

Communication Skills

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INTRODUCTION

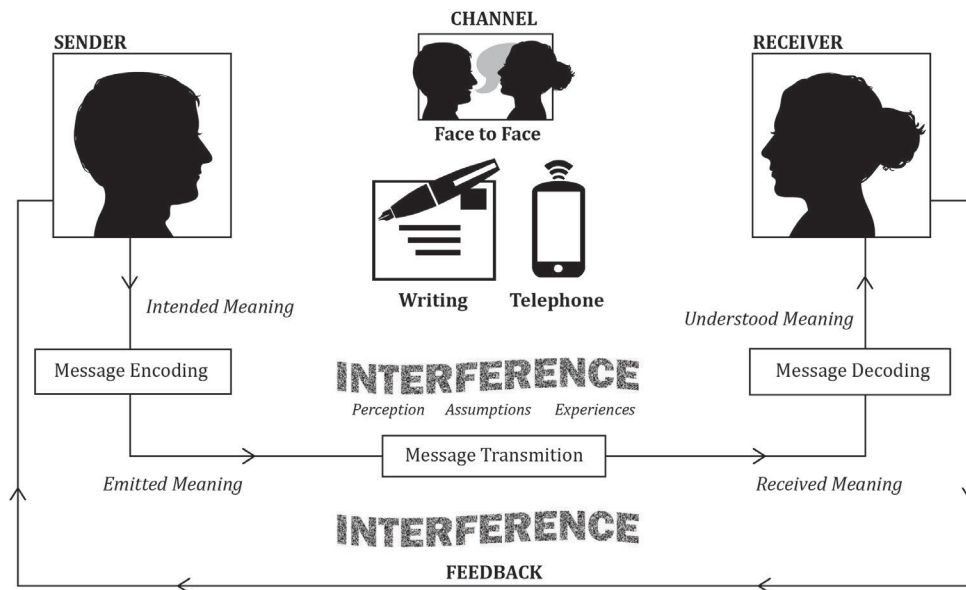
More people come in contact with the Texas municipal courts than with all other Texas courts combined. From that experience, court users will form lasting impressions of the justice system. Confidence in and respect for our system is essential to ensure compliance with the law and orders of the court. To this end, the courts must not only fairly administer justice, but they must also “appear to do justice” in the eyes of the public. Actually administering justice can at times be just as important as the perception that court users get while attending court. The clerk, as the person who comes into contact with most court users and defendants, has the responsibility of communicating a positive image of the judicial process and administering court procedures effectively. The clerk is also responsible for working, and sometimes collaborating, with city staff or officials. Professionalism and communication skills are essential to successfully accomplish this.

This chapter will provide an overview of areas that clerks should be cognizant of in order to maintain both professionalism and good communication skills. The clerk will no doubt use these skills within the city and when speaking to defendants or other court users. Strong verbal and written communications skills and certain “soft skills” help clerks become more effective in their jobs.

PART 1 COMMUNICATIONS

A. Communication Process

The word “communication” evokes imagery of speech or conversation. The dictionary defines “communication” as exchanging information: both sending and receiving. When people communicate verbally or in writing, the messages sent and received pass through filters that modify, and sometimes incorrectly skew, the original message’s intent. These filters may include a person’s perception of a situation, past experiences, and assumptions about what a person might be trying to say.



Any one of these filters can block or affect communication. A person's ability to communicate effectively is affected by his or her thoughts and feelings about the situation and the other speaker. A frightened or angry person will not be able to understand directions as easily as a calm person. Accordingly, if a defendant does not understand a set of instructions, clerks can try a different communication strategy rather than becoming irritated or defensive. Communication is less effective—and often fails—when one or both of the people exchanging information do not accomplish their part as sender or receiver.

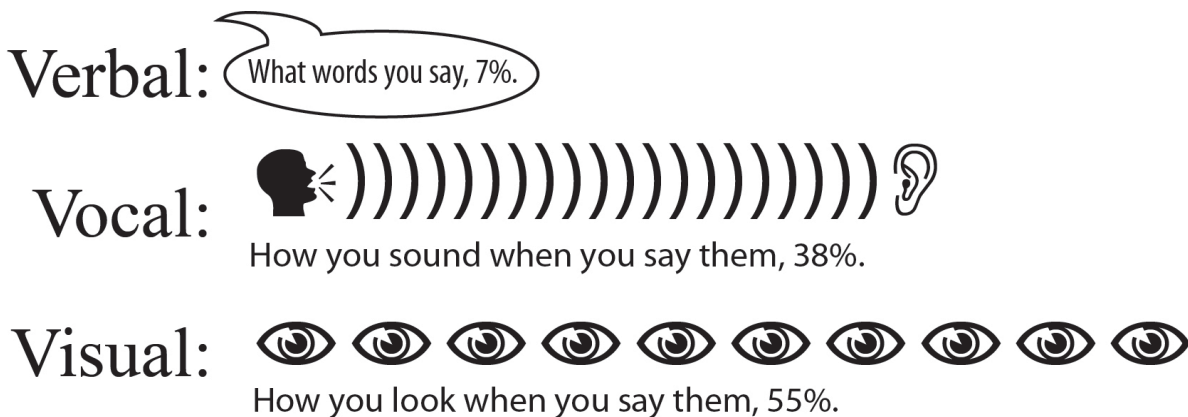
B. Communication Skills

Although this study guide focuses primarily on communications with defendants who come before the court, other work situations require effective communication skills, including:

- Working with witnesses, jurors, lawyers, and other court users; and
- interacting with co-workers, supervisors, and judge(s).

