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Costs Payable? *Johnson v. State* and its Implications on Local Trial Courts of Limited Jurisdiction in Texas

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Rarely in Texas does an intermediate court of appeals opinion generate online frenzy, let alone pique local court clerks and administrators like *Johnson v. State*, 2012 Tex. App. LEXIS 8657 (Tex. App.—Houston [14th Dist.] Oct. 16, 2012). Although *Johnson*, which is designated for publication, is an important reminder that all criminal defendants are legally entitled to an itemization of court costs, clamor that the opinion has broad implications on municipal and justice courts seems mostly unjustified and certainly premature.

I. Underlying Facts and Procedural History

Manley DeWayne Johnson pleaded guilty to aggravated robbery with a deadly weapon, a first-degree felony. He was sentenced in the 230th District Court (in Harris County) to seven years in prison. In its judgment of conviction, the trial court also ordered appellant to pay $234 in court costs.

Johnson contended in a single issue on appeal that there was insufficient evidence in the record to support the court's ordering him to pay a particular amount in court costs. The original clerk's record filed with the court of appeals did not contain a bill of costs (an itemization of court costs). In fact, the record filed with the court of appeals did not

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Should Cities Embrace or Scoff at the Texas Scofflaw Program?

Brenna McGee
TxDOT Grant Administrator and Program Attorney, TMCEC

In general parlance, a scofflaw is a person who flouts the law.[1] Under Texas statutory law, a scofflaw is a vehicle owner who has an outstanding warrant for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law.

This difference in vernacular can be attributed to two Texas statutes: Sections 502.185 and 702.003 of the Transportation Code. These statutes, which provide for dealing with county and municipal "scofflaws" respectively, allow a County Tax Assessor-Collector to refuse to register the motor vehicles of scofflaws, here meaning those vehicle owners who have had a warrant issued based on their failure either to appear or to pay a fine.[2]

The Scofflaw Program is fairly simple. First, a city contracts with the county or the Texas Department of Motor Vehicles to implement

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AROUND THE STATE

Celebrating Texas Municipal Courts with a Week of Festivities

Brenna McGee
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Municipal Courts Week is an annual tradition in Texas, and last year it was celebrated with great success across the Lone Star State from November 5-9, 2012. Dozens of cities, large and small, from Austin and Houston to Red Oak and Wylie, hosted events for Municipal Courts Week that showed their appreciation for the staff and reached out to their local communities. Overall, the activities were as diverse as the cities themselves.

The City of Alvin hosted a 5K fun run, a coloring contest, and issued a mayoral proclamation. In Bryan, there was a traffic safety fair, a court tour for fourth graders, a mock trial, and a catered luncheon for court staff members. In Columbus, the court staff visited local day care centers to present tips on safety belt and traffic safety, and they gave coloring books to the children. In Forest Hill, the court displayed driver safety boards, provided goody bags to court visitors, and treated the staff to breakfast burritos and oatmeal cookies. Richardson Municipal Court staff were treated to an ice cream social, a waffle breakfast, and a bingo game with prizes. In Temple, the court hosted a special teen court session, held a potluck meal for court staff, and treated the staff to neck massages.

"In celebration of Municipal Courts Week, our clerks teamed up to create display boards on various court related and public safety topics," said Sue Kennedy, Court Manager for the Lewisville Municipal Court. "It was great seeing the excitement and teamwork of the clerks working to make their project stand out."

November 5-9 was officially declared Municipal Courts Week by the 82nd Legislature thanks to the support of former Texas Representative Burt Solomons of Carrollton, a former presiding and associate municipal judge. The House Resolution recognized that because "citizens come into contact with municipal courts more than any other courts, the public impression of the Texas judicial system is largely dependent on their experience there," and resolved to "take special note of the important work performed by all those associated with the state's municipal courts."

"[The] City of Irving participated in Municipal Courts Week by being on television," said Judge Laura Anderson of the Irving Municipal Court. "Judge Adams, court director Wayne Lambert, and chief prosecutor Candace Chappell were on a half-hour program on Irving Community Television Network discussing traffic safety and the court. Municipal Courts Week was announced and celebrated at a gathering at the court and [C]innabons were provided because of our sweet success this past year."

Celebrating Municipal Courts continued pg 31

Program Progress: The Municipal Court Clerk Certification Program

Regan Metteauer
Program Attorney, TMCEC

Golf legend, Jack Nicklaus, wrote that achievement is largely the product of steadily raising one's levels of aspiration and expectation. Fifty-two clerks in the State of Texas have scaled the highest level in their field by achieving their Level III certification and becoming Certified Municipal Court Clerks. This year, TMCEC challenges all clerks to either take their first step or next step toward certification.

Deborah Jessup
MPA, CMCC, CCM
Director of Court Services,
City of Balch Springs
"Certification gave me a way to give back to the community through service. I consider [it] the most important activity in which a clerk may participate."

Bonnie Townsend
CMCC, ICM Fellow
Court Administrator, City of Lockhart
"Being a Court Administrator is no longer my job or my profession, it is my calling in life because of the fine educational opportunities that have been made available to me."

Landra Hudson Solansky
CMCC
Municipal Court Administrator,
City of Seguin
"The Certification Program is addictive. When you pass one level, you can't wait to start on the next!"

Janelle Williams
City Secretary, TRMC, CMCC
City of Palestine
"I hope to be an inspiration to other clerks in our court who are just entering or participating in the certification program."

How the Program Started and Its Progress

In 1996, the Texas Court Clerks Association (TCCA) partnered with TMCEC, the Texas Municipal Courts Association (TMCA), and Texas State University to create the Municipal Court Clerk Certification Program in order to provide professional development and educational growth to clerks in municipal and justice courts.[1] The program consists of three levels: Level I, Level II, and Level III. Each level contains particular requirements and builds upon the previous level. Upon successful completion of each level, participating clerks attain the titles of Certified Court Clerk Level I, Certified Court Clerk Level II, and Certified Municipal Court Clerk, respectively. As of this printing, there are 53 Certified Municipal Court Clerks for the State of Texas.[2]

The goal of getting more City of Houston Municipal Court Clerks certified is a very high priority and passion for Charlotte Booker, Deputy Director and Clerk of the Court for the City of Houston Municipal Courts Department. The Houston Municipal Court is the largest volume court in the State of Texas with over 200 clerks. Last year, its leadership team enthusiastically embraced the challenge of developing a Career Track/Certification Incentive program to encourage and support its clerks in getting certified. That program is being implemented this year. Ms. Booker believes certification provides not only more substantive legal knowledge, but also professional growth and confidence, which are important qualities for legal professionals. According to Judge Barbara Hartle, Director and Presiding Judge of the Houston Municipal Court, the goal is to have the most professionally trained clerks in the State.

Why Clerks Should Take the Next Step

Bonnie Townsend, Court Administrator for the Lockhart Municipal Court, recommends the certification program to anyone who is passionate about their work. She has grown both personally and professionally and continues to grow,

attributing the program as her start. She believes this program not only gives clerks the tools they need, but also a network of people willing to help each other in any way they can. Landra Hudson Solansky, Court Administrator for the Seguin Municipal Court, thinks all of the levels of certification are important, but would recommend that every clerk at least complete Level I.

The certification program has opened unexpected doors for many clerks. Deborah Jessup, from the City of Balch Springs, pursued education beyond Level III. She completed her Master of Public Administration degree and was amazed to find out how much information the degree program covered that she already knew from her Level III study. Ms. Jessup has come a long way in her education and proficiency from her beginnings as a frustrated clerk who had no training or assistance. She almost quit, but after attending her first school with TMCEC and working the levels of the certification program, Ms. Jessup learned the reasons behind process and procedure in the court and soon gained the knowledge and confidence to increase efficiency in the court and provide excellent service. For Dianne Gribble, from the City of Electra, achieving two levels of certification led to recognition by her City and an appointment as an Associate Judge.

