

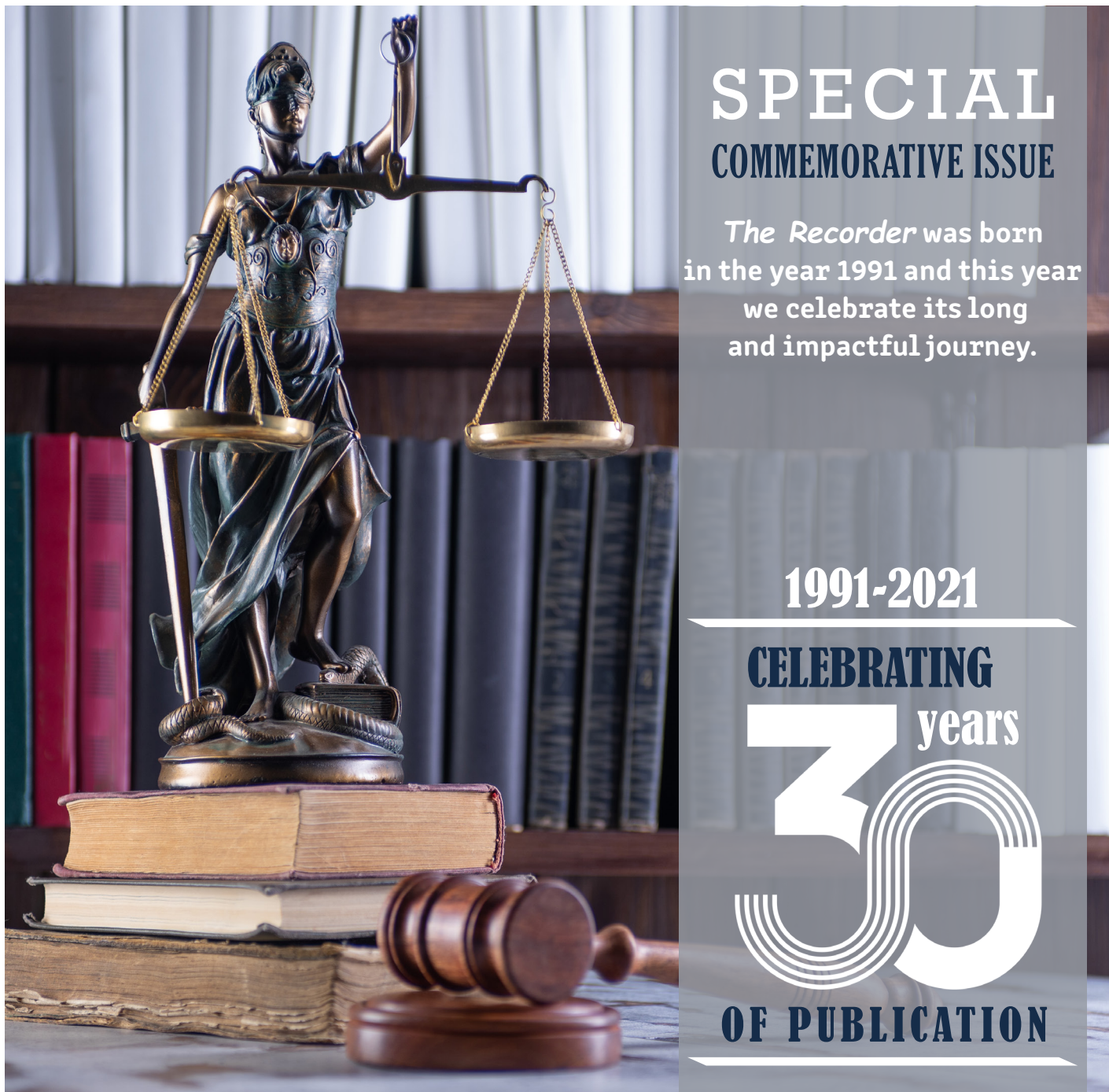
THE **30th**
YEAR
ANNIVERSARY

RECORDER

THE JOURNAL OF TEXAS MUNICIPAL COURTS

October 2021

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SPECIAL COMMEMORATIVE ISSUE

The Recorder was born in the year 1991 and this year we celebrate its long and impactful journey.

1991-2021

CELEBRATING

30 years

OF PUBLICATION

ABOUT THIS ISSUE

In 2008, Hon. Joe M. Pirtle wrote a letter to the editor of *The Recorder* documenting a reunion of Texas Municipal Courts Association (TMCA) “old-timers” held that year. In the letter, published in the June 2008 issue of the journal, Judge Pirtle said, “[o]ur purpose is to not let the history of this remarkable organization slip away.” We couldn’t agree more. TMCEC would not exist without TMCA. This issue of *The Recorder* commemorates 30 years of publication. It is a tribute to an enduring dedication to judicial education generated by TMCA through the project they started 37 years ago—TMCEC. Joining Judge Pirtle in preserving history, this issue is a token of gratitude to past and present TMCA members and directors, TMCEC faculty and staff, authors and contributors to the journal, and municipal judges and court personnel in Texas, whose readership has made the journal thrive for three decades. TMCEC sincerely thanks you.

The first issue, called the *Municipal Court Reporter*, was published in January 1991. That issue published a feature, *Texas Municipal Courts Association News*, with the below picture of the 1991 TMCA Board of Directors.



Pictured left to right: Dave Mahaffey, Bob Richter, Tommie Mills, Diane DeVasto, Phil Banks, Jane Supkis, Barbara Sullivan, Marvin Craft, Sylvia Garcia, Pam Lancaster, Richard Browning, Robin Smith, Joe Pirtle, Mike Smith, Burt Solomons, Gene Frohbieter

Hon. Robin Smith, retired Presiding Judge of the Midland Municipal Court, said about the above picture:

This was an interesting and dedicated group. While most have retired from public service, or unfortunately passed on, they all had the future of municipal courts in their hearts 30 years ago.

Among the group is Judge Robert Richter who is still serving, Sylvia Garcia who is a United States Congresswoman, and the late Judge Joe Pirtle who was considered a founder of the Association (along with Judge Richter). At least seven of the judges pictured served as TMCA Presidents. The picture also includes the late Judge Dave Mahaffey, the only Board Member Emeritus of TMCA. At least half of the group I consider “lifers” who spent the majority of their careers serving in a municipal court. Those include: Judges Richter, Pirtle, Mills, Supkis, Sullivan, Mahaffey, Frohbieter, and myself. I am proud to have been pictured and served with these colleagues.

Also pictured, Hon. Bob Richter, who currently serves as Treasurer on the TMCA and TMCEC Boards of Directors, had this to say about the journal:

The Recorder has long been a much-anticipated publication from TMCEC for guidance and information to judges and court personnel since its initial publication in 1991. It has been an especially valuable benefit of membership for TMCA since an actual printed copy is mailed to members at their request to receive it instead of the online version. The articles contained in the publication as well as announcements of upcoming seminars has always been the favored reference point for most Municipal Courts in Texas.

We hope you enjoy reading this historical issue of the journal as much as we enjoyed researching it. Special thanks to Elaine Riot whose first assignment as TMCEC’s new publications coordinator was an expedition into every issue of the journal. Her notes were instrumental to the content of this issue. Thank you to Avani Bhansali for her exceptional design work on this issue and past issues of the journal.