1. Believable Communication

For a message to be believable, it must be consistent. Consistent communication includes not only the verbal message, but also a vocal and visual component.¹ Trainers often say that believability depends on three factors:



One can see that verbal communication is the smallest factor of the communication process. How a person sounds and presents him or herself is the biggest contributing factor to getting people to understand a message. Think for a moment of an unpleasant confrontation with a defendant and how effective he or she was at using body language or tone of voice to convey dissatisfaction! Sometimes the verbal message is overpowered by the vocal and visual message. Rehearsing in front of a mirror, with a tape recorder, or with a co-worker will help clerks be aware of how they are perceived by defendants.

¹ Boylan, Bob, *What's Your Point*, Warner Books (1988), p. 80.

2. Steps to Effective Communication

When working with people who come into the court, remember to:

- listen carefully;
- face the person you are speaking to;
- establish eye contact;
- adopt a concerned body posture, tone of voice, and facial expression;
- avoid a condescending or impatient tone;
- eliminate distractions;
- practice patience;
- be consistent; and
- do not take things personally.

PART 2 WORKPLACE COMMUNICATIONS

Clerks should learn how to adjust their communication style to each situation and each person with whom they are communicating. Clerks may worry that by developing different coping strategies for dealing with upset citizens that they are not treating all persons equally and fairly. Although communication strategies may vary, if all people that come into contact with the court are treated with dignity and respect and afforded the same due process of law, there should not be a complaint of unfairness.

A. Adopting Bias-Free Language

Clerks should avoid using biased language that reflects any predisposition or tendency to think and behave toward people on the basis of race, sex, religion, national origin, disability, age, sexual orientation, or socio-economic status. Frequently, biases in these areas are expressed subconsciously in that the person expressing it does not even realize a biased statement or action has occurred. The court's challenge is to be alert to avoid ways of thinking, speaking, writing, and acting that reflect biased behavior and to utilize strategies that reflect unbiased behavior. Shown below are some guidelines.

- Use gender-neutral words. Avoid using “he” as the generic pronoun meaning all persons rather than all males. Instead, use plural pronouns (“they”) or use a singular or plural noun that is gender-neutral (example: the “judge” or “judges”).
- Avoid biased occupational terms.

INSTEAD OF:	USE:
– policeman	– police officer
– fireman	– fire fighter
– work men	– workers

- Avoid using male references when other words can be more specific.

INSTEAD OF:	USE:
– a one-man operation	– a one-person operation
– man-made	– manufactured
– to man a post	– to staff a position

- Avoid stereotyping roles and using words or phrases that imply an evaluation of the gender and ethnicity.
- Canons 3B(4), (5), and (6) of the *Code of Judicial Conduct* require judges and court support personnel to maintain bias-free courtrooms by exhibiting patience, dignity, and courtesy to litigants, jurors, witnesses, lawyers, and others with whom they deal in an official capacity; and avoiding the manifestation of bias or prejudice by words or conduct based on race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.

B. Handling Difficult Defendants

Almost every day, municipal courts deal with defendants who are angry, impatient, and uncertain about procedures. Court clerks are often the first to encounter the indignation, irritation, and anxiety felt by such individuals. Handling them effectively and with courtesy is perhaps one of the most burdensome tasks of the court clerk’s job. This task will become easier if clerks recognize why individuals are being difficult and then adapt certain strategies for deflecting anger and redirecting their energies. The credibility of the court and the clerks will be enhanced if clerks work on how to verbalize instructions to defendants. Follow the steps below to deal with difficult defendants more effectively:

- assess the situation;
- stop wishing that the person would behave differently;
- formulate a strategy or plan;
- implement the plan; and
- monitor the effectiveness and modify where appropriate.

Below is a typical example:

A defendant appearing at the clerk’s office is angry about getting a ticket. He refuses to talk to the clerk and demands to talk with the judge.

Clerk Response #1: “You can’t talk to the judge. She is not available.”

Clerk Response #2: “Court procedures give you two options. The first option which allows you to talk to the judge is for you to plead not guilty and exercise your right to a trial. If you do that, after the prosecutor presents the evidence, the judge or jury hears both sides of the case and makes a decision from the evidence. The second option is entering a plea of guilty or no contest before the judge can hear the facts of your case. The judge can then take into account any extenuating circumstances before setting the

fine. Unless you enter a plea of guilty or no contest, it is a violation of the *Code of Judicial Conduct* for the judge to hear facts about a case when just one party is present.”

The second response is more effective because the clerk is giving complete information about court procedures and giving the defendant clearer options. The clerk should follow up statements with questions that verify whether or not the receiver understood the message. When asking follow-up questions, clerks should avoid direct questions that begin with “do,” “did,” “will,” and “can.” These types of questions usually elicit a YES/NO answer, can make people feel defensive, and limit communication. Try questions that begin with words such as “how,” “when,” “what,” “where,” and “please explain for me.” This allows the listener/receiver to give the clerk more information and to verify whether or not the message received was correctly received.

1. Learning Helpful Communication Techniques

Imagine the following scenarios and think about how the defendant feels.

Example 1:

The defendant believes police are unfair. He is shaking and red-faced. “I wasn’t speeding. The police officer ticketed me because I have a red sports car. Ten people passed me and she stops me! I’ve heard about small town ‘justice.’ I bet your salary is dependent on traffic violations.”

This defendant is displaying anger. When defendants are angry—with themselves, at the arresting officer, or at someone else who has caused a perceived injustice—they may direct their anger at the clerk. This anger may be expressed as verbal aggression, abusive language, or non-verbal, threatening body language.

Example 2:

The defendant is a business executive and talks loudly and firmly. “Look, I’ve waited in line for 20 minutes, and now you tell me that I can’t see the judge! I had an important meeting this morning that I missed. Do you know how much money my time is worth? You are all incompetent!”