The benefits of the certification program extend beyond the individual clerk. Gabby Scott, Court Administrator for the Snyder Municipal Court, calls certification one small step for her and one giant step for her city, one level at a time. Clerks who become certified find themselves consulted as a trusted resource by judges, prosecutors, and other clerks. Defendants benefit as well from interacting with clerks who have a solid grasp of procedures and tools to find the correct answer. Taking the first step toward certification can result in a huge imprint on an entire municipality.

Invest in your future! TMCEC would like to congratulate Jamie Brew of Killeen Municipal Court on her accomplishment as the latest clerk to achieve Level III and become a Certified Municipal Court Clerk (CMCC). She is the 53rd CMCC. If you would like to be the 53rd, visit the TMCEC website at http://tmcec.com/Programs/Clerks/Clerk_Certification_Program.

1. Texas Court Clerks Association, TCCA Municipal Court Clerk Certification Program, online at http://www.texasclerks.org/about/clerk-certification.
2. *Id*.

Top 10 Ways Certification Boosts Work Performance

1. The confidence gained increases productivity.
2. Knowledge is power.
3. Pride drives certified clerks to be the best and gives them something to live up to.
4. It ensures accuracy and understanding.
5. Exposure to different processes causes reevaluation and development of more efficient procedures.
6. It encourages clerks to stay up-to-date on changes in the law and refreshed on day-to-day tasks.
7. It allows a clerk to be trusted and relied upon as a resource for judges, prosecutors, and other clerks.
8. It improves the ability to manage, organize, and strategize.
9. It is the platform for providing a higher level of service.
10. It provides professional development and advancement.

Composed from 53 survey responses from clerks all over Texas. A huge thanks to all who eagerly participated!

Level III Certified Municipal Court Clerks for the State of Texas

Jennifer Sullivan	Phyllis Mathison	Bonnie Townsend	Renee Moses
Connie Crenshaw	Cynthia Wells	Lisa Howard	Fawn Mackey
Alica St. Cyr	Deborah Jessup	Dianna Faulkenberry	Deryl Corley
Susie Garcia	Krystal Strong	Teri Neal	Kimberly Kierce
Janell Kucera	Rhonda Kuehn	Amy Bockes	Lesa Keith-Frausto
Lueveda Posey	Maria Busche	Pam Folsom	Delena Franklin
Carol Gauntt	Elaine Brown	Jo Sarharko	April Christiansen
Christy Punches	Elaine Bourgoin	Paralee Norton	Jenifer Bozorgnia
Kathryn Wells-Vogel	Amanda DeGan	Luane Petrash	Mary Jane Grubb
Jeanie Roumel	Cathy Haney	Catherine Leloux	Bobbie Spencer
Tracie Glaeser	Pat Riffel	Teresa Borcik	Landra Hudson-Solansky
Julie Kubeczka-Day	Helen Wo	Rachel Frazier	Christine Valdovino
Karen Renfrow	Lei Holder	Leona Clay	Janelle Williams
			Jamie Brew

www.texascourtclerks.org/about/clerk-certification

Note: See Page 5 of this issure of *TheRecorder* to register for a prep session

CERTIFICATION TEST PREPARATION COURSES
LEVELS I and II

The Texas Municipal Courts Education Center, in cooperation with the Texas Court Clerks Association, Texas Municipal Courts Association, and Texas State University-San Marcos is sponsoring the Municipal Court Clerks Certification Program. This optional program is designed with three levels of certification. In order to advance through the different levels, clerks must pass a standardized written exam at each level and satisfy certain other requirements.

The test preparation courses are from 1:00 p.m. – 5:00 p.m. on Day 1 at the site of the TMCEC Regional Clerks programs.

Remaining dates for FY13 are:

3/24/13 Houston Omni Westside	**4/8/13 Amarillo Ambassador Hotel**	**6/10/13 Waco Hilton**
4/2/13 Austin Omni Southpark	**4/29/13 Pearl South Padre**	**6/17/13 Omni Corpus Christi**

All materials necessary will be provided. The cost of the guide is $25 and may be ordered from TMCEC or printed at no charge from our website: www.tmcec.com under the Resources tab.

Clerks may attend the preparation course regardless of whether they are registered for the 8-hour conference. However, TMCEC will not provide housing.

To Register: Mail or fax the registration form attached at the bottom of this notice.

Costs: Free of charge.

Class: The classes will be conducted from 1:00 p.m. – 5:00 p.m. Day 1 of each regional program, at the seminar site. Please pick up the course material from TMCEC staff at the hotel. Attendees will receive four hours of credit towards the educational requirements of the certification program. No partial credit will be awarded.

CERTIFICATION TEST PREPARATION COURSE REGISTRATION FORM

Site:_____ Level of Test: ❑ Level I ❑ Level II (Check One)

Date of Preparation Course:_____

Name: _____ E-mail: _____

City Served: _____ Date Hired: _____

Status: ❑ Full-Time ❑ Part-Time
❑ Court Administrator ❑ Court Clerk ❑ Deputy Court Clerk ❑ Other (specify) _____

Court Mailing Address: _____

City: _____ ZIP: _____

Court Telephone No: _____ Court Fax No: _____

I certify that I am currently serving as municipal court support personnel in the State of Texas.

_____

Applicant's Signature Date

Return form to:
TMCEC • 2210 Hancock Drive • Austin, TX 78756 • or send by FAX 512.435.6118

Costs Payable continued from pg 1

contain any evidence supporting the assessment of $234 in court costs. When the court of appeals ordered that the record be supplemented, the clerk's office explained that no bill of costs existed.

The 14th Court of Appeals held that the trial court did not err in ordering the payment of costs; it was mandated by Article 42.16 of the Code of Criminal Procedure.[1] It was error, however, for the trial court to enter a specific dollar amount in the judgment without support for that amount, for purposes of Article 103.001 of the Code of Criminal Procedure. On October 16, 2012, the 14th Court of Appeals issued an opinion reforming the judgment to delete the specific amount of costs and affirmed the judgment as modified.

II. Grits for Breakfast (and Beyond)

End of the story? Hardly.

Eight days after the *Johnson* opinion was handed down, *Grits for Breakfast*, a popular Texas criminal justice blog, featured the following headline: "Harris County Loses Expensive $234 Judgment on Court Costs." *Grits* proprietor Scott Henson wrote: "Translated from court-speak, if the government can't justify the court costs it assigns in writing in a formal bill of costs—as apparently Harris County is not set up to do and has not historically done—then the defendant does not owe any court costs! Extraordinary!"[2]

Fourteen days after the *Johnson* opinion was handed down, Ted Wood, Assistant General Counsel with the Office of Court Administration (and a respected and frequent TMCEC faculty member who is famous for his flowcharts), wrote an article entitled, "The Bill of Costs." The article, which is available online,[3] consists of 10 observations and three recommendations. Ted's article, which was written to follow up on a related conversation he had with county and district clerks in April 2012, has been widely circulated online by municipal court clerks and administrators. Since the end of November, TMCEC has received numerous requests for commentary and analysis on the *Johnson* opinion and more specifically, the bill of costs as it pertains to municipal and justice courts. So, without further ado…

III. Commentary and Analysis

A. If you have never heard of a "bill of costs," you are not alone.

Titled, "Costs Payable," Article 103.001 of the Code of Criminal Procedure states:

> A cost is not payable by the person charged with the cost until a written bill is produced or is ready to be produced, containing the items of cost, signed by the officer who charged the cost or the officer who is entitled to receive payment for the cost.