If you want to connect with us for the next 30 years, visit tmcec.com/journal for current and archived digital issues of *The Recorder* and information on subscriptions to the paper version through TMCA.

Sincerely,

Regan Metteauer
Deputy Director, TMCEC
Managing Editor, *The Recorder*
October 2021



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30 YEARS

OF THE RECORDER

A HISTORIC SURVEY OF THE JOURNAL OF TEXAS MUNICIPAL COURTS

In 1989, TMCA President, Hon. Robert Kubena, wrote in the January newsletter for the Texas Municipal Courts Training Center (TMCTC), “One of the most significant factors in building a strong municipal court system is an informed judiciary.” Out of that axiom, *The Recorder* was born. What began as a newsletter featuring messages from TMCA presidents, the governor of Texas, and judges from various levels of the judiciary evolved into a journal designed not only to inform the judiciary, but also court personnel, city officials, state legislators, appellate court practitioners, policy makers, and the public. Come along with us as TMCEC celebrates 30 years of *The Recorder*.



Over the years, a myriad of skilled, experienced contributors have graced the pages of the journal. A review of past issues and headlines illustrates an ongoing dedication to municipal courts and the public they serve. The timeline also captures a historic overview of the Center and issues faced by municipal courts. Though the goal of every journal issue is to provide legal information, practical procedural tips, and news of interest to municipal judges and court support personnel, some issues stand out as significant in the life of the journal. What follows are historical highlights for each year in the life of the journal.

1991 The first issue of the journal in 1991 featured a message from TMCA President, Hon. Sylvia Garcia, Presiding Judge of the Houston Municipal Court, pledging continued improvement in the development of educational programs. “Our seminars are better. Our faculty has expanded, and we have added clerk and prosecutor training,” wrote Garcia. “Our goal is to make available to our members the best and the most comprehensive training programs in the country, one which can be used as a model for

others to follow.” Hon. Sylvia Garcia now serves as a Congresswoman in the U.S. House of Representatives.

“*The Recorder* has played a critical role in providing up to date information to the municipal courts of Texas. So many laws are specific to the lower courts who should strive to provide the absolute best in procedure and fairness. Many citizens never have any experience with courts at any other level and therefore, the idea of justice is often formed in a municipal court.”

-Hon. Diane Devasto, Former TMCA President and Former Justice, Court of Appeals, 12th District

1992 The 1992 issues of the journal depicted noteworthy developments in the law and the Center. The lead story in the April/May 1992 issue covered the creation of the Municipal Affairs Section by Attorney General Dan Morales. He also announced the creation of a Municipal Advisory Committee to help the A.G.’s Office better serve cities.

Jeanne Bradly Kitchens, TMCTC General Counsel, summarized *State v. Boseman*, 830 S.W.2d 588 (Tex. Crim. App. 1992), a case watched by municipal courts all over Texas. At issue were unanswered questions about the mechanics of certain appeals from municipal courts. The April/May 1992 Clerks Corner featured the Texas Commercial Driver’s License Act, which went into effect on April 1, 1992 and created seven Class C misdemeanors. A seminal article on the court’s seal appeared in the August 1992 issue. Margaret Robbins, TMCTC Program Coordinator, wrote articles on Authorities and Duties and Ethical Standards for Municipal Court Clerks, key topics that are still foundational in the Center’s New Clerks Seminars.

Ms. Kitchens included her resignation letter in the April/May issue (she is the only TMCEC staff member to do so). The new general counsel, Laurel Arnold, was announced in the August 1992 issue. In the November

1992 issue, TMCTC announced it would pilot a new Court Administrators program. In other 1992 journal news, the Center moved from South Capitol of Texas Highway to its Rio Grande location.

1993 The 1993 issues of the journal featured significant changes for the Center. In a letter from the TMCA President in the October 1993 issue, Hon. Burt Solomons announced that administration of the Center’s grant shifted from the Supreme Court of Texas to the Texas Court of Criminal Appeals. He also announced the arrival of a new TMCEC General Counsel, Jim Bethke. The same issue introduced the change in name from the Texas Municipal Courts Training Center to what it is today, the Texas Municipal Courts Education Center.

Judge Solomons also listed the training themes for the year: legislative changes, indigence, community service, and intergovernmental relations. In the October 1993 issue, Hon. Kevin Madison penned a cover story on judicial liability, specifically addressing recent lawsuits related to indigence (an occurrence that resurfaced 20 years later). In a related article on the cover of that issue, Hon. Bonnie Sudderth explained the new provision in Chapter 45 of the Code of Criminal Procedure expressly allowing municipal judges to require community service to satisfy the judgment.

Other major legislative changes included an overhaul of the state’s criminal justice system by the 73rd Texas Legislature. The headline on the cover of the August 1993 journal read: “The New Penal Code.” Revisions amended nearly every chapter of the Penal Code and created the state jail felony along with the state jail system to house state jail felons.

Other significant news reported by the journal in 1993 included adoption of a revised Code of Judicial Conduct by the Supreme Court of Texas.



“The journal brings municipal courts together in a unique way: even though they are scattered over a landscape of over 250,000 square miles, they are all part of the same community. I believe this point to be exemplified in no place better than *The Recorder*. Sometimes informative, instructional, compelling, celebratory, encouraging, admonishing, practical, and descriptive, *The Recorder* is, above all else, steadfast—just like the courts it serves.”

-Hope Lochridge, Former Executive Director, TMCEC

1994 In 1994, weighty legal updates included juvenile curfew ordinances, the admissibility of laser speed measurement readings (at the time only 20 jurisdictions were using laser technology to detect speeders in Texas), and the extension of *Batson v. Kentucky* to cases involving gender bias in *J.E.B. v. Ala. ex rel. T.B.*, 511 U.S. 127 (1994).



1994 featured advancements in technology for judicial education. The Center received two notable grants that year. One was a technical assistance grant to conduct a survey of the computer technology that municipal judges and court support personnel had available. The Center was exploring placing its publications and forms on diskettes rather than just a paper copy. The other grant came from the State Justice Institute

to create instructional videotapes. In related news, the Center offered an Introduction to Personal Computers course for beginners needing “basic information on the operations of computers, an introduction to software (loading and using), using a mouse and a modem, and ‘hands-on’ experience with Windows and WordPerfect.” 1994 was also the year the Center began offering an electronic bulletin board (accessed by telephone), which was demonstrated at all 12-hour seminars that year.

“I am happy that I was able to contribute to the growth of *The Recorder* that has become such a useful resource. I think of my contribution as being partial compensation for the great experience and all that I learned as an instructor for the Center.”

-Charles Bubany, Professor, Texas Tech University School of Law

1995 The journal covered important legislative changes in 1995. The July 1995 issue highlighted H.C.R. 203, sponsored by Texas Representative Burt Solomons, former municipal judge and TMCA President. The resolution designated August 7-13, 1995 as “Municipal Courts Week in Texas” for the significant contributions made by the municipal courts to the citizens of Texas. Related news in that issue included the headline: “The New Transportation Code.” The 74th Texas Legislature undertook a complete reclassification and reordering of statutes relating to aviation, navigation, carriers, motor carriers, roadways, vehicles, and other traffic law. Other legislation removed the jurisdictional dollar limit for “fine-only” offenses.

The August/September 1995 issue featured the first published court costs chart featuring the new Municipal Court Building Security Fee effective August 28, 1995.

