
	3	4	20	72	2	44	4	20	166	176
<b>ETHNICITY OF JUDGES:</b>										
African-American	(2)	(7)	(50)	(318)	(9)	(134)	(10)	(188)	(507)	(490)
American Indian or Alaska Native	1	0	0	10	2	4	0	1	15	14
Asian or Pacific Islander	0	0	1	2	0	0	0	1	2	2
Hispanic/Latino	0	0	0	0	0	0	0	0	0	1
White (Non-Hispanic)	1	0	6	35	1	18	0	13	78	59
Other	0	7	41	268	6	110	10	172	410	413
	0	0	2	3	0	2	0	1	2	1
<b>LENGTH OF SERVICE ON THIS COURT:</b>										
Average	(9)	(8)	(75)	(382)	(10)	(165)	(15)	(230)	(703)	(777)
Longest	6 Yr. 3 Mo	3 Yr. 6 Mo	7 Yr. 8 Mo	9 Yr. 6 Mo	9 Yr. 3 Mo	9 Yr. 3 Mo	10 Yr. 10 Mo	8 Yr. 0 Mo	9 Yr. 5 Mo	9 Yr. 11 Mo
	13 Yr. 10 Mo	8 Yr. 10 Mo	28 Yr. 9 Mo	32 Yr. 0 Mo	18 Yr. 10 Mo	26 Yr. 6 Mo	20 Yr. 2 Mo	30 Yr. 10 Mo	6 Yr. 10 Mo	41 Yr. 4 Mo
<b>RANGE OF SERVICE ON THIS COURT IN YEARS:</b>										
Under 1		3	6	29	1	1	0	1	5	30
1 through 4	2	3	17	84	1	41	2	64	179	186
5 through 9	3	2	33	107	4	51	6	88	200	245
10 through 14	2	0	12	92	2	51	2	64	221	158
15 through 19	0	0	5	42	2	13	4	7	55	85
20 through 24	0	0	1	24	0	6	1	5	28	40
25 through 29	0	0	1	2	0	2	0	0	10	21
30 through 34	0	0	0	2	0	0	0	1	3	8
35 through 39	0	0	0	0	0	0	0	0	2	3
40 through 44	0	0	0	0	0	0	0	0	0	1
over 45	0	0	0	0	0	0	0	0	0	0
<b>FIRST ASSUMED OFFICE BY:</b>										
Appointment	(9)	(8)	(75)	(398)	(10)	(167)	(15)	(231)	(708)	(848)
Election	5 (56%)	1 (13%)	29 (39%)	162 (41%)	5 (50%)	52 (31%)	8 (53%)	37 (16%)	133 (19%)	830 (98%)
	4 (44%)	7 (88%)	46 (61%)	236 (59%)	5 (50%)	115 (69%)	7 (47%)	194 (84%)	575 (81%)	18 (2%)
<b>EDUCATION:</b>										
HIGH SCHOOL:	(8)	(7)	(69)	(378)	(10)	(166)	(15)	(222)	(674)	(771)
Attended	---	---	---	---	---	---	---	---	666 (99%)	743 (96%)
Graduated	---	---	---	---	---	---	---	---	623 (92%)	715 (93%)
COLLEGE:										
Attended	8(100%)	7(100%)	68 (99%)	377(100%)	9 (90%)	166(100%)	14 (93%)	184 (83%)	369 (55%)	566 (73%)
Graduated	8(100%)	7(100%)	68 (99%)	366 (97%)	9 (90%)	159 (96%)	14 (93%)	138 (62%)	205 (30%)	471 (61%)
LAW SCHOOL:										
Attended	8(100%)	7(100%)	69(100%)	376 (99%)	10(100%)	165 (99%)	15(100%)	37 (17%)	50 (7%)	362 (47%)
Graduated	8(100%)	7(100%)	69(100%)	370 (98%)	9 (90%)	163 (98%)	15(100%)	37 (17%)	45 (7%)	356 (46%)
<b>LICENSED TO PRACTICE LAW:</b>										
Number licensed	7 (78%)	7 (78%)	67 (85%)	365 (89%)	9 (90%)	165 (85%)	14 (88%)	34 (13%)	40 (5%)	357 (28%)
Mean year licensed	1974	1976	1974	1976	1979	1978	1971	1977	1977	1977
<b>RANGE OF YEAR LICENSED:</b>										
Before 1930	0	0	0	0	0	0	0	0	0	0
1930 through 1934	0	0	0	0	0	0	0	0	1	0
1935 through 1939	0	0	0	0	0	0	0	0	0	0
1940 through 1944	0	0	0	0	0	0	0	0	0	0
1945 through 1949	0	0	1	0	0	0	0	0	1	1
1950 through 1954	0	0	2	3	0	1	1	0	0	5
1955 through 1959	1	1	3	10	0	4	0	1	1	8
1960 through 1964	0	0	3	15	0	6	2	3	1	22
1965 through 1969	0	0	6	42	1	12	0	4	4	38
1970 through 1974	2	1	14	73	1	24	5	5	8	56
1975 through 1979	2	3	18	94	1	33	5	4	4	75
1980 through 1984	2	2	18	71	3	43	1	9	8	72
Since 1985	0	0	2	57	3	42	0	8	12	80
<b>ORIGINALLY CAME TO THIS COURT FROM:</b>										
Judge of lower court	5 (56%)	2 (22%)	21 (27%)	---	---	---	---	---	---	---
Attorney-private practice	3 (33%)	2 (22%)	42 (53%)	---	---	---	---	---	---	---
Legislative service	0 (0%)	0 (0%)	2 (3%)	---	---	---	---	---	---	---
Other governmental service	0 (0%)	3 (33%)	9 (11%)	---	---	---	---	---	---	---
<b>PREVIOUS EXPERIENCE:</b>										
Prosecutor	0 (0%)	5 (56%)	18 (23%)	185 (45%)	7 (70%)	80 (41%)	3 (19%)	11 (4%)	---	---
Attorney-private practice	7 (78%)	7 (78%)	54 (68%)	335 (82%)	8 (80%)	145 (74%)	15 (94%)	28 (11%)	---	---
Judge of lower court	4 (44%)	2 (22%)	21 (27%)	82 (20%)	2 (20%)	34 (17%)	5 (31%)	19 (7%)	---	---
County commissioner	---	---	---	---	---	---	---	26 (10%)	---	---
<b>MAYOR SERVING AS JUDGE:</b>										
	---	---	---	---	---	---	---	---	---	11 (1%)