The business executive is simply expressing impatience. When defendants are impatient, it is often because they value work and efficiency above many other facets of life. They blame the clerk for keeping them from important activities. As a result, they may attempt to intimidate, insult, or offend.

Example 3:

The defendant has driven 20 years without a ticket. An older woman, she is nervous and distraught—rushing from point to point. “I have never had a ticket before, and I don’t know what to do. I’ve heard about taking a driving safety course, but I don’t know how it works. I don’t really think the officer should have given me a ticket...I wasn’t going that fast. What do you think I should do? Am I going to lose my insurance? I just don’t know what will happen.”

This defendant may speak quickly due to uncertainty and anxiety. If defendants are uncertain about what will happen to them, they may become incoherent, defensive, and even aggressive.

In general, there are three options for handling difficult people: be authoritative, be positive, or be task-oriented. Typically, these options should be used in combination for the greatest impact.

a. Be Authoritative, But Not Domineering

Defendants who attempt to be intimidating, whether because of impatience or anger, are less successful when the clerk establishes authority without being overpowering. Clerks can redirect domineering behavior by creating non-verbal barriers and actively asserting their rights. A wide, high counter between clerks and defendants makes it more difficult for someone to non-verbally exert dominance. This physical barrier may also protect clerks from potential physical contact. In addition, if clerks perch on stools or use bumper steps to make themselves higher than a defendant or provide a seat for the defendant to sit in at the counter, they exhibit non-verbal control.

A sensible system of lines is another method for averting domineering behavior. Lines make people aware of those around them, decreasing the opportunity for a disgruntled defendant to confront clerks without cause.

Clerks can assert themselves verbally by making people aware of the clerk's position and the correct manner for interacting with the court. For example, if a defendant starts cursing, clerks may warn the defendant, firmly but politely: "Sir, I cannot help you if you swear at me. I will call security. Now, please let us continue in a civil manner. How may I help you?" Threats and other attempts to intimidate should be handled similarly.

b. Be Positive, But Not Submissive

Negative behavior can be very trying; however, the negative behavior can be greatly diminished when matched with a positive attitude. There is a natural tendency to match a negative comment or behavior with negative actions, but such a reaction tends to aggravate and reinforce the negativity.

Here are two ways to be positive without giving the impression of being weak or defenseless:

1. Try using supportive listening responses. Nod your head, smile (if you feel it is appropriate), and use affirming phrases such as "yes," "right," and "okay." These positive behaviors encourage the other person to express themselves and explain the reasons for such behavior.
2. If the defendant is being emotional, let him or her vent their frustrations within reason. Use the supportive listening responses discussed earlier to keep the defendant talking until he or she calms down.

Clerks might also try to create a positive mood by introducing non-verbal softeners. These might include comfortable seating, soft lighting, and plants. Even a change in color can make a drab room more cheery. Making the waiting area in front of the counter or window more appealing can encourage positive feelings toward the court and the clerk.

c. Be Task-Oriented, But Not Cold or Impersonal

When a person has calmed down or is willing to listen, a clerk will be able to address the issues in a more effective manner. Clerks should try to be task-oriented, but not cold or impersonal. Appropriately frame the situation for the defendant and act in a problem-solving fashion.

Clerks should feel free to explain their role, the role of the judge, and others in the judicial process and the options available to the defendant. Many defendants do not know why they cannot talk to the judge immediately. Also, human nature being what it is, defendants often make incorrect assumptions about what they have to do to contest a ticket. It is the clerk's job to explain court options and procedures, record pertinent information, dispense necessary forms, and indicate the appropriate people to contact, all without crossing the line into giving legal advice.

Clerks are often pulled in many different directions, and it is not uncommon to be dealing with a defendant at the window and have several interruptions. Clerks should be mindful of their attention and not ignore defendants. Talking to a defendant without looking at them could be considered rude by the defendant. Answering a phone call or interrupting while engaged in a conversation with the defendant could be considered rude as well. Eye contact and simple manners go a long way.

2. Applying the Techniques

In the first example, the defendant was angry and acting negatively and emotionally. In response, clerks should be positive, but not submissive:

“I know that you are upset, and I want to assure you that the procedures exercised by this court are firmly established by law. However, I need us to communicate civilly so that I can help you. Please let me explain court procedures and give you this pamphlet so that you may better understand the options available to you.”

The first sentence acknowledges the defendant's emotional state, hopefully making the defendant self-aware. The statement ignores the defendant's insults and addresses the misconception that the court is not fair. The second and third sentences signal that the clerk is there to help the defendant. The clerk is focusing on the problem, not the person.

Once the defendant has become more calm and willing to listen, the clerk can be task-oriented:

“I see your concern. Let me explain your options concerning your ticket. First, if you believe you are not guilty, you can request a trial. Pleading not guilty and proceeding to trial will result in a trial by jury unless you waive that right, in which case the judge will decide your innocence or guilt. Second, if you do not want to go to trial, you can request a driving safety course. Here is a pamphlet that explains that option in more detail. If you have additional questions after reading it, please ask me, and I will be happy to try to answer them.”

The first sentence acknowledges the defendant's concerns. Then the clerk immediately frames the situation by explaining specific options and procedures. Next, the clerk provides written information to the defendant and states that he or she will be glad to answer questions about the informational pamphlet. By providing information to the defendant that he or she needs to make a decision, the defendant is enabled to have more control over the situation. The control helps the defendant calm down and behave in a more appropriate manner.