The bill of costs is hardly a new concept in Texas criminal law. It was passed into law on August 23, 1876. In fact, the precursor to the current statute was recodified in the 1879 Code of Criminal Procedure.[4] The intent of such laws is clear: criminal defendants are entitled to an itemization of court costs, a receipt of sorts, signed by an authorized official. Notably, itemizations of such costs, in the form of a *fee book* (the precursor to the modern *fee record*[5]), have throughout history been required to be maintained by such officials.[6]

In terms of public policy, the bill of costs aims to: (1) ensure the public that court officials accurately assess court costs, and (2) prevent the assessment of court costs that are not expressly authorized by law. There is no reason to question the application of Article 103.001 to municipal and justice courts. For more than 130 years, such courts have imposed the lion's share of criminal court costs assessed in Texas. Municipal judges (or, as they were referred to by Texas law at the time, "recorders") and justices of the peace were, along with "each clerk of a court," listed among the officials required to maintain a fee book in the 1879 Code of Criminal Procedure.[7]

The language of Article 103.001 should be parsed carefully. Observations:

1. The statute does *not* require the preparation of a bill of costs in every criminal conviction. Since the presidency of Ulysses S. Grant to the present, the Code of Criminal Procedure has plainly stated that court costs are not payable until a written bill is either (1) *produced* or (2) *ready to be produced*. In the age of automation and "print on demand," satisfying this legal requirement is often as simple as pointing and clicking. Although Article 103.001 provides that defendants are entitled to a bill of costs containing a description and amount of each court cost and reflecting how individual court costs are included in the total court costs, relatively few defendants will request that it be *produced*. Nonetheless, it is the responsibility of all criminal trial courts in Texas to make sure that it is *ready to be produced*. Technology makes this convenient.

2. A bill of costs must be signed by either (1) the officer who charged the cost, or (2) the officer who is

entitled to receive payment for the cost. Accordingly, a computer screen printout featuring itemized court costs but missing the required signature is insufficient. Yet, once again technology and recent amendments to the Code of Criminal Procedure seem to make it easy to satisfy the signature requirement without even touching an ink pen. Article 2.26 of the Code of Criminal Procedure authorizes both digital signatures and electronic documents. Similarly, Article 45.012 of the Code of Criminal Procedure authorizes municipal and justice courts to use electronic means to produce any document required by law to be written.

3. Do not conflate the *bill of costs* with a *judgment* (or what each must contain). In terms of court costs in a criminal case, there is certainly a relationship between a bill of costs and the judgment; yet, they are clearly different. The bill of costs is ancillary to the judgment. In *Johnson,* the 14th Court of Appeals did not have to consider whether a trial court's written judgment was required to contain a specific dollar amount because the dollar amount is established by statute, not a court order. Similarly, the court of appeals did not have to decide in *Johnson* whether a bill of costs is required to be in front of a judge when the judgment is signed because the Court of Criminal Appeals has twice stated that "[c]ourt costs, as reflected in a certified bill of costs, need neither be orally pronounced nor incorporated by reference in the judgment to be effective."[8]

B. Municipal and justice courts are encouraged to exercise caution in extrapolating from the *Johnson* opinion.

So if the bill of costs is not new, then why are you just now hearing about it? Why haven't the issues in *Johnson* been previously decided? One explanation is that *Johnson* is a natural extension of three recent Court of Criminal Appeals opinions.

1. *Weir v State*, 278 S.W.3d 364 (Tex. Crim. App. 2009) - The statutory assessment of court costs against a convicted defendant is not an additional penalty for the crime committed, but a non-punitive recoupment of the costs of judicial resources expended in connection with the trial of the case.

2. *Mayer v. State*, 309 S.W.3d 552 (Tex. Crim. App. 2010) - No trial objection is required to preserve an appellate claim of legally insufficient evidence as it pertains to the imposition of a particular court cost.

3. *Armstrong v. State*, 340 S.W.3d 759 (Tex. Crim. App. 2011) - The amount and assessment of criminal court costs is a matter of criminal law (not civil law) subject matter that may be raised on direct appeal.

This trilogy of court costs case law potentially sets the stage for a whole host of court costs-related appeals. *Johnson* is just an example of how a legal sufficiency challenge to court costs can be made on direct appeal and what an appellate court will likely do when there is no bill of costs or when there is no support in the record for the imposition of costs.

While interest in the *Johnson* opinion among municipal and justice court personnel is understandable, for the most part, the implications of the opinion on such local trial courts of limited jurisdiction are limited. *Johnson* also inadvertently gives municipal courts reason to question some long standing assumptions about Chapter 103 of the Code of Criminal Procedure.

1. The vast majority of local trial courts of limited jurisdiction are non-record courts. Appeals from *non-record* courts do *not* hinge on the sufficiency of evidence; they result in a trial de novo.[9] In 2012, according to the Office of Court Administration, there were 926 cities hosting municipal courts and 815 justice courts in Texas. Added together, there were a total of 1,741 local trial courts of limited jurisdiction. Only 151 of these courts were courts of record.[10] Among Texas local trial courts of limited jurisdiction, only in a municipal court of record may an appeal be based on errors in the record. In other words, only in an appeal from a municipal court of record could a sufficiency challenge, similar to the one in *Johnson*, be made to the assessment of court costs. While the Court of Criminal Appeals has held that having a two-tier system to adjudicate similar offenses does not violate equal protection,[11] the court has not considered the discrepancies in the two-tier system when costs are unjustly imposed in a non-record court.

2. Bad facts make bad law. If you have not read the *Johnson* opinion in its entirety, please do so. In *Johnson,* a bill of costs was *never* produced. No bill of costs was produced when requested by Johnson's lawyer. The original clerk's record filed with the appellate court did not contain a bill of costs. The appellate court ordered the clerk of the trial court to supplement the record with a bill of costs or, in the alternative, provide a certified statement that no such bill exists in the case file. The clerk's office filed an

affidavit averring that the record in this case did not include a bill of costs. After oral argument in this case, the clerk's office filed a supplemental record with the appellate court containing what appeared to be an unsigned computer screen printout. The clerk never retracted the earlier representation that no actual bill of costs existed in the record.

3. *Johnson* begs more questions than it answers. It is clear from *Johnson* and other cases that when the record contains insufficient evidence warranting the imposition of specific court costs, the appellate court's remedy is to reform the trial court's judgment by deleting the unwarranted cost. But what if court costs are improperly imposed in a non-record municipal court or a justice court? The recent trilogy of case law from the Court of Criminal Appeals, described above, does not contemplate when challenges to court costs originate in a non-record criminal court. Article 103.008 of the Code of Criminal Procedure, titled, "Correction of Costs," poses a remedy for defendants who are improperly assessed court costs.[12] Is Article 103.008 an *exclusive* remedy?[13] Is it applicable in municipal court? How, if at all, is Article 103.008 affected by the relatively short timeline for appeal in municipal and justice courts? What if the defendant pays the fine and costs in full but does so *involuntarily*?[14]

4. Even if the implications of *Johnson* are, for the most part, negligible for most local trial courts of limited jurisdiction, municipal judges, court administrators, and city attorneys ought to (re)read Chapter 103 in its entirety. Clarification is needed. Because some articles in Chapter 103 of the Code of Criminal Procedure expressly reference county officials and county government, in some municipal court circles it is believed that Chapter 103 is generally inapplicable to municipal courts. Yet, this belief seems to be both an overstatement and outdated since collections improvement plans and programs were added to Chapter 103 in 2001. It is indisputable that much of what is now Chapter 103 was applicable to municipal judges[15] when passed into law in 1876. Today, the applicability of some of the articles in Chapter 103 to municipal courts is unclear. Although under modern law, municipal judges are no longer listed, "each clerk of a court" and marshals are listed among the officials who must maintain a fee record under Article 103.009. (Yet, by the same token, do any of you know of a county that provides municipal court clerks and marshals the equipment and supplies necessary to keep such records?[16]) In addition to providing a means for correcting costs, Chapter 103 provides that a bill of costs should be included when a case is transferred or appealed,[17] and how a court should proceed when, after payment, it is determined that additional court costs are owed.[18] While some may argue that these provisions are inapplicable to municipal court, the language of the statutes seems applicable to all criminal trial courts.