Numbers in parentheses indicate the number of judges reporting relevant data.

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# Court of Criminal Appeals Rules of Judicial Education

Presiding Judge Sharon Keller, Court Liaison  
As Amended Effective September 1, 2001

**RULE 1. AUTHORITY.** Pursuant to the provisions of Section 56.006 of the Texas Government Code, these Rules of Judicial Education are hereby promulgated.

**RULE 2. APPELLATE, DISTRICT AND COUNTY-LEVEL COURT JUDGES.**

a. Each judge of an appellate court, district court, statutory county court, and county court performing judicial functions will, as an official duty:

(1) complete before taking office, or within one year after taking office, at least 30 hours of instruction in the administrative duties of office and substantive, procedural and evidentiary laws unless the judge has previously complied with this requirement and has been absent from the bench less than one year before taking the present office; and

(2) each fiscal year thereafter, complete at least 16 hours of instruction in substantive, procedural and evidentiary laws and court administration.

(3) Instruction credit completed during any fiscal year in excess of the minimum number of hours required may be applied to the following year's requirement.

b. Programs sponsored by the following organizations and approved by the Court of Criminal Appeals Education Committee for appellate, district, and statutory county judges, or, the County Judges Education Committee for constitutional county judges, can be utilized to satisfy the requirements of Rule 2a:

- (1) Judicial Section of the State Bar of Texas
- (2) Texas Center for the Judiciary, Inc.
- (3) The Texas Association of Counties
- (4) National Judicial College, Reno, Nevada
- (5) Appellate Judges' Conference of the American Bar Association, Chicago, Ill.
- (6) National Conference of Chief Justices
- (7) American Academy of Judicial Education, Washington, D.C.
- (8) Institute of Judicial Administration, NYU, New York, NY

(9) Texas College of Probate Judges

(10) National College of Probate Judges

(11) An accredited law school

(12) A local, state or national bar association

(13) A professional organization devoted to improvement of the legal profession (such as the Texas Association of Defense Counsel and the Texas Trial Lawyers Association)

(14) The County Judges and Commissioners Association of Texas or the V.G. Young Institute of Texas A & M University

(15) Texas Criminal Defense Lawyers Association

(16) Texas District and County Attorneys Association

(17) Wright Lecture Series

(18) National Council of Juvenile and Family Court Judges

c. All rules applicable to active appellate, district, and statutory county court judges, [except Rule 2a(1)] are also applicable to former and retired appellate judges, former and retired district judges, and former and retired statutory county court judges, who are subject to assignment and are named on a list maintained by the Presiding Judge of the Administrative Region.

d. A constitutional county judge is exempt from the continuing judicial education requirement for any fiscal year for which the judge files an affidavit with the Registrar stating that the judge does not perform judicial functions.

**RULE 3. JUSTICES OF THE PEACE.**

a. Each justice of the peace will, as an official duty:

(1) complete within one year after taking office, an 80 hour course of instruction in the performance of the duties of office; and

(2) each fiscal year thereafter, complete a 20 hour course of instruction in the performance of the duties of office.

b. A person who serves in the dual capacity as a justice of the peace and as a municipal judge may be permitted to

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receive credit for each office toward fulfillment of the requirements of the Rules of Judicial Education by attending a course of instruction for either office, provided that the curriculum is pertinent to the duties and responsibilities of each office. The determination of the applicability of the course to each or either office shall be made by the judicial education committee having jurisdiction over each office in accordance with that committee's procedures.

c. Only courses of instruction completed through a continuing education program approved by the Justice Court Education Committee can be utilized to satisfy the requirement of Rule 3a.

d. Once Rule 3a(1) has been satisfied, justices of the peace who are also licensed attorneys may obtain training sponsored by the organizations listed in Rule 2b.

