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RETHINKING TRAFFIC SAFETY THROUGH VISION ZERO

Ned Minevitz, TMCEC Program Attorney and Grant Administrator

It is no secret that road travel in the United States, and Texas in particular, is dangerous. In 2016, a staggering 37,461 people perished on U.S. roads.¹ This would be roughly the same as a commercial airliner with 100 people on board crashing and killing every soul on board *every day* for a year. Turning to Texas, 3,773 people died on its roads in 2016.² More than half (51.47%) of these Texas deaths occurred in rural areas.³ In terms of total vehicle miles travelled, Texas ranks tied for 12th among all states for the most fatalities.⁴ Despite the numerous different industries seeking to prevent these avoidable tragedies, the number of deaths remains overwhelming. One explanation for this is that it is simply too difficult to change enough individual’s driving behaviors to achieve a truly significant decrease in traffic deaths. Thus, it may be time to rethink how we approach traffic safety by placing more focus on systemic changes. Enter *Vision Zero*.



At its most fundamental level, Vision Zero is a “strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all.”⁵ It seeks to quash the notion that traffic deaths are an “inevitable side [effect] of modern life.”⁶ Vision Zero, as it originated in Sweden in 1997, deviates from the “traditional approach” to traffic safety in at least four distinct ways:⁷

- (1) **Traffic deaths are preventable, not inevitable.** This reflects the mindset change that Vision Zero calls for. If a commercial plane with 100 passengers were to crash every day in the United States, there would be an unprecedented outcry. Why does such an outcry not exist when an equivalent number of people die

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AROUND THE STATE

Establishment of Judicial Security Division at OCA

S.B.42 mandated the establishment of a Judicial Security Division within the Office of Court Administration (OCA). OCA has hired Hector Gomez as its first Security Director. Mr. Gomez comes to OCA with over 30 years of experience with the U.S. Marshals Service. In his new position he is available to assist judges, law enforcement officials, and county officials in the development, coordination, and implementation of security policies and continuity of operations plans. Mr. Gomez can be reached at hector.gomez@txcourts.gov, or 512.463.1679. Resources and additional information regarding OCA's Security Division are available at <http://www.txcourts.gov/programs-services/court-security/>.

Privacy Protections for Judges

One of S.B.42's key features is the protection it affords to judges and their spouses relating to public access to their personal information. The law places restrictions on public access to the residence address of a judge or judge's spouse that may be maintained in records of the Texas Ethics Commission, a county registrar, and a county appraisal district. The law also allows a judge and judge's spouse to replace their home address on their driver's license with the address of the courthouse in which the judge serves. The protections apply to municipal judges, as well as other levels of the judiciary.

The new law requires that OCA inform certain entities of a judge's qualification for office. These entities in turn must do the following:

- Texas Ethics Commission – Remove or redact from any financial statement that is available to the public the residence address of a judge, or the spouse of a judge.
- County Registrars – Omit from the registration list the residence address of a judge and a judge's spouse.
- Appraisal Districts – Restrict access in appraisal records to the residence address of a judge and a judge's spouse.
- Department of Public Safety – Omit the residence address of a judge and a judge's spouse on the license holder's license and to include, in lieu of that address, the address of the courthouse in which the judge serves.

OCA sent out an email on January 12, 2018 to all judges, notifying them of these and other changes by S.B.42. This letter contained access to an on-line questionnaire in which essential information is provided to OCA to help provide judges these protections. If you did not receive the letter, please contact OCA for a copy of the email and access to the questionnaire: hector.gomez@txcourts.gov. You are not required to respond to the questionnaire; however, if you do not, the privacy protections available to you under the law may be limited or delayed in their application.

The bill also:

- Requires that a courthouse security committee be established by the presiding

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HOMELESS COURTS: ACCESS TO JUSTICE FOR INDIGENT DEFENDANTS

Ben Gibbs, Attorney-at-Law, McKamie Krueger, LLP., Dallas

The question of how to administer justice fairly while still allowing indigent defendants to satisfy judgments in municipal courts has been prevalent in the news. This journal has covered the issue at some length.¹ The question has arisen repeatedly in the form of proposed legislation and litigation. Several potential answers have been proposed and discussed. Answers are especially hard to come by for defendants challenged with homelessness, as they struggle with indigence and so much more. The City of Houston has implemented a solution, the Houston Homeless Court, which merits examination. The Houston Homeless Court is modeled on a national program that began in San Diego, California in 1989.

I. History

In 1989, the City of San Diego ran a program called “Stand Down” to provide services for homeless Vietnam veterans.² San Diego Public Defender and Stand Down volunteer, Steve Binder, saw from exit interviews with veterans who used the services that, more than any other service, they requested assistance dealing with their outstanding criminal offenses. Program directors contacted San Diego Superior Court Judge E. Mac Amos, Jr.³

The Superior Court of San Diego began holding dockets at the handball court at Stand Down events. Clerks and a superior court prosecutor volunteered their time to help veterans who were in social services programs take care of outstanding warrants and misdemeanor offenses.

From this, a national Homeless Court program began. Homeless courts now operate in 32 cities in 10 states.⁴

II. Operation

The San Diego Homeless Court model is a cooperative arrangement between local homeless service providers and a court. Homeless persons who are receiving services with the service providers in a community may request entry into the program. The Houston Homeless Court follows this model, and has Homeless Court dockets scheduled three Wednesdays a month.⁵ The program is conducted in cooperation with the Houston Coalition for the Homeless.⁶

To participate in the Houston Homeless Court program, a candidate must:

- be a homeless person;
- be living at or participating at an agency that serves the homeless population;
- have unresolved Class C misdemeanor offense(s) filed with the City of Houston Municipal Courts; and
- be willing to stay in contact with agency staff and work with the court until their case(s) is resolved.⁷

The program is voluntary. After a participant connects with a participating agency, his/her case manager will contact the court’s liaison with the Houston Coalition for the Homeless. The liaison will contact the court to get the cases put on the Homeless Docket.

The Houston Municipal Court does not execute warrants on *any* citizens who are in the courthouse attempting to resolve their cases and this includes persons scheduled on the Homeless Court docket. Participants can come to court without fear of being arrested.

At the docket, defendants still have the full range of legally available options. However, if defendants plead “no contest” or “guilty” to their case(s), the court will consider all hours of agency/program participation as

community service hours and credit them to the fine(s). The participants can leave the courtroom with their cases resolved and their warrants cleared. Many can proceed to obtain or renew their driver's license or state identification cards, which is a major piece necessary for employment and housing.

III. Benefits and Challenges

A. Benefits

Although it cannot be linked to any one factor, the total number of homeless persons in Houston, according to Houston Coalition for the Homeless Point-In-Time surveys,⁸ has fallen from 8,538 in 2011 to 3,412 in 2017.⁹ These surveys show that the number of unsheltered homeless persons has fallen from 4,170 in 2011 to 1,078 in 2017.¹⁰

In response to this positive trend, Judge Elaine Marshall, the Director and Presiding Judge of the City of Houston Municipal Courts, stated "In Houston, we have a Mayor who is concerned about our homeless population, and at our municipal courts we have a fantastic team of judges and prosecutors who are sensitive to the needs of the homeless. There is a willingness to assist, and everyone who enters our doors and courts are treated with respect and dignity. Our goal is to work with the Houston Coalition to help eliminate our homeless population. If we can get them into a program and shelter, provide counseling and assist with their warrants and outstanding cases, we are easing some of their burdens and helping them move forward."

Homeless persons are often uncomfortable appearing in court, because they fear being immediately arrested, held in contempt, and/or ordered to pay money they do not have.¹¹ Having a docket that is specialized for homeless persons will remove many of these bars to justice. The court gives amnesty for warrants and considers community service work done in social services organizations.

How do we enforce a judgment when the defendant is homeless? From a point of view entirely divorced from social conscience, mass arrest and enforcement would be the only possible enforcement option. However, the economic cost would be prohibitive, and the social cost would be incalculable. The American penal system is not prepared to house America's homeless population, or to provide mental health services to the estimated 26 percent of adults staying in shelters suffering from serious mental illness, or the 46 percent living with severe mental illness and/or substance abuse.¹² An alternative case resolution system involving reintegration programs and community service that does not impose the cost of incarceration, serves the interest of justice, would still be an improvement, even ignoring the social benefits.

B. Challenges

In smaller communities especially, the resources necessary to form the cooperative agreements that are the backbone of the Homeless Court model may not be available. Without a well-established community support structure, the Homeless Court model cannot function.

Jurisdictional boundaries create challenges. The Houston Homeless Court can only address Class C misdemeanors filed with the Houston Municipal Courts.¹³ Homeless persons may have citations filed in local justice courts, and individuals with substance abuse problems may have cases filed in higher courts.

There is no express statutory authorization for the court to turn over case management (approval or disapproval) for a community service program to a private 501(c)(3) company. However, it is arguably consistent with the community service requirements of Article 45.049(c) of the Code of Criminal Procedure. A municipal judge may require a defendant who fails to pay a fine, or who is determined by the court to have insufficient resources to pay, to complete community service to discharge fines and costs.¹⁴ The Homeless Court program relies upon homeless persons completing reintegration and job services programs. While Article 45.049(c) does not

expressly allow participation in re-housing or homelessness services programs, by name, it allows credit hours for community service for a variety of institutions, and has the “similar activity” umbrella.

IV. Resources

The American Bar Association has published several manuals on the subject.¹⁵ The ABA’s materials are accessible on their website: https://www.americanbar.org/groups/public_services/homelessness_poverty/initiatives/homeless_courts.html.

The San Diego Homeless Court program maintains an active web presence [<http://www.homelesscourtprogram.com>] as well, and has additional resources, useful for courts considering such a program.¹⁶

The issues that cause and perpetuate homelessness cannot be addressed overnight, or even by a single remedy. However, municipal courts are uniquely poised to consider how best to fairly administer justice to all persons, regardless of socioeconomic status.