In the second example, the defendant was acting domineering and emotional. An appropriate response might be both authoritative and task-oriented:

“I know you've been waiting, and I understand you wish to see the judge immediately. It is unethical for the judge to talk to you before trial, and I believe you would not want the

judge's impartiality to be questioned. The judge must follow certain procedures so that everyone is treated fairly. My role is to help you decide how to proceed. I can help you set your case on the trial docket, provide information about taking a driving safety course, or set you for a hearing to talk to the judge if you want to plead guilty or no contest. Here is a pamphlet that explains the court's procedures. Please review it so I can help you as quickly as possible."

The first sentence acknowledges the defendant's frustration and underlying emotion. The remainder of the response clarifies the judge's role versus clerk's role. This approach combines the authoritative approach with a task-oriented strategy.

In the third example, the woman is unsure of what to do. This response merits a task-oriented approach:

"I know you probably feel unsure about what will happen in your case. Let me explain several options you have for taking care of your ticket. First, if you believe you are not guilty, you can request a trial. This will be a trial by jury unless you waive that right, in which case the judge will decide your innocence or guilt. Second, if you do not want to go to trial, you can request a driving safety course; if you complete it, your ticket will be dismissed. Third, if you want to plead guilty or no contest, I can set a hearing for you to talk to the judge about any circumstances you believe should be taken into account when setting the fine. Here is a pamphlet that explains these options in more detail. If you have additional questions after reading it, please let me know, and I will be glad to try to answer your questions."

Showing empathy initially may establish trust and a willingness to listen. This will make the defendant more receptive to the information being given, and more likely to understand how to make an appropriate decision.

Not all defendants will calm down or become reasonable, even when utilizing these techniques. Difficult people, such as those who refuse to recognize the court's authority, for example, may pose a problem for clerks when trying to maintain composure. The important thing when dealing with an agitated, unruly, disruptive, or argumentative defendant is to maintain one's composure and not "take the bait."

C. Dealing with Violence

Municipal courts are often at greater risk than other workplaces for threats and physical violence. The following nonverbal communication signals are signs for potential violent behavior:

- clenched fists;
- tight lips;
- agitated tone of voice;
- tense body posture;
- flared nostrils;
- red face; and
- wide eyes.

Work with the judge, court administrator, and bailiff to develop a safety plan for the court. If the court does not have a bailiff on site at all times, establish a distress or panic signal known to law enforcement. Schedule periodic inspections to identify and evaluate security hazards.

Practice Note

Following the assassination attempt on Judge Julie Kocurek outside her home on November 6, 2015, the Legislature passed S.B. 42. This bill expanded court security requirements for Texas courts, but also provided additional resources to all levels of courts in the state. This includes a new OCA division tasked with court security. More information is available from OCA at <http://www.txcourts.gov/programs-services/court-security/>.

**Texas Judicial
BRANCH**

Home Courts Rules & Forms Organizations Publications & Training **Programs & Services** Judicial Data eFile Texas Media

Court Security Site Search

Home Programs & Services Court Security Court Security Resources

COURT SECURITY HOME

- Court Security Incident Reporting
- Court Security Resources**
- Court Security Training
- Emergency Court Preparedness
- Webinars

COURT SECURITY RESOURCES

Confidentiality for Current and Former Employees of a State Judge

SB 510, passed by the 85th Texas Legislature, adds the employees of state judges to the list of persons allowed to restrict public access of their residence address in tax appraisal records. Current and former employees of a state judge can request restricted public access of their home address. Current and former employees of a state judge should complete the Request for Confidentiality Under Tax Code Section 25.025 form and file it with the appraisal district office in the county in which the property is located.

- Court Security Committee Report & Recommendations (Texas Judicial Council, October 2016)
- Courthouse Security Assessment
- Courthouse Security Policy Assessment
- Courthouse Violence in 2010-2012: Lessons Learned (National Center for State Courts, September 2013)
- National Sheriffs' Association Court Security Resources
- Setting up a Courthouse Security Committee
- Steps to Best Practices for Court Building Security (National Center for State Courts, September 2016)
- Texas Commission on Law Enforcement: 10999 Training

D. Using the Telephone or Email

When responding to questions on the telephone, communication is inhibited by the absence of visual clues that are important to understanding the context of the conversation. Therefore, tone of voice, pitch, and volume become even more important in making inferences and responding appropriately. Loud, harsh tones may signify anger, while loud, high-pitched laughter usually means nervousness. Clerks should remember the *Code of Judicial Conduct* and always project the dignity and impartiality of the court. Patience and consistency is essential to effective communication on the telephone.

The court should establish a policy on answering telephones and giving out information over the telephone. Avoid forwarding the court's calls to the police department as this practice gives the public the impression that the court is not independent from law enforcement. Even if the court clerk works for the police department, avoid answering the court's telephone with a greeting such as "PD," "police department," or "dispatch."

When communicating through email, communication is limited to just the words on a screen. The receiver misses out on the vocal and visual clues. Think back on a time you received an email message from a coworker, boss, or even a family member that you interpreted in a negative way, even though the sender was just being matter of fact or in a hurry. Consider how the message might be interpreted by the receiver before sending it.

E. Providing Court Interpreters

The court must establish a clear policy for using court interpreters for defendants or witnesses who do not understand or speak the English language or persons who are deaf or hard of hearing. Translated forms and signage can also help assist non-English speakers.

Non-English speaking or deaf or hard of hearing defendants may face difficulty in understanding court procedures, but clerks who are bilingual or know sign language and interpret for defendants must be cautious in making sure these defendants truly understand the procedures. The laws requiring the appointment of licensed or certified court interpreters are found in Chapter 38, Code of Criminal Procedure, Chapter 57, Government Code, and Chapter 157, Government Code. Courts should be cautious when allowing a clerk to translate so as not to violate these laws. Defendants who are unsure of what to do should be set for a hearing before the judge. A more extensive discussion of court interpreters may also be found in Chapter 5 of this Guide, *Trial Processes and Procedure*.