#### **RULE 4. MUNICIPAL COURT JUDGES.**

a. Each municipal court judge will, as an official duty:

(1) complete within one year after taking office, a minimum of 12 hours of instruction if a licensed attorney, or a minimum of 32 hours of instruction if not a licensed attorney, in the performance of the duties of office; and

(2) each fiscal year thereafter complete a minimum of 12 hours of instruction in the performance of the duties of office.

b. A person who serves in the dual capacity as a municipal judge and as a justice of the peace may be permitted to receive credit for each office toward fulfillment of the requirements of the Rules of Judicial Education by attending a course of instruction for either office, provided that the curriculum is pertinent to the duties and responsibilities of each office. The determination of the applicability of the course to each or either office shall be made by the judicial education committee having jurisdiction over each office in accordance with that committee's procedures.

c. After having served as a municipal court judge for a period of two years and met the judicial education requirement each year, a judge may attend an alternate course approved by the Municipal Courts Education Committee. An approved alternate course may be selected only every other year.

#### **RULE 5. COURT COORDINATORS.**

a. Each court coordinator of a district or statutory county court shall annually complete 16 hours of continuing education, unless the court coordinator files, with the Texas Center for the Judiciary, Inc., the prescribed form, signed by the judge or commissioners court of the county

employing the court coordinator certifying that state and local funds are not available for the court coordinator's continuing education.

b. In addition to the programs provided in Rule 2b, programs of the following organizations can be utilized to satisfy the requirements of Rule 5a:

- (1) The Texas Association of Court Administration
- (2) The Texas Office of Court Administration
- (3) The National Association for Court Management
- (4) The Institute of Court Management of the National Center for State Courts
- (5) The Justice Management Institute
- (6) A state college or university or local community college
- (7) A program sponsored by a local court administrative office and approved by the local administrative judge or local presiding judge

(8) Other programs as approved by the Court of Criminal Appeals Education Committee (Judicial Advisory Committee, Texas Center Board of Directors).

c. Instruction credit completed during any fiscal year in excess of the minimum number of hours required may be applied to the following fiscal year's requirement.

d. Each court coordinator who attends an approved program or performs an approved activity will certify the event on a form provided by the Texas Center for the Judiciary, Inc.

#### **RULE 6. OPERATION OF GRANTS.**

a. Grants shall be awarded by the Court of Criminal Appeals for the period of the state fiscal year. Completed applications for grant funding shall be submitted to the Court of Criminal Appeals on or before the first day of July preceding the fiscal year for which the grant is applied.

b. Grants shall be awarded based on qualitative information provided in the Uniform Grant Application Narrative section of the completed grant application.

c. All grants shall be conducted in accordance with the following:

(1) applicable state laws and rules of the Court of Criminal Appeals, and regulations, policies, and guidelines promulgated pursuant thereto; and

(2) terms, conditions, standards, or stipulations of grant agreements and conditions.

d. Grantees shall be audited both in financial performance

and program performance by the Court of Criminal appeals.

**RULE 7. COURSE CREDIT.**

- a. Approved programs will earn the attending judge one hour of credit for each hour of instruction actually attended. Judges who serve as instructors at approved programs will receive credit for three times the presentation time.
- b. Grantees are encouraged to provide courses of instruction that are statutorily mandated for those judges required to take such courses.

**RULE 8. CERTIFICATION AND RECORDS.**

- a. Each judge who attends an approved program or performs an approved activity will certify the event on a form approved by each entity’s educational committee. This certification will be sent to the Registrar named in the form, to be entered on records maintained for that purpose. Records will be retained for three years. A report shall be provided annually to the Court of Criminal Appeals listing all judges who received certification.
- b. At the end of each grant year, the Registrar will report to the applicable education committee the name of any judge who has not accumulated the minimum hours of education for that year.

**RULE 9. WAIVERS OF COMPLIANCE.**

- a. Upon receipt of the reports required by Rule 8b, the applicable education committee will advise the named judges of the deficiency. Within 30 days of the receipt of such notice, the judge may submit a statement of the reasons that prevented compliance. Thereafter, unless the applicable committee grants a waiver for good cause shown, it will report the name of the judge to the Court of Criminal Appeals by November 1.
- b. The Court of Criminal Appeals will forward to the State Commission on Judicial Conduct names of all judges who were determined to be delinquent in continuing judicial education hours. Thereafter, neither the grantee nor the Court of Criminal Appeals will communicate with the judge as to their status except to refer them to the Commission on Judicial Conduct.

**RULE 10. EDUCATIONAL LEAVE.** All judges covered by these Rules are granted such educational leave as may be required to fulfill the requirements of these Rules.