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2. “And Justice for All, Taking the Court to the Streets,” <http://www.homelesscourtprogram.com/2014/10/01/and-justice-for-all/>.
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7. Houston Homeless Court Referral Packet, <http://www.homelesshouston.org/wp-content/uploads/2016/10/Referral-Packet-HC-lud10112016.pdf>.
8. Houston Coalition for the Homeless conducts Point-in-Time surveys over a period of days in Houston. This process involves counting individuals in emergency shelters, transitional housing units, and safe havens, as well as unsheltered individuals. “Houston/Harris County/Fort Bend County/Montgomery County 2017 Point-in-Time Count Report,” Houston Coalition for the Homeless and The Way Home, <http://www.homelesshouston.org/wp-content/uploads/2017/06/2017-Executive-Summary-Final-revised-after-HUD-review.pdf>.
9. “Final 2017 PIT Fact Sheet,” Houston Coalition for the Homeless, <http://www.homelesshouston.org/wp-content/uploads/2017/05/Final-2017-PIT-Fact-Sheet-Digital.pdf>.
10. *Id.*
11. “And Justice For All,” *supra* at n. 4.
12. “Mental Health by the Numbers,” NAMI: National Alliance on Mental Illness, <https://www.nami.org/Learn-More/Mental-Health-By-the-Numbers>.
13. “Homeless Court Flier,” Houston Homeless Coalition, http://www.homelesshouston.org/wp-content/themes/Boldpress/images/HC_MCJ_Flyer2011.pdf.
14. Art. 45.049 of the Code of Criminal Procedure.
15. *q.v.* “Publications,” “Homeless Courts,” *supra* at n. 6; *e.g.*, “San Diego Service Provider Toolkit.”
16. “San Diego Homeless Court Program,” <http://www.homelesscourtprogram.com/>.

Ben Gibbs is a graduate of Baylor Law School and a 2015 Texas Municipal Courts Fellow.

WALK-IN DOCKETS

While many Texas municipal courts may lack the resources or volume to set up a Homeless Court, a walk-in docket is a convenient way to provide increased access for indigent or homeless defendants who may have a difficult time getting to court for a scheduled docket because they rely on public transportation to get to court or failed to get notice. These dockets are also helpful for those who have small children, work irregular work shifts, or care for an elder family member – situations that make it challenging to make a scheduled court appearance. TMCEC is working on a Best Practices Guide on Walk-In Dockets. Please email tmcec@tmcec.com if your court offers one. We are going to interview and survey courts for recommended policies and procedures. To date, we have learned that the courts listed below offer walk-in dockets – this appears to be a solution for courts of all sizes.

Alice
Amarillo
Austin
Brenham
Corsicana
Daingerfield
Desoto
Friendswood
Houston
Idalou
Lakeway
Lockhart
Luling
Midland
Nacogdoches
Richardson
San Antonio
Sequin
Sherman
Victoria
White Settlement
Woodville
Woodway

Watch the TMCEC website and future issues of *The Recorder* for an article on how to set up a walk-in docket.

DIFFERENT PERSPECTIVES

MINDFULNESS IN MY COURTROOM

Ed Spillane, Presiding Judge, College Station Municipal Court

“Take a breath and listen!” a defendant yelled at me a few months ago as I was going through the obligatory warnings I give to defendants in court before taking their pleas.

I told her quietly that I would listen to her once I finished explaining the complaint filed against her. Her request now haunts me more than ever as I have been trying to be mindful and meditate each day since the beginning of November.

Do we, in our jobs and in our personal time, really take a breath and listen? Do we listen without judgment? I know we all need to—and once we try, the results can be life changing.

I am a Municipal Judge in College Station, Texas. I see almost everyone in our community at some point. I don’t think I’ve ever thought of mindfulness being a part of the courtroom before now. We see so many individuals of all ages and types. After a while, I often catch myself asking the same questions, giving the same warnings, and saying the same answers. I try to listen, but in the whole swim of so many people and so many years, it is so easy to not pay attention.

I now realize that each moment, including everything I hear and see, is unique and important in its own way.

This week my yoga teacher, Erika Ervin, offered me a new meditation: take a thought, focus on it, and then let it float away. Take a second thought, focus, and let that float away. The meditation was difficult, and I have not stopped thinking about it.

Court is really like that meditation. Different individuals appear before me. They have unique requests, backgrounds, and stories. I have the law, which I must follow, but as a judge, I also have

discretion. I can hear what they have to say and try to provide a solution that brings justice and resolution to their cases.

Last Friday, I tried to apply this mindfulness practice to my work in court. A defendant told me that he had been paying the fines on his cases when he could. Trouble and challenges had shadowed him: a lost job, two young children he desperately wanted to support, his wife was in and out of drug rehabilitation, and his father had a terminal illness.

As I listened to his story, I focused in the present on everything he told me. I ignored any other narrative I had heard before or expected to hear later. I could see this man was putting before me not only his humanity but also his quest to resolve his case and be a good citizen. I waived his fines and fees owed because he had done everything he could to complete his punishment and any more punishment would be an undue burden on him. When he left the courtroom, I knew I had been truly “mindful” of his case. This idea of mindfulness not only applies to my courtroom but can be something we all can use every day. So many things hit us in the moment: beauty, importance, and wonder. But our minds are so focused on the future and past that we are often blind to the present and what is actually happening in our lives.

The present moment offers us items of value through which we can affect change and offer solutions.

I always make a point not to be staring at a computer screen when I talk to defendants. We all could benefit from dropping the screens and experiencing the moment directly.

Whenever I had practiced meditation or yoga before, I started to notice what was happening internally. Everything I worked on was really in my head from

beginning to end. Now, I have been working on being mindful of everything around me in the present moment.

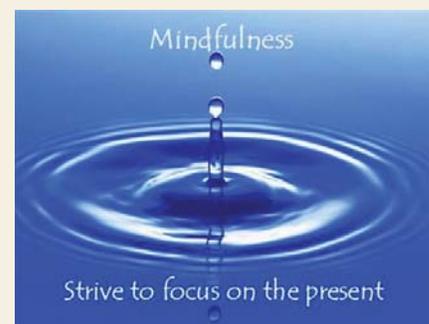
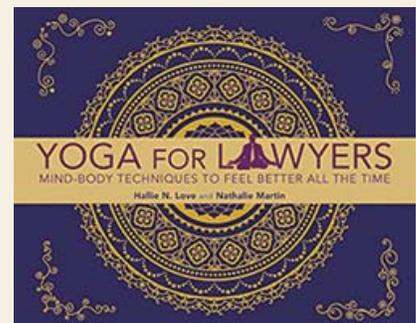
A yoga teacher, Lorelei Hubbard, tells me at every class: “Take your thoughts and burdens of the day, acknowledge them, and then let them go during your practice.” How exciting it would be for us to employ this mental discipline in our daily lives!

Every single day I see individuals who share with me their thoughts, burdens, concerns, questions,

and experiences. These individuals will all leave my world in a short period of time. Unlike the thoughts in my head, it is not hard to imagine the defendants’ exact arrival and departure. I want to work with them so they never end up in my court or any other court again. My goal is to become more mindful of each defendant. With the same dedication, which meditation or yoga practice demands, I know I will be a better judge over time by being more mindful and applying this practice to all aspects of my life. Embracing the present in all of our experiences will transform the world into a better place.

More Information: Meditation and Yoga

- The Federal Judicial Center (FJC) offers a downloadable paper, *Mindfulness and Judging*, by Jeremy D. Fogel. This is a primer on mindfulness and its uses in judging. Mindfulness involves slowing down one’s mental processes enough to allow one to notice as much as possible about a given moment or situation, and then to act thoughtfully based on what one has noticed. Much of the discussion of mindfulness in relation to judges so far has focused on health and wellness, but mindfulness also has obvious implications for the actual work that judges do. A collection of useful resources about mindfulness can be found on the FJC website at <https://www.fjc.gov/content/321600/mindfulness-and-judging>.
- The National Judicial College offers a free webcast entitled *Mindfulness: Improving Judicial Focus and Retention*. To access the NJC webinar, judges will need an NJC Online Registration account which will add them to NJC On-Demand, providing them with access to more than 100 judicial education opportunities. Establishing the NJC Online Registration account is relatively quick and simple. Follow this link, <https://register.judges.org/default.aspx?r=c>, and then select “click here to create an account”. As soon as NJC Registrar’s approves their account, Danielle Harris will add the participant to add Judges to NJC On-Demand. Problems? Email danielleharris@judges.org.
- The National Judicial College also offers a four-day course, *Mindfulness for Judges*, October 29-November 1, 2018 in Santa Fe, Mexico. Go to <http://www.judges.org/courses/> for more information and to register online.
- The American Bar Association offers a book entitled *Yoga for Lawyers: Mind-Body Techniques to Feel Better All the Time*, written by Hallie N. Loved and Nathalie Martin, 2014. To order, go to <https://shop.americanbar.org/ebus/store.aspx?term=Yoga> or call 800.285.2221. Cost: @\$29.95 plus s/h.
- Time magazine has published a new Special Edition called *Mindfulness: The New Science of Health and Happiness*. Cost: \$13.99 and available from Time Books. It is an excellent introduction to the topic and very approachable. The short articles could be easily adapted for staff meetings in local courts. This issue was on newsstands last Fall. New and used copies are available on Amazon.com.
- *HeadSpace* is a smart phone App. It has been downloaded millions of times and is free for the first 10 days in the App Store. To make meditation accessible to everyone, it offers guided meditations — audio sessions that lead listeners on a journey of contemplation. It is for those who have never meditated before and to teach the listener the foundational aspects of meditation in your first 10 days of using the app. Not, perhaps, as effective as a personal coach or instructor, but something fun to try.



on U.S. roads? Why does our society apparently accept that a certain number of traffic fatalities will occur each year? Vision Zero seeks to alter this mindset.

