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THE RAPID EMERGENCE OF E-SCOOTERS

Ned Minevitz, Program Attorney and TxDOT Grant Administrator, TMCEC

Across the country, “scooter-sharing” with electric scooters (“e-scooters”) has emerged as a popular means of transportation. While scooter-sharing is already commonplace in larger cities, its proliferation is poised to become prominent in Texas cities of all sizes. The concept is relatively simple: User A locates an e-scooter and pays a distance- and time-based fee to rent it to get from point X to point Y. The e-scooter is powered by a rechargeable battery-operated engine that typically allows for speeds up to 15 miles per hour.¹ During operation, the user can apply brakes, steer, and adjust the e-scooter’s speed. At point Y, User A parks the e-scooter and goes about his or her day. The scooter will remain where User A leaves it until a User B locates and rents it—and the process continues in this fashion. Mobile apps make it easy to locate and pay for available e-scooters, which are owned by at least 11 (and counting) different companies including Lyft, Uber, Bird, Lime, and Ford. With scooter-sharing’s rapid emergence comes various issues that the Texas Legislature, city governments, and state courts have already begun to address: (1) its impact on traffic safety, (2) what laws and regulations govern it, and (3) what response is needed to address its rapid emergence. This article explores these issues and illustrates why scooter-sharing has the potential to reshape transportation in Texas.

E-Scooters continued on pg. 8

MUNICIPAL COURTS: A PRIMER ON WHAT THEY DO AND A LOOK AT THE NATIONAL CONVERSATION REGARDING INDIGENT DEFENDANTS

Sherry Statman, Presiding Judge, City of Austin

Although municipal judges comprise 40 percent of the judiciary in Texas, the workings of municipal courts are not widely known or understood by most attorneys. The majority of defendants in municipal courts are pro se and most lawyers only find themselves in a municipal court on that rare occasion when friends or family persuade them to handle a traffic citation.

Municipal Courts continued on pg. 5

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AROUND THE STATE

Texas Municipal Courts Foundation: Enduring Support for Continuing Education

Created by a unanimous vote of the TMCA Board of Directors in 2018, the Texas Municipal Courts Foundation provides support for continuing education of judges and court support personnel in the fair administration of justice. Though a long-time goal of the Board, recent concerns related to the viability of the Judicial and Court Personnel Training Fund due to a statewide decrease in court filings prompted Hon. Michael Acuna, Municipal Judge for the City of Dallas and TMCA/TMCEC Board President in FY18, to make creation of the foundation a priority for his term.

The Texas Court of Criminal Appeals, pursuant to Chapter 56 of the Texas Government Code and the General Appropriations Act, administers grants from this fund for the purpose of providing continuing education to judges, court personnel, prosecuting attorneys and their personnel, and criminal defense attorneys who regularly represent indigent defendants in criminal matters. The revenue for that fund is generated by court costs. A statewide decrease in court filings, therefore, affects funding for judicial education. TMCEC is funded by such a grant from the Court. Thus, out of a desire for enduring support of the Center and continuing education, the foundation was born.

The Foundation is governed by a Board of Directors which consists of nine members, four of which include individuals serving as the President of the TMCA Board, Past-President of the TMCA Board, President-Elect of the TMCA Board, and one individual chosen by the President. The other five members of the Board are drawn from a cross-section of the constituency, including judges, retired judges, clerks, court administrators, and retired court administrators. The term of office for the first four individuals mentioned above is one year, whereas the term of office for the other five members is two years.

The first Board of Directors and officers received nominations and appointments in June of 2018 and consists of the following individuals:

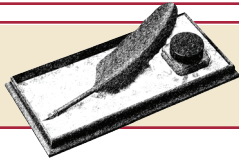
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Hon. Joe Pirtle, Presiding Judge, City of Seabrook, ret.¹
Landra Solansky, Court Administrator, City of Seguin
April Christiansen, Court Administrator, City of Cedar Park

The purpose of the Foundation Board is to support continuing education through support of the Center as well as scholarships. Starting from nothing, it is a work in progress. The Foundation Board's future plans include fundraising and naming an award after the late Hon. Joe Pirtle. The Foundation's first fundraiser, a silent auction at the 2018 Annual TMCA Meeting, was a tremendous success.

The Foundation Board President, Judge Acuna, said he is "grateful for the TMCA Board's vision and cooperation with establishing the foundation and for the Foundation Board members and the work they have done and will continue to do."

If you are interested in making a tax-deductible contribution to the Texas Municipal Court Foundation, mail checks to P.O. Box 2854, Alvin, TX 77512 or contact a member of the Foundation Board. The foundation is a 501(c)(3) non-profit organization. For more information visit their website at <https://www.tmcdf.com/>.

¹The Honorable Joe Pirtle subsequently passed away. He will always be a legend in the hearts of those who benefited from his dedication to judicial education. His position on the Foundation Board remains vacant as of the date of this article.



VIEWPOINT

Alternative Punishments

Ed Spillane, Presiding Judge, City of College Station

Of the many reforms enacted and discussed since the Justice Department examined the City of Ferguson Missouri Municipal Court and Police Department, the best I have observed is the concept of alternative punishments to fines, fees, and jail. I have known and written for a while that alternative punishments not only can work, but are in fact better at reducing repeat offending. Since Ferguson, I have seen the use of alternative punishments in a much more sweeping manner in action across Texas and other states.

Many of my defendants are college-aged and commit as their first offense non-traffic alcohol-related crimes: public intoxication, driving under the influence, minor in possession or consumption of alcohol, false identification, disorderly conduct noise, public urination, etc. What is a judge to do to decrease the repeat offending? We have thousands of new college students enter our community each year so we will always have new offenders. How do courts stop reoffending, teach the students valuable lessons, and allow them to clear their record? This clearing of the record is becoming more and more important as law schools, employers, and graduate programs not only inquire about minor criminal cases, but also have access electronically to these records from third-party providers of data. Virtually every arrest and booking photo is now available somewhere online.

Even though nationally the filing of misdemeanor offenses appears to be declining, the use of alternative punishments to pay a fine or jail time (in cases other than Class C misdemeanors) can increase court time per case. This increase in court time is well worth the extra effort.

In February of 2018, we created a four-hour community living class for every defendant, roughly between 18 to 25 years of age, receiving a non-traffic deferred disposition sentence. Deferred disposition is a six-month probated sentence with the case dismissed upon successful completion of the probation. The community living class is an alternative punishment. It replaces the concept of a fine, jail, or community service hours as a “punishment.” It is meant to be educational and useful for defendants and the goal is to stop reoffending.

The community living class consists of four parts. Our code enforcement department discusses local ordinances of interest for college students living in our community. Second, police officers share with participants their perspective and take any and all questions the defendants have for them. Our fire and public communications departments offer safety tips to the students. Finally, I discuss the court system, offenses affecting college-aged defendants, the need to contact the court no matter what the question is on their cases, and the new Texas laws on expunction of misdemeanor offenses. The knowledge on how to clear their records completely once they are eligible and have demonstrated good citizenship is a great incentive for obeying the law and learning the lessons taught at the class.

So far we have taught over 700 defendants in a year’s time. From the anonymous surveys we give at the end of the class, we know not only that the defendants have learned a lot of new information but they also appreciate this information. This class has been a perfect time for the college students to actually listen to important concepts without the stress of cell phone use, freshmen week, or other distractions robbing their attention. The community living class is just an example of an “alternative punishment” that not only works but pays dividends to the entire community.

Despite the fact that during the last five years the filing of misdemeanor cases are declining, that does not mean that courts are spending less time on their cases. With legislative changes and reforms, courts are actually challenged to and are spending more time per case on those filed. For example, legislative mandates to involve juvenile case managers more with our cases and the growth and use of a specific variety of alternative punishments such as teen court, community living classes, tutoring, and anger management training are all positive steps to end defendants' returning to our criminal courts. While per case our workload will probably increase, the support of our city and state governments in understanding what we can do is well appreciated and necessary.

Edward Spillane has been the Presiding Municipal Judge for College Station since May of 2002.

SAVE THE DATE
TEXAS MUNICIPAL COURTS EDUCATION CENTER

FINES & FEES
EXPOSITION AND SHOWCASE
(PART OF THE C3 INITIATIVE)

MAY 28-30, 2019

AUSTIN

Recent changes in law have caused municipal courts and city governments throughout Texas to reexamine local practices pertaining to fines and court costs in criminal cases. Part retrospective, part preview, an examination of both big ideas and best practices, the TMCEC Fines & Costs Exposition and Showcase will feature a unique blend of new presentations and topics with some of TMCEC's highest rated presentations from recent years.