**RULE 11. STATUTORILY MANDATED TRAIN-**

**ING.**

- a. Judicial education entities shall provide training as required by the following statutes:  
Sec. 22.012, Gov’t. Code Training related to Diversions  
Sec. 22.013, Gov’t. Code Judicial Instruction Related to Guardianship  
Sec. 22.110, Gov’t. Code Judicial Instruction Related to Family Violence, Sexual Assault & Child Abuse  
Sec. 41.110, Gov’t. Code Training Related to Family Violence
- b. Judicial Education entities shall provide training in ethics, which must include information about issues related to race fairness, ethnic sensitivity and cultural awareness.
- c. Definitions, as related to Sec. 22.110, Gov’t. Code, are as follows:

- (1) The term “judge” in this rule refers to a district judge or a judge of a statutory county court;
- (2) The term “Judicial Officer” in this rule refers to an associate judge appointed under Chapter 54 of this code, or Chapter 201 of the Family Code, or to a master, referee, or magistrate.

**RULE 12. ISSUES CONCERNING SEX OFFENDER CHARACTERISTICS.** Grantees training board certified family law attorneys and criminal, county, and district attorneys are responsible for training on issues concerning sex offender characteristics, in accordance with Senate Concurrent Resolution 16, issued May 24, 1995.

September 1, 2001

COURT OF CRIMINAL APPEALS  
RULES OF  
JUDICIAL EDUCATION  
Presiding Judge Sharon Keller  
Court Liaison  
P.O. Box 12308, Austin, Texas 78711  
512/475-2312

As Amended Effective September 1, 2001  
Published by the  
Court of Criminal Appeals  
P.O. Box 12308  
Austin, Texas 78711  
512/475-2312

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# Law Day 2002

The 2002 theme for Law Day is *Celebrate Your Freedom: Assuring Equal Justice for All*. Law Day was originally conceived of by the American Bar Association (ABA) in 1957 and in 1958 President Dwight D. Eisenhower established Law Day U.S.A. to strengthen our great heritage of liberty, justice, and equality under the law. Then, in 1961, May 1 was designated by joint resolution of Congress as the official date for celebrating Law Day. Today, May 1 remains the official date but Law Day becomes Law Week in many communities as the ABA is joined by national organizations, federal, state and local courts, state and local bar associations, businesses, and

schools in conducting thousands of programs on the rule of law in a constitutional democracy.

A vast amount of materials are available to help local courts sponsor Law Day activities. The ABA has an excellent Planning Guide that can be ordered on-line at [www.lawday.org](http://www.lawday.org) (or by calling 800/285-2221 or writing ABA, Chicago, Illinois 60610-0892). This guide not only helps with planning, but contains lesson plans, talking points, tips on presentations, exemplary programs, and materials that can be purchased (hats, balloons, posters, lapel pins, plaques, mouse pads, mugs, T-shirts, & mock trials).

Shown below is a sample timetable to get your local program organized.

## Law Day 2002 Planning Timeline

### FALL 2001

Form Law Day Committee and select chair.

Identify and contact your community resources and potential partners.

Convene committee.

Choose elements of program.

### JANUARY 2002

Continue planning and reaching out to potential partners.

If you're targeting schools, write or select lessons or materials and have them reviewed by teachers, lawyers, or other appropriate persons.

### FEBRUARY 2002

Order ABA Law Day materials by February 15 and get a 10% discount.

Make arrangements for mock trials, films, speakers, courtroom tours, pamphlets, etc.

Contact companies such as banks, insurance firms, utilities, department stores, and others about sponsoring paid ads in support of Law Day.

Recruit all volunteers.

Finalize choice of participants, date, and site.

### MARCH 2002

Order ABA Law Day materials by March 15 to get 5% discount.

Talk to newspaper editors about Law Day coverage and editorials.

Print programs for forums, speakers, courthouse sessions, etc.

Officially invite VIPs to programs.

Begin to publicize program within the schools and legal community, and recruit your audience.

### APRIL 2002

Order ABA Law Day materials by April 11 to guarantee delivery by Law Day.

Confirm all details of program.

Distribute materials to schools, lawyers, and other participants.

### MAY 2002

On or around May 1, celebrate Law Day!

Take lots of photos or have a professional photographer on hand.

Send thank you letters to program participants and media.

### JUNE 11, 2002

Deadline for entering ABA Law Day competitions. Go to [www.lawday.org](http://www.lawday.org) for guidelines and entry forms.

### FALL 2002

Law Day Award winner announced.

Begin to plan for Law Day 2003.

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Excerpt from ABA Law Day 2002 Planning Guide. Order on-line at [www.lawday.org](http://www.lawday.org).



## FROM THE CENTER

### TMCEC New Website

TMCEC has redesigned its website to be more accessible. Please check it out at [www.tmcec.com](http://www.tmcec.com). Users will find information organized by constituent group (judges, clerks, et al) and service provided (seminars, publications). It also contains a list of recommended links, a TMCEC staff contact page, a newsletter index, and a news section.