- (2) **Human failure is inevitable.** Governments seek to regulate individual behaviors in and around public roads through the enforcement of traffic laws. But enforcement alone is insufficient to eliminate imperfect driving by all drivers. No matter what, driver error will always exist.
- (3) **Focus more on infrastructure and systems rather than individual responsibility.** Following up on the notion that human failing is inevitable, Vision Zero stands for the proposition that systems and infrastructures beyond the drivers control need to be in place to mitigate the damage resulting from driver error.
- (4) **Focus more on fatal and severe crashes.** In order to prevent severe injury and fatal crashes, it makes sense that mechanisms should be in place that focus on the prevention of those crashes in particular. For example, if it is determined that a majority of fatality crashes in a city occur at one intersection in particular, it follows that special attention should be paid to that intersection. This may include a greater law enforcement presence, road and signage improvements, and/or the adoption of location specific rules (such as lowering the speed limit for the intersection).

Vision Zero has achieved remarkable results since its adoption in Sweden. As of 2014, Sweden is among the world's safest traffic countries. Only three of every 100,000 drivers in Sweden die each year – compared to 11.4 in the United States.⁸ Hans Berg, of the Swedish National Transport Agency, said “We simply do not accept any deaths or injuries on our roads.”⁹ To achieve this goal, the Swedish Parliament constructed roads to prioritize safety over speed and convenience as well as providing significant barriers between roadways and pedestrian zones. Given Vision Zero's success abroad, it is no surprise that it has gained traction in the United States.

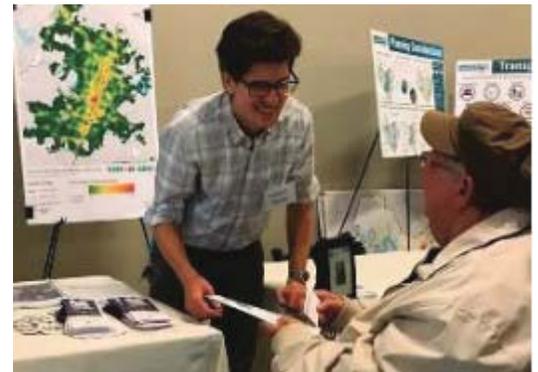
As of November 2017, over 20 U.S. cities have officially adopted Vision Zero. In Texas, Austin and San Antonio have signed on.¹⁰ According to Vision Zero's website, the minimum criteria for a city to become part of the Vision Zero network is: (1) setting a clear goal of eliminating traffic fatalities and severe injuries; (2) a mayor that has publicly and officially committed to Vision Zero; (3) having a Vision Zero plan in place (or a clear time frame for when a plan will be created); and (4) the engagement of various city departments such as police, transportation, and public health.¹¹



Roadway in Sweden

Vision Zero was introduced in Austin in 2014 and a task force was convened the following year to create a Vision Zero policy and action plan. The Austin Vision Zero Action Plan was adopted by the Austin City Council on May 19, 2016. It contains 60 actions, organized into focus areas of evaluation, enforcement, engineering, education, and policy, which will help Austin reach the overarching goal of zero deaths or serious injuries on Austin roads by 2025. An example of an action is to “target enforcement on high injury and fatal roadways and on the most dangerous driving behaviors.¹² According to Francis Reilly, Program Manager for Austin Vision Zero, achieving the goal of zero deaths “requires collaboration between law enforcement, engineers, educational organizations, the judiciary, and the legislature.” This is a role of the Task Force, which meets quarterly to share information, research best practices, and review and evaluate the progress toward implementing the Action Plan. The Task Force is made up of representatives from community groups, city departments, and local, state, and federal agencies, including Mothers Against Drunk Driving, Austin Police Department, Austin Law Department, Capital Metro, Travis County District Attorney’s Office, and many more.

Through comprehensive research, the Austin Task Force has determined that a vast majority of crashes in Austin are the result of a small number of dangerous behaviors (distraction, alcohol/drug impairment, speed, failure to stop or yield the right of way, and improper lane changes, backing, and turning). According to Mr. Reilly, “Many of these behaviors—like texting while driving or driving just a few miles per hour over the speed limit—are common, seemingly trivial behaviors, but the data show how such decisions can lead to serious or fatal crashes. Preventing these behaviors in the first place through engineering, enforcement, and education is critical, as is preventing people who have committed such traffic violations from committing them again—this is a key area where the judicial system can help educate people and keep repeat violators off the streets.”



Francis Reilly

Based on Vision Zero’s success locally, nationally, and abroad, all cities in Texas—both urban and rural—should consider adopting Vision Zero. View all of the improvements already made, visit: <https://visionzeronetwork.org/> (National), <http://www.austintexas.gov/visionzero> (Austin), <http://www.sanantonio.gov/TCI/Vision-Zero> (San Antonio).

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ETHICS UPDATE

EXAMPLES OF IMPROPER JUDICIAL CONDUCT

The following are examples of judicial misconduct that resulted in disciplinary action by the Commission in fiscal year 2017. These are illustrative examples of misconduct, and do not represent every disciplinary action taken by the Commission in fiscal year 2017. The summaries below are listed in relation to specific violations of the Texas Code of Judicial Conduct, the Texas Constitution, and other statutes or rules. They are also listed in descending order of the severity of the disciplinary action imposed, and may involve more than one violation. The full text of any public sanction is published on the Commission website. A copy of any public disciplinary record may also be requested by contacting the Commission.

These sanction summaries are provided with the intent to educate and inform the judiciary and the public regarding misconduct that the Commission found to warrant disciplinary action in fiscal year 2017. The reader should note that the summaries provide only general information and may omit mitigating or aggravating facts that the Commission considered when determining the level of sanction to be imposed. Additionally, the reader should not make any inference from the fact situations provided in these summaries.

It is important to remember that the purpose of judicial discipline is not to punish the judge for engaging in misconduct, but to protect the public by alerting them that conduct that violates the public trust will not be condoned. However, the reader should note that not every transgression reported to the Commission will, or should, result in disciplinary action. The Commission has broad discretion to determine whether disciplinary action is appropriate, and the degree of discipline to be imposed. Factors such as the seriousness of the transgression, whether there is a pattern of improper activity, and the effect of the improper activity on others or on the judicial system, will inform and impact the Commission's decision in each case. It is the Commission's sincere desire that providing this information will protect and preserve the public's confidence in the competence, integrity, impartiality, and independence of the judiciary and further assist the judiciary in establishing, maintaining, and enforcing the highest standards of conduct – both on the bench and in their personal lives.

CANON 2A: A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

- The judge failed to comply with the law; failed to maintain professional competence in the law; allowed a relationship with a family member to influence the judge's judgment and conduct; acted with bias toward the family member; and took action in a judicial proceeding in which she was disqualified when she (1) magistrated the family member; (2) released the family member on PR bonds; and (3) later released the family member without any bond. *Private Reprimand and Order of Additional Education of a Justice of the Peace*. 09/08/16.
- The judge failed to comply with the law and demonstrated a lack of professional competence in the law by participating in a ride-along with law enforcement during a "no-refusal" weekend, while

-
- simultaneously serving as the “on-call” magistrate for the issuance of blood search warrants arising from the ride-along. As a result of the judge’s actions, a DWI case was dismissed, which generated a great deal of media attention critical of the judge’s conduct. *Private Warning and Order of Additional Education of a District Court Judge*. 09/09/16.
 - The judge failed to comply with the law and failed to maintain professional competence in the law by failing to inform an unrepresented child custody litigant facing incarceration for contempt of court about the litigant’s right to be represented by counsel and by failing to make an inquiry about the litigant’s financial ability to afford an attorney. *Private Admonition of a District Court Judge*. 10/24/16.
 - The judge failed to comply with the law when by failing to provide the plaintiff with adequate written notice of the trial setting and proceeding to trial without requiring the defendant to file a written answer to the lawsuit. *Public Reprimand and Order of Additional Education of a Justice of the Peace*. 3/17/17.
 - The judge failed to comply with the law by refusing to allow an individual to obtain copies of public court records pursuant to a policy “not to provide documents on ‘open cases.’” *Public Warning and Order of Additional Education of a Justice of the Peace*. 3/28/17.
 - The Judge failed to comply with the law by driving while intoxicated. *Public Warning of a County Judge*. 10/20/16.

CANON 2B: 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 interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge.

- The judge gave the impression that the defendant was in a special position to influence the judge and advanced the defendant’s interest by presenting a settlement offer from a defendant to the plaintiff. *Public Reprimand and Order of Additional Education of a Justice of the Peace*. 3/17/17.

CANON 3B(3): A judge shall require order and decorum in proceedings before the judge.

- The judge failed to maintain proper courtroom decorum and failed to treat individuals with the appropriate dignity and courtesy required of a judicial officer by wearing a Halloween costume during the performance of her judicial duties. *Private Warning and Order of Additional Education of a Justice of the Peace*. 9/08/16.

CANON 3B(4): A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials and others subject to the judge’s direction and control.

- The judge failed to treat counsel with the dignity and courtesy expected of a judicial officer by raising his voice in anger towards one of the attorneys both in the courtroom and in chambers. *Private Admonition of a District Court Judge*. 1/17/17.
- The judge failed to treat a witness with dignity and courtesy expected of a judicial officer by using the power of contempt to pressure the witness into providing specific testimony. *Private Order of Additional Education*. 8/21/17.

CANON 4A(1): A judge shall conduct all of the judge’s extra-judicial activities so that they do not cast reasonable doubt on the judge’s capacity to act impartially as a judge.

- In addition to casting public discredit on the judiciary, the judge’s Facebook comment that it was “Time for a tree and a rope” in reference to an African-American suspect charged with murdering a police officer evoked vigilante justice, represented a call to bypass the due process of law, potentially influenced the jury pool, and demonstrated a lack of racial sensitivity to the country’s history of lynching African-Americans, all of which cast doubt on his capacity to act impartially as a judge. *Public Reprimand and Order of Additional Education of a County Judge*. 04/27/17.

CANON 5(1)(ii): A judge or judicial candidate shall not ... knowingly or recklessly misrepresent the identity, qualifications, present position, or other fact concerning the candidate or an opponent.