Changes in the law affecting the courthouse are not always understood at city hall. Registration is open to mayors, city council members, and other city officials and employees who attend with a judge, clerk, court administrator, city attorney/prosecutor, or bailiff/warrant officer/marshal.

Do not miss this one-time opportunity to bridge the information gap. The deadline to register is April 26, 2019. Registration for judges and court personnel is only \$50 with no single room fee! The registration fee for city officials or non-court employees is \$400.

For more information, visit: www.tmcec.com/expo&showcase2019

*The C3 Initiative (Councils, Courts, & Cities) is TMCEC's newest public information and education campaign. C3's purpose is to highlight issues and increase awareness and understanding of municipal courts in Texas by mayors, city council members, city attorneys, and other local officials. Follow C3 on Twitter @C3forTexas.

By the Numbers¹

- There are 933 municipal courts in Texas with 1,278 municipal court judges;
- There are 162 municipal courts of record;
- 56 percent of municipal judges are licensed attorneys, 44 percent are non-attorney judges;
- 99 percent of municipal judges are appointed by local governments; 1 percent are elected by citywide vote;
- There are more than 3,015 municipal court administrators, coordinators, clerks, juvenile case managers, and teen court specialists;
- In 2016, municipal courts handled 5,589,502 new cases;
- Almost one half (46 percent) of the 1,374,050 civil cases filed in 2016 were in municipal courts; and
- Municipal courts collected approximately \$680 million in fines and court costs in 2016.

What Do Municipal Courts Do?

Many lawyers use the term “traffic court” synonymously with municipal court. However, municipal court jurisdiction goes far beyond speeding tickets. Municipal court judges may preside at jail magistrations,² pre-trial hearings, bench and jury trials, show cause hearings, indigence hearings, mental health hearings, dangerous dog hearings, code enforcement hearings, stolen property hearings, bond revocation hearings, and juvenile magistrate warnings; issue emergency protective orders, ignition interlock orders, and community service orders; and review/issue search, inspection, seizure, and arrest warrants.

Municipal Courts Have Both Criminal and Civil Jurisdiction

Municipal courts have exclusive subject matter jurisdiction over city ordinance violations in their city limits. Municipal and justice courts may have concurrent subject matter jurisdiction over Class C offenses punishable by fines up to \$500 and jurisdiction also exists for fines up to \$2,000 for certain violations related to fire safety, zoning, public health, and sanitation.

Many municipal courts have jurisdiction over property hearings, code abatement cases, dangerous dog determinations, civil parking or red light camera offenses, and various appeals of administrative determinations made by other city departments. Municipal court judges may also perform weddings.

Procedural Differences

Generally, the rules of evidence that apply to district or county courts at law also apply to municipal courts. However, procedures for justice and municipal courts may vary from that of higher courts and are found in Chapter 45 of the Code of Criminal Procedure. Here are a few key differences:

- The charging instrument in a municipal or justice court is a sworn complaint not an information or indictment;³
- Indigent defendants who cannot afford an attorney are not automatically entitled to counsel as with higher criminal charges;⁴
- Indigent defendants who cannot pay their fines are entitled to alternative means of payment such as payment plans and community service;⁵ and
- Appeals from municipal courts are heard in county courts and the remedy is generally a trial de novo.

Practice Suggestions

Municipal courts, like higher courts, are statutorily authorized to develop their own local rules. Although Austin has had various defendants and potential jurors show up in pajamas, wearing jester hats, and on one occasion, accompanied by an emotional support iguana,⁶ I've been told that some courts have strict dress and conduct codes.

Failure to appear can result in the issuance of a warrant for your client, as well as the addition of warrant fees.

Be aware of the venue: Some judges may not be amused to review generic discovery motions requesting medical records or autopsy reports on offenses such as failure to signal a lane change or an expired registration.

National Conversation Regarding Indigent Defendants and Municipal Courts

In 2015, the Department of Justice (DOJ) issued a comprehensive report⁷ concerning the practices and activities of the Ferguson, Missouri police department. The report concluded that Ferguson was utilizing its municipal court as a revenue generator for the cash-strapped city. The DOJ also found that, in many instances, inappropriate fees and fines were being added to cases and unrepresented, indigent defendants were being jailed without being offered payment plans or community service options. Other anomalies included ethical conflicts such as the chief of police supervising court staff. Civil rights advocates have voiced concerns, that municipal courts across the country may be acting in similar fashion and creating modern-day debtors' prisons.

Unlike many other states, Texas has had protections for indigent defendants in place for over four decades. *Tate v. Short*⁸ mandated that indigent defendants in Texas could not be jailed solely because they were unable to pay a criminal fine. *Tate* also required that courts provide alternative means of payment. Article 45.0491 of the Code of Criminal Procedure further allowed judges to waive fines and costs for indigent defendants with hardships. However, indigent defendants can be committed to jail under Article 45.046 of the Code of Criminal Procedure if they were offered community service in lieu of payment, failed to perform the ordered community service, and failed to show that performing the community service would have caused them an undue hardship.

Class C citations are an economic disincentive to change negative or potentially dangerous behaviors. Jailing economically disadvantaged defendants who are already struggling to make ends meet can have devastating, unintended consequences including leaving minor children without supervision, loss of employment, and loss of housing. In Texas, defendants who are committed to jail receive a statutory minimum of \$50 per 24 hours toward their outstanding judgment. This means that a defendant with \$500 in unpaid fines could spend up to 10 days in jail for what was originally a fine-only offense. In Austin, defendants receive at least \$100 per 24 hours of time served and many judges choose to apply more credit.

There are those who inevitably comment that defendants facing jail for failure to pay "should've just paid the ticket" or "shouldn't have broken the law in the first place." Unfortunately, it is not that simple. Anyone who drives can get a ticket. Even in the booming economy of Austin, people can suddenly find themselves in unforeseen financial situations that require them to make tough choices such as feeding their children or making a payment on a traffic ticket. Missing a payment or two can result in the issuance of a warrant and additional, state-mandated fees that can rapidly escalate a minor economic issue into an insurmountable one. Many defendants avoid coming to court because they are intimidated by the system or are fearful of any

potential contact with law enforcement.

Some Texas municipal judges now favor the expansion of “safe harbor” courts that allow defendants with Class C warrants to appear in court without fear of arrest. This is nothing new to the Austin Municipal Court where we have had such a docket for over 20 years. Defendants who need to talk about setting up payment plans, discuss community service options, or request other assistance can walk in without an appointment Monday through Thursday during regular business hours as well as Thursday evenings to see a judge. It is incumbent upon municipal judges to not only be accessible but also to take the time to analyze each case and utilize the existing legal safeguards appropriate for each defendant’s unique situation.

Another contributing factor to concerns about courts becoming debtors’ prisons is that judges are not required to automatically appoint counsel for indigent defendants with Class C citations but may do so if it is in the “interests of justice.” This raises the question of whether the “interests of justice” would, at a minimum, dictate appointment of counsel for an unrepresented, indigent defendant in those situations where such a defendant is facing potential incarceration for failing to pay. Even if a judge does find it appropriate to appoint counsel, most cities have no budget or mechanism to pay for it. The Fair Defense Act created a fund into which a \$2 fee is assessed from every criminal conviction for the purposes of paying for indigent defense statewide. Municipal courts collect the money but are excluded from utilizing this funding. In 2016, the Austin Municipal Court implemented a hardship docket as a stopgap measure to reduce jail commitments. This allows a judge to release an indigent defendant arrested on traffic warrants to appear at court on Wednesday mornings in lieu of commitment if the defendant indicates a hardship.

The Austin City Council has also been proactive regarding protections for indigent defendants. In 2016, the council initiated nationwide best practices to study determination of indigence, expansion of community service options, and “interests of justice” appointment of counsel. This ultimately resulted in the passage of a city ordinance⁹ that, among other things, sets out broad guidelines for the determination of indigence that are more inclusive than many other state and federal poverty guidelines.

The national conversation regarding indigent defendants presents an opportunity for all Texas municipal courts to address these concerns and make whatever modifications may be necessary to ensure fairness and justice. If you would like additional information on programs implemented by the Austin Municipal Court, please contact sherry.statman@austintexas.gov.

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1. *TMCA Fact Sheet*, Texas Municipal Courts Association (2018), <http://www.txmca.com/resources/tmca-fact-sheet>.
 2. “Magistration” is a commonly used term referring to the warnings provided to defendants under Article 15.17, Code of Criminal Procedure.
 3. Article 45.018, Code of Criminal Procedure.
 4. *Id.* at Article 1.051.
 5. *Id.* at Article 45.049.
 6. Reptiles are rare in this role but no criticism is intended toward the use of emotional support animals. I have observed them to be extremely beneficial for several defendants.
 7. U.S. Dept. of Justice Civil Rights Div., Investigation of the Ferguson Police Department (March 4, 2015), https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf.
 8. 401 U.S. 395 (1971).
 9. Austin, Tex., Ordinance 201771109-019 (Nov. 19, 2017), available at <http://www.austintexas.gov/edims/document.cfm?id=288216>.