C. "Remain in the ride until it comes to a full and complete stop at the unloading point of the ride. If a ride stops temporarily, due to mechanical failure or other reason, stay seated and wait for the ride to start up again or for an operator to give your further instructions."[19]

Good advice when riding amusement park rides is equally true when assessing case law. It is worth emphasizing that *Johnson* is *not* an opinion from the Court of Criminal Appeals, the court of last resort for criminal matters in the State of Texas. The 14th Court of Appeals (located in Houston), which issued the *Johnson* opinion, has intermediate appellate jurisdiction of both civil and criminal cases appealed from trial courts in 10 of Texas' 254 counties. Its jurisdiction is not exclusive. The 14th Court of Appeals has concurrent jurisdiction with the 1st Court of Appeals (also located in Houston) over courts located in Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Harris, Waller, and Washington Counties.

Since October 16, 2012, *Johnson* has been cited four times by three additional courts of appeal: the 2nd Court of Appeals (Fort Worth), the 6th Court of Appeals (Texarkana), and the 4th Court of Appeals (San Antonio).[20] In all four opinions, only one of which is designated for publication, the appeal began in a district court and stemmed from the imposition of court costs related to a felony offense in which the defendant was incarcerated in prison. In three of the four appeals, after conducting an independent review of the record, the appellate court concluded that the record confirmed a lack of support for the award of either a *portion* or *all* of the court costs. In each case, the appellate court modified the trial court's judgment to delete the imposition of either the unwarranted or unsubstantiated court cost(s) and affirmed the judgment as modified. Once again, unless a case begins in a municipal court of record, barring the use of an extraordinary remedy, there does not appear to be a comparable remedy for defendants in non-record courts. (Notably, as a matter of twisted irony, defendants appealing

from non-record courts are required to post an appeal bond at least twice the amount of the fines and costs.[21] Such defendants who appeal trial de novo and are subsequently convicted in county-level court are assessed higher court costs for the same offense.[22])

The hyper vigilance surrounding the *Johnson* opinion is reminiscent of the overreaction by some following *Crook v. State* in February 2008.[23] The difference, of course, is that *Crook* was handed down by the Court of Criminal Appeals, the court of last resort for criminal matters in the State of Texas. In contrast, the appeal of the *Johnson* opinion may not have come to a complete and full stop. During the writing of this article, the 14th Court of Appeals denied the State's motion for rehearing in *Johnson*. The timetable for the State to file a petition for discretionary review (PDR) has begun. If a PDR is filed and the Court of Criminal Appeals grants review, and issues a published opinion, rest assured that TMCEC will revisit the *Johnson* case. However, even if the Court of Criminal Appeals subsequently issues an opinion, the specific facts of the case and procedural history make it unlikely that the case will provide much guidance to most local trial courts of limited jurisdiction (the exception perhaps being municipal courts of record).

The Bill of Costs

Article 103.001, Code of Criminial Procedure

The statute and the requirements:

It must be in writing. This can be printed off from court software or done manually.

A cost is not payable by the person charged with the cost until a **written bill** is produced or is **ready to be produced** containing the **items of cost** **signed** by the officer who charged the cost or the officer who is entitled to receive payment for the cost.

Make sure that it can be made available to the defendant.

Update the bill of costs whenever a new fee is added (i.e., the case is turned over to collections or Omnibase or a warrant/capias pro fine is processed or executed.

This is essentially an itemized listing of all costs assessed, much like a receipt from a grocery store.

It must be signed by either the judge or the clerk.

The signature can be added electronically to court software.

It does not suffice as a bill of costs until it is signed.

Practical recommendations pertaining to the bill of costs:

- If the court has software to assess and calculate costs, work with the vendor to create a separate screen that will comply with the requirements for a bill of costs.
- If your court does not have software, prepare bill of costs forms for different categories of offenses. For example, have one bill of costs containing the base state court costs, the arrest fee, and any local fees the court collects that would apply to all non-Rules of the Road misdemeanors for which the defendant is cited or arrested. Have another for all Rules of the Road misdemeanors. Then add any other required fees as necessary.
- Have the police department or marshal office maintain a fee record showing the fees for their services that can be charged back to a defendant (i.e., fees for service of a summons or subpoena, arrest fee, warrant fee, etc.).
- Remember to include a copy of the written bill of costs in the clerk's record on any appeal to the county court.
- Most importantly, remember that the court does not have the authority to assess or collect any fee not authorized by law. It is always a good idea to double check the costs that are assessed against a defendant. The bill of costs, though it may take time to set up, can help in doing this.

Conclusion

While the bill of costs is hardly new, what is new is the manner in which it has been asserted on appeal. Recent case law has made contesting the legal sufficiency of court costs in certain cases an attractive avenue of argumentation. Yet, it is difficult to see how such arguments apply to non-record trial courts of limited jurisdiction. Matters have been further convoluted by the passage of time and assumption about the applicability of certain provisions in Chapter 103 of the Code of Criminal Procedure to municipal courts. Clarification is needed.

In contested and uncontested cases, questions from defendants and their lawyers about the proper assessment of court costs will arise. As local trial courts of limited jurisdiction collect more than 90 percent of all court costs, municipal and justice courts bear a unique burden and responsibility in ensuring that defendants are not improperly assessed court costs and that a bill of costs is, at a minimum, ready to be produced. Even when contending with defendants who are hell-bent on gaming the system, judges and other court personnel should maintain temperance and ready access to documentation when a challenge to the assessment of court costs is made. Albeit an imperfect analogy, if courts are in the "business" of dispensing justice, defendants, as "customers," should be entitled to an itemized receipt, signed by the merchant.

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[1] Titled "On Other Judgment," Article 42.16 of the Code of Criminal Procedure states, "If the punishment is any other than a fine, the judgment shall specify it, and order it enforced by the proper process. It shall also adjudge the costs against the defendant, and order the collection thereof as in other cases."

[2] The *Grits for Breakfast* blog entry can be read in its entirety on-line at: http://ow.ly/gQyzo.

[3] Available at http://www.courts.state.tx.us/oca/pdf/BillofCosts.pdf.

[4] "No costs shall be payable by any person whatsoever until there be produced, or

ready to be produced, unto the person owing or chargeable with the same, a bill or account, in writing, containing the particulars of such costs, signed by the officer to whom such costs are due, or by whom the same are charged." Article 1044, Code of Criminal Procedure (1879).

[5] See, Article 103.009, Code of Criminal Procedure. Notably under modern law, there is no requirement that a municipal judge maintain a fee record while there is such a requirement for justices of the peace. Ostensibly, all municipal court clerks are required by Article 103.009 to maintain a fee record.

[6] "The fee book shall show the number and style of the action or proceeding in which the costs are charged, and each item of costs shall be stated separately; and it shall further name the officer or person to whom such costs are due." Article 1040, Code of Criminal Procedure (1879).

[7] "Each clerk of a court, county judge, sheriff, justice of the peace, constable, mayor, recorder and marshal, in this state, shall keep a fee book, and shall enter therein all fees charged for service rendered in any criminal action or proceeding, which book shall be subject to the inspection of any person interested in such costs. Article 1040, Code of Criminal Procedure (1879).

[8] *Armstrong v. Stat*e, 340 S.W.3d 759, 766-67 (Tex. Crim. App. 2011), citing *Weir v. State*, 278 S.W.3d 364, 367 (Tex. Crim. App. 2009).

[9] Article 44.17, Code of Criminal Procedure.

[10] Data obtained via correspondence between the author and Angela Garcia, Judicial Information Manager, Office of Court Administration January 17, 2013. E-mail on file with the author.

[11] *Ex parte Spring*, 586 S.W.2d 482 (Tex. Crim. App. 1979).

[12] Article 103.008. Correction of Costs. "(a) On the filing of a motion by a defendant not later than one year after the date of the final disposition of a case in which costs were imposed, the court in which the case is pending or was last pending shall correct any error in the costs. (b) The defendant must notify each person affected by the correction of costs in the same manner as notice of a similar motion is given in a civil action."

[13] Under certain circumstances, may a defendant seek an extraordinary remedy (e.g., via a writ of habeas corpus or mandamus)?

[14] Voluntarily paying the fine in a misdemeanor case renders the appeal from the judgment moot. *Fouke v. State*, 529 S.W.2d 772 (Tex. Crim. App. 1975).