The TMCEC website includes a new feature page that will change each quarter. This quarter the focus is on Juvenile Law in Municipal Court & Family Violence. On this web page, a viewer will be able to access video or audio presentations by Clay Abbott and Ryan Turner on issues relevant to municipal courts on these special topics. Access to checklists and forms from the updated TMCEC *Bench Book* and *Forms Book* are available. A list with links to websites of other agencies and non-profits is provided. A set of readings or course materials on each topic is on the site. These pages may be access under the "What's New Column" on the left.

The website was redesigned by Jo Dale Pavia, Rey Guzman, Hope Lochridge, and Nigel Gusdorf (former TMCEC Program Attorney who continues to serve as the TMCEC webmaster). Any comments on or suggestions for the website are welcome – just call or write the Center.

### 9th Annual Prosecutor Program Scheduled

TMCEC will offer its annual CLE 12-hour program for experienced city prosecutors on February 14-15, 2002 at the Houston Sheraton Brookhollow Hotel (2000 North Loop West). The registration fee is \$250 for city prosecutor and \$300 for others. Topics included are *Recent Case Law & A.G. Opinions, Seatbelts & Child Restraints Systems, Persuasion, Victims Impact Panel & Services Training, Nuisance Abatement Workshop, Enhancements, Alcohol Prosecutions* and *Proving*

*Consumptions & Possession*. A CLE program for new city prosecutors will be offered June 3-4, 2002 at the new Austin Airport Hilton. For more information, contact TMCEC (800/252-3718).

### Court Administrator Seminar

TMCEC will offer the first of two 12-hour court administrator programs on February 14-15, 2002 at the Houston Sheraton Brookhollow Hotel (2000 North Loop West). The course focuses on developing the court administrator as a manager and supervisor to help improve the efficiency and fair administration of Texas municipal courts. The program is not limited to clerks and court administrators who are supervisors, but is open to all court support staff that is seeking Level III certification. The next court administrator program will be offered June 3-4, 2002 at the Austin Airport Hilton.

Check out the TMCEC improved website!

[www.tmcec.com](http://www.tmcec.com)



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# TMCEC 2001-2002 Schedule

## JUDGES

March 4-5, 2002  
Dallas  
Doubletree Hotel Lincoln Centre  
5410 LBJ Freeway  
75240  
972/934-8400  
Registration Deadline: 2/7

April 3-4, 2002  
Amarillo  
Ambassador Hotel  
3100 I-40 West  
79102  
806/358-6161  
Registration Deadline: 3/4

April 29-30, 2002  
(Attorney Judges Only)  
SPI  
Radisson Hotel  
500 Padre Boulevard  
78597  
956/761-6511  
Registration Deadline: 3/27

May 1-2, 2002  
(Non-Attorney Judges Only)  
SPI  
Radisson Hotel  
500 Padre Boulevard  
78597  
956/761-6511  
Registration Deadline: 3/27

July 2-3, 2002  
El Paso  
Hilton Camino Real  
101 South El Paso St.  
79901  
915/534-3007  
Registration Deadline: 6/5

## SPECIAL TOPICS FOR JUDGES

March 20-23, 2002  
Corpus Christi  
*Traffic Court Technology*  
Omni Marina Tower  
900 North Shoreline Drive  
78401  
361/887-1600  
Registration Deadline: 2/20

July 15-17, 2002  
San Antonio  
*Joint Ethics Conference*  
Hotel to be determined  
Registration Deadline: 6/17

## JUDGES & CLERKS FROM LOW VOLUME COURTS

May 20-21, 2002  
Denton  
Radisson  
2211 I-35 E. North  
76205  
940/565-8499  
Registration Deadline: 5/1

June 24-25, 2002  
Conroe  
Del Lago Conference Center & Resort  
600 Del Lago Boulevard  
77356  
936/582-6100  
Registration Deadline: 5/23

## NEW NON-ATTORNEY JUDGES AND CLERKS

July 21-25, 2002  
Austin  
Lakeway Inn  
101 Lakeway Drive  
78734  
512/261-6600  
Registration Deadline: 6/24

## CLERKS

March 4-5, 2002  
Dallas  
Doubletree Hotel Lincoln Centre  
5410 LBJ Freeway  
75240  
972/934-8400  
Registration Deadline: 2/7

April 3-4, 2002  
Amarillo  
Ambassador Hotel  
3100 I-40 West  
79102  
806/358-6161  
Registration Deadline: 3/4

April 25-26, 2002  
SPI  
Radisson Hotel  
500 Padre Boulevard  
78597  
956/761-6511  
Registration Deadline: 3/27

July 2-3, 2002  
El Paso  
Hilton Camino Real  
101 South El Paso St.  
79901  
915/534-3007  
Registration Deadline: 6/5

## PROSECUTORS

February 14-15, 2002  
Houston  
Sheraton Brookhollow  
3000 North Loop West  
77092  
713/688-0100  
Registration Deadline: 1/21

June 3-4, 2002  
Austin  
Hilton Airport  
9515 New Airport Drive  
78719  
512/385-6767  
Registration Deadline: 5/6