This article was written by Judge Sherry Statman, was published in the February 2019 issue of the Texas Bar Journal, and has been reprinted with permission.



A Quartet of Scooters Used for “Scooter-Sharing”

Scooter-Sharing’s Impact on Traffic Safety in Texas

Scooter-sharing can impact traffic safety in at least two ways: (1) certain aspects of e-scooter operation are potentially dangerous and (2) using e-scooters while intoxicated may become prevalent and threaten public safety.

1. Aspects of E-Scooters Are Potentially Dangerous

Vehicles such as motorcycles and mopeds require specialized licenses. Scooter-sharing customers, however, are not required to have any specialized training before renting and using a scooter. After a user provides his driver’s license and payment method (scooters typically cost \$1.00 to start and then \$0.15 per minute thereafter),² he or she is given a tutorial on a screen attached to the handlebars on how to operate the e-scooter.³ Anyone with a regular driver’s license and credit card can participate in scooter-sharing with relative ease. Users, however, often take little or no safety precautions related to protective outerwear. Whereas motorcycle riders usually don sturdy boots, goggles, gloves, helmets, and heavy-duty pants and jackets, scooter users typically ride wearing casual or business attire. While e-scooters can typically only travel as fast as 15 miles per hour,⁴ their operation commingles with cars and trucks of all speeds, which makes users’ lack of safety gear problematic.

From December 1, 2018 through January 31, 2019, there were 71 scooter injuries (compared to 41 bicycle injuries) in Austin.⁵ While the exact nature and causes of these injuries were not released with these statistics, there are various actions by e-scooter users that could potentially result in injury such as sudden excessive braking,⁶ having multiple riders on a single e-scooter, and riding without any prior experience.

Non-users can also be affected by e-scooters. For example, a pedestrian may be struck by an e-scooter user or a visually impaired individual may trip over a parked e-scooter. This non-exhaustive list of safety concerns highlights what some call the need for a regulatory response to e-scooters.⁷

2. S.W.I. (Scootering While Intoxicated)

Mixing drugs and/or alcohol with roadway travel is a serious threat to public safety and operating e-scooters while intoxicated is a significant concern. Stephen Gietl, who helps clean downtown Austin’s festive Rainey Street, says “at times it can be one drunk rider after another.”⁸ On February 1, 2019 in Austin, a 21-year-old University of Texas student was killed when he rode an e-scooter in the wrong direction down the frontage road of Interstate-35 at 6th Street and collided with a car.⁹ Given that the e-scooter universe is still in its infancy, there is little data surrounding the danger and prevalence of scootering while intoxicated in Texas.

Plan While You Can, one of the Texas Department of Transportation’s recent campaigns, advocates taking precautions against drunk driving *before* drinking.¹⁰ One precaution may be to leave one’s car at home before going out as opposed to, for example, driving the car to a destination sober and planning to leave it there overnight. In this scenario, the intoxicated individual may—almost certainly due to intoxication—decide to drive his or her car back home to avoid the inconvenience of leaving his car at the destination. In cities with scooter-sharing, there is seemingly always a scooter nearby. The potential temptation to take an e-scooter home while intoxicated may threaten one of the pillars of the *Plan While You Can* campaign.

Across the country, there are reports of e-scooter Driving While Intoxicated (DWI) arrests and convictions. Last August, a 28-year-old e-scooter user in Los Angeles, California crashed into and knocked over a 64-year-old pedestrian, and then rode away without rendering aid.¹¹ The user had a blood alcohol content of .279 g/dL—more than three times the legal limit to drive a car in California.¹² The user pled no contest to using a scooter under the influence and hit-and-run.¹³ In Austin, a man was charged with DWI after crashing an e-scooter last October.¹⁴ Officers performed a field sobriety test on the user, whose arms were covered with blood from the crash.¹⁵ When asked what time he thought it was, the user responded that it was 3:32 a.m.—it was actually 8:13 p.m.¹⁶ Even given the lack of data, there is little doubt that “Scootering While Intoxicated” is an issue likely to draw the attention of lawmakers.

21st Century Transportation and the Law

Given its rapid emergence across the state coupled with its potential impact on public safety, the classification of the scooters used for scooter-sharing under Texas law is a significant question. Some of the legal issues related to scooter-sharing include: (1) what rules of the road must scooter users follow, (2) to what extent local governments may regulate scooter-sharing, and (3) what liabilities extend to scooter-sharing companies.

1. A Brief History of Scooters

While scooter-sharing is a modern-day phenomenon, scooters have an extensive history. Both non-electric “kick scooters” (powered by one’s legs) and motorized scooters have existed for over 100 years.¹⁷ One of the first documented motor scooters dates back to 1916 when Lady Florence Norman, a women’s suffrage activist, was depicted riding a motorized Autoped scooter.¹⁸ Scooters of many varieties have existed ever since.¹⁹ Honda introduced the Kick ‘n Go scooter in 1974, which is powered by pumping a lever on the back of the scooter.²⁰ In the early 2000s, foldable Razor scooters were popularized among teenagers and extreme sports enthusiasts.²¹



Autoped (1916)



Kick 'n Go (1974)



Razor (2000)

Rechargeable electric scooters have gradually overtaken other scooters in popularity in the last 15-20 years.²² But only in the past few years did technology advance to a level where mobile-app based electric scooter-sharing has been feasible. For the scooter, lithium-ion batteries able to power a scooter for a full day without intermittent charging first had to be created.²³ The scooters used in modern-day scooter-sharing are capable of travelling up to 20 miles on a single charge.²⁴ On the software side, newly invented crowdsourcing technology (such as the technology used by ridesharing apps Uber and Lyft) is integral to the scooter-sharing model. The development of this technology began around 2010.²⁵ But while scooter-sharing is a new enterprise capitalizing on innovative technologies, the general components and features of the scooters used have existed for more than a century.

2. Scooters Used in Scooter-Sharing Are “Motor-Assisted Scooters”

The scooters used in scooter-sharing fall squarely within the Texas Transportation Code’s definition of “motor-assisted scooter.”²⁶ This definition was written into law in 2005. Prior to 2005, any sort of electric scooter or electric bicycle fell under the definition of “neighborhood electric vehicle.”²⁷ The problem was that the law did not address the operation of neighborhood electric vehicles in places other than roadways (such as sidewalks), which led to confusion as to whether cities could regulate the use of electric bikes, scooters, and wheelchairs in these places.²⁸ Thus, it became necessary to distinguish neighborhood electric vehicles and create a new class of vehicle—motor-assisted scooters—to allow cities to fully regulate the aforementioned vehicles in all public places.



Neighborhood Electric Vehicle vs. Motor-Assisted Scooter

It is convenient that there is already a regulatory framework for the scooters used in scooter-sharing in Texas law. A motor-assisted scooter is defined as a self-propelled device with (1) at least two wheels in contact with the ground during operation, (2) a braking system, (3) a gas or electric motor (up to 40 cubic centimeters), (4) a deck designed to allow a person to stand or sit while operating the device, and (5) the ability to be propelled by human power alone.²⁹ These requirements are all met by the e-scooters used for scooter-sharing.

Texas laws governing the operation of motor-assisted scooters thus apply to scooter-sharing. Specifically, a motor-assisted scooter may only be operated on a road where the posted speed limit is 35 miles per hour or less.³⁰ Also, a person may operate a motor-assisted scooter on a bike path or a sidewalk.³¹ Texas law goes on to provide that all laws applicable to bicycles are also applicable to motor-assisted scooters.³² These laws, of which there are many, can be found in Chapter 551, Subchapter B of the Texas Transportation Code. The key point is that scooter-sharing is subject to the same rules of the road as bicycles. Furthermore, by law, bicyclists' rights and duties are generally identical to those driving traditional cars.³³ By extension, motor-assisted scooter users' rights and duties are generally identical to bicyclists and traditional car drivers. Accordingly, motor-assisted scooter users must obey traffic signals, not operate while intoxicated, and generally³⁴ follow every Texas law for drivers and bicyclists.