[15] At the time, however, municipal judges were referred to as "recorders." "A reference in the laws of this state to 'recorder' means a judge of a municipal court." Section 29.004(d), Texas Government Code.

[16] It is required by Article 103.009(d) of the Code of Criminal Procedure.

[17] Article 103.006. Transfer Bill of Costs. "If a criminal action or proceeding is transferred from one court to another or is appealed, an officer of the court shall certify and sign a bill of costs stating the costs that have accrued and send the bill of costs to the court to which the action or proceeding is transferred or appealed."

[18] Article103.007. Additional Costs "After Payment. After a defendant has paid costs, no more costs may be charged against the defendant unless the court rules on a motion presented to the court that additional costs are due."

[19] General Amusement Ride Safety Tips. *www.expertsafety.com/safety/safety.htm.*

[20] *Tafolla v. State*, 2012 Tex. App. LEXIS 10555 (Tex. App.—Texarkana Dec. 20, 2012); *Solomon v. State*, 2012 Tex. App. LEXIS 10473 (Tex. App.—San Antonio Dec. 19, 2012); *Cuba v. State*, 2012 Tex. App. LEXIS 10260 (Tex. App.—Texarkana Dec. 11, 2012); *Slaven v. State*, 2012 Tex. App. LEXIS 9480 (Tex. App.—Fort Worth Nov. 15, 2012).

[21] Article 45.0425(b), Code of Criminal Procedure.

[22] Compare the applicable costs using charts prepared by the Office of Court Administration. See, on-line, *Criminal Court Costs–Current Charts* available at http://www.txcourts.gov/pubs/pubs-home.asp.

[23] Ryan Kellus Turner, "By Hook or Crook: I Maintain that Everything is Fine," *The Recorder* (May 2008) at 3.

Scofflaw Program continued from pg 1

the program.[3] Once the program is established, the city submits inquires that match vehicle registrations to defendants who have outstanding warrants after failing to appear or failing to pay a fine on a charge that involves the violation of a traffic law.[4] When a match between a defendant and a vehicle is found, the city can submit a "flag."[5] A flagged record then displays a scofflaw remark and a defendant cannot renew his or her vehicle registration until the court case is resolved.[6]

From the defendant's perspective, if he or she has been flagged as a scofflaw, the next registration renewal will contain the Scofflaw notice or he or she will be notified upon attempt to renew at the tax office.[7] The notice will refer the violator to the appropriate court where the issue can be resolved.[8] Once the violator takes care of the case at the court and obtains a release document, then the defendant returns to the tax office to register the vehicle.[9]

Although a fairly straightforward program, it is important to remember a few key things. First, a warrant must have been issued.[10] Second, a no registration charge is not eligible for a Scofflaw block if the defendant does not own or no longer owns the vehicle—the license plate identified on the citation must match current vehicle registration records.[11] Third, the city must include a warning on citations for any traffic law that warns defendants that a failure to appear or satisfy a judgment might result in the defendant not being permitted to register a motor vehicle.[12] Many citations will already contain such a warning, even if a Scofflaw program is not in place. For example, when Dallas began its Scofflaw program, the required wording was already included on its citations.[13]

The Scofflaw program can also be used for red-light camera fines, which frequently go unpaid.[14] Because a red-light camera citation is a civil violation and motorists do not have to fear arrest on warrants as they would if they ignored other traffic citations, there is a high rate of non-payment that means cities lose out on millions of dollars.[15] In Arlington, for example, of the 91,265 red-light camera violations issued between October 1, 2009 and September 30, 2010, one-third either ignored the violation notice or failed to pay the full fine.[16] In this situation, the Scofflaw program offers a solution, preventing

motorists from renewing their vehicle registration if they have an unpaid red-light camera citation.

"If there are these fines out there, they need to be collected," Arlington Councilman Robert Rivera told the Fort Worth *Star-Telegram* in 2011.[17] "There has to be an incentive for people not to run these red lights at intersections."

The purpose and potential benefit of the Scofflaw program is obvious. Especially in tough economic times, when budgets are tight, improved collections and increased revenue is something all cities must think about. In El Paso, such budgetary concerns helped motivate it to adopt a Scofflaw program in 2010.

"During a time when El Paso County is seeing cuts in our state funding and decreased revenue locally, programs like the Scofflaw Verification System are critical [because] they ease the burden on the local property taxpayer," El Paso County Judge Veronica Escobar told the *El Paso Times* in 2011.[18]

The Scofflaw program is, in many ways, like another Texas enforcement mechanism, DPS's failure to appear program offered through OmniBase Services of Texas (OmniBase).[19] Just as Scofflaw can serve as collection and enforcement tool by blocking vehicle registration, OmniBase provides a collection and enforcement tool by restricting the violator's ability to renew their driver's license for outstanding violations.[20]

The downside of OmniBase is that drivers' licenses only have to be renewed every six years, which means that outstanding fines and fees may remain pending for a significant period of time.[21] Under Scofflaw, on the other hand, fines and fees cannot remain outstanding for nearly as long since vehicle registration must be renewed annually.[22]

"I think there's no better system, because this is the only way you get to see them every year; that's the only place they're going to come to every year, to get their [vehicle] tags," McLennan County Commissioner Kelly Snell said about Scofflaw to the *Waco Tribune* in April 2012.[23]

Because Scofflaw blocks vehicle registrations, which must be renewed every year, one might suspect that it is the more popular and successful program of the two, but participation numbers suggest otherwise. OmniBase boasts 695 participating cities and 236 participating counties, while only 60 cities and 21 counties are currently using the Scofflaw program.[24]

There are many potential reasons for Scofflaw's lack of popularity. For one, most municipalities were not able to implement it until recently. Up until 2011, Scofflaw could be used only by home-rule cities, but that limitation was repealed during the 2011 legislative session.[25] Perhaps there is confusion between the city and the county, or maybe some municipalities already have a similar local program in place. For some, Scofflaw seems inefficient. Maybe it is because Scofflaw is administered by the Texas Department of Motor Vehicles, while OmniBase is a private corporation.

"The city can do it, but it's kind of involved, because you have to put flags on registrations with DMV and it's a time-consuming process," Hurst Assistant Police Chief Steve Niekamp told the *Star-Telegram* in 2011 about why his city was not looking into using Scofflaw, and instead was considering a private company, Redflex Traffic Systems. "It looks like it's more efficient to let [Redflex] do it."[26]

Possibly some of the frustration with Scofflaw can be attributed to the flags that can go on a vehicle. Only one city and one county will show as having a flag. Others are concerned about implementing Scofflaw because of how long it may take for a flag to be removed from a record once a case is resolved.

"I think we're going to have a lot of upset people if they pay [their ticket] and it takes a while for the flag to come off," Cleveland City Councilman Mike Penry told the *Cleveland Advocate* when his city implemented the Scofflaw program in 2009.[27]

Most certainly, one of the reasons that Scofflaw is not more successful is because of the permissive nature of the statute. Under the current law, a Scofflaw flag on a record does not prevent a car from being registered. The Scofflaw section of the Texas Transportation Code *allows* for the Tax Assessor of a county to deny the vehicle registration of an individual who is reported to have outstanding municipal fines and fees, but it does not *require* the Tax Assessor to block the vehicle registration.[28] The Scofflaw flag is a "soft stop" that does not prevent registration; it simply creates a remark on the record. For Scofflaw to prevent registration, a county tax office clerk must both notice the remark and participate in enforcement.

As a result of this permissive nature of the Scofflaw program, many Tax Assessor-Collectors have not denied vehicle registrations because it creates more work for them, keeps revenue out of their coffers, and creates angry customers in their offices. For example, El Paso County Tax Assessor-Collector Victor Flores told the *El Paso Times* in April 2011 that one of the downsides to implementing the Scofflaw program was that it led to

slower processing times and to longer lines in the tax office.[29]

Although El Paso went through with the Scofflaw program, despite the longer lines, other Tax Assessor-Collectors are not as willing to deal with the additional work, long lines, and lost revenue, especially if they are not compensated for it. For example, in 2011, Tarrant County Tax Assessor-Collector Ron Wright told the Fort Worth *Star-Telegram* that he would consider implementing the Scofflaw program only if cities paid the county for the additional service.[30]

"What I've told both cities [Fort Worth and Arlington] is it is not the responsibility of the tax office to force people to pay their fines," Wright told the *Star-Telegram* in October 2011.[31] "We would not enter into serious discussions unless we are compensated. That hasn't happened."