F. Giving Legal Information, Not Legal Advice

When assisting the public, court clerks must learn to distinguish between legal advice and legal information. Clerks who give legal advice could be charged with the unauthorized practice of law and subject their city to liability. For more on the distinction between giving legal advice or legal information, see Chapter 3 of this Guide, *Court Ethics*, and its Appendix C: Legal Information vs. Legal Advice.

G. Displaying Court Procedure Pamphlets and Other Information

It helps to provide defendants with a pamphlet that explains court procedures to reinforce the information provided at the window. The pamphlet can clearly outline court procedures on appearances, pleas, driving safety courses, trials, continuances, fines, court costs, and appeals. Make sure that the pamphlet is understandable, grammatically correct, and legally accurate.

Courts should also consider setting up displays of legal information on victims' rights, domestic violence, juvenile issues, traffic laws, and parental rights. Juror handbooks might explain practical information, such as parking locations and costs, nearby restaurants, emergency telephone numbers, and juror rights and responsibilities. These resources can be obtained through from agencies such as the Department of Public Safety, Department of Transportation, State Bar of Texas, or Office of Court Administration.

H. Talking with the Judge, Supervisors, and Co-Workers

People have different personality styles, work habits, approaches to learning, and time and stress management skills. Whether working with the judge, a supervisor, or a co-worker, try to carve out solutions to allow for those differences.

It helps a judge and clerk’s working relationship if they approach conflicts collaboratively from a problem-solving perspective. This can be done by establishing regularly-scheduled meetings for continuous improvement of the court. The basis of collaboration is finding an agreement that reflects the needs of the parties involved. Try using the following steps:

- gather information;
- identify the issue or problem;
- generate several options;
- evaluate each option;
- choose a course of action and plan it out;
- implement the plan;
- evaluate the result; and
- modify and try again.

There are many different ways to achieve a collaborative agreement to solve problems. The more creative and flexible the process, the better chance clerks have to work as a team with the judge.

For example: Don’t confront the judge with “Do you always have to grant payment plans to everyone that asks? I know some of these people really do have the money to pay and it’s frustrating to deal with the accounting for these payments.”

Instead, try saying: “Judge, I would like to develop an easier way for handling defendants’ payment plan requests. It is difficult to manage the current procedures. How do you think that we could improve the process?”

True or False

1. The *Code of Judicial Conduct* prohibits conduct that manifests bias or prejudice in the behavior of both judges and clerks. _____
2. Bias is acceptable as long as it does not surface in the form of words in the court. _____
3. Judges and clerks may treat persons with preference based on their religion and sexual orientation. _____
4. Three options for handling difficult people are to be authoritative, positive, and/or task oriented. _____
5. Court clerks may give legal advice to citizens if so directed by the judge. _____
6. A deaf defendant appears at the window. He has the right to have court procedures explained to him in sign language even though you have offered him the court brochure that explains the procedures. _____
7. Short Answer: write a memo to the judge explaining why it is not in the best interest of the court to forward telephone calls to the police station while you and the judge are in trial.

8. List the steps to a problem-solving approach. _____

PART 3 GRAMMAR AND WRITING SKILLS

Written communications from the court are as important as visual and verbal ones. Clerks should be familiar with generally accepted rules of grammar, such as the proper use of language and punctuation (commas, periods, semi-colons, question marks, exclamation marks, dashes, hyphens, parentheses, brackets, apostrophes, and quotation marks). Two excellent resource materials that clerks can keep at their desks to reference when writing communications are: Strunk and White's *The Elements of Style* and the *AP Stylebook*. Many dictionaries also have a handy grammar reference section in the back. Style guides have variations in certain rules, such as the use of commas in a series:

The mayor, city manager, and judge arrived.²

The mayor, city manager and judge arrived.³

Although both examples are correct, when putting communication in writing, clerks should be consistent in selecting one style within a document.

A. Basic Rules

1. Incorrect Usage

- Avoid double negatives: "You haven't got no money?" Instead, say: "Did you have the money?"
- Do not make double comparisons: "The defendant is more angrier than the code enforcement officer." Instead say: "The defendant is angrier than the code enforcement officer."
- Avoid extra words: "Where did you get that there copy of your speeding ticket?" Instead say: "Where did you get that copy of your speeding ticket?"
- Do not confuse adverbs and adjectives: "I feel badly that your case was postponed." Instead say: "I feel bad that your case was postponed."
- Do not use inappropriate pronouns: "Bring the driving safety course form to the judge or I." Instead say: "Bring the driving safety course form to the judge or me."
- Make the subject(s) and verb(s) agree: "The defendant have pled no contest." Instead say: "The defendant has pled no contest."

2. Capitalization

Capitalize:

- the first word of sentences, quotations, listed items in sentence form, salutations, and complimentary closings;

² Strunk, W. and White, E.B. *The Elements of Style* (1989), p. 2 and *Webster's Ninth New Collegiate Dictionary*, (1985), p. 1539.

³ The Associated Press Stylebook and Libel Manual (1980), p. 42.

- races, nationalities, languages, and religions;
- the name of an organization, association, or team;
- abbreviations of titles and organizations;
- the letters used to indicate form or shape, e.g. U-turn;
- all main words of headings, subheadings, and titles;
- the names of directions when they indicate specific geographic areas; and
- all proper nouns, such as people, places, things, days, months, holidays, streets, and titles. (Example: Austin Municipal Court, Travis County, Texas). When clerks are generally referring to the municipal courts throughout the state, there is no need to capitalize.

Refer to a dictionary or style guide when there is a question, but most importantly, be consistent.