3. Local Regulation of E-Scooters

A county or city may prohibit the use of motor-assisted scooters on any sidewalk or roadway if the governing body deems it necessary "in the interest of safety."³⁵ On February 4, 2019, the Fredericksburg City Council voted unanimously to ban e-scooters within city limits under Section 551.352(b) of the Texas Transportation Code.³⁶ This ban took effect on February 14, 2019.³⁷ In response to the ban, City Manager Kent Myers said:

Many cities across the country are experiencing a dramatic increase in the use of [e-scooters]. These scooters are starting to cause major concerns to public safety both in terms of the operators of the scooters as well as pedestrians. The City of Fredericksburg attracts thousands of visitors to the community on a weekly basis. These visitors enjoy the historic downtown area and many other attractions. These visitors appreciate their ability to walk around the community without concerns for their safety.³⁸

The City of New Braunfels has opted for a temporary regulatory scheme. On January 30, 2019, New Braunfels announced a 90-day ban on scooter-sharing with e-scooters.³⁹ The temporary regulation, which carries a fine of up to \$500, bans using "any personal transportation device used through a shared mobility service."⁴⁰ The City of New Braunfels acted under Chapter 126-33 of the New Braunfels Municipal Code, which allows the Chief of Police to "make and enforce temporary or experimental regulations [that last no more than 90 days] to cover emergencies or special conditions."⁴¹ It appears that the City of New Braunfels wants time to closely examine the safety of e-scooters before deciding whether to permit their operation within city limits.

While municipalities can invoke their police powers to enforce laws relating to scooters, that does not necessarily mean resorting to the imposition of criminal fines. The City of Austin has responded to e-scooters not by prohibiting them, but by providing licenses for companies to operate them within city limits.⁴² Ten companies have already been licensed by the Austin Transportation Department and an estimated 14,000 e-scooters are in circulation.⁴³ There is speculation, however, that the Austin City Council has an e-scooter regulation ordinance in the pipeline. In fact, Austin has asked the Centers for Disease Control and Prevention to conduct a study on e-scooter crashes and injuries.⁴⁴ Meanwhile, the University of Texas at Austin has begun an impound program for improperly parked e-scooters.⁴⁵ A fine of \$150 per violation is levied not

against the user, but the e-scooter company.⁴⁶ The companies, however, typically pass the fine on to the last person to rent the e-scooter before being impounded.⁴⁷ To date, with the impoundment of about 600 e-scooters and the relocation of more than 1,000 others, this program has generated approximately \$60,000 according to Blanca Gamez, Assistant Director of Parking and Transportation Services at the university.⁴⁸ U.T.-Austin's use of impounding may foreshadow an enforcement strategy adopted by local governments.

4. Scooter-Sharing Companies' Liability

Scooter-sharing companies' liability has begun to garner local governments' attention. Adopting a shared focus between regulating user behaviors and regulating e-scooter companies seems logical. The language in scooter-sharing user agreements seeks to shield companies from liability to the greatest extent permitted by law.⁴⁹ The user agreement for one prominent e-scooter company, Bird, provides:

In exchange for Rider being allowed to use Bird Services, Vehicles, and other equipment or related information provided by Bird, Rider agrees to fully release, indemnify, and hold harmless Bird and all of its owners, managers, affiliates, employees, contractors, officers, directors, shareholders, agents, representatives, successors, assigns, and to the fullest extent permitted by law...⁵⁰

Given this language, which all Bird users must agree to before renting a scooter, users alleging they have suffered damages using an e-scooter are unlikely to achieve much success suing a company civilly absent some gross negligence.⁵¹ Only time will tell the extent of civil liabilities scooter-sharing companies may face as a result of injured users.

The City of Austin has adopted an interesting strategy to regulate scooter-sharing companies: issuing abandonment of property and/or public nuisance citations to companies whose e-scooters are left in public areas. According to Austin Municipal Court's Chief Prosecutor, Bianca Bentzin, Austin Transportation Department enforcement officers are filing probable cause affidavits alleging such—and companies are paying the fines. Bentzin further commented on the influx of e-scooters in Austin:

The challenge of dealing with the issues created by the invasion of dockless scooters/bicycles stems from the legal system's inability to keep up with rapid advances in technology. Passing new laws to provide tools for enforcement takes a long time. In the meantime, the situation continues to magnify. There are very real safety issues to be addressed. Until the law catches up with scooters, all we have is to hope the users will use good judgment and common sense.⁵²

Indeed, the rapid emergence of scooter-sharing is currently outpacing the law. But as the responses from Fredericksburg, New Braunfels, and Austin have evidenced, the issue will continue to be addressed seriously at both the city and state levels.

The Future of E-Scooters in Texas

Texas legislators have begun filing bills seeking to address the growing popularity of scooter-sharing. S.B. 549 is, as of today, the marquee bill related to e-scooters.⁵³ Filed by Senator Royce West, S.B. 549 would, among other things, do the following:

- Require users to be at least 16 years old and have a valid driver's license;
- Prohibit more than one person from riding on a single e-scooter at one time;

- Restrict the use of e-scooters to paths used exclusively for bicycles and/or pedestrians;
- Limit the speed of lawful e-scooter travel to 15 miles per hour;
- Prescribe that e-scooter users must always yield the right-of-way to pedestrians; and
- Give cities broad leeway to regulate e-scooters.

S.B. 549 would achieve this by amending Section 551.351(1) of the Transportation Code, the provision defining motor-assisted scooters.⁵⁴

Larger cities in Texas are already feeling the powerful effects of scooter-sharing. Readers from rural areas may believe that it will never reach their jurisdiction. But the lack of public transportation in smaller towns has always been a concern—especially as it relates to impaired driving. Scooter-sharing companies may see these locales as an ideal market as they often do not offer buses, trains, taxis, or other means of public transportation. Those local and state lawmakers concerned about public safety as it pertains to scooter-sharing will likely adapt to the changing transportation climate and strive to catch up with the rapid emergence of scooter-sharing.

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TMCEC Webinar on Scooters, Bicycles, and Impairment

Did you know that TMCEC archives its webinars? These may be viewed at any time on the TMCEC Online Learning Center. Go to <http://tmcec.remote-learner.net/>. You will be required to login (call or email TMCEC if you do not have your login password at 800.252.3718 or tmcec@tmcec.com). Click on Webinars on Demand. Then click on Fiscal Year 19. Scroll down to Scooters, Bicycles, and Impairment. There you will find the video recording and course materials. Judicial education, CLE, and certification credit is available.





TRAFFIC SAFETY: NEWS YOU CAN USE

MTSI Awards

The results are in! The annual MTSI Traffic Safety Awards presented by TMCEC recognize those municipal courts that have done outstanding work in traffic safety and impaired driving prevention. For more information on the awards and how to apply, visit <http://www.tmcec.com/mtsi/mtsi-awards/>.

The 2019 winners and honorable mention recipients were recognized at the annual MTSI Traffic Safety Conference held March 25-27, 2019 at the Houston Marriott Westchase. Winning courts received free registration and travel/meals for two representatives to attend the conference. Honorable mention courts received free registration for one representative to attend the conference.

Please join us in congratulating the following courts:

Low Volume Winners	Medium Volume Winner	High Volume Winners	New Applicant Winners	Honorable Mention Recipients
Alvin	College Station	Arlington	Carrollton	Allen
Collinsville	Conroe	Austin	San Antonio	Bay City
Columbus	Edinburg	Corpus Christi	West Lake Hills	Cedar Hill
Freer	Harlingen	El Paso		Hickory Creek
Lott	La Porte	Frisco		Holly Park
Melissa	Mesquite	Houston		Keene
San Elizario	Wylie	Irving		Linden
				Midland
				Pearsall
				Rosebud
				The Colony

Sober Prom Pledge Cards

TMCEC, through its TxDOT MTSI grant, offers schools and courts Sober Prom pledge cards (see next page for a sample). There is no charge for these materials as long as supplies last. We hope that municipal courts will offer these cards 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 on the next page.



ORDER FORM

Yes! Please send me a set of male and female prom cards!



Name: _____

Court: _____

Non PO Box Mailing Address: _____

Phone Number: _____

How Will Be Using the Pledge Cards?: _____

Please scan and e-mail this form to ned@tmcec.com, fax it to (512) 435-6118, or mail it to Ned Minevitz, 2210 Hancock Dr., Austin TX 78756

MUNICIPAL TRAFFIC SAFETY
INITIATIVES

 **Save a Life**TM
TEXAS DEPARTMENT OF TRANSPORTATION



New Tools for Promoting Safety in Your Communities with Driving on the Right Side of the Road

FY19

Elizabeth De La Garza, TxDOT Grant Administrator, TMCEC

Deaths of children younger than 13 in motor vehicle crashes have declined since 1975, but crashes still cause one of every four unintentional injury deaths. According to the Insurance Institute for Highway Safety, most of these crash deaths occur among children traveling as passengers' vehicle occupants. Proper restraint use can reduce these fatalities. For teenagers, the number of crash deaths is disproportionately high compared to how much teenagers drive. In addition, the crash rate for young teens (16-17 years old) is nearly three times the rate for drivers ages 20 and over. In 2016, teenagers accounted for eight percent of motor vehicle crash deaths.