The October 1995 issue was dedicated to juvenile justice with an article by Jim Bethke that provided an overview of the new procedural framework for

municipal courts to process juvenile offenders. The issue included commentary on H.B. 327 (the Juvenile Justice Code) and S.B. 1 (the new Education Code) from Professor Robert O. Dawson and other juvenile law experts.

1996 This was a robust year for the journal. The 74th Legislative Session continued to provide fodder for journal articles, including authorization for DPS to develop procedures to deny renewal of driver's licenses on persons who fail to appear on "finable traffic violations," expanded community service, and juvenile issues resulting from new reform (the journal published a new juveniles chart).

The Center made two momentous announcements in the journal in 1996. First was the development of a clerks' certification program in conjunction with the Texas Court Clerks Association to begin in 1996-1997. Second, TMCEC announced it had a "World Wide Web site," which would replace the electronic bulletin board.

Also notable in 1996 was special attention given to Attorney General Opinion DM-428 regarding dual capacity.

In October 1996, the journal received an updated design with the addition of a third column and new heading styles.

1997 Perhaps ahead of its time, the March 1997 issue included articles on stress reduction for judges and lawyers and judicial wellness. The May 1997 issue included several ethics-themed articles including *Statutes Governing Judicial Ethics*, *Don't Lie: Don't Cheat: Ethical Considerations for Municipal Prosecutors*, and *Promoting Public Confidence with Ethics*.

Key legislative developments reported in the journal included the authority of municipalities to regulate and order the destruction of dangerous dogs, juvenile DUI, new tobacco regulations, dual office holding, and the constitutionality of the time payment fee. The Department of Public Safety implemented its Failure to Appear program statewide.

The *Resources for Your Court* feature in the 1997 journal included a new video, *Municipal Court's Role in City Government*, and numerous resources for defendants with disabilities (including a People First Expressions chart). The journal also announced in March 1997 the availability of the first nine Level I Clerk Study Guides, written by Hon. Robin Smith (Presiding Judge in Midland), Hope Lochridge (TMCEC Executive Director), and Margaret Robbins (TMCEC Program Director).

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“As a former TMCEC judicial instructor for 21 years and past contributor to *The Recorder*, I continue to be wholly impressed with the quality and quantity of information shared in TMCEC's publication. Having served as a municipal judge for 30 years now, I am truly amazed at the continued quality and relevance of articles published in *The Recorder*! It is stunning to realize the quality of judicial education that TMCEC staff imparts on us: Webinars, Seminars, 800 Line, and *The Recorder*. The amount of time and dedication that TMCEC staff gives is above any other judicial education institution I have ever seen. I attended a state district judge's conference several years ago and came away thinking, "My Goodness how lucky are we to get the quality seminars and webinars and publications put out by TMCEC!" *The Recorder* is an amazing compilation of articles and cases that keep us up to date on the law. A hearty and heartfelt THANK YOU to TMCEC for this wonderful publication and for everything TMCEC staff does for all of us.”

-Hon. Kevin R. Madison, Former TMCA/TMCEC President

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1998 The April 1998 issue headlined the "New" Texas Rules of Evidence promulgated by the Supreme Court of Texas and the Texas Court of

Criminal Appeals, which replaced the separate criminal and civil rules with a single, integrated version.

1998 was noteworthy for the Clerk Certification Program. A list of clerks who completed the Level I certification appeared in the October 1998 issue. The April 1998 issue announced the completion of the development of the Level II Clerk Certification Program and plans for the Level III program.

Compelling articles in 1998 included *Equal Access to All* by Hope Lochridge and Margaret Robbins; *Reflections on the Art and Craft of Judging* by William A. Babitch, Justice of the Supreme Court of Wisconsin (reprinted); and *Corpus Does It Right!* by Robert O. Dawson (reprinted).

In Center news, The July 1998 issue announced that TMCEC General Counsel, Jim Bethke, left the Center after accepting a position at the Office of Court Administration as Special Counsel to the Judicial Committee on Information Technology.

1999

1999 was a year of first appearances.

The AY/FY 2021 TMCA/TMCEC President, Pamela Liston, made her journal debut in May 1999 with a lead article on blue headlight cases. Also featured on the cover of that issue was an article on nuisance abatement by Attorney General John Cornyn. New TMCEC General Counsel, Jade Meeker, penned her first article in the May 1999 issue. Ryan Turner was listed for the first time as Program Attorney in August 1999.

The journal announced completion of the Level III Clerk Certification Program in May 1999. The issue also advertised the first online version of the TMCEC Bench Book. The videotapes from the 1999 TMCEC Legislative Update became available. Speakers included Attorney General John Cornyn, Robert O. Dawson, Jim Bethke, and Clay Abbott.

“For 21 years it has been my privilege and pleasure to contribute and collaborate with others on *The Recorder*. It is a publication that occupies a meaningful and distinct niche in Texas and is appreciated by many readers

including, but not limited to, TMCEC constituents. What makes *The Recorder* unique is that it strives to strike a balance between being practical and scholarly while also being accessible to a wide range of readers. Over the years, its articles have shed light on legal issues that are often overlooked or inadequately examined. It has featured articles that in retrospect were groundbreaking. (Colin Norman’s article on drones and the Texas Privacy Act in 2014 was one of the first articles of its kind. I recently learned that it is cited in a work by the Federal Aviation Administration.) Some articles have been cited in appellate briefs, legal journals, and law reviews. Others helped frame issues, prompt conversations, and set the stage for changes in Texas law.”

-Ryan Kellus Turner, Executive Director, TMCEC



2000

The millennial year journal published Ryan Turner’s first article in April 2000, an attorney general opinion update. His first Case Law Update appeared in the June 2000 issue. The June issue also welcomed Clay Abbott as the new TMCEC General Counsel who tackled in-depth articles on magistrations in 2000 and 2001.



In the wake of the tragedy at Columbine High School in 1999 and subsequent incidents of violence in schools, the July 2000 journal featured an article, *School Violence and Its Impact on the Courts*. The issue also shared a school violence prevention report released by the Texas Attorney General's Office and a school violence chart for magistrates.

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“I regularly read and look back for articles in *The Recorder*. I did that before I worked at TMCEC and still do. It was and is the best source for information, analysis, research, and help in our “lower” courts. But my greatest praise is that *The Recorder*, as well as the authors and staff that contributed to it, made municipal courts lower courts and no longer lesser courts.”

-W. Clay Abbott, DWI Resource Prosecutor, Texas District & County Attorneys Association and Former TMCEC General Counsel
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2001 The journal welcomed TMCEC Program Coordinator, Jo Dale Bearden, and Projects Coordinator, Elizabeth Price, in 2001. Ms. Price wrote her first article, *Innovation in Juvenile Procedure*, in the May 2001 issue of the journal, which had a juvenile focus. The issue also reported the eagerly anticipated U.S. Supreme Court decision, *Atwater v. City of Lago Vista* (holding the Fourth Amendment does not prohibit a warrantless arrest for a minor criminal offense, such as a misdemeanor seatbelt violation punishable only by a fine).

Jennifer Sullivan from Sealy, the first clerk to achieve full certification, appeared on the cover in the final issue of 2001. In other 2001 journal accolades, Hon. Robin Smith, Presiding Judge in Midland, received the Judicial Education Award from the American Bar Association Judicial Division National Conference of Special Court Judges. Hon. Glenn Phillips, municipal judge from Kilgore, was appointed to the Texas Judicial Council by Chief Justice Tom Phillips.