## COURT ADMINISTRATORS

February 14-15, 2002  
Houston  
Sheraton Brookhollow  
3000 North Loop West  
77092  
713/688-0100  
Registration Deadline: 1/21

June 3-4, 2002  
Austin  
Hilton Airport  
9515 New Airport Drive  
78719  
512/385-6767  
Registration Deadline: 5/6

## WARRANT OFFICERS & BAILIFFS

May 13-14, 2002  
San Angelo  
Holiday Inn  
441 Rio Concho Drive  
76903  
915/658-2828  
Registration Deadline: 4/15

## ORIENTATION FOR NEW NON-ATTORNEY JUDGES & CLERKS

March 27, 2002

**TEXAS MUNICIPAL COURTS EDUCATION CENTER  
2001-2002 REGISTRATION FORM**

Program Attending: \_\_\_\_\_ Program Dates: \_\_\_\_\_  
[city] [date]

- Judge  Clerk  Court Administrator  Bailiff/Warrant Officer  Prosecutor

TMCEC computer data is updated from the information you provide. Please print legibly and fill out form completely.

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_

Date Appointed/Elected/Hired: \_\_\_\_\_ Years Experience: \_\_\_\_\_ Male/Female: \_\_\_\_\_

**HOUSING INFORMATION**

TMCEC will make all hotel reservations from the information you provide on this form. TMCEC will pay for a single occupancy room at all seminars: four nights at the 32-hour seminars, three nights at the 24-hour seminars/assessment clinics and two nights at the 12-hour and seminars. To share with another seminar participant, you must indicate that person's name on this form.

- I need a private, single-occupancy room.  
 I need a room shared with a seminar participant. [Please indicate roommate by entering seminar participant's name:  
\_\_\_\_\_ (Room will have 2 double beds.)]  
 I need a private double-occupancy room, but I'll be sharing with a guest. [I will pay additional cost, if any, per night]  
I will require:  1 king bed  2 double beds  
 I do not need a room at the seminar.

Arrival date: \_\_\_\_\_  Smoker  Non-Smoker Mode of Transportation: \_\_\_\_\_

**COURT MAILING ADDRESS**

It is TMCEC's policy to mail all correspondence directly to the court address.

Street: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Office Telephone #: \_\_\_\_\_ Court #: \_\_\_\_\_ FAX: \_\_\_\_\_

Primary City Served: \_\_\_\_\_ Other Cities Served: \_\_\_\_\_

- Attorney  Non-Attorney  Full Time  Part Time

- Status:  Presiding Judge  Associate/Alternate Judge  Justice of the Peace  Mayor  Bailiff  
 Court Clerk  Deputy Clerk  Court Administrator  Warrant Officer  
 Prosecutor (A registration fee of \$250/\$100 must accompany registration form.)  
 Other: \_\_\_\_\_

I certify that I am currently serving as a municipal court judge, city prosecutor or court support personnel in the State of Texas. I agree that I will be responsible for any costs incurred if I do not cancel ten (10) working days prior to the seminar. If I have requested a room, I certify that I live at least 30 miles from or must travel at least 30 minutes to the seminar site. Payment is required ONLY for the prosecutors' program, joint ethics conference, and assessment clinics; payment is due with registration form.

Participant Signature \_\_\_\_\_

Date \_\_\_\_\_

TMCEC • 1609 Shoal Creek Boulevard, Suite 302 • Austin, TX 78701 • FAX 512/435-6118



**TECH  
CORNER**

**Jo Dale Pavia  
TMCEC Program Coordinator**

## Launching Your Court onto the Web

As municipal courts begin the second year of the new millennium, one must stop to ponder, technologically speaking, if we are as advanced as we thought we'd be 30, 20, even ten years ago. One technology that the world does not seem to function without in 2002 is the Internet, and many courts with websites, are wondering how they ever functioned without one. Many municipal courts are taking the New Year as a new challenge to create, launch, and maintain a municipal court website.

### How can a website benefit a municipal court?

One of the greatest benefits of a court website is that it is available 24 hours a day, seven days a week, 365 days a year. Courts typically are eight to five entities, cutting out those who may not function in the eight to five world. With a court website, citizens are free to obtain information and interact with the municipal court outside the constraints of the traditional workday. But the benefits do not stop there.

The true beauty of a website is that it can be anything that one wants it to be. According to what information one wants to include, a website can provide the community with information on location, rules of the court, juror duties, and fines/fees. A website can be a recruitment tool, posting job vacancies and applications. Frequently asked question (FAQ) calls, you know the telephone calls you get all day, "How late can I come in to pay a fine?" decrease when that information is easy to locate on a FAQ web page. Contact information, simple forms that can be printed from a home computer, public service links, and even news from the court, such as that court clerk who completed the Clerk Certification Program, can be included.