- The judge falsely represented that his opponent did not vote between 1996 and 2012, when publicly available voting records showed that his opponent voted seven times during that period. *Private Warning of a Justice of the Peace*. 2/27/17.

ARTICLE V, §1-a(6)A: A judge may be disciplined for willful or persistent violation of the rules promulgated by the Supreme Court of Texas, willful violation of the code of Judicial Conduct, incompetence in performing the duties of office, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or the administration of justice.

- In addition to violations of the canons, the judge’s failure to conduct a requested examining trial was inconsistent with the proper performance of his judicial duties. *Private Order of Additional Education of a Justice of the Peace*. 1/03/17.

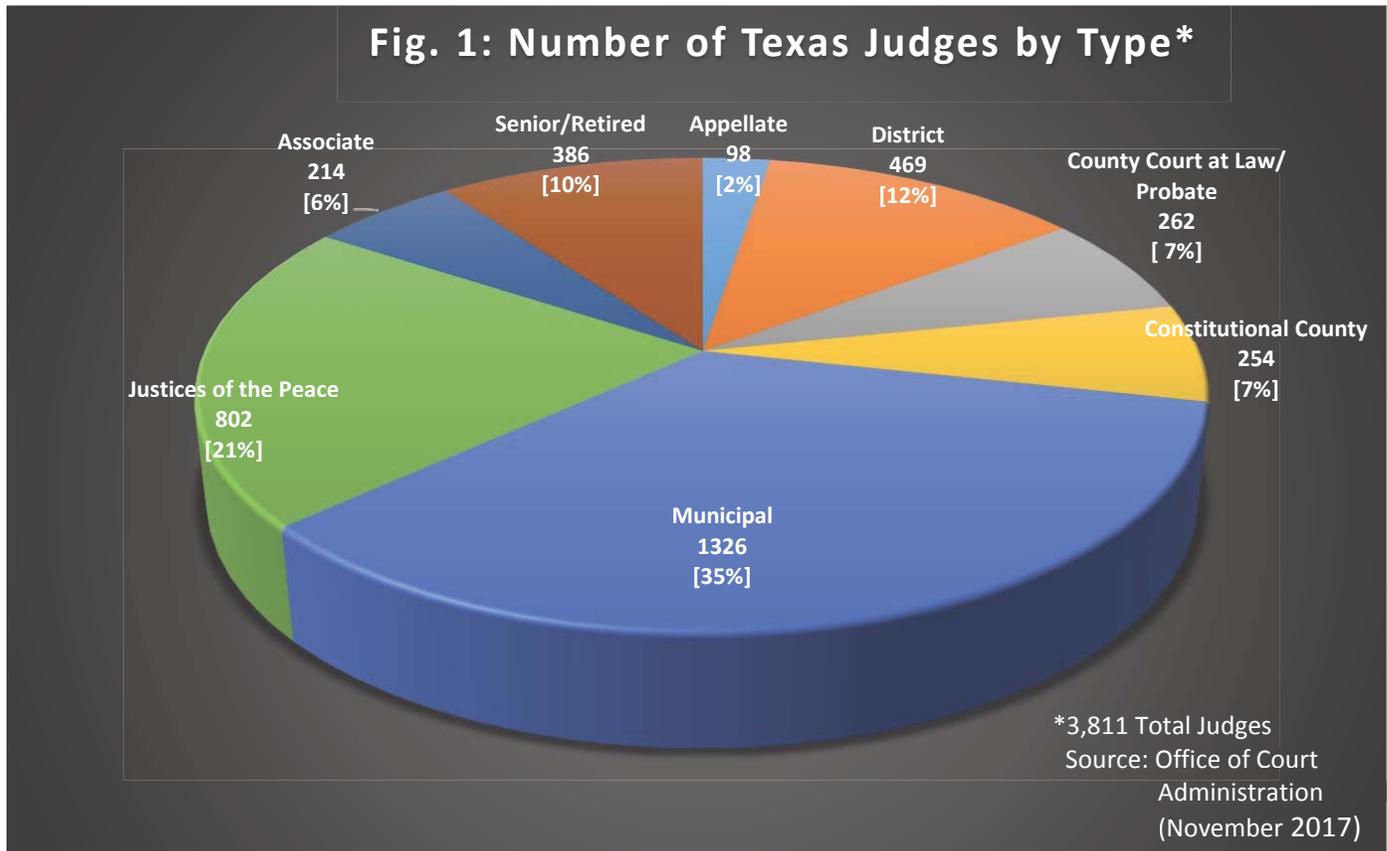


Fig 2. Number and Percentage of Cases filed by Judge Type*

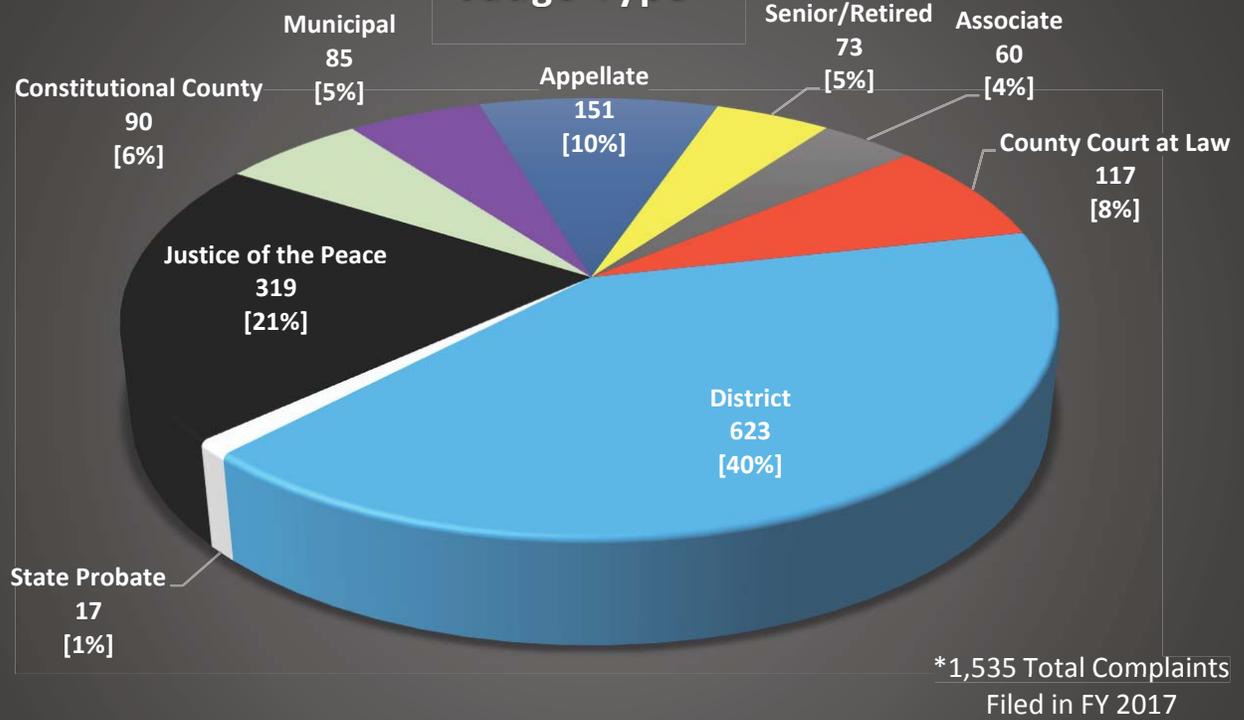
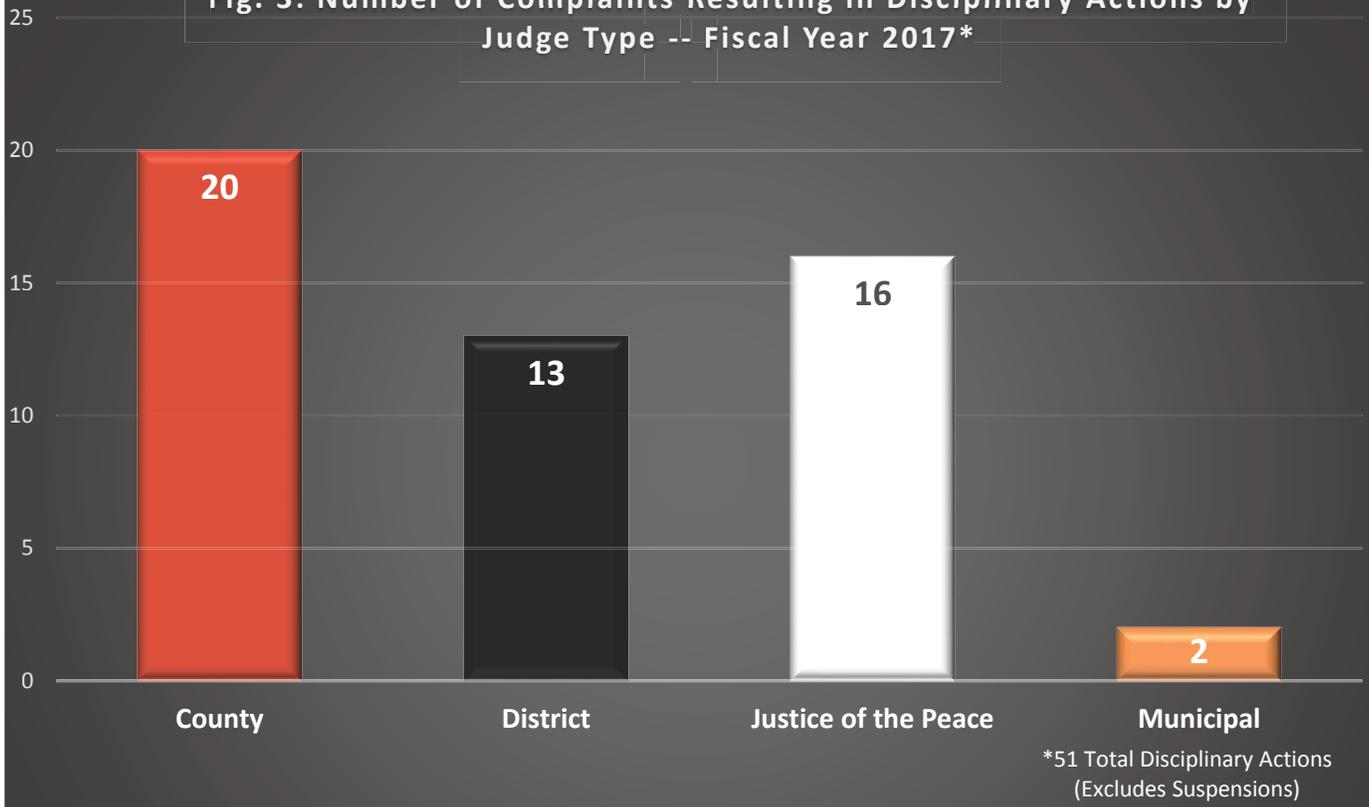


Fig. 3: Number of Complaints Resulting in Disciplinary Actions by Judge Type -- Fiscal Year 2017*



Reprinted from the FY17 Annual Report of the State Commission on Judicial Conduct [www.scjc.state.tx.us/].