Hon. Elisabeth Earle, Downtown Austin Community Court, wrote an article, *Community Court Approach to Repeat Offenders*, highlighting the efforts of the DACC, which opened October 1, 1999.

The Center moved to Shoal Creek Boulevard on June 1, 2001.

2002 2002 was a robust and unique year for the journal. TMCEC reported the launch by the Texas Legislature of the new licensing and certification program for court language interpreters and the Task Force on Indigent Defense. Former TMCEC General Counsel, Jim Bethke, was named director of that task force.

The journal issues in 2002 featured a focus on technology. TMCEC launched a listserv for judges and prosecutors. In addition, TMCEC redesigned its website, launching it in the February 2002 journal. Online monthly reporting to OCA also became available. The journal introduced a Tech Corner feature in 2002. The first topics included an introduction to court technology, launching your court onto the web, moving toward paperless courts, traffic technology, and using videoconferencing for 15.17 hearings.



Ryan Kellus Turner's article in the May 2002 Special Traffic Edition of the journal, *Public Perception, Road Rage & the Role of the Court*, highlighted insights from a survey gauging changes in public attitudes and behaviors in light of the terrorist attack on September 11, 2001. The same issue also featured Buckle Up America, the then new campaign by the National Highway Traffic Safety Administration, and Click It or Ticket, the Texas campaign that launched in 2002. The July 2002 issue was the first (and only) journal to feature articles by husband and wife: Ryan Kellus Turner's article, *Deferred Disposition: "Thinking Outside the Box" versus "Abuse of Discretion"* and Stephanie B. Turner's article, *What Is a Psychosocial Assessment?* Another first for the journal, TMCEC

published three issues in August 2002, one focusing on diversity. A rare Summer 2002 issue focused on decorum.

Finally, the journal announced its new publication, *The Municipal Judges Book*, which was sent to all municipal judges in November 2002.

2003 Journal themes in 2003 included court security, diversity, family violence, ethics, and technology. In July 2003, the journal announced the Clerk Certification Program was officially affiliated with Southwest Texas State University.



2004 2004 was a special year in the life of the journal. Most notable was an article on the 20th Anniversary of TMCEC with a timeline featuring significant years in TMCEC history. TMCEC held a motto contest in 2004 to be placed on TMCEC book bags and promotional materials. The winner? “Fair and Impartial Justice for All.” Hon. Robert C. Richter of Missouri City submitted the winning entry. In the July 2004 issue, TMCEC announced its first set of webinar training programs. The first-ever webinar was Traffic Trends, presented by Clay Abbott on June 18, 2004. In the December 2004 issue, the journal recognized all volunteers who served as TMCEC presidents, officers, and directors. The issue also introduced TMCEC’s new General Counsel, Ryan Kellus Turner.

“From 1993 to 1998, I wrote many articles for *The Recorder* and recruited many others to write. Most articles were drafted to answer

questions I or someone else at TMCEC had received in trainings or on the 800 line. Back then, there wasn’t Google or IE. In 2005, Dottie Carmichael, Ph.D., Research Scientist, Public Policy Research Institute (PPRI) and I co-wrote a three-part series: 1) *The Fair Defense Act: Whose Job is it Anyway?*; 2) *Magistrate Duties*; and 3) *Texas Magistrates: Gatekeepers to Indigent Defense*. I did not keep a record of how often I shared these articles with judges, lawyers, and others over the years, but it was many times. This work from over 15 years ago is still foundational for work I’m currently doing in Harris County regarding the implementation of the *O’Donnell Consent Decree*. I congratulate TMCEC for not only maintaining a quality publication for 30 years but for improving upon the scholarship each year. I am grateful to be part of the TMCEC family.”

-Jim Bethke, Director, Harris County Justice Administration
and Former General Counsel, TMCEC

2005 In 2005, the journal featured a series of articles describing magistrates’ responsibilities under the Fair Defense Act by Jim Bethke, Director of the Task Force on Indigent Defense. TMCEC Program Attorney, Tiffany Dowling, introduced readers to DPS points and surcharges after the Texas Legislature enacted the Driver Responsibility Program in 2004. In March 2005, the journal announced the release of 49 forms in Spanish and a new Pro Se Defendants video.

Continuing the celebration of 20 years, the March 2005 issue was dedicated to judges and court support personnel who had served over 20 years in Texas municipal courts. The April-May 2005 issue was dedicated to Margaret Robbins, who at the time had served as faculty and staff at TMCEC for 20 years.

In the April-May 2005 issue, Ryan Kellus Turner wrote an article in memory of Professor Robert O. Dawson, who passed away on February 26, 2005.

“The addition of *The Recorder* created a means for providing additional and new information to the courts that is not in the Judge’s Bench Book or the Clerk Study Guides; therefore, expanding the learning experience for municipal courts.

My favorite part of *The Recorder* is the Clerk’s Corner because it specifically addresses issues for clerks and court administrators. One of my favorite articles is found in the May 2006 issue regarding *Caseflow Management in Texas Municipal Courts*. While not an exciting topic, it is a necessary one to help clerks and judges understand the importance of working together to achieve a sound management foundation.”

-Margaret Robbins, Former Program Director, TMCEC

2006 In the From the General Counsel column, Ryan Kellus Turner described 2006 as a year of change and transition in terms of the legal staff. For the first time in the Center’s history, TMCEC had three full-time attorneys on staff. He welcomed new attorneys and journal contributors Lois Wright and Meichihko Proctor to the Center.

It was a year of transition for courts as well. In the July 2006 issue, Jim Lehman explained the new Collections Improvement Program. In the December 2006 issue, TMCEC announced a new court interpreters program, the first of which was held December 6, 2006. In that issue, the journal ran the first *Municipal Traffic Safety Initiative: News You Can Use* feature promoting TMCEC’s MTSI project in cooperation with TxDOT. TMCEC’s new traffic safety webpage launched in 2006.

Apathy in Our Courts, Death on Our Roads, an article published by Ryan Kellus Turner in the May 2006 issue garnered many positive letters; a few were published in the following issue.

2007 The masthead changed to its current form in May 2007, displaying *The Recorder* instead of *Municipal Court Recorder*. Its new nametag also included The Journal of Texas Municipal Courts. The journal featured big headlines in 2007. Ryan Kellus Turner’s two-part article, *Citations (Tickets Are for Concerts & Sporting Events)*, had lasting effect in its content (It was quoted as recently as 2020 in the journal.). Several changes in bail bond law generated the article, *Bail Bonds for All, Reprise*, written by David L. Finney, an attorney in Denton. The article, *No More Best Practices*, reprinted from the National Center for State Courts, outlined the concept of evidence-based practices and performance measurement.

In a rare “End of Summer” issue, the journal announced the retirement of Margaret Robbins after 28 years of service in Texas municipal courts. In the March 2007 issue, TMCEC announced its recreation as a 501(c)(3) and the loss of Hon. Earl B. “Bud” Webb, who helped establish TMCA.

New events announced in 2007 included the CoLoGo Technology Conference and the Traffic Safety Conference. In conjunction with the new Traffic Safety Conference, the journal featured the first solicitation for traffic safety award applicants. Lisa Robinson appeared for the first time in the journal in 2007 as the first TxDOT grant administrator. The December 2007 issue revealed a new publication with a comprehensive list of Class C misdemeanors. TMCEC also announced a revamped website.