3. Abbreviations and Acronyms

- Make sure the reader understands the abbreviation or acronym by spelling it out the first time and then using the acronym for any further reference.
- Consult a dictionary or style guide for the proper form.
- Be consistent within a document.
- When in doubt, spell it out.

4. Numbers

- Spell out numbers from one to nine.
- Use numerals for 10 and above.
- Spell out numbers at the beginning of a sentence.
- Be consistent within a sentence. Examples of inconsistency include, Forty-five of the cows were blue. Of those, 29 had spots. Only fifteen were less than three years old. We sold 3 of the 45 to the King Ranch.

5. Writing and Style

- Keep it simple and straightforward (KISS) – use everyday language concisely.
- Use active voice, e.g. “The court issued a warrant.” Not: “A warrant was issued.”
- Be gender-neutral.
- Avoid legalese, e.g. “We are returning the same herewith.”
- Proofread to catch errors.

B. Guidelines

1. Proofing a Business Letter

a. Form and Appearance

- The letter is typed or neatly written in ink with no smears or obvious corrections.

- The letter has all of the necessary parts: return address, date, inside address, salutation, body, complimentary closing, signature, initials, and notations.
- The letter is centered on the page, with equal spacing for the top and bottom margins as well as the left and right margins.
- All text is left-justified.
- The right-hand margin of the body of the letter is fairly even, or has a clean, justified edge.
- The signature is legible and written in blue or black ink.
- Special notations (enclosures, copies) are shown.

b. Punctuation

- A comma always separates the city and state. There is no comma between the state and the zip code.
- A comma separates the day of the month from the year.
- A colon is used after the salutation.
- A comma is used after the closing.

c. Capitalization

- The names of the streets, cities, and people in the heading are capitalized.
- The month is capitalized.
- The title of the person the letter is being written to and the name of the department and company listed in the inside address are capitalized.
- The first letter of the word *Dear* and all nouns in the salutation are capitalized.
- Only the first word of the closing is capitalized.

d. Abbreviations

- The names of cities, streets, and months in the heading and inside address are spelled out.
- The state may be abbreviated correctly.

2. Writing In-Court Memos, Bulletins, and Short Reports

Use the following tips:

- State the purpose in the first sentence.
- Include the time and date.
- Be specific.
- Write neatly and clearly.
- Avoid abbreviations, unless commonly understood.
- Avoid acronyms, until they are explained and understood.
- Arrange the information in the order most useful for the reader.

9. Mark the business letter below to correct the capitalization and punctuation.

municipal court of mabry
123 oak street
mabry, texas 78621

september 1 2017

Hope fairfield
P. o. box 12487
Austin, texas 78711

dear ms fairfield

On June 16, 2016 you were issued a citation for speeding. You were scheduled to appear on July 5 2016 at 9:00 am in this court. You failed to appear. You have been set on the Pending Warrant Docket on September 25 2017 at 5:00 pm. If you do not contact the court or appear by that date warrants may be issued for your arrest. in addition you will have to pay an additional \$50 for each warrant if you are convicted.

if you wish to waive your right to a jury trial and plead guilty or nolo contendere, meaning no contest you may do so by paying the fine and costs of \$75 you may also plead not guilty and be set on a docket to speak to the prosecutor.

if you are convicted of an offense and are unable to pay the fine and court costs, you may have the court assess your ability to pay. The court may provide alternatives to full payment in satisfying the judgment.

the office hours of the court are 8:00 a.m. to 5:00 p.m. monday through friday. the court telephone number is .512.328-7809

your failure to respond to this letter may result in your arrest

sincerely

mark Itup, court clerk

PART 4 WORKPLACE STRESS

A. The Physical Environment

The typical American will spend more hours working than sleeping during the work week. It is, therefore, not surprising that the details of an individual job can have a profound impact on a person's health. Stress is the body's response to environmental situations or events that place excessive psychological or physical demands on people. Each person has a different reaction to stressors, depending upon his or her personality, outlook on life, and overall health. Continuously high levels of workplace stress can have significant, long-term, health-related effects such as psychological disorders, cardiovascular disorders, cancer, or suicide.

The physical environment may cause stress through low levels of lighting, smoke-filled air, loud noises, or high or low temperatures. Office furniture, computer terminals, and keyboards should

all be adjusted to meet each person's body type and size. Some clerks modify their office environment by adding soft lighting, plants, or music. Other courts may make defendants communicate through a speaker imbedded in glass, forming a partition between the clerk and the public and reducing stress caused by threatening verbal confrontations.

B. The Work Itself

Work in municipal courts tends to fall into one of three categories: demand overload, demand underload, and competing demands, all of which can be a source of stress.

Demand overload occurs when a clerk is expected to accomplish too many activities in a set period of time. In some courts, clerks may continually feel behind on paperwork due to constant interruptions by other city employees or citizens seeking information. In other courts, the sheer volume of cases filed creates an overload. Updating new computer systems and filing systems can temporarily make the situation worse. Clerks should discuss their workload with their supervisor, to discuss options for restructuring to avoid interruptions, or delegating responsibilities to others. Reserve time each day to work without interruption. Use time management skills to help plan, organize, and prioritize work more effectively.

Demand underload occurs when a person is not sufficiently challenged, usually due to repetitive tasks. This may occur in a larger court where tasks are broken down and delegated to various divisions. A clerk's only job might be to sit at a computer and enter citations all day. Clerks might request to rotate job duties occasionally or be given variation in responsibilities.

Conflicting demands involve meeting deadlines and expectations for multiple projects from multiple sources. This may happen when the court supervisor may not understand the legalities of operating within the judicial branch. The monthly report to the Office of Court Administration and the quarterly reports to the State Comptroller's Office may be due on the same day that the city manager asks for the court's budget or revenue projections. Careful planning and time management are essential.