COURT SECURITY UPDATE

COURT SECURITY COMMITTEE

S.B.42 adds Section 29.014 to the Government Code chapter outlining general provisions for municipal courts and Section 30.00007 to the Government Code chapter for municipal courts of record. This section creates a new requirement that the presiding municipal judge establish a court security committee within the city. The committee, chaired by the presiding judge, is meant to establish policies and procedures necessary to provide adequate court security. In addition to the presiding judge, the committee is required to include a representative of the agency or entity that provides primary security for the court, a representative of the city, and any other person that the committee determines will be of assistance. S.B. 42 also requires that the county create a similar committee for county courts.

TMCEC is collecting information about the work of these security committees. Tell us about your meetings and plans. Complete the survey at <https://goo.gl/forms/WH8I4ORCif7qvxh62>. Results will be posted on the TMCEC website and a summary will be included in the next issue of *The Recorder*.

Note: The Personal Security Test found on page 15 of this issue of *The Recorder* is an excellent resource to share with members of the court security committee, as well as judges and court support personnel in your court.

COURT SECURITY TRAINING: NEW MINIMUM 8-HOUR TRAINING REQUIREMENT

Effective September 1, 2017, a person may not serve as a court security officer for an appellate, district, statutory county, county, municipal, or justice court in this state unless the person holds a court security certification issued by a training program approved by the Texas Commission on Law Enforcement (TCOLE). However, a court security officer is not required to hold a court security certification to provide security to a court before the first anniversary of the date the officer begins providing security for the court. A court security officer is defined as a constable, sheriff, sheriff's deputy, municipal peace officer, or any other person assigned to provide security for an appellate, district, statutory county, county, municipal, or justice court in this state. (See, Chapter 158 of the Government Code, Added by Acts 2017, 85th Leg., eff. September 1, 2017.)

The changes in law regarding court security certification are a result of S.B.42. Note that the bill provides that a person serving as a court security officer on the effective date of the Act is not required to receive the required certification before September 1, 2019 (See Section 30 of the bill). TCOLE, in consultation with the Office of Court Administration, has developed a model court security curriculum for court security officers as required by the bill. The curriculum (Course 10999) is now available on the TCOLE website and is described as an 8 to 16-hour program. Course 10999 is required for all persons performing court security in any court in Texas (but see below concerning the court security specialist certification). TMCEC hopes to offer Course 10999 at its two bailiff and warrant officer programs (Austin, May 14-16, 2018, Omni Southpark and in the DFW area on July 30, 2018, Omni ParkWest). For the May

**Bailiffs/Warrant Officers
Conference**
Austin
May 14-16, 2018
Omni Southpark
Register by 4/4/18

program, the registration fee is \$150, and includes a double room, or \$250 for a private room. The price for the July 30th program will be determined in late February, as the program is in the planning stages. Register online at <https://register.tmcec.com/web/online>. This training may also be offered at local police and sheriff academies, as well as council of governments. Check the TMCEC website for a list of known scheduled 10999 courses: <http://www.tmcec.com/programs/bailiffs-warrant-officers/>.

This new course should not be confused with the court security specialist certification (40-hour course). The court security specialist certification is not required, but does satisfy the mandate in S.B.42. Go to the TMCEC website for a list of course offerings, <http://www.tmcec.com/programs/bailiffs-warrant-officers/>.

Regan Metteauer at TMCEC is available to answer questions about the requirements at 800.252.3718 or email, metteauer@tmcec.com, or contact OCA Judicial Security Division Director Hector Gomez at hector.gomez@txcourts.gov.

RESOURCES ON COURT SECURITY

CHECKLISTS ON COURT SECURITY

A number of useful tools exist to help courts become more secure. In this issue of *The Recorder*, the Personal Security Test developed by the U.S. Marshal Service has been reprinted. It is a great place to start.

PERSONAL SECURITY TEST

This exercise was created by the U.S. Marshals Service, Judicial Security Division's National Center for Judicial Security. Its purpose is to test and raise your security awareness. This is a self-help test, provided to assist you in becoming an active participant in your own security. Following the quiz, additional information is provided. Please share with your staff and your local court security committee.

1. I receive security training on an annual basis.

- Yes
- No
- I Don't Know

2. I report all inappropriate communications and threatening contacts.

- Yes
- No
- I Don't Know

3. I know the name and contact information of the person I am to report inappropriate communications.

- Yes
- No
- I Don't Know

4. I take different routes when traveling between home and work.

- Yes
- No
- Don't Know

5. I have located safe havens (i.e., police and/or fire stations) along my travel route in the event of a potential threat.

- Yes
- No
- I Don't Know

6. I converse frequently with my law enforcement providers regarding security issues.

- Yes
- No
- I Don't Know

7. I own a home security system.

- Yes
- No
- I Don't Know

8. I use my home security system.

- Yes
- No
- I Don't Know

9. I have had a professional security assessment performed on my residence.

- Yes
- No
- I Don't Know

10. I check my credit report annually.

- Yes
- No
- I Don't Know

11. I contact search engines to opt out of my personal information's availability online.

- Yes
- No
- I Don't Know

12. I have a plan at home regarding the handling of mail and package deliveries.

- Yes
- No
- I Don't Know

13. Is your Internet connection secure to avoid use by others?

- Yes
- No
- I Don't Know

Reprinted with permission of the U.S. Marshals Service.

Additional Information for Each Security Question

1. I receive security training on an annual basis.

Many states and their court administrators offer security training through law enforcement and security professionals. It is recommended that you attend these sessions personally and with staff. It will assist you, your loved ones, and staff in what to look for, report, and plan.

2. I report all inappropriate communications and threatening contacts.

Simply put, all threats are inappropriate communications (IC) but not all inappropriate communications are threats. An IC can be defined as something not in keeping with what is correct or proper concerning actions towards another or taking an unusual interest that is out of the ordinary. A threat is an indication of danger; an attempt to control another through expression of an intention to inflict pain, injury, evil, or punishment. The difference is a defining line for law enforcement. It is vital that you and your staff understand how critical it is to report even the most benign communications to your law enforcement provider so they can begin to mitigate and investigate the potential threat. Do not EVER feel it is something you should not report. Report it. Document it, if possible, using a threat card or other tool. Let law enforcement conduct their due diligence.

3. I know the name and contact information of the person I am to report inappropriate communications.

Understanding #2 is paramount. Equally important is knowing WHO you are supposed to report an inappropriate communication or threat to. Does this entity have investigative authority? If not, after reporting where does this information go?

4. I take different routes when traveling between home and work.

Not being aware of your surroundings is an indicator that you are an easy target. Attack methodology is predicated upon good pre-operational (attack) surveillance of a target. Altering your travel routines suggests that you are not an easy target and have planned for potential threats. If you drive, take a different route to/from work a few times a week. If

you walk to work, walk on the well lit side, against traffic.

5. I have located safe havens (i.e., police and/or fire stations) along my travel route in the event of a potential threat.

In concert with #4 you should be aware of some safe havens along your commuting route that you can access in the event you have vehicle problems, feel you are being followed, or if someone is taking aggressive action against you. Look for police and fire departments, hospitals, well lit and/or crowded areas. Keep your cell phone charged, and pre-program the number of your law enforcement provider in your cell phone in the event of emergency. Be prepared to blow your horn to call attention to your vehicle. Do not hesitate to call law enforcement.

6. I converse frequently with my law enforcement providers regarding security issues.

Face to face contact between you and your law enforcement provider has many benefits. Neither party wants to meet for the first time at the judge's residence at 3 a.m. after an emergency phone call. Frequent contact allows for parties to understand what security measures exist and how threats will be mitigated. If you do not have an established relationship with your law enforcement provider, schedule an initial meeting for you and your colleagues with the assistance of your court administrator.

7. I own a home security system.

A home security system serves many purposes. Looking at the security footprint of the home it is the line of defense for you and your loved ones against an attack or a family emergency unrelated to your position. As #4 suggests, prior to an attack or burglary, it is statistically proven that surveillance will be conducted of your home. If you do not own a home security system, weigh its cost against the peace of mind an installed system can provide when used properly.

8. I use my home security system.

Of course having a home security system means nothing if you do not use or properly know how to

use it. Many people who have home security systems do not use them because of inconvenience.

9. I have had a professional security assessment performed on my residence.

A home security system is but one layer of a good home security plan for you and your loved ones. A security assessment of your home should consist of, but is not be limited to, the security system, lighting, locks, windows, lines of sight, windows, landscaping, environmental factors, and how they work in conjunction with one another, as well as a safe room. It should detail your home's strong and weak points so you and your law enforcement provider/security professional can develop sound security and safety plans for you and your family.