With funding from the Texas Department of Transportation (TxDOT), TMCEC offers a court to classroom program called Driving on the Right Side of the Road (DRSR), which provides municipal courts with free resources used to reach out to local schools and community groups. The overarching aim of the program is to decrease traffic safety injury and death by educating children and young adults about best practice traffic safety guidelines and responsible decision-making.

Several new resources are available to courts through DRSR for community outreach:

- **Distracted Driving Goggles:** These goggles allow students to experience simulated impairment from drowsiness or distraction by blacking out for the average amount of time it takes to dial, text, or doze off. The goggles are part of a "program kit" that allows participants to "drive" while using the different aspects of the goggles. These distracted driving goggles are for loan through the DRSR program
- **Distracted Driving Activity Mat:** This mat is ideal to add an additional dose of reality to your distracted driving awareness activities and outreach programs. The mat has a simulated community with schools, businesses, and intersections that participants "drive" through while experiencing impairment using any of the Fatal Vision goggles or other distraction experiences. These mats are available for loan through the DRSR program.
- **Fatal Reaction Unit:** This resource provides a hands-on engaging activity to demonstrate the impact of distraction on driving ability. The units are best used with the Driving Activity Mat or other games of concentration. These units are available for loan through the DRSR program.
- **Safety Seat Height Chart:** Available with English on one side and Spanish on the reverse. Children can see how tall they are while adults can easily determine the vehicle safety seat the child requires. These charts are colorful and convenient to use! These charts are free and available in needed amounts through the DRSR program.

Some of the free resources still available to your court through DRSR are:

- **Children's Safety Books:** TMCEC currently has seven colorful children's traffic safety books, including *Don't Monkey Around with Safety in a Car*, *Don't Monkey Around on Your Bicycle*, *Don't Monkey Around with Safety on Field Trips*, *Safe-T-Squad*, *Be Careful, Lulu!*, *Safe, Not Sorry* sticker book, and the newest, *Don't Monkey Around with Safety in Your Neighborhood*. These books are generally available in English, Spanish, and a teacher big book form. Courts are encouraged to have these available to children in their lobby. These books are also available for school visits or special community events. The books

promote safety in all traffic safety areas and are colorful and entertaining! Contact DRSR for guidance in using these valuable resources.

- **Informational Posters and Brochures:** If you want to set up a traffic safety exhibit in your court's lobby, DRSR has you covered! DRSR has a wide array of posters on topics such as impaired driving, distracted driving, booster seats, seat belts, and more. We also have many brochures from TxDOT on similar topics. All of these resources are available to your court free of charge! Please let DRSR know how it can help you set up an attractive lobby display.
- **Mock Trials:** TMCEC offers two comprehensive guidebooks on setting up a mock trial. The *Mock Trial Guide* has three sections with scaffolded lessons from 4th grade to high school. Each section contains a vocabulary exercise, a lesson on how the courtroom works, and a scripted mock trial. All lessons come with instructions on how to teach kids how your court works. *State v. Young* is a scripted DUI mock trial that takes upper grade students through a fictional distracted driving trial. Let DRSR walk you through how to show kids your courtroom from the inside!
- **Buckle Bear:** Buckle Bear is a lap puppet that is easy to use and comes with DVDs and handouts that can help any court educate young children about traffic safety! The provided units include passenger safety, pedestrian safety, and trike/bike safety. The bear comes with safety gear and a lap belt that clicks when properly engaged. These puppets are available for loan through the DRSR program.
- **Coloring Books:** Several TxDOT and TMCEC coloring books are available to share with young students. Current available titles are *Tex and Dot* (general traffic safety), *Buckle Up Texas!* (safety seats for young children), and *A Day in the Municipal Court* (a coloring book with general information about court staff and purpose of municipal courts).
- **Traffic Safety DVDs:** Our lending library has a wide variety of traffic safety DVDs that we can loan your court for a month at a time. Topics include underage drinking, impaired driving, and more. Please visit <https://goo.gl/epbybq> or contact Elizabeth De La Garza at for available titles. The DVDs make excellent triggers for group discussion with students. These DVDs are available for loan through the DRSR program.

Please contact DRSR for more information or help in making your communities safer places to live, work, and play! DRSR is here to help you make your community outreach simple and effective.

Contact DRSR at drsr@tmcec.com or call Elizabeth De La Garza at 512.320.8274. Also, please feel free to complete the order form and return it to DRSR (via fax 512.435.6118 or email at drsr@tmcec.com)! Thanks for everything you do to keep your communities safe!

www.tmcec.com/drsr



Save a Life™

Texas Department of Transportation

www.tmcec.com

DRIVING ON THE RIGHT SIDE OF THE ROAD

Submitted by: _____

Court / School: _____

Phone: _____

Email: _____

Address: _____

(no PO box please)

City/State/Zip: _____

Item	Description or Titles Requested	Quantity	
		English	Spanish
Children Safety Books			
Coloring Books			
Fatal Vision Goggles			
Distracted Driving Activity Mat (LOAN)			
Fatal Reaction Unit (LOAN)			
Assorted Posters and Brochures			
Mock Trial			
Buckle Bear (LOAN)			
Traffic Safety DVDs (LOAN)			
Safety Seat Height Chart			

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 Email to: elizabeth@tmcec.com
www.tmcec.com/dsr





RESOURCES FOR YOUR COURT

New Online Resource on the Opioid Epidemic¹

The National Judicial Opioid Task Force (NJOTF) has launched an online resource center to provide judges and court staff one place to go for easy access to opioid-related information and materials. The resource center offers a comprehensive collection of best practices, policy recommendations, research, statistics, podcasts, and other information on opioids and the courts.

The Center also includes information from a variety of experts, including the U.S. Department of Health and Human Services, the National Institute for Drug Abuse, the American Academy of Pediatrics, the USDA rural opioid initiative, and other federal and state agencies. The videos on the science of addiction are especially enlightening.

The Task Force was established by the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) with funding from the National Center for State Courts (NCSC) and the State Justice Institute (SJI).

Social Media Marketing for Courts²

The Joint Technology Committee (JTC), established by COSCA, the National Association for Court Management (NACM), and NCSC, released a new publication (December 2018) on social media marketing and the courts. The publication covers several aspects of utilizing social media as a means by which to achieve effective court communication. Failure to include social media in the court's communication strategy can widen the gap between what the public expects and what the court delivers.

Included in the 16-page bulletin are some key elements to creating a relevant and cohesive social media presence including:

- Platforms available and most frequently used (including Facebook, Twitter, YouTube, Instagram, LinkedIn, etc.);
- Internal and external risk review for governance team, body, or administration; and
- Social Listening – which includes more information about appropriate response time, how best to monitor accounts, and what that includes across platforms.

While there are still risks to any communications strategy, the bulletin advises courts to strongly consider and invest in a social media presence to best reach consumers, the public, and their partners where they are—online, using devices and apps that are highly integrated.

Also included is an appendix with basic, intermediate, and advanced level steps for courts to take action before, during, and while revising social media communication plans.

Court Teams to Address Mentally Ill Individuals

Delivering justice to individuals who struggle with mental health or behavioral issues can be extraordinarily difficult. As leaders of their courts and communities, presiding judges are well positioned to convene and engage others to solve complicated problems. With that in mind, the NCSC recently published a practical

guide to equip presiding judges in Arizona with the information they need to convene teams of court and community leaders who can systematically address individuals with mental illness.

The guide was funded by a grant from State Justice Institute (SJI) to the Arizona Supreme Court. A new grant from SJI to the CCJ, COSCA, and NCSC will adapt the Arizona guide for use in other states, among other national activities. This will address a recent resolution from CCJ/COSCA that urges court leaders to examine community-wide strategies to help those with mental illness.

The Arizona guide highlights the roles that probation officers, mental health workers, police officers, public defenders, and others can take to help reduce the number of people with mental illness and behavioral health issues who find themselves in the justice system. The NCSC team used and expanded upon the long-established Sequential Intercept Model (SIM), a framework that aims to keep individuals from continuing to penetrate the justice system.

Note: TMCEC worked collaboratively with the municipal courts in Fort Worth and Denton to host a stakeholder meeting in each community using the SIM program. Both meetings were a success, bringing municipal and county judges, officials, and staff members together with local mental health service providers. If you are interested in setting up such a program in your community, please contact Hope Lochridge at TMCEC (hope@tmcec.com). TMCEC requires that both municipal and county representatives be included.