C. Avoid Conflict

Gossip can quickly divide any workplace and cause pain and distrust. Set four simple rules at the office place:

- commit to no negative gossip;
- practice changing the subject;
- learn to walk away from situations where others are gossiping; and
- don't spread any gossip.

Remember that employees can come from varying social backgrounds and have diverse life stories. Experiences change our perception of how we view everything. When dealing with others, ask yourself, "Do I have all the information here?" and "What could be adding tension to this situation that I am unaware of?"

D. Working with Different Office Personalities

In any career, you will undoubtedly work with people with different types of personalities, not all of which are exactly like your personality type. Varying personalities can cause frustration;

however, identifying your own personality type, as well as those with which you work most closely, can help make everyone more productive.

Your personality type also contributes to how you deal with stress. There are three types of common responses to stress:

- **Foot on the gas:** An angry or agitated person. They're heated, keyed up, overly emotional, and unable to sit still. Their reaction to stress is to take immediate action, sometimes without thinking through all the consequences. They speak quickly, use short sentences, and get out of the way. The most important thing to keep in mind when dealing with this personality type is to not take what they say and do to heart.
- **Foot on the brake:** They appear withdrawn or depressed. They shut down, space out, and show very little energy or emotion. This person needs to be assured the crisis will end and everything will be okay. Give them tasks you know they can handle and provide them with positive reinforcement while giving constructive criticism. Encouragement here is key.
- **Foot on both:** A tense and frozen stress response. They "freeze" under pressure and cannot do anything. They look paralyzed, but under the surface they're extremely agitated. Make yourself available without being overbearing. Make suggestions on ways you are willing to help without insisting. This person needs help without knowing how to ask for it.

The stress you experience at the office does not stay at the office. It affects your personal life in the ways you communicate with your friends and family, how you manage stress outside of work, and how you take care of yourself. While it is not always possible to have a smaller workload, you have the power to manage stress in a healthy manner. Headaches, the inability to concentrate, poor memory, emotional outbursts, missed deadlines, stomach pains, weight gain, and low morale, are common indicators of work-related stress.

E. Stress Management Techniques

Stress is with people all of the time. It comes from mental, emotional, and physical sources, and it feels different for each person. If a person likes to keep busy all the time, "taking it easy" at the beach on a beautiful day may be extremely frustrating, nonproductive, and upsetting. This could cause emotional distress from "doing nothing." Although it is not possible to eliminate stress completely, it can be managed.

Working in a court is a unique environment that may at times be stressful. Below are ways that some in the court profession have found to help relieve stress. These are examples of ways that have worked for some individuals and are meant to provide an outline of considerations when beginning a career in the court. It is important to always consult a medical professional for any health or stress related issues.

1. Relaxation

One great strategy for avoiding stress is to relax outside of the workplace. Make it a point to tune out worries about time, court procedures, productivity, and "doing right."

- Find satisfaction in just being, instead of striving.

- Find activities that give you pleasure, and focus on relaxation, enjoyment, and health.
- Make time for fun.
- Schedule time for both work and recreation.
- Create breaks in your daily routine to relax, have fun, stretch, or walk.

Techniques used to teach relaxation include yoga, meditation, biofeedback, progressive deep relaxation, guided imagery, and relaxed breathing. All have one goal: to quiet the mind and body and create a sense of inner peace.

It is very important to have a life outside of work. While work is an important component of your life, like other stressors, you need to escape. The tasks at work will still be there when you return the next day or after the weekend. Take the time to enjoy your life without it. If you don't, you will regret it once you return.

2. Exercise

Before starting an exercise program, it is important to first have a medical examination and a physician's approval. A great way to incorporate exercise into your busy routine is to find exercise partners to keep you motivated and to have fun. There are free mobile and web applications that offer training programs and others that allow you to track calories by logging your meals and exercise routines to guide your endeavor to get healthier. These are all great activities that provide you with a tangible goal that is even more fun to do with friends.

3. Support

Clerks should create a support system for themselves, whether it is a formal support group or just a friend. Sharing stress, talking with someone about concerns and worries may help you to see your problems in a different light. If a problem is serious, do not hesitate to seek professional help. Clerks should know their limits.

4. Time Management

Appropriately managing time is another way to reduce stress both in and out of the workplace. Below are some helpful techniques to use to get organized:

- Know your mission and job description;
- Set your goals and prioritize them;
- Create and keep track of projects;
- Plan your year, month, week, and day;
- Prioritize your activities for the week;
- Prioritize your daily list;
- Schedule the most important activities first;
- Reach closure by finishing what you start;
- Allow time for relaxation, planning, and interruptions; and
- No telephone. Set a time every week where you do not accept or answer phone calls or text messages. Allow yourself to not be needed.

True or False

10. It is possible through planning to eliminate all stress in the workplace. _____
11. Stress is unique and personal to each of us. _____

PART 5

Harassment and Discrimination

A. Sexual Harassment

Sexual harassment is a form of sex discrimination under Title VII of the Civil Rights Act of 1964. Sexual harassment is unwelcome conduct that includes, but is not limited to, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. This is typically divided into two types of conduct. The first is quid pro quo sexual harassment. Quid pro quo is a Latin term meaning “something for something.” An example could be a sexual demand from a supervisor in exchange for the employee keeping his or her job. The second type is a hostile work environment. A hostile work environment may be created if unwelcome sexual conduct has the purpose of unreasonably interfering with work or offends, intimidates, or otherwise make employees uncomfortable. A clerk should immediately notify his or her supervisor or judge if he or she is experiencing harassment by an employee, court, or city official, attorney appearing in court, or member of the public. Incidents related to harassment of a defendant, victim, or witness should also be reported.