10. I check my credit report annually.

Checking your credit report often will help determine if there is anything unusual about your credit history. It may be the indicator that your identity has been compromised. Whether your identity has been compromised because of your position or not is insignificant. It needs to be reported immediately to your security provider BECAUSE of your position. It can be determined at a later time if it was because of your position or not.

11. I contact search engines to opt out of my personal information's availability online.

The Internet is both a blessing and a curse. Many judicial officers run for election and a common way to get their message out is via the Internet. The balance between public official and private information is all too transparent in the information

age. That said, you can minimize the information "out there" regarding you and your family by opting out of search engine information. It is an uphill battle but worth the investment of your time.

TMCEC Note: To opt out of search engines on the most popular websites, many have an opt-out page, or something of the like. Enter into the search box "Opt Out of Search Engines."

12. I have a plan at home regarding the handling of mail and package deliveries.

Consider using your office as a delivery address. This keeps your private address private. The same can be said for using a P.O. Box. Using the office address also allows for the package to be x-rayed. If you cannot have the package sent to your office, then develop a plan within your family where all family members are aware of the company that will be delivering and the potential date of delivery.

13. Is your Internet connection secure to avoid use by others?

One of the most common ways criminals gain access to your identity is through Internet connections. It is critical that you maintain security software for your computer to protect your personal and credit card information, and that you update the software frequently. Recognize that many Internet connections require you to provide personal information, such as a phone number, last name, or social security number as a password. These are clear indicators of who you are and where you live. Use non-descript names and/or numbers instead. If you must maintain a list of passwords and identifiers, do not carry the list with you or maintain it on your computer.

NATIONAL SHERIFFS' ASSOCIATION

The National Sheriffs' Association (NSA) has developed a 28-page checklist which may be accessed at <https://goo.gl/MdFn27>. On the NSA website are several publications related to security, including "Defusing the Risk to Judicial Officials: The Contemporary Threat Management Process and "Court Security Resource Guide. For more information, go to <http://nsa.sheriffs.org/s/s/Store/Publications-All.aspx>.

Best Practices in Court Security (2012) prepared by TMCEC. This publication is an academic overview of the field of court security. As a practical matter, it raises issues to consider in developing a comprehensive court security plan, and includes resources produced by national organizations dedicated to the support of courts. At the least, hopefully this publication will begin a dialogue in courts about their security concerns and plans. Cost: \$10 plus S/H. See page 25 of this issue of *The Recorder* for an order form.

Court Security for Judges, Officers, and Court Personnel, written by Hon. Richard W. Carter (Ret.) and Constable Randy Harris, LexisNexis 2016. This court security publication was created for judges, officers, and court personnel. The authors provide the perspective of a judge and a constable and address: Security Systems and Technology, Policy, Prevention through Design, Searches, Management and Supervision, Security Assessment, Bailiff Functions, Jury Handling, Judicial Protection and Workplace Violence. This book is available from the publisher at <https://goo.gl/5JnCn4>. The eBook versions of this title feature links to Lexis Advance for further legal research options and are available at retailers like Amazon and Barnes and Noble.

Court Security Handbook: Ten Essential Elements for Court Security and Emergency Preparedness prepared by the Conference of Chief Justices/Conference of State Court Administrators Joint Committee on Court Security and Emergency Preparedness (June 2010): An October 2003 survey of state courts produced a framework for addressing court safety and security called “Ten Essential Elements for Court Safety and Security.” Those elements were identified as:

- Operational Security: Standard Operating Procedures
- Facility Security Planning: The Self-Audit Survey of Court Facilities
- Emergency Preparedness and Response: Continuity of Operations
- Disaster Recovery: Essential Elements of a Plan
- Threat Assessment
- Incident Reporting
- Funding
- Security Equipment and Costs
- Resources and Partnerships
- New Courthouse Design

A pdf copy is available here: <https://goo.gl/nhFji9>.

Guidelines for Implementing Best Practices in Court Building Security: Costs, Priorities, Funding Strategies, and Accountability, a paper by the National Center for State Courts funded by the State Justice Institute (2010).

This paper contains four parts:

- Part One identifies the estimated costs associated with implementing the recommendations contained in the Steps document (linked above);
- Part Two includes a framework of priorities that a court may follow in deciding when and how to implement the recommendations contained in Steps;
- Part Three recommends strategies for seeking the funds necessary to implement the recommendations contained in Steps; and
- Part Four describes performance and accountability measures that a court may wish to utilize in order to measure the effectiveness of implementation efforts and to sustain funding for those efforts.

The paper may be accessed online at <https://goo.gl/hwBKzf>.

Steps to Best Practices for Court Building Security prepared by the National Center for State Courts (February 2010): In conducting court building assessments, the NCSC assessment team has evaluated court security in terms of “best practices,” guidelines describing those security measures that should be in place with respect to a comprehensive set of topics covering court buildings and court operations. Acknowledging that implementing best practices in court building security will require increasingly scarce budgetary resources, the NCSC assessment team has also developed steps in phases that can be taken toward achieving best practices in various areas of court building security.

A pdf copy is available here: <https://goo.gl/X184YY>.

Recommended Websites:

- National Center for State Courts: <http://www.ncsc.org/topics/courthouse-facilities/court-security/resource-guide.aspx>
- National Sheriffs' Association: <http://www.sheriffs.org/>
- Office of Court Administration: <http://www.txcourts.gov/programs-services/court-security/>
- Texas Municipal Courts Education Center: <http://www.tmcec.com/programs/bailiffs-warrant-officers/>
- Texas Commission on Law Enforcement Education: [<https://www.tcole.texas.gov/content/course-curriculum-materials-and-updates-0>] contains a list of references and resources is contained within the curriculum outline for Course 10999 on page 13-14.

TRAFFIC SAFETY UPDATE

MORE TRAFFIC SAFETY RESOURCES

2018 Traffic Safety Calendars

Thanks to the National Safety Council, TMCEC has 2018 calendars for courts to share with their staff, other city employees, the public, or schools. The calendar is from September 2017 through December 2018 with colorful illustrations. Please order several dozen by calling 800.252.3718, or email/fax the form below.

Sober Prom Pledge Cards

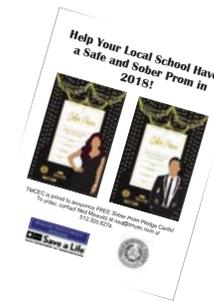
TMCEC, through its TxDOT MTSI grant, offers schools and courts Sober Prom pledge cards (see page 21 of this issue of *The Recorder* for a sample). There is no charge for these materials as long as supplies last. We hope that municipal courts will offer these courts to local schools as the prom season begins this spring. For further information and to order, call 800.252.3718, or email/fax the form shown below.

Resource Request Form	
Name:	Name of Court or Name of School AND District:
Delivery Address with Zip Code: (business address preferred/no P.O. Boxes please)	
Contact Email Address:	Telephone Number (REQUIRED BY SHIPPER):

How do you plan to use these materials?: _____
 Materials will be provided as long as there is funding and the materials are in stock. Please allow up to three weeks for delivery. Please specify numbers of items requested.

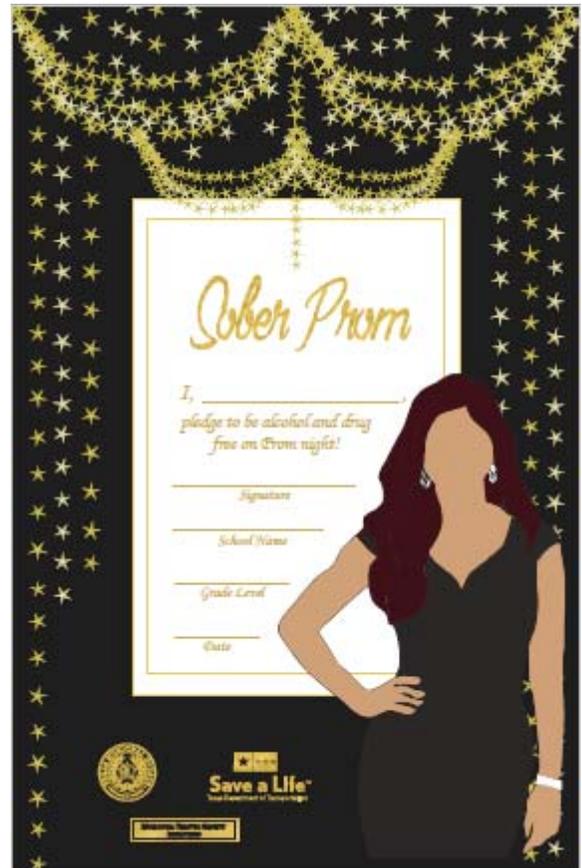
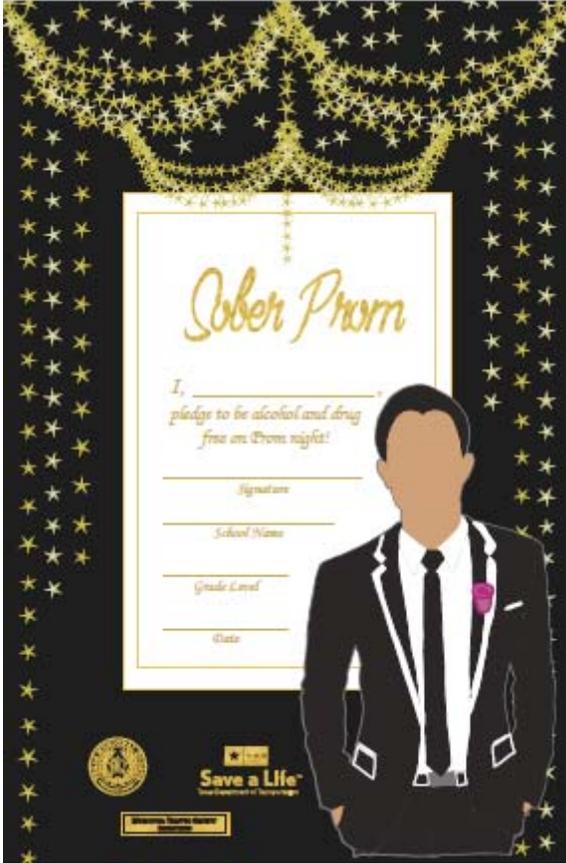


Qty	Resource
	2018 Traffic Safety Calendar
	Sober Prom Pledge Cards



Additional resources are located on the DRSR or MTSI website at www.tmceec.com/
 To receive the materials requested, please fax this form to 512.435.6118, scan and e-mail to elizabeth@tmceec.com or ned@tmceec.com
 or mail to TMCEC 2210 Hancock Dr., Austin, TX, 78756.
 Questions? Call Liz or Ned at 512.320.8274

Help Your Local School Have a Safe and Sober Prom in 2018!