2008 The new red-themed journal kicked off in 2008 with *The Role of Municipal Court in City Government, or Municipal Judges Are from Mars, City Officials Are from Venus*, by Lauren Crawford, Legal Counsel for the Texas Municipal League. Ryan Kellus Turner analyzed the recent plurality opinion from the Texas Court of Criminal Appeals, *State v. Crook*, in the article, *By Hook or Crook: I Maintain that Everything Is Fine*. The issue also introduced new TMCEC Program Attorney, Mark Goodner; a new TxDOT program, Driving on the Right Side of the Road; and the new TMCEC website.

Seminal cases generated several major headlines in 2008, including *Sorting Out the Anomaly: Non-Appearance Crimes in Light of Azeez v. State* and

Making Sense of Rothgery: What the Most Recent Decision of the U.S. Supreme Court Regarding the Sixth Amendment Means to Magistrates in Texas, by Ryan Kellus Turner.

In the August 2008 feature, *From the General Counsel*, Ryan Kellus Turner explained what the high price of gasoline may mean to local trial courts. Also noteworthy, in response to TMCEC training on performance indicators and CourTools from the National Center for State Courts, Hon. James A. Baker, Presiding Judge of the Rosenberg Municipal Court, wrote an article, *Performance Indicators on a Shoestring*, highlighting practices from his court.

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“*The Recorder is an essential resource for anyone working in or with municipal courts, especially for those that are new to the municipal court world. While I have contributed to The Recorder over the years, I still primarily view it as a way for me to learn.*”

When I first started at TMCEC, as a recent law school graduate, I learned so much about municipal courts and criminal law from it. There is not a tremendous focus on fine only misdemeanors in law school, in my experience, and *The Recorder* really helped bridge that gap for me.

There are many articles that I have referred to time and again when answering legal calls. Ryan Kellus Turners’ *Citations – Part I and Part II (Tickets are for Concerts & Sporting Events)* is still, 14 years after it was authored, a wonderful tool to teach people about the uses and limits of citations. I am thankful as a reader and honored to be a contributor.”

-Mark Goodner, General Counsel & Director of Education, TMCEC

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2009 The journal’s masthead had a brief return to the name, *The Municipal Court Recorder*, in 2009. TMCEC welcomed new staff in 2009: Cathy Reidel, Program Director, and Katie Tefft, Program Attorney. Both contributed numerous articles to the journal. Online registration became available for the first time this year, advertised in the August and December 2009 issues. A special traffic safety issue of the journal was published in August 2009 featuring a cover story by Lisa Robinson, *Kids in Court*, highlighting her visit with her children to the Pasadena Municipal Court. The December 2009 issue announced that Hon. Robert C. Richter of Missouri City received the Texas State Bar’s Michael O’Neal Award for Outstanding Municipal Judge of the Year.



2010 Over the years, some articles from *The Recorder* identified issues that required attention from the Texas Legislature. Quite often, such action came to fruition. One example is the cover article from the August 2010 issue, *Jail House Pleas: Is Rothgery a Tap on the Shoulder or a “Fly in the Ointment” of Local Trial Court Expedience?*, by Ryan Kellus Turner. The practice of jail house pleas was codified in 2013 in Article 45.023 of the Code of Criminal Procedure. In the August 2010 issue, Mark Goodner explained what municipal courts should know about the new judicial education requirements related to child

welfare and the IDEA, which became effective in 2009 and applicable for the first time in 2010. The journal reported the availability of electronic traffic citation information from DPS in December 2010.

2011 The journal historically captures current issues facing municipal courts. Some issues are the result of advanced procedures and some from the failure of the law to advance with the times. In January and May 2011, Katie Tefft wrote a two-part series about animal issues in municipal courts. Mark Goodner addressed issues with internet research and communication by jurors in May 2011. The issue also featured an article by Traci Glaeser, Court Manager from Lewisville. She would later join the staff at TMCEC as Program Coordinator.

2012 The 2012 issues of the journal were packed with timely articles as attention on municipal courts and corresponding journal topics deepened. The journal kicked off in 2012 with a look by Ryan Kellus Turner at the first decade of juvenile case managers in Texas. That summer, Cathy Reidel examined the evolving role of municipal courts concerning civil law and as an administrative body appointed by the city. The theme continued in the issue with a Q&A by Scott Houston, General Counsel of the Texas Municipal League, and Bonnie Goldstein (now Justice Goldstein on the Fifth Court of Appeals), on substandard building abatement after *City of Dallas v. Stewart*.



Timeless articles peppered the journal in 2012. Ryan Kellus Turner wrote a two-part piece, *Passing the Paddle Part I: The Emergence of Local Trial Courts in the Texas Juvenile Justice System and the*

Criminalization of Misconduct by Children and Part II: The Emergence of Local Trial Courts in the Texas Juvenile Justice System and the Challenges of the Judiciary Moving Forward. Mark Goodner wrote the oft-quoted article, *Rounding the Corners: Criminal Application of the Four-Corners Rule*, in June 2012. In August 2012, he wrote the cover article, *Social Media: The Good, The Bad, and The Ugly*.

Katie Tefft provided an update on criminal and civil sides of animal cruelty in an article accompanied by charts on the animal cruelty hearing process and dangerous dogs.

Regan Metteauer joined the Center as Program Attorney, appearing in the journal for the first time in December 2012 as co-author with Ryan Kellus Turner of the *Case Law and Attorney General Opinion Update*. She would become the journal’s managing editor in 2019.



“Reading past issues of *The Recorder* immerses you in the rich history of TMCA, TMCEC, and municipal courts in Texas. It is an honor to be part of such an enduring tradition. The journal provides a glimpse into the life of TMCEC as it strives to meet the needs of municipal courts. Depicted on the pages of the journal are triumphs, struggles, welcomes, goodbyes, clarity, confusion, novelty, and tradition. The journal connects us to the world we love, the world of municipal courts.”

-Regan Metteauer, Deputy Director, TMCEC



2013 The infamous bill of costs began to find its way into criminal appeals with *Johnson v. State*, the first of many court-costs-related appeals. Ryan Kellus Turner tackled the implications of that case on municipal courts in the March 2013 issue of *The Recorder*.

TMCEC Registration Coordinator, Pat Ek, made an appearance in the March 2013 issue, addressing, along

with Mark Goodner, five frequently asked questions about the new judicial education changes.

The May 2013 issue featured notable cover articles, *When the Acts of a Judge May Be Void: A Look at the Constitutional Oath Requirement in Light of Section 29.005 of the Texas Government Code*, by Regan Metteauer and *Shades of Grey: Sometimes the Letter of the Law Exists Somewhere Between Black and White*, by Mark Goodner and Katie Tefft. Back by popular demand, *More Shades of Grey* was published in 2014.