The above resources were adapted from the Newsletter of the State Justice Institute in Alexandria, Virginia. Go to <http://www.sji.gov/> to subscribe to the SJI newsletter. There is also a Facebook page.

1. <https://tinyurl.com/y5ygwzts>

2. <https://tinyurl.com/y3tzk6x5>

GCAT Conference in May 2019

The 20th Annual Conference of the Governmental Collectors of Texas will be offered in College Station on May 14-17, 2019 at the Embassy Suites. The cost is \$250 for non-members and \$195 for members. The Conference includes a tour of the George H.W. Bush Library Center, including the gravesites of George and Barbara Bush.

April 15th is the cutoff date to submit awards nominations. Please email Chris Taylor at chris@johnsoncountytexas.org and Veronica Bolander at vbolander@wilco.org with nominations.

- Most Innovative Program
- Collector of the Year
- Collections Programs of the Year
- Excellence in Service Award
- Becky Sirmans Award
- Honorary Membership

For more information, go to: <http://govcat.net/events.html>





FROM THE CENTER

In Appreciation of Tracie!

TMCEC Program Coordinator, Tracie Glaeser, will retire this month. She joined the Center in the summer of 2016. Tracie brought with her over 25 years of experience with our courts, having served as a court administrator in Lewisville for 21 years and in Round Rock for 5 ½ years. She is and always will be admired and respected by the TMCEC staff and municipal court constituents across Texas. When Tracie isn't serving municipal courts, she is tending her well-kept garden and growing her own food. She and her husband, Jerry Glaeser, have several camping trips planned and have aspirations to visit every Texas State park during the next several years. Tracie will continue to be involved as a mentor for those in the clerk certification program on a voluntary basis. The certification program has been a career-long interest of hers dating back to the beginning of the program. Tracie will also spend time with her four children and eight grandchildren. She will be dearly missed! She can be reached at: tlglaeser@gmail.com.

Upcoming TMCEC Events

Register now for TMCEC conferences and clinics shown below. Register at <http://register.tmcec.com/> or print the paper registration form associated with each program. Please click on the title of the program to access the brochure which outlines course credit and other details.

Online 10999 Court Security Officer – starts the 1st of the month, every month. Limited to first 100 bailiffs, warrant officers, and marshals, as well as any law enforcement officers working in Texas municipal courts. Eight-hour mandatory course for all court security officers. TCOLE credit. No cost. Register at <http://register.tmcec.com/>.

2019 Prosecutors Conference – April 1-3rd, 12 to 15-hour CLE program. Omni Dallas Hotel at Parkwest. This program is uniquely designed for attorneys prosecuting in municipal court. Price varies. CLE credit.

Motivational Interviewing, Screening, & Brief Intervention (MISBI) – April 3rd, four-hour program. Omni Dallas Hotel at Parkwest. A counseling approach to effect behavioral and attitudinal change in individuals. Municipal court judges and employees communicate with defendants daily. MISBI is an innovative method of talking with them that seeks to change their mindset and attitude with the end goal of preventing re-offending. Judges, clerks, and juvenile case managers can use this when talking with defendants in court, fellow staff members at work, and even family members! No registration fees. To register, contact ned@tmcec.com. Not for CLE credit, but approved for judicial education and certification credit. Note: Course is full – wait list.

Teen Court – April 1-2nd, Georgetown. TMCEC, in conjunction with the Georgetown Municipal Court, Teen Court Association of Texas, and the Texas Department of Transportation (TxDOT), offers a teen court planning seminar for a limited number of participants. 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. Travel and meal reimbursement are available. No registration fee. CLE, judicial education and certification credit.

Note: Course is full – wait list.

Procedural Justice Clinic – April 23rd, 10:00–3:00, White Oak (Jim Niall Training Center). Procedural Justice is a concept that addresses practical ways to address the public's perception of the court system. This

program looks at how the four key elements of voice, neutrality, respect, and understanding can be effectively communicated in municipal courts, while maintaining the court's authority. Offered in conjunction with the North East Texas Chapter of the Texas Court Clerks Association. Designed for judges, prosecutors, and court support personnel. Court security officers may attend as a part of a team. Four hours judicial education and certification credit. No charge. Three hours CLE/two hours ethics.

Fines, Fees, & Costs REVISITED – April 26th, 10:00-3:00, Brenham at the Barnhill Center. H.B. 351 and S.B. 1913 (85th Session) increased procedural protections for low income and indigent criminal defendants and gave judges more leeway in delineating between fines and state mandated court costs and in the manner in which each is respectively discharged. For the most part, these bills did not compromise the ability of criminal courts, after affording due process, to enforce their lawful judgments against all defendants. Are you up to speed on these changes? Join Ryan Turner for an interesting, one-of-a-kind, retrospective, one-day clinic and look at what's changed (and what hasn't). This is the last time it will be offered. CLE, judicial education, and certification credit. 3.5 hours CLE. \$20 registration fee.

Procedural Justice Clinic – May 17th, 10:00-3:00, Seguin Events Complex. See description above. No charge. Offered in conjunction with the Freedom Trail Chapter of the Texas Court Clerks Association. Four hours judicial education and certification credit. No charge. Three hours CLE/two hours ethics.

Annual Bailiffs and Warrant Officers Conference – May 20-22nd, 12-16-hour program. Omni Austin Southpark Hotel. This conference is designed for officers serving in Texas municipal courts with an emphasis on court security. Cost: \$150 Registration fee, \$50 per night single room fee. TCOLE credit.

Fines and Fees Exposition and Showcase – May 28-30th, 12 to 16-hour program. Omni Austin Southpark Hotel. Recent changes in the law have caused municipal courts and city governments throughout Texas to reexamine local practices pertaining to fines and court costs in criminal cases. Changes in the law affecting the courthouse are not always understood at city hall. Registration is open to mayors, city council members, and other city officials and employees who attend with a judge, clerk, court administrator, city attorney/prosecutor, or bailiff/warrant officer. Cost: \$50 registration fee, no single room fee for judges and court personnel. Travel funds will be available for eligible court participants. Registration fee for city officials, no single room fee: \$400. City officials are not eligible for travel reimbursement from TMCEC.

Juvenile Case Manager Conference (JCM) – June 10-12th, 12 to 16-hour program. Omni Austin Southpark. Texas law requires JCM training in accordance with local rules. This conference offers courses that track the legislative requirements. Cost: \$150 Registration fee, \$50 per night single room fee. Certification credit.

2019 Prosecutors Conference – June 17-19th, 12 to 15-hour CLE program. Omni Austin Southpark Hotel. This program is uniquely designed for attorneys prosecuting in municipal court. Price varies.

Court Administrators Conference – June 17-19th, 12 to 16-hour program. Omni Austin Southpark Hotel. This program is uniquely designed for clerks serving as court administrators or in a supervisory capacity. Cost: \$150 Registration fee, \$50 per night single room fee. Certification credit.

Poverty Simulation – June 27th, 12:00-4:00, Hurst Conference Center. Lunch provided at no charge at 11:30 a.m. A poverty simulation is a role-playing experience. At this training, you will experience a day in the life of an individual receiving or accessing services. The poverty simulation experience is designed to help participants begin to understand what it might be like to see what those we serve experience every day. This simulation is open to judges and all court support personnel, including prosecutors. There is no fee. Offered in conjunction

with the North Texas Chapter of the Texas Court Clerks Association. Four hours of judicial education and certification credit.

High in Plain Sight – July 12th, seven-hour program. Rosebud-Lott High School. This workshop by the “Tall Cop” (Officer Jermaine Galloway) offers participants insights into how to help prevent and identify young people who are abusing drugs. Open to judges, court staff, law enforcement, and city officials. No charge. CLE, judicial education, and certification credit offered. Register at: <https://goo.gl/Lf77bn>.

Procedural Justice Clinic – July 25th, 10:00-3:00, Midland. See description above. Four hours judicial education and certification credit. No charge. Offered in conjunction with the West Texas Chapter of the Texas Court Clerks Association. No charge.

Impaired Driving Symposium – July 25-26th, Double Tree by Hilton Hotel, Austin. Only for judges – eight hours of judicial education credit. A joint program with judges from all types of trial courts in Texas in attendance. Travel funds available. Judges and magistrates only. Eight hours of judicial education credit – counts towards the eight-hour continuous requirement for municipal judges. \$50 registration fee. No single room fee. CLE credit.

Legislative Updates – These seven-hour programs are for CLE, judicial and clerk certification credit. Register early as there are often wait lists. Participants are responsible for making and paying for hotel accommodations. Cost: \$100. CLE: \$50.