TMCEC is proud to announce FREE *Sober Prom* Pledge Cards!
To order, contact Ned Minevitz at ned@tmcec.com or
512.320.8274.

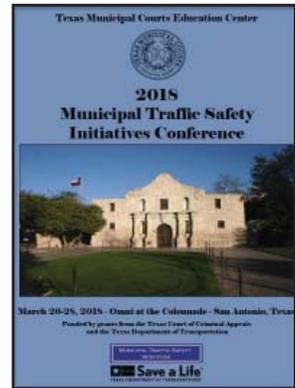


RESOURCES FOR YOUR COURT

2018 MTSI CONFERENCE

TMCEC is pleased to offer a three-day conference March 26-28, 2018 focusing on impaired driving and other traffic law issues. The Municipal Traffic Safety Initiatives (MTSI) Conference is funded by a generous grant from the Texas Department of Transportation (TxDOT). Enrollment is open to judges, clerks, juvenile case managers, prosecutors, and other municipal court staff.

March 26-28, 2018
Omni at the Colonnade
9821 Colonnade Blvd.
San Antonio, TX 78230



The MTSI Conference provides courts with tools, updates, programs, and networking to prevent impaired driving in their respective communities. The 2018 MTSI Conference promises to be one of the best yet!

- Vibrant speakers from across the country on topics related to impaired driving prevention and traffic safety
- A lively exhibit hall with friendly vendors and exhibitors
- Presentation of the annual MTSI Traffic Safety Awards
- Raffles, snacks, and much more!

The registration fee is \$100. Space is limited! Register today at: <https://register.tmcec.com/>.

If you have any questions, please contact Ned Minevitz at ned@tmcec.com or 512.320.8274 or Regan Metteauer at regan@tmcec.com or 512.320.8274.

INTERESTED IN STARTING A TEEN COURT?

TMCEC is offering a free teen court planning seminar from April 23-24, 2018 in Georgetown. If you are interested in attending, please contact Ned Minevitz (ned@tmcec.com). The seminar is designed for those who do not yet have a teen court in place, but if space is available, those with existing teen courts will be admitted. There is no registration fee. Judges, clerks, community leaders, juvenile case managers, and city officials are eligible to attend. Funding from TxDOT will provide travel, housing, and per diem expenses. This intimate seminar exposes participants to live teen court proceedings and provides all of the tools necessary to start or enhance a teen court in your city!



LIVESAVERS 2018

Lifesavers is a national conference dedicated to reducing deaths and injuries on U.S. roadways. Typically attended by over 2,000 participants, it is a forum for the presentation of proven countermeasures and initiatives that address today's critical highway safety problems. The 2.5 day conference offers 80+ workshops, two motivational plenary sessions, an exhibit hall, and many networking opportunities. It will be held April 22-24, 2018 in San Antonio, Texas. Visit www.lifesaversconference.org for more information.



FROM THE CENTER

THE BRIEF

TMCEC have begun a new initiative: C3, which stands for Council, Courts, and Cities. It is our goal to provide you with information that you can share with your mayor, council, and city managers on a regular, bimonthly (every two months) basis. Some of the information may be appropriate to share with editorial boards of your local newspapers or in community forums.

The Brief, contains information that TMCEC thinks your city leaders need to be made aware of. You may adapt it or simply forward it to local leaders as is. Or, even better, set up a bimonthly meeting with your local leaders to educate them about your municipal court. TMCEC hopes that you will let us know if you found this piece helpful, how you used it, and what other resources you would like to see developed by TMCEC. Respond here, <https://goo.gl/fycAYm>.

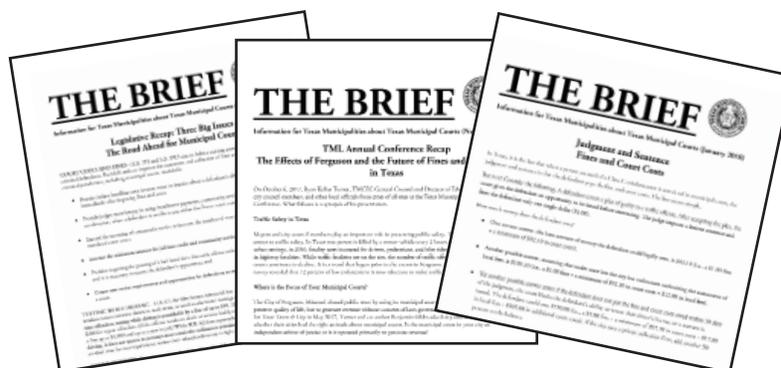
The Brief is e-blasted out to all municipal judges. The information may also be access on our website at <http://tmcec.com/cities/>.

The first issue described three important pieces of legislation of which city leaders need to be aware: Court Costs & Fines, Texting While Driving, and Court Security.

The second identified the important role of traffic safety and municipal courts in ensuring quality of life in your communities. Revenue is an incidental benefit of the municipal court, not the purpose.

The third was sent out at the end of January and focus, on the difference between fines and costs.

This outreach campaign is a product of the results of the survey that many of you completed in July 2017. We are also making an effort to attend events sponsored by the Texas Municipal League (TML) and look for opportunities to let city leaders and the public know about the important role of municipal courts in their communities. An example is the article published in TML's *Texas Town & City* in November 2017, entitled *Municipal Courts Committed to Community Engagement*. The TMCEC traffic safety initiatives also help increase the visibility of our courts in a positive manner. Thank you for providing us with this direction and for participating in these programs. We believe that it is important for city leaders and the community to understand the operations of municipal courts in our state.



NJC COURSES OFFERED IN TEXAS IN FEBRUARY AND MARCH

TMCEC is offering two four-hour courses developed by The National Judicial College (NJC). Enrollment is limited and on a first-come-first-served basis. There is no registration fee. Email Hope Lochridge to reserve your place [hope@tmcec.com]. This is an opportunity to get some outstanding judicial education from a nationally recognized organization. Both courses are offered before the TMCEC regional conferences. Both offer CLE and judicial education credit.

- Houston, Sunday, February 11, 2018 (1:00 – 5:00 pm): *Essential Teamwork in Dealing with the Media* (judges and court administrators)
- Addison, Wednesday, March 7, 2018 (1:00 – 5:00 pm): *Procedural Fairness & Judicial Decision Making* (judges only)

TMCEC PUBLICATIONS REVISED AND AVAILABLE FOR PURCHASE

TMCEC Green Book – *Texas Class C & Fine-Only Misdemeanors*. Compilation of over 1,300 Class C misdemeanors and fine-only offenses, including DPS codes, court costs, and editor’s notes with practice points. Cost: \$10 (for shipping charges see page 25). Available now.

2017 TMCEC Forms Book – 250 pages of forms, notices, letters, and warnings. Cost: \$25 (for shipping charges see page 25). Available now and online at: <http://www.tmcec.com/store/>.

2017 TMCEC Bench Book – Over 100 checklists to help judges working as magistrates, in pretrial, at trial, and post-judgment. Cost: \$25 (for shipping charges see page 25). Also available now and online at: <http://www.tmcec.com/store/>.

An order form may be found on page 25 of this issue of *The Recorder*.

Note: *The Judges’ Book* is expected in May 2018.

DID YOU KNOW TMCEC PROGRAMS ARE RECORDED?

In a recent survey response, a judge or clerk suggested that we record the TMCEC breakout sessions at the regional conference. We already do! Last year, the Houston 2017 regional conferences were audio recorded. The audio files are stored on the same page as the online course materials, go to <http://www.tmcec.com/course-m/>. TMCEC plans to also record the Houston 2018 regional conferences, as well as the Traffic Safety Conference in San Antonio.

TMCEC IS LOOKING FOR PHOTOS OF CITIES AND COURTS

On the TMCEC website (www.tmcec.com), we show scenes from across Texas. We are especially interested in beautiful scenes and landscapes from your city of your skyline, main street, courthouse, and the like. The images need to be 1170 x 285 in size – this is a long narrow photo. Images should be high-quality JPEGs. If you have something to share, please send to tmcec@tmcec.com. Thank you!