One of the other recent changes to the Scofflaw program, effective September 2011, now allows county and municipal governments to impose an additional fee of $20 against a person who has an outstanding warrant for Failure to Appear in connection with a citation, complaint, information, or indictment in a court.[32] This fee may be used to reimburse the county Tax Assessor-Collector's Office or another county department for its expenses in providing services under a Scofflaw contract.[33] With this change, the Scofflaw program is intended to pay for itself. This may resolve some of the issues that cities have had in getting their local Tax Assessor-Collector to go along with the program, as in Tarrant County, because this change provides a way to compensate Tax Assessor-Collectors for the additional work.

But even if a Tax Assessor-Collector is going to be compensated for the additional work, some are still not willing to go along with the program. Recently in Houston, according to the *Houston Chronicle*, there has been a conflict between Municipal Court Presiding Judge Barbara Hartle and incoming County Tax Assessor-Collector Mike Sullivan.[34] According to the *Chronicle*, Judge Hartle made a proposal to the City Council to sign an agreement with the Department of Motor Vehicles that would have the State refuse to issue vehicle registrations to people who have outstanding traffic fines.[35] As proposed by Judge Hartle, by investing about $20,000 a year into compiling lists of scofflaws and coordinating with the State, Houston could reap a windfall of $432,000 a year in higher collections.[36] But Sullivan is opposed to the idea, for many of the reasons discussed above. According to the *Chronicle*, Sullivan said he opposes the Scofflaw program because he intends to fulfill campaign promises to shorten the lines at the tax office windows.[37] In addition, he said he is worried that holds could mistakenly be placed on people who do not owe fines.[38]

"In my mind, it's nothing more than an attempt to have the county collect fees and fines that the city should collect on their own," Sullivan told the *Chronicle*.[39] "It looks like the mayor wants to push this over to the county as another layer of enforcement to collect money for the city."

Houston's outgoing Tax Assessor-Collector Don Sumners is also strongly opposed to Scofflaw.[40] He is quoted by the *Chronicle* as saying, "I would expect that required enforcement of Scofflaw could be a substantial disruption to tax office registration activities because of dealing with unhappy customers and longer lines from their needing to make multiple visits to the service windows."[41]

What will happen in Houston remains to be seen, but when Tax Assessor-Collectors are willing to implement the Scofflaw program, the results can be both dramatic and immediate.

In Midland County, where Scofflaw was implemented in February 2012, Tax Assessor-Collector Kathy Reeves said that in just the first week she had seen a number of people make payments that were owed to the county so they would be permitted to renew their vehicle registration.[42] After El Paso County implemented the program in November 2010, it raised $660,000 in fines and fees in its first 14 weeks, officials said.[43]

However, not all programs are successful. In McLennan County, the Scofflaw program collected only about $4,000 in two years, according to McLennan County Commissioner Kelly Snell.[44] During that same time, McLennan County was owed at least $2.3 million for unpaid traffic citations.[45]

"It's a good thing in theory, but whether it's practically working or if it will, I don't know," McLennan County Precinct 1 Justice Kristi DeCluitt told the *Waco Tribune-Herald* in October 2011.[46]

For those thinking of implementing the Scofflaw program, Dallas's program may serve as a model.[47] To facilitate the Scofflaw program, Dallas County operates a "Wanted" website, which is a database tied to all county payment systems of unpaid fees and fines that also includes individuals from participating cities in Dallas County with unpaid traffic violations.[48] In order to avoid the potential problem of flags remaining on records that have been cleared, Dallas provides defendants with a clearance letter to present to Dallas County when a case is resolved, as directed by judicial order, and the city sends electronic clearance notices daily to Dallas County.[49] Additionally, a scofflaw will be removed from the

Dallas County "Wanted" website within two business days of a clearance letter or upon receipt of electronic update received at Dallas County.[50]

Overall, the Scofflaw program is potentially hugely beneficial to municipalities. There is the potential to collect significant amounts of money from unpaid fines while at the same time clearing outstanding warrants and violations. The permissive nature of the law, however, presents a significant roadblock. Unless the Legislature takes up the Scofflaw program again during this session and changes the permissive nature of it, cities will have to work together with other local officials to make the program work. If cities are now looking to implement a Scofflaw program, it is probably best to work with the local Tax Assessor-Collector and come to an agreement about how the program will work and compensation for the additional time and work that it will create. Such an inter-local agreement can go a long way in avoiding the traps that other cities have fallen into in the past.

1. Dictionary.com, *Scofflaw*, http://dictionary.reference.com/browse/scofflaw?s=t.
2. Sections 502.185 and 702.003, Transportation Code.
3. Section 702.003, Transportation Code.
4. See, Rebecca Davio, Texas Department of Transportation, *Model Interlocal Agreement and Accompanying Letter* (September 2008), accessible at http://ow.ly/h6016. Note that since the creation of the Texas Department of Motor Vehicles in 2009 (Tex. H.B. 3097, 81st Leg., R.S. (2009)), the Scofflaw program was moved from the Department of Transportation to the Department of Motor Vehicles.
5. *Id.*
6. *Id.*
7. *Id.*
8. *Id.*
9. *Id.*
10. Section 702.003, Transportation Code.
11. See, City of Dallas's PowerPoint presentation *Scofflaw Vehicle Registration Denial Program* (November 2009), accessible at https://docs.google.com/viewer?a=v&q=cache:bxRiCc7MhLkJ:www.dallascityhall.com/committee_briefings/briefings1109/PS_ScofflawVehicleRegDenial_110209.id=ADGEEShEGZsyYQbv4SPijMkDxrGs0A2FUJSfdh0x7HpmR4LpJcA9TZ46gRH8G7YdG8rE0peCpWAOd4Py4GdKac9QGgy7B_6YLqIBdXDZrd05NxieUKpw1K1ax9C09Zefpt8INC5fLy19&sig=AHIEtbQv-FzciT1Xf8raPOT0-uGcQnHBWQ.
12. Section 702.004, Transportation Code.
13. See, City of Dallas, *Supra*, note 14.
14. Terry Evans and Susan Schrock, "DFW cities hit roadblock in collecting red-light fines," Fort Worth *Star-Telegram*, October 6, 2011, accessible at http://www.star-telegram.com/2011/10/05/3423216/dfw-cities-hit-roadblock-in-collecting.html.
15. Susan Schrock, "Arlington considers joining program to collect red-light camera fines," Fort Worth *Star-Telegram*, September 6, 2011, accessible at http://www.star-telegram.com/2011/09/05/3338663/arlington-considers-joining-program.html.
16. *Id.* Told to the Fort Worth *Star-Telegram* by Steve Evans, the Arlington Police Department's management services director in September 2011.
17. Evans and Schrock, *Supra*, note 14.
18. Diana Washington Valdez, "Warrants, yes? Registration, no!: Scofflaw program brings in $600k", *El Paso Times,* April 3, 2011, accessible at http://www.elpasotimes.com/news/ci_17760980.
19. OmniBase Services of Texas, http://www.omnibase.com/ (last visited January 15, 2013).
20. *Id.*
21. Texas Department of Public Safety Driver License Division, *Driver License Renewal and Change of Address*, https://txapps.texas.gov/tolapp/txdl/faq.dl?locale=en_US (last visited January 15, 2013).
22. Texas Department of Motor Vehicles, *Register your Vehicle*, http://www.txdmv.gov/vehicles/registration/register.htm (last visited January 15, 2013).
23. Regina Dennis, "Tax office says it will end traffic scofflaw program," *Waco Tribune*, April 11, 2012, accessible at http://www.wacotrib.com/news/146930715.html.
24. Texas Department of Motor Vehicles, January 2013.
25. Senate Comm. on Intergovernmental Relations, Bill Analysis, Tex. S.B. 86, 82nd Leg., R.S. (2011), accessible at http://www.capitol.state.tx.us/Search/DocViewer.aspx?K2DocKey=odbc%3a%2f%2fTLO%2fTLO.dbo.vwCurrBillDocs%2f82%2fR%2fS%2fB%2f00086%2f5%2fA%40TloCurrBillDocs&QueryText=scofflaw&HighlightType=1.
26. Evans and Schrock, *Supra*, note 14.
27. Alex Wukman, "City council enters into 'scofflaw' contract, passes contractor liability ordinance," *Cleveland Advocate*, December 10, 2009, accessible at http://www.yourhoustonnews.com/cleveland/news/city-council-enters-into-scofflaw-contract-passes-contractor-liability-ordinance/article_b5507253-b5c9-5da9-9392-d6941ee875b7.html.
28. Section 702.003, Transportation Code.
29. Valdez, *Supra*, note 18.
30. Evans and Schrock, *Supra*, note 14.
31. *Id.*
32. Section 702.003, Transportation Code.
33. *Id.*
34. Chris Moran, "City wants to block registrations for those with unpaid traffic tickets," *Houston Chronicle*, November 13, 2012, accessible at http://www.chron.com/news/houston-texas/houston/article/City-wants-to-block-registrations-for-those-with-4035218.php.
35. *Id.*
36. *Id.*
37. *Id.*
38. *Id.*
39. *Id.*
40. *Id.*
41. *Id.*
42. Kathleen Petty, "'Scofflaw' helps increase collections in its first week," *Midland Reporter-Telegram*, February 13, 2012, accessible at http://www.mywesttexas.com/top_stories/article_fb460a53-62a8-5fe1-8ba7-491b46dc5a5b.html.
43. Valdez, *Supra*, note 18.
44. Dennis, *Supra*, note 23.
45. *Id.*
46. *Id.*
47. See, City of Dallas, *Supra*, note 11.
48. *Id.*
49. *Id.*
50. *Id.*