Date	City	Hotel Information	Phone
August 13, 2019 Register by: July 13, 2019	Lubbock	Overton Hotel 2322 Mac Davis Lane, Lubbock, TX 79401	806.776.7000
August 16, 2019 Register by: July 16, 2019	Dallas	Omni Park West 1590 Lyndon B Johnson Fwy, Dallas, Texas 75234	972.869.4300
August 20, 2019 Register by: July 20, 2019	Houston	Omni Westside 13210 Katy Freeway, Houston, TX 77079	281.558.8338
August 23, 2019 Register by: July 23, 2019	Austin	Omni Southpark 4140 Governor’s Row, Austin, TX 78744	512.448.2222

Note: See also page 26 of this issue of *The Recorder* for the dates of the regional conferences in Lubbock, South Padre, and Abilene, as well as the New Judges and New Clerks Conferences in Austin.

TMCA Annual Meeting & Education Program – August 18-19th, Omni Westside Hotel. CLE, judicial, and clerk certification credit. For more information, go to <http://www.txmca.com/annual-conference/conference-2019/>.

High in Plain Sight

A Workshop in Lott, Texas – July, 12, 2019



When: Friday, July 12, 2019, 8:30 a.m. - 4:30 p.m.

Where: Rosebud-Lott High School, 1789 U.S. 77, Lott, TX 76656

Cost: Free

Open to: Judges, Court Staff, Law Enforcement, Educators, Government/Elected Officials

Credit: 7 hours CLE, judicial education, and clerk certification credit

Presented by: Officer Jermaine Galloway, “The Tall Cop”

Sponsored by: Rosebud Municipal Court, Lott Municipal Court, TMCEC

This workshop will provide attendees with the ability, knowledge, and confidence to help prevent and identify students who are abusing drugs. Attendees will also be taught the strategies and different terms that are consistent with underage drinking and drug abuse.

REGISTER TODAY at <https://tinyurl.com/y5a8kskm>

Questions? Contact Ned Minevitz at ned@tmcec.com or 512.320.8274.

2019 TMCEC Academic Schedule At-A-Glance

Seminar	Date(s)	City	Hotel Information
Teen Court Conference (wait list)	April 1-2, 2019	Georgetown	Comfort Inn & Suites 11 Waters Edge Circle, Georgetown, TX 78626
Prosecutors Conference	April 1-3, 2019	Dallas	Omni Park West 1590 Lyndon B Johnson Fwy., Dallas, TX 75234
Motivational Interviewing (wait list)	April 3, 2019	Dallas	Omni Park West 1590 Lyndon B Johnson Fwy., Dallas, TX 75234
Regional Judges & Clerks Seminar	April 8-10, 2019	Lubbock	Overton Hotel 2322 Mac Davis Lane, Lubbock, TX 79401
Procedural Justice Clinic	April 23, 2019	White Oak	Jim Nall Training Center 100 S. Church St., White Oak, TX 78155
Fines, Fees, Indigence Clinic	April 26, 2019	Brenham	Barnhill Center 111 W Main St., Brenham, TX 77833
Regional Clerks Seminar	April 29-May 1, 2019	S. Padre Island	Isla Grand Beach Resort 500 Padre Blvd., S. Padre Island, TX 78597
Regional Attorney Judges Seminar (wait list)	May 5-7, 2019	S. Padre Island	Isla Grand Beach Resort 500 Padre Blvd., S. Padre Island, TX 78597
Regional Non-Attorney Judges Seminar	May 7-9, 2019	S. Padre Island	Isla Grand Beach Resort 500 Padre Blvd., S. Padre Island, TX 78597
New Judges & Clerks Orientation	May 17, 2019	Austin	TMCEC 2210 Hancock Drive, Austin, TX 78756
Procedural Justice Clinic	May 17, 2019	Seguin	Seguin Events Complex 950 S. Austin St., Seguin, TX 78155
Bailiffs & Warrant Officers Conference	May 20-22, 2019	Austin	Omni Southpark 4140 Governor's Row, Austin TX 78744
Fines & Fees Show & Exposition	May 28-30, 2019	Austin	Omni Southpark 4140 Governor's Row, Austin TX 78744
Regional Judges & Clerks Seminar	June 3-5, 2019	Abilene	MCM Elegante Suites 4250 Ridgemont Drive, Abilene, TX 79606
Juvenile Case Manager Conference	June 10-12, 2019	Austin	Omni Southpark 4140 Governor's Row, Austin TX 78744
Court Administrators & Prosecutors Conference	June 17-19, 2019	Austin	Omni Southpark 4140 Governor's Row, Austin TX 78744
Poverty Simulation	June 27, 2019	Hurst	Hurst Conference Center 1601 Campus Drive, Hurst, TX 76054
New Judges & Clerks Seminar	July 8-12, 2019	Austin	Omni Southpark 4140 Governor's Row, Austin TX 78744
High in Plain Sight	July 12, 2019	Lott	Rosebud-Lott High School 1789 U.S. 77, Lott, TX 76656
Procedural Justice Clinic	July 25, 2019	Midland	Midland Municipal Court 201 E. Texas Ave., Midland, TX 79701
Impaired Driving Symposium	July 25-26, 2019	Austin	Doubletree by Hilton 6505 IH-35 North, Austin, TX 78752
Legislative Update	August 13, 2019	Lubbock	Overton Hotel 2322 Mac Davis Lane, Lubbock, TX 79401
Legislative Update	August 16, 2019	Dallas	Omni Park West 1590 Lyndon B Johnson Fwy., Dallas, TX 75234
Legislative Update	August 20, 2019	Houston	Omni at Westside 13210 Katy Fwy., Houston, TX 77079
Legislative Update	August 23, 2019	Austin	Omni Southpark 4140 Governor's Row, Austin TX 78744

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, 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

**TEXAS MUNICIPAL COURTS EDUCATION CENTER
FY19 REGISTRATION FORM:**

Regional Judges & Clerks Seminars, Court Administrators, Bailiffs & Warrant Officers, 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)
- Judges & Clerks - Fines & Fees (\$50) (NO HOUSING FEE)

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

By choosing TMCEC as your CLE 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 and Marshal's:** Municipal judge's signature required to attend Bailiffs/Warrant Officers' and Marshal's program.

Judge's Signature: _____ Date: _____

TCOLE PID: _____ BAILIFF DOB FOR 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:

Amount to Charge: _____ *Credit Card Number* _____ *Expiration Date* _____

Credit card type: \$ _____

- 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.

Legislative Updates: Register Now!

TMCEC is planning four regional, six-hour elective programs in August 2019 after the 86th Legislative Session. The registration fee is \$100. For attorneys seeking CLE, there is a voluntary \$50 CLE fee (No TCOLE Credit). The one-day sessions will be held from 9:00 a.m. - 5:00 p.m. If you wish to stay at the hotel, you are responsible for your own accommodations. A room block is available at the state rate plus tax under the TMCEC block. Please check the box next to the legislative update you would like to attend.

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> August 13, 2019
Overton Hotel
2322 Mac Davis Lane
Lubbock, Texas 79401
806.776.7000
Register by: July 13, 2019 | <input type="checkbox"/> August 16, 2019
Omni Park West
1590 LBJ Freeway
Dallas, Texas 75234
972.869.4300
Register by: July 16, 2019 | <input type="checkbox"/> August 20, 2019
Omni Westside
13210 Katy Freeway
Houston, Texas 77079
281.558.8338
Register by: July 20, 2019 | <input type="checkbox"/> August 23, 2019
Omni Southpark
4140 Governors Row
Austin, Texas 78744
512.448.2222
Register by: July 23, 2019 |
|---|--|--|--|

Name (please print legibly): _____
 Street: _____ City: _____
 Zip: _____
 Office Telephone #: _____ Court #: _____ Fax: _____
 Primary City Served: _____ Other Cities Served: _____
 Email Address: _____

Check all that apply:

- | | | | |
|------------------------------------|--|--|---|
| <input type="checkbox"/> Full Time | <input type="checkbox"/> Prosecutor* | <input type="checkbox"/> Associate/Alternate Judge | <input type="checkbox"/> Deputy Court Clerk |
| <input type="checkbox"/> Part Time | <input type="checkbox"/> Presiding Judge/Judge | <input type="checkbox"/> Court Administrator | <input type="checkbox"/> Other (\$150):** |
| <input type="checkbox"/> Attorney* | <input type="checkbox"/> Non-Attorney | <input type="checkbox"/> Court Clerk | _____ |

* Please add \$50 if requesting CLE credit.
 **Pending approval from the Executive Director and/or the Board of Directors

I understand that I will be responsible for making and paying for my own hotel reservation. Payment is required for this program; payment is due with this form. The registration fee is refundable if the Center is notified of cancellation in writing 10 days prior to the seminar.