2014 As the legislature often does, the 83rd legislative session sparked article inspiration. Sara Kincaid, a TMCEC Law Intern from Baylor Law School, penned *The Michael Morton Act and Texas Municipal Courts*. The Act came after the exoneration of Michael Morton, who wrongfully spent 25 years in prison. Ryan Kellus Turner attempted to make sense of Attorney General Opinion GA-1035, which opined that conflicts between recent juvenile confidentiality amendments were not irreconcilable. Colin Norman, a TMCEC Law Intern from the University of Texas School of Law, discussed the legislature's response to concerns about drones in the 2013 Texas Privacy Act. The journal continued to chronicle the role of municipal courts in school discipline in 2014, reporting that the Senate Jurisprudence Committee's interim charge to monitor S.B. 393 and S.B. 1114 (2013), specifically which schools have implemented the graduated sanctions. Both bills aimed to strike a balance between the interests of schools to maintain order and discipline and the rights of children.

In the January 2014 issue, *E-Cigarettes: Texas Cities*



Dipping Their Toes in the Vapor, by Regan Metteauer, highlighted a lack of state regulation of the \$1.7 billion industry that cities attempted to address.

The January 2014 issue announced the ribbon cutting ceremony for TMCEC's new building on Hancock Drive, which is the current headquarters. Ned Minevitz, TMCEC's current Program Attorney & TxDOT Senior Grant Administrator, made his journal debut in the same issue as a legal research assistant. The TMCEC blog, *Full Court Press* (authored by Mark Goodner), also debuted in 2014. The August 2014 issue reported that Judge Bonnie Goldstein received the Michael L. O'Neal Distinguished Jurist Award at the Municipal Judges Section of the State Bar of Texas meeting.

2015 Public and legislative attention grew for municipal courts in 2015 with the passage of the H.B. 2398, the truancy reform bill. Ted Wood, Assistant General Counsel for the Office of Court Administration, wrote a comprehensive article on the bill in the July 2015 issue, accompanied by one of his famous flow charts.

Other legislative-related articles included *Vehicle Registration and Inspection: One Sticker to Confuse Them All?*, the first *Recorder* article published by Robby Chapman, TMCEC's Program Attorney & Director of Clerk Education, describing the replacement of the dual registration and inspection windshield stickers with one combined sticker.

Ten years after his first series on the Fair Defense Act and the role of the magistrate, Jim Bethke, Executive Director of the Texas Indigent Defense Commission (former TMCEC General Counsel), co-wrote an article intended to serve as a refresher and highlight key changes in the past decade. His co-author was Research Scientist, Dr. Dottie Carmichael.

Ryan Kellus Turner continued to chronicle the ongoing line of blood warrant case law stemming from *Missouri v. McNeely* with a column on the Court of Criminal Appeals decision in *State v. Villarreal* (he provided an update in the journal in 2016 when the Court held the State's motion for rehearing was improvidently granted).

The February 2015 issue featured two articles on novel city ordinances, *Transportation Network Companies: Litigation, Livelihood, and Local Regulation*, by Regan

Metteauer, and *Blinded by the Light: The Enforcement of Outdoor Municipal Lighting Ordinances in Texas*, by Ryan Kellus Turner.

TMCEC’s grants from TxDOT generated the need for two grant administrators. Liz De La Garza, grant administrator for TMCEC’s DRSR grant, was introduced in the July 2015 journal.

2016 2016 was a momentous year for the journal and for municipal courts. The tragic events in Ferguson, Missouri in 2014 placed that community in the center of a vigorous debate in the United States about law enforcement and courts. After its investigation, the U.S. Department of Justice published a 100-page report. After convening stakeholders to discuss the challenges surrounding fines and fees, in March 2016, the DOJ Civil Rights Division and Office for Access to Justice issued a letter to state courts about ability to pay, “debtors’ prisons,” due process, and right to counsel. Amidst related lawsuits and media attention, TMCEC published the first-ever special edition of *The Recorder* in October 2016 on fines, fees, costs, and indigence to prepare readers to talk about the issues.

The 84th legislative session provided fodder for journal articles in 2016. Ben Gibbs, Texas Municipal Courts Fellow from Baylor Law School, wrote about the ethical pitfalls of judicial donation trust funds. Regan Metteauer tackled the new open-carry law and its implication on courts. Mark Goodner, in continuation of his *Rounding the Corners* article in 2012, discussed the shifting role of magistrates in the age of e-warrants.



In 2016, the journal announced TMCEC’s first Mental Health Summit and the Texas Truancy Transition

website, a collaboration between TMCEC and the Texas Justice Court Training Center. The August 2016 issue celebrated the 20th anniversary of the Municipal Court Clerk Certification Program and said goodbye to Tessa Madison, who served as TMCEC Program Coordinator for eight years and made lasting contributions to the certification program.

“The October 2016 Special Edition of the *The Recorder* is an example of important content that has continually proved useful over the last five years. At a time when misperceptions regarding Texas municipal courts, fines, fees, indigence, and procedural safeguards echoed throughout the media, the Special Edition offered clarity by focusing on the law and the facts.”

-Mark Goodner, General Counsel & Director of Education, TMCEC

2017 In April 2017, Mark Goodner introduced the readers of the journal to procedural fairness, a concept that would undergird TMCEC curriculum for many years, resulting in numerous projects and special events. The issue also featured procedural justice resources and an article on practical tips for courts on procedural justice by Emily LaGratta from the Center for Court Innovation.

TMCEC’s DRSR grant was selected to receive the J.C. Montgomery, Jr. Child Safety Award by the Texas Office for Prevention of Developmental Disabilities. The February 2017 issue of the journal pictured Liz De La Garza, grant administrator for the DRSR grant, accepting the award for TMCEC. In 2017, the journal welcomed BuckleBear to TMCEC’s traffic safety resources and featured an adorable picture of the furry friend that has been shipped all over Texas to schools and courts.

2018 Several significant articles appeared in the journal in 2018. The May 2018 issue featured *One Decade Down: Possible Explanations for the*

Decrease of Traffic Citations in Texas, by Ryan Kellus Turner and the 2017 Municipal Court Fellows, Robert Avila from Texas Tech University School of Law and Mark Denman from St. Mary's University School of Law. In the issue, the journal ran its first Op-Ed, *Reactive Policing: The Chief Culprit for the Recent Drop in Stops, Citations, and Class C Misdemeanors*, by Ned Minevitz. In July 2018, Ryan Kellus Turner and TMCEC legal intern from the University of Texas School of Law, Henry W. Knight, co-authored *Making It Personal: The Misunderstanding, Utility, and Limits of Personal Bonds in Texas*.

Continuing a focus on indigent defendants, Ben Gibbs highlighted homeless courts in February 2018. Mark Goodner highlighted walk-in dockets in the May 2018 issue.

Though not a new topic for the journal, 2018 featured articles with a personal judicial focus. Hon. Ed Spillane, Presiding Judge in College Station, published *Mindfulness in My Courtroom* in February 2018. The July 2018 issue reprinted an article by the Substance Abuse and Mental Health Services Administration, *What Every Judge Needs to Know about Trauma*.

The 85th Texas Legislature passed S.B. 42 in 2017, the Judge Julie Kocurek Judicial and Courthouse Security Act, after the assassination attempt on Judge Kocurek. The journal provided court security updates in multiple 2018 issues explaining the bill and its new requirements for courts. In November 2018, the journal announced TMCEC's new online Court Security Officer course.

In December 2018, the journal recognized Theresa Ewing from Fort Worth for receiving the Distinguished Service Award from the National Center for State Courts. The issue also announced the launch of the TMCEC initiative C3: Councils, Courts, and Cities. As part of that initiative, TMCEC began publishing *The Brief* as a resource for city hall about municipal courts.