12. What is sexual harassment? _____

13. What should a clerk do if he or she observes or experiences sexual harassment? _____

B. Discrimination

Judges and court managers have an obligation to examine their hiring, promotion, and firing practices to ensure that they do not have the effect of discriminating against groups or persons. They should take positive steps to recruit, hire, train, and promote qualified employees or previously excluded groups to correct under-representation in traditionally segregated job categories and to ensure equal representation of all groups in the work force.

Another way of looking at how the court works with the variety of people who appear daily before it, is through diversity. People differ on many dimensions, from permanent characteristics such as race and gender, to factors which are subject to change such as skills, educational level, status, and income. Each person’s unique attributes or diverse characteristics enrich the blend of court staff and contribute to better serving a diverse population in the court.

The Americans with Disabilities Act (ADA) also covers employees and hiring practices. The following are key terms that one must know to understand the ADA:

- *Essential functions of the job* are the fundamental duties of the position. The term does not include marginal functions of the job.
- *Reasonable accommodations* are modifications or adjustments to a job or to the work environment that enable a qualified applicant or employee with a disability to perform the essential job functions. Reasonable accommodations must be designed to meet the individual’s needs. Examples of reasonable accommodations include making physical changes to the work environment, restructuring jobs, modifying schedules, or providing qualified readers. Accommodations are considered reasonable unless the court can prove they would impose an “undue hardship” (a significant expense or difficulty).

The ADA does not require that persons with disabilities be hired or promoted before other qualified employees without disabilities. Applicants or employees with disabilities must satisfy the requisite skills, experience, education, and other job-related requirements of the position.

The ADA makes it illegal for employers (including courts) to discriminate against otherwise qualified persons and requires employers to make reasonable accommodations so that persons who are disabled may perform their jobs. These provisions apply to any employer with 15 or more employees.

The following is a list that will help court managers with administrative hiring authority.

- Review and revise application procedures, hiring, promotion, termination, compensation, job training, and other terms of employment to ensure that “otherwise qualified” applicants or employees are not subjected to disability discrimination.
- Explicitly define the essential tasks of a particular job. Evidence that a function is “essential” may include the employer’s judgment, written job descriptions, the amount of time spent on the job performing a function, the consequences of not requiring the individual to perform a specific function, and the work experiences of past employees or incumbents.
- Train interviewers (judges, managerial personnel, court administrators, human resource specialists) to ask “essential function-related” questions in the interview.
- Educate other managers, judges, and employees about how to work with employees with disabilities and the requirements for public accommodation (accessibility to court services).

Courts, like other employers, must take steps to ensure compliance with ADA and to avoid charges of discrimination against an individual with a disability.

<p>14. Explain the concept of diversity in court management. _____</p> <p>_____</p> <p>15. What does ADA stand for? _____</p> <p>_____</p>
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ANSWERS TO QUESTIONS

PART 2

1. True (the judge shall perform duties without bias and require the same of the staff).
2. False.
3. False.
4. True.
5. False (clerks may only give legal information).
6. True.
7. Sample response:

The city requested that I forward court calls to the police department while court is in session. I am concerned about doing this. As part of my research into the issue, I reviewed the Code of Judicial Conduct specifically looking at Canon 1 and Canon 2. Canon 1 requires the court to be independent. Canon 2 requires judges to avoid impropriety in all judicial activities. Having the police department answer the phone will make it more difficult to appear independent and impartial. This may give an appearance of impropriety. I suggest that the court have an answering machine take messages or have the calls forwarded to the city hall receptionist to take messages. Please respond so that I may resolve this issue. Thank you.

8. The steps to the problem-solving approach are:
 - Gather information;
 - Identify the issue or problem;
 - Generate several options;
 - Evaluate each option;
 - Choose a course of action and plan it out;
 - Implement the plan;
 - Evaluate the result; and
 - Modify and try again.

PART 3

9. Mark the business letter shown below for correct capitalization and punctuation.

Municipal Court of Mabry
123 Oak Street
Mabry, Texas 78621

September 1, 2017

Hope Fairfield
P. O. Box 12487
Austin, Texas 78711

Dear Ms. Fairfield,

On June 16, 2016, you were issued a citation for speeding. You were scheduled to appear on July 5, 2016, at 9:00 a.m. in this court. You failed to appear. You have been set on the Pending Warrant Docket on September 25, 2017, at 5:00 p.m. If you do not contact the court or appear by that date, warrants may be issued for your arrest. In addition, you will have to pay an additional \$50 for each warrant if you are convicted.

If you wish to waive your right to a jury trial and plead guilty or nolo contendere, meaning no contest, you may do so by paying the fine and costs of \$75. You may also plead not guilty and be set on a docket to speak with the prosecutor.

If you are convicted of an offense and are unable to pay the fine and court costs, you may have the court assess your ability to pay. The court may provide alternatives to full payment in satisfying the judgment.

The office hours of the court are 8:00 a.m. to 5:00 p.m. Monday through Friday. The court telephone number is 512.328.8754.

Your failure to respond to this letter may result in your arrest.

Sincerely,

Mark Itup, Court Clerk

PART 4

10. False.
11. True.

PART 5

12. Sexual harassment is a form of sex discrimination that includes, but is not limited to, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. It may also take the form of a hostile work environment.
13. A clerk should immediately notify his or her supervisor or judge if he or she is experiencing harassment by an employee, court or city official, attorney appearing in court, or member of the public.
14. Because people differ from permanent characteristics such as race and gender, to other factors, such as skills, education level, parental status, and income, a positive attitude toward each person's unique attributes or characteristics will enrich the blend of the court staff, and enhance its capacity to better serve a diverse population.
15. Americans with Disabilities Act.