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Gratitude is also expressed to Judge Jim Heupel of Fredericksburg for the gift of a beautiful photograph of an American bald eagle that now proudly hangs in TMCEC training area. It is magnificent.

We thank all of you.

Court-Ordered Waiver of Surcharges for Indigent Defendants

Katie Tefft
Program Director, TMCEC

In 2003, the Texas Legislature enacted Chapter 708 of the Transportation Code creating the Driver Responsibility Program. This program, more commonly known as the "surcharge program," provides for assessment of administrative fees in addition to criminal conviction (and payment of a fine) in order to maintain one's Texas driver's license.

According to the DPS website, "a surcharge is an administrative fee charged to a driver based on the convictions reported to the driving record."[1] Surcharges are assessed either on a point basis[2]—when the driver accumulates a total of six or more points on their driving record (two points per conviction for a moving violation or three points per conviction for a moving violation that resulted in a crash)—or conviction basis[3] for certain offenses. At the bottom of this page the chart explains how surcharges are assessed and the amount of the surcharge.

The Driver Responsibility Program has been a highly criticized program since its inception, as it does not bring in near the amount of revenue it is owed, and defendants get caught in the cycle of not being able to pay the surcharge.[4] Failure to pay the surcharge results in the suspension of the person's driver's license, thus perpetuating the cycle of criminal acts the person commits (i.e., cannot pay the surcharge, so now driving on a suspended license, thus committing a new offense that itself carries another surcharge). Although bills aimed to repeal the program in its entirety have been unsuccessful,[5] the Legislature has passed several bills in the past two sessions attempting to ease the burden on surcharge holders by allowing payment plans,[6] allowing advance payment of surcharges to avoid the three year term spent in the program,[7] giving more time to pay before the license is suspended,[8] deferring payments for deployed military,[9] and creating amnesty and indigency programs.[10]

H.B. 2730, passed by the 81st Legislature in 2009, added Section 708.158 to the Transportation Code, dealing with the waiver of surcharges for indigent defendants. Titled, "Indigent Status and Reduction of Surcharges," the statute provides:

(a) The department shall waive all surcharges assessed under this chapter for a person who is indigent. For the purposes of this section, a person is considered to be indigent if the person provides the evidence described by Subsection (b) *to the court*.

(b) A person must provide information *to the court* in which the person is convicted of the offense that is the basis for the surcharge to establish that the person is indigent. The following documentation may be used as proof:

(1) a copy of the person's most recent federal income tax return that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines;

(2) a copy of the person's most recent statement of wages that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines; or

(3) documentation from a federal agency, state agency, or school district that indicates that the person or, if the person is a dependent as defined by Section 152, Internal Revenue Code of 1986, the taxpayer claiming the person as a dependent, receives assistance from:

(A) the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;

(B) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;

(C) the medical assistance

Surcharge Amounts

Point-based • Reviewed annually		$100 for first 6 points PLUS $25 for each additional point
Conviction-based • Per year for 3 years	Driving While Intoxicated – 1st offense	$1,000
	Driving While Intoxicated – 2nd or subsequent offense	$1,500
	Driving While Intoxicated with BAC ≥ 0.16	$2,000
	Failure to Maintain Financial Responsibility	$250
	Driving While License Invalid	$250
	No Driver License	$100

program under Chapter 32, Human Resources Code;

(D) the child health plan program under Chapter 62, Health and Safety Code; or

(E) the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.

emphasis added.

Note that this new indigency program—that will be referred to as the court indigency program—is in addition to the DPS indigency program that is discussed on the DPS website at: www.txsurchargeonline.com/Indigence.

According to Section 708.158, which took effect on September 1, 2011, DPS *shall waive* all surcharges for a person who is found indigent *by the court*. Courts have expressed concern over how this new indigency program will affect caseloads and dockets. Several questions have been asked. At what stage will the court be making the finding—at the time of conviction or when the defendant receives notice of the surcharge being assessed? Can the court use the same finding of indigency for the surcharge program as it does for waiver of fines/court costs or to approve community service? If a person is found indigent in January for one conviction and is convicted again the next year, must a new finding of indigency be made or is it a "once indigent, always indigent" process? Conversely, if a person is found indigent for a conviction in January, are all previously assessed surcharges also waived? How does the court go about notifying DPS of the surcharge holder's indigent status?

Many of the questions remain unanswered. Courts will oftentimes be unaware of how many points a defendant currently has on their driving record to know whether this conviction will put them at the six-point requirement; therefore, it is likely that courts will be asked to make these indigency determinations by defendants only upon the defendant being notified that a surcharge has been assessed. However, for those offenses that carry an automatic surcharge (i.e., FMFR, no DL, DWLI), courts may be able to make the determination at the time conviction is entered. DPS has said that only the surcharge resulting from the conviction out of that court will be waived, not previously assessed surcharges and not surcharges yet-to-be assessed, meaning it is possible that the court will have to make this indigency determination repeatedly for the same defendant and sometimes months after the case has been adjudicated and satisfied. This will, undoubtedly, increase the court's docket with defendants requesting a hearing to determine their indigent status without a pending case in that court.

The statute is, at least, clear as to what proof the defendant must show to be deemed indigent, unlike the statutes discussing indigency to waive fines/costs or allow community service in lieu of paying the fine/costs.[11]

As DPS has recently begun receiving numerous orders to waive surcharges from many municipal, justice, and county courts, they worked with Travis County to develop a form, *Order Waiving Surcharges for Indigent Defendants*, which DPS has indicated contains the sufficient information needed for them to process such an order. TMCEC has adapted that form for courts to use (See, page 14). This form will also be added to the 2013 version of the TMCEC *Forms Book* due out in the fall of this year. This at least answers the issue as to how courts should go about notifying DPS of the surcharge holder's indigent status. DPS has said that it averages about 45 days to waive the actual surcharges, meaning that defendants may still be receiving notices from the Municipal Services Bureau (MSB), the vendor contracted by DPS to monitor and collect the surcharges after the court has ordered the surcharge waived. However, MSB does send a letter to the defendant informing them that the court has determined them to be indigent and, as such, any surcharges related to the conviction have been waived and no surcharges will be assessed for the conviction. The letter further states that only surcharges related to the referenced conviction have been waived and that the defendant must continue payments on any other surcharges they have been assessed to prevent a driver's license suspension.