TMCEC RESOURCE MATERIALS

PRICE LIST AND ORDER FORM FOR MUNICIPAL COURTS

Qty	Cost	Title	Extended Price
_____	\$5.00	CD-ROM Forms Book and Bench Book (January 2017)	_____
_____	\$10.00	Texas Class C and Fine-only Misdemeanor	_____
_____	\$10.00	Best Practices in Court Security	_____
_____	\$10.00	Essential Spanish For The Municipal Courts	_____
_____	\$25.00	TMCEC Bench Book (2017)	_____
_____	\$25.00	TMCEC Forms Book (2017)	_____
_____	\$35.00	The Recorder - Annual Subscription	_____
_____	\$50.00	Texas Criminal Law and Traffic Manual (Judicial Edition Code Book)	_____
_____	_____	Other:	_____
		Shipping Charges	_____
		TOTAL:	_____

*** Please complete the sales tax exemption form and submit to TMCEC.**

Name: _____
 Court: _____
 Court Address: _____
 City, State, Zip: _____
 Court Telephone Number: (____) _____ - _____
 Email Address: _____

CREDIT CARD PAYMENT INFORMATION:

() MasterCard () Visa
 Credit card number: _____
 Expiration Date: _____
 CVC # (on back of card): _____
 Billing Zip Code: _____
 Name as it appears on card (print clearly): _____
 Amt to be Charged (total above): _____
 Authorized signature: _____

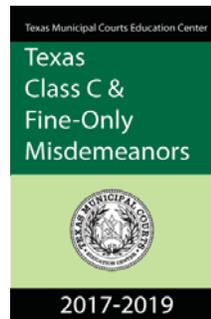
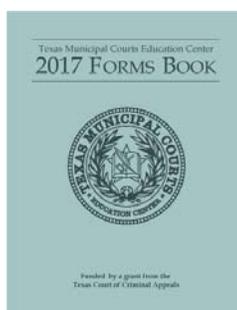
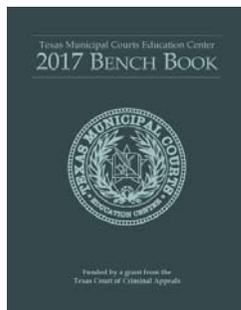
TMCEC Shipping Charges:

<u>For Orders Totaling:</u>	<u>Please add:</u>
\$0 - \$25	\$3.95
\$25.01 - \$50	\$5.95
\$50.01 - \$75	\$8.95
\$75.01 - \$100	\$10.95
\$100.01 - \$150	\$12.95
\$150.01 - \$200	\$14.95
\$200.01 plus	\$16.95

Standard delivery within 4-6 business days for in-stock items

*All orders must be prepaid.
 Make checks payable to Texas Municipal Courts
 Education Center.*

**Send order to:
 Texas Municipal Courts Education Center
 2210 Hancock Drive
 Austin, Texas 78756
 Fax: 512.435.6118**



**TEXAS MUNICIPAL COURTS EDUCATION CENTER
FY18 REGISTRATION FORM:**

**Regional Judges & Clerks Seminar, Court Administrators, Bailiffs & Warrant Officers, Traffic Safety,
Level III Assessment Clinic, and Juvenile Case Managers**

Conference Date: _____

Conference Site: _____

Check one:

Non-Attorney Judge (\$100)
 Attorney Judge not-seeking CLE credit (\$100)
 Attorney Judge seeking CLE credit (\$200)
 Regional Clerks (\$100)

Traffic Safety Conference - Judges & Clerks (\$100)
 Level III Assessment Clinic (\$150)
 Court Administrators Seminar (\$150)
 Bailiff/Warrant Officer (\$150)
 Juvenile Case Manager (\$150)

By choosing TMCEC as your MCLE provider, attorney-judges help TMCA pay for expenses not covered by the Court of Criminal Appeals grant. Your voluntary support is appreciated. The CLE fee will be deposited into the grantee's private fund account to cover expenses unallowable under grant guidelines, such as staff compensation, membership services, and building fund.

Name (please print legibly): Last Name: _____ First Name: _____ MI: _____

Names you prefer to be called (if different): _____ Female/Male: _____

Position held: _____ Date appointed/hired/elected: _____ Are you also a mayor?: _____

Emergency contact (Please include name and contact number): _____

HOUSING INFORMATION - Note: \$50 single room fee each night

TMCEC will make all hotel reservations from the information you provide on this form. TMCEC will pay for a **double** occupancy room for two nights with another seminar participant at all regional judges and clerks seminars. To share with a specific seminar participant, you must indicate that person's name on this form. If you do not wish to share, please add \$50 a night for a single room. I request

- a private room (\$50 per night : _____ # of nights x \$50 = \$_____). TMCEC can only guarantee a private room; type of room (queen, king, or two double beds*) is dependent on hotels availability. Special Request: _____
 a room shared with a seminar participant. Room will have two double beds. TMCEC will assign roommate **or** you may request roommate by entering seminar participant's name here: _____
 I do not need a room at the seminar.

Hotel Arrival Date (this **must** be filled out in order to reserve a room): _____

*If you bring a companion with you to stay in the hotel, the hotel reserves the right to charge an additional fee.

Municipal Court of: _____ Email Address: _____

Court Mailing Address: _____ City: _____ Zip: _____

Office Telephone #: _____ Court #: _____ Fax: _____

Primary City Served: _____ Other Cities Served: _____

***Bailiffs/Warrant Officers:** Municipal judge's signature required to attend Bailiffs/Warrant Officers' program.

Judge's Signature: _____ Date: _____

Bailiff DOB: _____ TCOLE PID # _____

I have read and accepted the cancellation policy, which is outlined in full on page 11 of the Academic Catalog and under the Registration section of the website, www.tmcec.com. **Full payment is due with the registration form. Registration shall be confirmed only upon receipt of the registration form (with all applicable information completed) and full payment of fees.**

Participant Signature (may only be signed by participant)

Date

PAYMENT INFORMATION:

Registration/CLE Fee: \$ _____ + Housing Fee: \$ _____ = Amount Enclosed: \$ _____

- Check Enclosed (Make checks payable to TMCEC)
 Credit Card

Credit Card Payment:

Credit card type: \$ _____ Amount to Charge: _____ Credit Card Number _____ Expiration Date _____

MasterCard

Visa Name as it appears on card (print clearly): _____

Authorized signature: _____

Receipts are automatically sent to registrant upon payment. To have an additional receipt emailed to your finance department list email address here:

Please return completed form with payment to TMCEC at 2210 Hancock Drive, Austin, TX 78756, or fax to 512.435.6118.

2017 - 2018 Academic Schedule At-A-Glance

Seminar	Date(s)	City	Hotel Information
NJC: Essential Teamwork & Dealing with Media	February 11, 2018	Houston	Omni at Westside 13210 Katy Freeway Houston, TX 77079
Regional Judges & Clerks Seminar	February 11-13, 2018	Houston	Omni at Westside 13210 Katy Freeway Houston, TX 77079
Regional Judges Seminar (Wait list)	February 18-20, 2018	Galveston	San Luis Resort 5222 Seawall Blvd. Galveston, TX 77551
Regional Clerks Seminar	March 5-7, 2018	Addison	Crowne Plaza 14315 Midway Road, Addison, TX 75001
NJC: Procedural Fairness & Judicial Decision Making	March 7, 2018	Addison	Crowne Plaza 14315 Midway Road, Addison, TX 75001
Regional Judges Seminar	March 7-9, 2018	Addison	Crowne Plaza 14315 Midway Road, Addison, TX 75001
Prosecutors Conference	March 21-23, 2018	Houston	Omni at Westside 13210 Katy Freeway Houston, TX 77079
Motivational Interviewing	March 23, 2018	Houston	Omni at Westside 13210 Katy Freeway Houston, TX 77079
Traffic Safety Conference	March 26-28, 2018	San Antonio	Omni at Colonnade 9821 Colonnade Blvd. San Antonio, TX 78230
Regional Judges & Clerks Seminar	April 2-4, 2018	Lubbock	Overton Hotel 2322 Mac Davis Ln, Lubbock, TX 79401
Teen Court Planning Seminar	April 23-24, 2018	Georgetown	Comfort Inn & Suites 11 Waters Edge Cir, Georgetown, TX 78626
Regional Clerks Seminar	April 30-May 2, 2018	S. Padre Island	Isla Grand Beach Resort 500 Padre Blvd. S. Padre Island, TX. 78597
Regional Attorney Judges Seminar	May 6-8, 2018	S. Padre Island	Isla Grand Beach Resort 500 Padre Blvd. S. Padre Island, TX. 78597
Regional Non-Attorney Judges Seminar	May 8-10, 2018	S. Padre Island	Isla Grand Beach Resort 500 Padre Blvd. S. Padre Island, TX. 78597
Bailiffs & Warrant Officers Conference	May 14-16, 2018	Austin	Omni Southpark 4140 Governor's Row, Austin TX 78744
New Judges & Clerks Orientation	May 18, 2018	Austin	TMCEC 2210 Hancock Drive Austin, TX 78756
Regional Judges & Clerks Seminar	June 4-6, 2018	El Paso	Wyndham Airport 2027 Airway Blvd, El Paso, TX 79925
Juvenile Case Manager Conference	June 11-13, 2018	Austin	Omni Southpark 4140 Governor's Row, Austin TX 78744
Prosecutors & Court Administrators Conference	June 25-27, 2018	San Antonio	Marriott Northwest 3233 NW Loop 410, San Antonio, TX 78213
New Judges & Clerks Seminar	July 16-20, 2018	Austin	Omni Southpark 4140 Governor's Row, Austin TX 78744
Impaired Driving Symposium	August 2-3, 2018	Horseshoe Bay	Horseshoe Bay Resort 200 Hi Cir N, Horseshoe Bay, TX 78657

Note: There are special registration forms to be used to register for the New Judges and New Clerks Seminars, Prosecutors Conference, Teen Court Planning Seminar, Mental Health Summit, and Impaired Driving Symposium. Please visit our website at www.tmcec.com/registration/ or email register@tmcec.com for a registration form.

Register Online: register.tmcec.com

Change Service Requested

TMCEC MISSION STATEMENT

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

continued from pg. 2

- judge of a municipality or the local administrative district judge in each county, respectively;
- Requires county clerks, upon the written request of a judge, to omit or redact certain personal information from an online database that is made public;
 - Establishes a \$5.00 filing fee on any civil action or proceeding requiring a filing fee to generate revenue to support judicial and court personnel training;
 - Transfers responsibility for reporting security incidents to OCA from the local administrative judge to the law enforcement official responsible for providing court security;
 - Requires any person providing security to hold a court security certification issued by a training program approved by the Texas Commission on Law Enforcement; and
 - Authorizes any commissioned peace officer in the state to provide personal security to a judge, regardless of the location of the law enforcement agency that employs or commissions the peace officer.

(This information was adapted from an OCA email to Judges on January 12, 2018. The articles in this issue of *The Recorder* were adapted from the OCA letter – check the emailed letter for additional information or contact hector.gomez@txcourts.us.)

See also page 14 of this issue of *The Recorder* for additional information on Court Security.