“What I appreciate about *The Recorder* is the timely and informative articles, but value most those celebrating with respect the people and courts that make our judicial system great.

Most individuals' first and perhaps only contact with the judiciary is with the municipal courts. Making sure these professionals, - judges, prosecutors, and support personnel maintain a high level of competency through this educational tool ensures and protects the integrity of the judiciary.”

-Hon. Bonnie Goldstein, Justice, Court of Appeals, 5th District



2019 The 2019 journal issues continued to help courts analyze and refine their procedures related to indigent defendants. Hon. Sherry Statman, Presiding Judge for the City of Austin, examined the national conversation regarding indigent defendants. The journal announced a new specialized event, the Fines and Fees Exposition and Showcase, offered as part of TMCEC's C3 initiative.

Noteworthy articles in 2019 included *The Rapid Emergence of E-Scooters*, by Ned Minevitz, and *Measuring the Risk of Risk Assessments*, by Henry Knight. Hon. Robin Ramsay from Denton published a judge's perspective on risk assessments. The journal also shared news and resources for courts related to the opioid epidemic.

In March 2019, the journal recognized Tracie Glaeser's (TMCEC Program Coordinator) more than 25 years of service to municipal courts. She retired that month.

The December 2019 issue announced several memorable changes at TMCEC. After 28 years of distinguished service to TMCEC, Hope Lochridge retired as Executive Director in August. The TMCEC Board of Directors, by a unanimous vote, hired Ryan Kellus Turner as the new Executive Director. In his first *From the Executive Director* feature in the journal, he recognized Hope's contribution to courts and judicial education throughout Texas.

In other announcements, Mark Goodner became the General Counsel & Director of Education and Robby Chapman began overseeing the judges' program as Program Attorney & Deputy Counsel. After ten years, TMCEC re-launched the Low Volume Court Seminar.



2020 2020 is the year we will never forget though we wish we could. The COVID-19 pandemic pervaded all aspects of our lives, including judicial education and TMCEC’s journal content. As Texas judges and court personnel attempted to navigate the new normal, the journal became increasingly important in communicating COVID-related guidance, orders, and TMCEC’s action plan for educating municipal courts during a pandemic. The journal captured an unforgettable moment in time (that we sincerely hope is coming to an end) with virtual events, Zoom Court, face-mask-related debates, and a shortage of toilet paper.

Before the pandemic dominated headlines, for municipal courts, the biggest news in 2020 was S.B. 346 (2019), the “Court Costs Bill.” In the wake of numerous cases challenging the constitutionality of certain fees and costs, the bill sought to address the criticism that certain state court costs were not being used for a dedicated criminal justice purpose but instead were used by the state in a manner resembling a fine. The bill reclassified such costs as fines and renamed a plethora of former costs and fees as either “reimbursement fees” or “fines.” As courts struggled to apply the provisions of the bill, TMCEC, along with extensive training, published *The Consolidation of Court Costs and Reimagining of Fines in Texas: Five Important Considerations*, by Robby Chapman in the April 2020 issue of the journal.

2021 In 2021, TMCEC published the 30th volume of *The Recorder*. It has been a year of journalistic adventure, reflection, and admiration. The articles in 2021 continue the strong tradition of education, connection, and innovation, which are the trademarks of TMCA and TMCEC.

To access journal articles online, go to www.tmcec.com/journal. The Journal webpage has an index where you can search for articles by date or topic. Articles published from 2000-present are available online. To subscribe to a paper version of the journal, go to the TMCA website.

RECORDER: Historically in many countries, including the U.S., a recorder was a magistrate or judge with civil and criminal jurisdiction within the corporation of a city. In Texas, a recorder was a municipal judge (See Tex. Gov’t Code Ann. § 29.004(d)) and some Texas municipal courts were formerly recorder’s courts, which were local courts with limited jurisdiction, most often hearing misdemeanors and traffic violations.



**TEAM WORK
IN SERVICE**



**30
AMAZING
YEARS**

**EXCELLENCE
IN EDUCATION**

**HARD WORK &
PERSEVERANCE**



ACHIEVEMENTS AND AWARDS



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A PICTORIAL HISTORY OF THE RECORDER

Municipal Court Recorder

Volume 9 JUNE 2000 No. 3

CASE LAW UPDATE

By Ryan Keller Turner, Program Attorney, TMCEC

The following summaries of federal and state court opinions address trends of interest to municipal court judges and other state magistrates.

UNITED STATES SUPREME COURT

Road v. U.S., No. 98-3949 (4/17/02) - Holding that police officers may not lead and seize a passenger's luggage to find out if drugs may be inside because with calculated manipulation of the passenger's luggage constituted an unreasonable search for Fourth Amendment purposes.

Hines v. Wadlow, No. 98-3256 (12/2/02) - Holding that transporting flight from the police, when considered in conjunction with other factors, can be evidence of the "reasonable suspicion" required to conduct a field investigatory stop.

FEDERAL COURTS

Figueras v. Blackburn, No. 99-5252 (4/27/02) - Summarizing from a case in which the Fifth Circuit was summarily reversed for contempt by a New Jersey municipal court judge, the United States Court of Appeals for the Third Circuit held that judges of

limited jurisdiction are afforded absolute immunity for their judicial acts in subsequent civil suits against the municipal court judge. The appellate court judge of limited jurisdiction are not afforded the same judicial immunity given to judges of courts of general jurisdiction. Alternatively, the appellate court held that the judge's failure to comply with procedural requirements, that judge should not be afforded immunity. The court noted that, although the contempt citation was procedurally defective, it was irrelevant to the question of immunity. Relying on opinion issued by other federal circuit courts of appeal (including the 9th Circuit and the U.S. Supreme Court case), the court stated that "the role of a judge of a court of limited jurisdiction is functionally comparable" to that of a court of general jurisdiction. Accordingly, in terms of judicial immunity, the court ruled that there is no distinction between judges of courts of limited and general jurisdiction.

Conover v. City of Lago Vista, No. 98-3202 (11/24/99) - Officer Bart Trank arrested Gail Arvare for failing to wear her seat belt, driving without a license, and failing to provide proof of insurance. Although under Trank's Trank could have issued a traffic citation or issued a promise to appear, he instead handcuffed her and transported her to the local police station.

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2000

Municipal Court Recorder

Volume 11 DECEMBER 2001 No. 1

Federal and State Case Law Update

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

I. United States Supreme Court

A. Does the Fourth Amendment's requirement of individualized suspicion prohibit peace officers from conducting vehicle checkpoints to root out drug offenders?

City of Indianapolis v. Edmond, 121 S.Ct. 447 (2001)

Police officer's refusal to allow defendant to enter residence without a police officer used a search warrant of residence was obtained, following statement by defendant's wife he had had illegal drugs in residence, was a "reasonable search" that did not violate the Fourth Amendment. The officer had probable cause to believe that the defendant had illegal drugs in residence and reason to fear destruction of evidence, and restriction was limited in time and scope.

C. Were the urine tests of patients conducted by state hospital staff members pursuant to hospital's drug abuse policy, "searches" within meaning of the Fourth Amendment?

Chavez v. Martinez, 123 S.Ct. 963 (2001)

Police officer's refusal to allow defendant to enter residence without a police officer used a search warrant of residence was obtained, following statement by defendant's wife he had had illegal drugs in residence, was a "reasonable search" that did not violate the Fourth Amendment. The officer had probable cause to believe that the defendant had illegal drugs in residence and reason to fear destruction of evidence, and restriction was limited in time and scope.