### What makes up a website?

A website is a series of documents and files that are stored on a computer, or a web server. Websites can contain text, pictures, drawings, maps, sounds, videos, photos, e-mail links, interactive forms, and downloadable files. In order to be viewed, the web pages are given an address, called a

uniform resource locator (URL), which is used to locate the site. A domain name, an all-encompassing address, such as [www.tmcec.com](http://www.tmcec.com), is obtained through contacting a company who sells domain names. One of the largest companies is Network Solutions, [www.networksolutions.com](http://www.networksolutions.com). In choosing a domain name, or web address, a court should choose an address that the public can easily find. The Office of Court Administration recommends following the national standard of [www.ci.cityname.tx.us/court](http://www.ci.cityname.tx.us/court) or court name. Once assigned an address, web pages are viewed through a web browser, such as Microsoft Explorer or Netscape.

### How does one determine information to include?

As previously mentioned, a website is limited in possibility only by its creator and creating a website can be overwhelming. The potential is so great, that it is necessary to set limitations, goals, and guidelines. Determine early in the process what function the website will serve. Is the intent to only provide basic information such as court hours, address, and telephone numbers? Or does the court want to provide the community with forms for printing? Also, define the website's audience. Who is the website being created for? Does the court want to provide information and resources to attorneys who practice in the court, to potential jurors, or to the general public?

There are no finite rules to define what a good website contains. Instead, it is necessary that one look at the community's needs, the size of the court, the amount of telephone calls received and what information, forms, or brochures are regularly requested. But, there are a few items that should not be left out, including contact information, hours of operation, and a frequently asked questions page. Municipal courts should also be mindful of privacy and ethical issues when posting information for the world to access.

### Design! Design! Design!

At some point, the court must come to a decision: create the website in-house, or enlist the assistance of a professional. Whichever the court chooses, it is necessary for the court to decide the basic design. When thinking about design, it is necessary to look at color, movement, consistency, and overall style. The best place to get ideas is by

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visiting other websites, both government and private. When visiting a site, make a notation of what is good about the site and what about the site makes it user-friendly. Also make notations about what is not effective or attractive about a website.

From the ideas gathered, a sketch of the layout can be created, including the locations of buttons and links. The basic color scheme is also important prior to the website actually being created. The color scheme is important because a website often has multiple colors. Many websites use colors all from the same palette, such as a scheme of fall colors would include oranges, reds, browns, and deep yellows. These colors can be changed during post-production, but as with anything, it is better to do it right the first time.

If the assistance of a professional is the path the court chooses, the court can do many things to speed the process along. All text should be written and saved in a digital format, avoiding the delay of someone retyping the information later. The court should assemble all information to be placed on the website in one file or folder. All files such as pictures and documents should be clearly labeled electronically, as well as on the court's basic sketches.

If a court decides to keep the project in-house, then authoring software will need to be purchased. The days of raw HTML are over and fortunately web-building software have become very user-friendly. Microsoft's Front Page, Macromedia Flash and Dreamweaver, Adobe Web Collection, Yahoo's Page Builder, and Web Page 5.0 are just a few of the commercial web page authoring software that are readily available and easy to learn.

### Proofing pages

Once the actual pages are created, the hard work begins. Pages must be proofed for obvious errors, *i.e.*, grammatical, layout, and broken links. Also look at the pages on all types of browsers. Explorer and Netscape are both widely used as browsers and often display information differently. For instance, text may drop down or overlap, graphics may not work at all or they might appear a different size than what you are wanting. You may also want to look at both PC and Mac computers. Lastly, if you are using lots of pictures or data, you may want to look at you page at different connection speeds, dial-up, cable, and DSL.

### Where to go from here

How often to maintain the site? If a third party created and is hosting the site, they usually offer maintenance plans, where for a monthly payment they will update it as

needed. Most visitors will not revisit the website if new information is not added and updated. It may be helpful if in the planning stages you develop a plan that sets goals for six months to a year. Outline what you think will need updating. If you are using e-mail for feedback, ask your viewers for comments and suggestions. Often their information is invaluable. Correct and up-to-date information will build trust in your site.

### Lastly....

Launching a website is not an easy task and should not be viewed as a simple project. A website should be a positive, ethical representation of a court and therefore should appear well thought out with great attention to detail. Just a few more tidbits of advice: advertise your site on all fliers, brochures, mail outs, handouts, everywhere; make the website easy to use; and lastly once the site is up and running, track the site usage. Most tracking software will allow you to see what pages are seen the most and how often they are looked at. Make tracking the site usage an integral part of updating the website. Now, go and launch a website!

### Resources:

Lawrie, Chief Magistrate Charles T. "The 10 Commandments of Court Web Design", 7<sup>th</sup> Annual Court Technology Conference

Robinson, Tracy. "Establishing a Web Presence", *Court Technology Bulletin*, vol. 13, no. 4

Spranza, Francis. "Building a Website", *Law Enforcement Technology*, October 2001

### Resources For Your Court continued from page 15

remittance due dates, amounts to be remitted to the state, and state revenue amounts for the last five years. It also contains chapters on local court costs and fees, what to charge, special topics, (jail time credit, bond forfeitures and indigents), administration (allocation & prorating, accounting, reporting & remitting, and audits), and recent changes to the law. It is available online at [www.courts.state.tx.us/publicinfo/handbooks.htm](http://www.courts.state.tx.us/publicinfo/handbooks.htm). The handbooks provided on this site are in pdf format. Adobe Acrobat Reader is required to view these files. If you do not have Acrobat Reader you can download it from this site. If a court wishes to purchase a copy, the cost is \$9.50. Orders must be prepaid and checks must be made payable to the Office of Court Administration (P. O. Box 12066, Austin, Texas 78711-2066) 512/463-1625.