 Participant Signature Date

PAYMENT INFORMATION:

- | | |
|--|--|
| <input type="checkbox"/> \$100 Registration Fee Enclosed | For participants who do not work in a municipal court: |
| <input type="checkbox"/> \$50 CLE Fee Enclosed* | <input type="checkbox"/> \$150 Registration Fee Enclosed (\$200 if CLE is requested) |

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

Credit Card type: _____ Credit Card Number: _____ Expiration Date: _____
 MasterCard _____
 Visa _____

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

Total Amount:

\$ _____ 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.
 Fax registration forms with credit card information to 512.435.6118.
 Register online: <https://register.tmcec.com/>



The Role of Municipal Court in City Government

2019 Revised DVD

Texas Municipal Courts Education Center

Newly Revised!

The Role of Municipal Court in City Government

DVD Order Form

In Texas, more people come into contact with the municipal court than all of the other Texas courts combined. This video is not only for municipal judges and court support personnel, but also for other members of city government, and for members of the public who are interested in the role of the municipal court.

Use the form below to order copies of this DVD. This is a FREE resource available now while supplies last!

Name (please print legibly): _____

Street: _____ City: _____ Zip: _____

Office Telephone #: _____ FAX: _____

Primary City Served: _____ Title: _____

Other Cities Served: _____

Email Address: _____

Number of copies requested (limited to two per court): _____

How do you plan to use this program? Where or to whom will you show it?

Please return completed form to TMCEC
2210 Hancock Drive, Austin, TX 78756
Fax order forms to 512.435.6118

Clerk Program Publications

Qty	Cost	Title	Extended Price
	\$25	Municipal Court Guide Level I	
	\$25	Municipal Court Guide Level II	
	\$10	Texas Class C & Fine-Only Misdemeanors	
	\$10	Flash Cards Level I	
	\$10	Flash Cards Level II	
	\$10	Vocab Flash Cards	
Shipping Charges:			
TOTAL:			

TMCEC Shipping Charges	
For Orders Totaling:	Please Add:
\$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 +	\$16.95
Standard delivery within 4-6 business days for in-stock items	

SHIPPING INFORMATION:

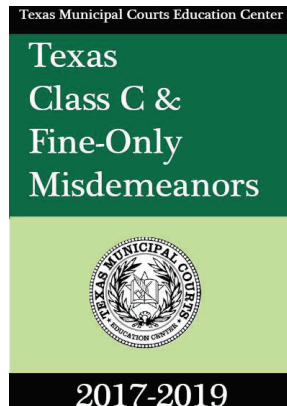
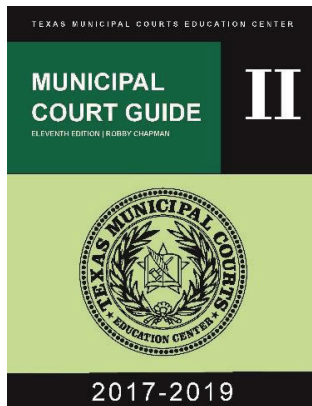
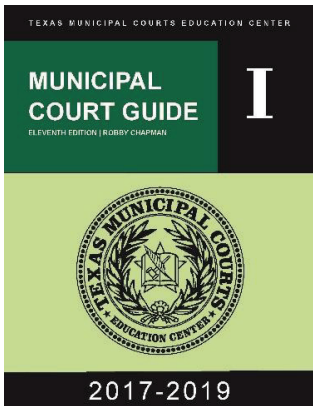
Name: _____
 Court: _____
 Court Address: _____
 City, State, Zip: _____
 Court Telephone Number: _____
 Email Address: _____

CREDIT CARD PAYMENT INFORMATION:

Visa MasterCard

Card Number: _____
 Expiration Date: _____
 Verification # (Found on back of card): _____
 Zip code associated with card: _____
 Name on card (print clearly): _____

 Authorized Signature: _____
 Date: _____



All orders must be prepaid. Send orders and make checks payable to:

Texas Municipal Courts Education Center
 2210 Hancock Dr.
 Austin, TX 78756
 Fax: 512.435.6118

THE FY 19 REGIONAL JUDGES AND CLERKS PROGRAMS AUDIO RECORDINGS NOW AVAILABLE!

Listen to all the sessions from both the FY 19 Houston regional programs on the TMCEC website: <http://www.tmcec.com/course-m/judges/fy19-course-materials/houston/>. Click on the speaker icon next to the session on the FY 19 course materials tab for the Houston Regional Conferences.

JUDGES PROGRAM:

- *Human Trafficking* - Terence C. Coonan, Executive Director/Assoc. Professor, Florida State University College of Law
- *Case Law Update* - Ryan Kellus Turner, General Counsel & Director of Education, TMCEC
- *Procedural Justice* - Ed Spillane, Presiding Judge, City of College Station and Julie Escalante, Presiding Judge, City of Baytown
- *Civil Enforcement* - Artin DerOhanian, Senior Associate Attorney, Law Office of Ryan Henry
- *Opioids* - Crystal Collier, Murphy Peterson Behavioral Health Fellow, Houston, TX
- *Chronology of a Class C Case* - Tim Kirwin, Alternate Judge, City of Houston
- *Resilience in Court: Coping with Stress - Change, and Routine* - Ed Spillane Presiding Judge, City of College Station
- *Discovery* - Peter De Leef, Associate Judge, City of El Lago
- *Scenarios VIII: Free Speech Edition* - Mark Goodner, Deputy Counsel and Director of Judicial Education, TMCEC
- *Managing Motions* - Cody Beauchamp, Presiding Judge, City of Corsicana
- *CDL* - Cass Callaway, Presiding Judge, City of Hutchins
- *Endnote: Takeaways for 2019* - Mark Goodner, Deputy Counsel and Director of Judicial Education, TMCEC

CLERKS PROGRAM:

- *Perceptions & Reality – What Kind of Court Are You?* - Victoria Medley, Court Administrator, City of Amarillo
- *Legal Ethics for Court Clerks* - Jacqueline Habersham, Deputy General Counsel, Commission on Judicial Conduct
- *First Amendment & The Courthouse* - Matthew Freeman Court Clerk, City of Frisco
- *Handling Criminal Evidence: The Court Clerk's Role in Discovery* - Ashley McSwain, Prosecutor, City of Murphy
- *Small Court Challenges II* - Bonnie Townsend, Judge City of Luling
- *Managing Cases: Tackling Backlogs* - Hilda Cuthbertson, Judge, City of Snook
- *Managing People: Trusting Yourself* - Courtney Acklin, Court Administrator, City of Palestine
- *Class C Fundamentals: Bicycle and Scooter Offenses* - Bianca Bentzin, Chief Prosecutor, City of Austin
- *The JCM Role & Alcohol or Drug Abuse Related Community Service* - Robby Chapman, Director of Clerk Education, TMCEC
- *Court Processes: Properly Handling Dismissals* - Jan Blacklock Matthews, Judge, City of Wilson
- *Certification Testing: Common Problems & Solutions* - Sheila Roach, Deputy Clerk, City of Canyon
- *The Crisis in Your Backyard: Opioids and Municipal Court* - Pat Riffel, Court Administrator, City of Friendswood
- *Clerk Program Update* - Robby Chapman, Director of Clerk Education, TMCEC

SHARED PROGRAMMING:

- *Authorities and Duties* - Robby Chapman, Director of Clerk Education & Program Attorney, TMCEC
- *DSC and Deferred* - Mark Goodner, Deputy Counsel and Director of Judicial Education, TMCEC
- *Overview of Trial Processes* - Michael Acuna, Judge, City of Dallas
- *Sovereign Defendants* - Peter De Leef, Associate Judge, City of El Lago
- *TDLR: DSC Certificates* - Michael Strawn, Driver Education and Traffic Safety Compliance, Texas Department of Licensing and Regulation
- *Are You Protecting Court? The Court Security Committee* - Elaine Marshall, Presiding Judge, City of Houston
- *New Tools for Promoting Safety* - Liz De La Garza, TxDOT Grant Administrator, TMCEC and Ned Minevitz, TxDOT Grant Administrator & Program Attorney, TMCEC
- *Stop, Cop, and Roll* - Ned Minevitz, TxDOT Grant Administrator & Program Attorney, TMCEC
- *Questions Answered* - Robby Chapman, Director of Clerk Education & Program Attorney, TMCEC and Mark Goodner, Deputy Counsel and Director of Judicial Education, TMCEC
- *Trauma-Informed Judicial Practice* - Bianca Bentzin, Chief Prosecutor, City of Austin
- *Family Violence Reporting* - Kimberly Piechowiak, Domestic Violence Resource Attorney, Office of Court Administration

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**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.