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2001

Municipal Court Recorder

Volume 18 AUGUST 2006 No. 4

Contempting Contempt

Municipal Court's General Authority to Impose Criminal Contempt Sanctions

by Luis Wright, TMCEC Program Attorney

Statistically, the contempt power of all courts in Texas grants them authority over their power necessary to control contempt procedure and to ensure that they are conducted with dignity, the court may refuse to enforce a judgment or order if it is not in compliance with the court's contempt power. The general contempt provisions are codified under Section 21.002 of the Texas Government Code.

These are two general types of contempt: civil, or coercive contempt used to compel a specific order from the contemnor, and criminal or punitive contempt. Criminal contempt may be further classified into two distinct types: direct and constructive. Direct contempt involves disobedience or disrespect of the court's authority and is committed in the presence of the court. Constructive contempt requires testimony or evidence outside the presence of the court. The failure to comply with a valid court order would most often be classified as constructive contempt.

An Expensive Discovery

Last month, the TMCEC staff mandated upon one of its judges given that he had never before.

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2006

The Recorder

The Journal of Texas Municipal Courts

Volume 16 End of December 2007 No. 6

Driving Across the Border: Driver's Licenses and Financial Responsibility Issued in Mexico

by Jonica Black, Legislative Law Clerk, TMCEC

Because of its shared border with Mexico, Texas has a relatively high number of drivers that possess driver's licenses and financial responsibility from Mexico. These officers encounter these drivers in Texas often encounter these individuals during traffic stops and these stops present questions as to whether or not the Mexico driver's license and financial responsibility are valid in Texas.

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2007

The Recorder

The Journal of Texas Municipal Courts

Volume 17 August 2008 No. 4

DWI Blood Warrants

By W. Clay Abbott, DWI Resource Prosecutor, Texas District and County Attorneys Association

By last count, more than 40 Texas counties are using search warrants to obtain blood evidence in DWI and DWI-related cases, and more are implementing such programs each month. They range from rural Colorado County in metropolitan areas (Harris, Tarrant, and Bexar Counties) and everything in between. The number is constantly on the rise. The use of this investigative tool is becoming more popular due to the enormous success of programs in many counties. With DWI suspects refusing breath tests to increasing numbers, prosecutors are excited about obtaining scientific evidence in

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2008

The Recorder

The Journal of Texas Municipal Courts

Volume 18 AUGUST 2006 No. 4

FINES, FEES, COSTS, & INDIGENCE

August 9th marked the two-year anniversary of the tragic events in Ferguson, Missouri. In response to the shooting and subsequent unrest, the U.S. Department of Justice (DOJ) conducted an investigation and issued a 100 page report that detailed policing practices of the Ferguson Police Department and its officers. The DOJ report stated that the Ferguson Police Department's policies and practices were "excessively forceful" and "often violated the rights of citizens." The DOJ report also stated that the Ferguson Police Department's policies and practices were "excessively forceful" and "often violated the rights of citizens." The DOJ report also stated that the Ferguson Police Department's policies and practices were "excessively forceful" and "often violated the rights of citizens."

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2006

THE RECORDER

THE JOURNAL OF TEXAS MUNICIPAL COURTS

August 2020

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CLASS C MISDEMEANORS, COMPETENCY, AND CONTINUITY OF CARE

Regan Metzner, Deputy Director, TMCEC

Elizabeth Roach, Program Attorney, TMCEC

Ryan Keller Turner, Executive Director, TMCEC

Collaboration is critical to addressing the national and statewide mental health crisis. In the 2020 edition of *Notes in State Courts*, the National Center for State Courts calls mental health care, saying state courts have a responsibility to convene, collaborate, and identify individuals across justice, mental health, and public health systems.

This was the premise for the creation of the Texas Judicial Commission on Mental Health (JCMH) by the Supreme Court of Texas and the Texas Court of Criminal Appeals in 2018. In their first-of-its-kind hearing, the Courts found that through collaboration among the judiciary, policymakers, and mental health experts, the JCMH could help the courts better serve Texans with mental health issues.

This was also the premise for development of the sequential intercept model (SIM) in the early 2000s. Developed over several years in multiple versions, the SIM is an applied strategic planning tool to improve collaboration between the behavioral health and criminal justice systems to reduce involvement in the justice system by people with mental and substance use disorders. The federal Substance Abuse and Mental Health Services Administration (SAMHSA) uses this model in workshops as a tool to help communities create local strategic plans based on the goals, resources, and priorities identified by community stakeholders. At each "intercept":

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2020

THE RECORDER

THE JOURNAL OF TEXAS MUNICIPAL COURTS

June 2021

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No Shoes, No Shirts, No Masks, No Service? Trespass and Masking in Texas

Mark Grogan, General Counsel & Director of Education, TMCEC

Elizabeth Roach, Program Attorney, TMCEC

Texas is open 100 percent. On March 2, 2021, Governor Greg Abbott issued Executive Order GA-34 reopening Texas business at full capacity and lifting the statewide mask mandate. Importantly, the order also included provisions barring "any jurisdiction" - including mayors and county judges - from implementing their own mask rules at a local level. Interestingly, GA-34 also specifies that "nothing in this executive order precludes businesses or other establishments from requiring employees or customers to follow additional hygiene measures, including the wearing of face covering."

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2021

THE RECORDER

THE JOURNAL OF TEXAS MUNICIPAL COURTS

August 2021

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LEGISLATIVE UPDATE

87TH TEXAS LEGISLATURE

August 2021

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2021

THEN In 1991, the Texas Municipal Courts Training Center (TMCTC) launched a quarterly publication, the *Municipal Court Reporter*, as a resource for municipal courts (Note: Only the first issue of the journal had this name. The very next issue had the name *Municipal Court Recorder*, which remained until 2007 when it was shortened to *The Recorder*). The TMCTC staff consisted of seven people. The office only had one computer used by the secretary. Other staff worked on an electric typewriter.

TMCTC was a project of the Texas Municipal Courts Association (TMCA), funded by the Supreme Court of Texas. The journal regularly featured messages from TMCA Presidents and TMCA-related news.



& NOW TMCTC began as a project of TMCA and has grown into a distinguished entity that is one of a kind in the nation. In 1993, the administration of the Center's grant shifted to the Texas Court of Criminal Appeals and the Center changed its name to the Texas Municipal Courts Education Center (TMCEC).

In 2021, the TMCEC staff has more than doubled compared to 1991, each with a laptop computer (some employees have only seen an electric typewriter in movies). Now named *The Recorder*, the journal no longer includes paper registration forms because registration is online. Most communication from TMCEC to constituents is through email or digital files.

Gone are the days of instructional videotapes and publications on diskettes (see the 1994 issues of the journal for these historical relics of media).

The criminal justice system is much different in 2021 than 1991, undergoing major changes in the last 30 years related to procedural, statutory, Constitutional, and case law. Today, past issues of the journal serve as a chronicle of the history of criminal law in Texas.

Despite progressions in staff, technology, and the law, the substance of the journal endures. A commitment to ethics, public service, legal acumen, and communication surfaces in every issue from 1991 to 2021. As long as there is a need for it, TMCEC will continue to provide this publication.

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