# Justice Management Institute Technology Course Offered

JMI & the Trial Court Leadership Center of the Superior Court of Arizona in Maricopa County present:

*Developing Technology Solutions: Business Implications of Implementing Technology Changes*

February 4 - 6, 2002, Phoenix, Arizona

## Topics & Format

Courts have been developing and implementing technology systems for years—some more successfully than others. Courts have learned a lot about how to plan these efforts from a technology perspective. This workshop will touch on important business and technology issues that will be confronted by courts in the next five years. It will outline what we have learned to do right, and what we have done wrong during implementations of case management, electronic filing, electronic courtrooms, and intergovernmental transfer and sharing of information based on the experiences of faculty members with state and local court systems. Participants will leave this workshop with a roadmap of the potholes in implementing technology systems.

Although technology implementations have become routine, we still need to improve how we deal with change management, and more importantly, how to deal with the inevitable business changes that result from the implementation of new technologies. This workshop will focus on planning for the business, political, and cultural changes that will result from new systems and must be dealt with or the technologies themselves will fail.

## Who Should Attend

The workshop is designed for IT professionals, judges, clerks of court, state and local administrators, and policy makers.

## Fees

Fee for the workshop is \$625 including conference materials, continental breakfasts, and afternoon breaks. The enclosed registration form should be mailed or faxed to: *The Justice Management Institute*, 1900 Grant Street, Suite 630, Denver, CO 80203, FAX: 303/831-4564.

## Location

The workshop will be held at the Trial Court Leadership Center, located in the Law Library of the Maricopa County Superior Court at 101 W. Jefferson, Phoenix,

Arizona. Hotel arrangements should be made directly with the Hyatt Regency Phoenix at Civic Plaza. The hotel is 10 minutes from the Sky Harbor International Airport; and a 5 minute walk from the site of the program. Average temperature in Phoenix in February is 70°.

## Reservations & Room Rates

Room rates are \$ 107.00 per night, plus tax. All reservations for the hotel will be made on an individual basis by calling 602/252-1234 or by faxing the hotel at 602/254-9472. The group rate will be available 2 days prior and 2 days after the workshop. When making your reservations, please mention "The Justice Management Institute" to receive the discounted rate.

## Additional Information

For additional information about this program, including the agenda and biographic information about the presenters, contact Douglas Somerlot at The Justice Management Institute at [dsomerlot@jmijustice.org](mailto:dsomerlot@jmijustice.org) or by calling 303/831-7564.

# Traffic Court Technology

In cooperation with the American Bar Association, TMCEC is pleased to offer a program that carefully examines the current and future state of traffic law and enforcement. With faculty assembled from across the country, topics tentatively scheduled for address include:

- *Present and Future Technology*
- *Science of Speed Measurement*
- *Ethics: Judicial Outreach*
- *Racial Profiling*
- *Pre-textual Stops*
- *Child Safety & Restraint Laws*
- *Case Law Update & Notable Attorney General Opinions*
- *Mock Trial*
- *Courts of Tomorrow*

**Costs:** The TMCA Board of Directors has approved payment of the ABA registration fee (approximately \$275) for the first 100 municipal court judges who register for this program. The grant will also pay \$80 of the \$99 room rate each night. Participating municipal judges or their cities will be responsible for the \$19 difference (plus tax) each night.



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**Note:** To attend this conference, a judge must have attended either a TMCEC 32-hour or 12-hour school during the last academic year (FY 2000-2001). Enrollment will be on a first-come, first-served basis and is limited to the first 100 qualified judges. After the enrollment deadline, this program will be subject to open enrollment for prosecutors, peace officers, and other members of the Judiciary. The TMCEC grant will only pay housing and registration for municipal court judges, **not** for prosecutors or others.

**Site and Dates:**

March 20-23, 2002  
Omni Corpus Christi Hotel (Marina Tower)  
900 North Shoreline Drive  
Zip Code: 78401  
361/887-1600

**Register By: February 20, 2002**

This seminar **does** fulfill the mandatory judicial education for municipal court judges.



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TEXAS MUNICIPAL COURTS  
EDUCATION CENTER  
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AUSTIN, TX 78701  
[www.tmcec.com](http://www.tmcec.com)

**TMCEC MISSION  
STATEMENT**

To provide high quality judicial education, technical assistance, and the necessary resource material to assist municipal court judges, court support personnel, and prosecutors in obtaining and maintaining professional competence.

**Change Service Requested**