For more information on the Driver Responsibility Program, visit the DPS website at: http://www.txdps.state.tx.us/DriverLicense/drp.htm.

1. See the Driver Responsibility Program brochure available online at: http://www.txdps.state.tx.us/internetforms/Forms/DIC-2.pdf.
2. See, Sections 708.051–708.054, Transportation Code.
3. See, Sections. 708.101–708.104, Transportation Code.
4. It has also, to the contrary, been praised for raising $751 million for the State, giving $381 million to the Designated Trauma Facility and Medical Service Account. Source: http://www.texastribune.org/2012/11/15/texas-doctors-decry-use-ems-fund-balance-budget/.
5. See, Tex. S.B. 896, 81st Leg., R.S. (2009); Tex. H.B. 299, H.B. 1609, H.B. 1810, and S.B. 624, 82nd Leg., R.S. (2011); and currently H.B. 104, filed by Rep. Larry Gonzales, R-Round Rock and H.B. 790 filed by Rep. Sylvester Turner. Several other bills, which would have strengthened the Driver Responsibility Program, have also been unsuccessful. See, Tex. H.B. 1248, 81st Leg., R.S. (2009), which would have made it a criminal offense—fine-only misdemeanor—to fail to pay a surcharge.
6. Section 708.153, Transportation Code.
7. Section 708.159, Transportation Code.
8. Sections 708.151 and 708.152, Transportation Code.
9. Section 708.106, Transportation Code.
10. Section 708.157, Transportation Code.
11. See, Articles 45.0491 and 45.049, Code of Criminal Procedure, respectively.

Order Waiving Surcharges for Indigent Defendant (Sec. 708.158, T.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

(Texas Driver's License # _____)

(DOB: _____)

ORDER WAIVING SURCHARGES FOR INDIGENT DEFENDANT

On the _____ day of _____, 20___, Defendant was convicted by this Court of an offense for which surcharges are assessed under Texas Transportation Code, Chapter 708, to wit: _____, which offense occurred on _____.

The Court, having heard the evidence presented by the Defendant, and having reviewed all documentation provided, makes the following findings:

☐ The Defendant's income or the Defendant's household income does not exceed 125% of the applicable income level established by the federal poverty guidelines; or

☐ The Defendant, or the taxpayer claiming the Defendant as a dependent, receives assistance from one of the programs outlined in Section 708.158(b)(3) of the Transportation Code.

The Court finds the Defendant is indigent.

This is the Court in which the Defendant was convicted of the offense that is the basis for the surcharge.

It is therefore ORDERED that the Texas Department of Public Safety shall WAIVE all surcharges assessed under Texas Transportation Code, Chapter 708, for the Defendant as a result of the conviction in the above entitled and numbered cause.

_____

Judge, Municipal Court Date

(municipal court seal)

City of _____

_____County, Texas

EXAMPLES OF IMPROPER JUDICIAL CONDUCT

The following are examples of judicial misconduct that resulted in disciplinary action by the Commission in fiscal year 2012. These are illustrative examples of misconduct and do not represent every disciplinary action taken by the Commission in fiscal year 2012. The summaries below are listed in relation to specific violations of the Texas Code of Judicial Conduct, the Texas Constitution, and other statutes or rules. They are also listed in ascending order of the severity of the disciplinary action imposed, and may involve more than one violation. The full text of any public sanction is published on the Commission website. A copy of any public disciplinary record may also be requested by contacting the Commission.

These sanction summaries are provided with the intent to educate and inform the judiciary and the public regarding misconduct that the Commission found to warrant disciplinary action in fiscal year 2012. The reader should note that the summaries provide only general information and may omit mitigating or aggravating facts that the Commission considered when determining the level of sanction to be imposed. Additionally, the reader should not make any inference from the fact situations provided in these summaries.

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

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

- The judge failed to comply with the law and demonstrated a lack of professional competence in the law when he summoned a party to appear in court when no case was pending. [Violation of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.] *Private Order of Additional Education of a Justice of the Peace.* (09/08/11).

- The judge failed to obtain mandatory judicial education hours during the 2009 academic year. [Violation of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.] *Private Order of Additional Education of a Municipal Court Judge.* (10/10/11).

- The judge failed to follow the proper steps under Article 45.046 of the Texas Code of Criminal Procedure by issuing a *capias pro fine* warrant and a commitment order directing defendant to serve time in jail in order to discharge a fine. The commitment order was issued on the same day the judge entered the judgment of guilt and assessed the fine. It was clear the defendant was not afforded an opportunity to make a good faith effort to discharge the fine before arrest and commitment to jail. Other discrepancies in the court record raised questions as to whether the judge had followed proper procedures in earlier stages of the case. [Violation of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.] *Private Admonition and Order of Additional Education of a Municipal Court Judge.* (11/22/11).

- The judge failed to comply with the law and failed to maintain professional competence in the law when he issued a non-monetary judgment in a small claims case. [Violation of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.] *Private Admonition and Order of Additional Education of a Justice of the Peace.* (03/12/12).

- The judge failed to comply with the law and demonstrated a lack of professional competence in the law when he unilaterally negotiated plea deals and dismissed criminal cases without the consent of the State. The judge further lent the prestige of his office to advance the private interests of charitable organizations when he allowed a defendant to make a donation to a charity in exchange for having a

speeding citation dismissed. [Violation of Canons 2A, 2B and 3B(2) of the Texas Code of Judicial Conduct.] *Private Warning of a former Municipal Court Judge.* (03/12/12).

- The judge failed to comply with the law and failed to demonstrate professional competence in the law by issuing a *capias pro fine* warrant that resulted in a defendant's arrest and incarceration without first: (1) issuing a written deferred disposition order against the defendant as required by law; (2) issuing a written final judgment in the case as required by law; (3) providing the defendant notice and an opportunity to appear at a "Show Cause" hearing to determine if she had failed to comply with the terms of a court order; and (4) providing the defendant with an indigency hearing to determine if she had the financial ability to pay the fine and court costs. The judge also failed to treat the defendant in a patient, dignified and courteous manner in his interactions with her concerning payment of the court costs. [Violation of Canons 2A, 3B(2) and 3B(4) of the Texas Code of Judicial Conduct.] *Public Reprimand and Order of Additional Education of a Justice of the Peace.* (08/03/2012).

<u>CANON 2B:</u> A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge.

- The judge lent the prestige of his judicial office when he identified himself as a judge in a letter sent on the city letterhead asking a favorable treatment of a city employee. [Violation of Canon 2B of the Texas Code of Judicial Conduct.] *Private Admonition of a Municipal Court Judge.* (11/03/11).

- The judge lent the prestige of his judicial office to advance the private interests of a family member when he used his title "J.P." and his official court seal on a statement supporting his nephew. [Violation of Canon 2B of the Texas Code of Judicial Conduct.] *Private Admonition of a Justice of the Peace.* (05/21/12).

- The judge failed to maintain professional competence in the law when he: (1) dismissed a criminal complaint without a motion from the prosecutor based on a belief that the "complaint was weak;" and (2) set a personal recognizance bond in violation of Section 17.02 of the Texas Code of Criminal Procedure in a case in which the defendant was charged with injury to a child. Additionally; the judge allowed his relationship with the defendant's relative to improperly influence his conduct and judgment which resulted in the defendant receiving favorable treatment. The judge also used his judicial position in an attempt to influence the police department to reduce the charges against the defendant. [Violation of Canons 2B and 3B(2) of the Texas Code of Judicial Conduct.] *Private Admonition and Order f Additional Education of a Justice of the Peace.* (01/03/12).

- The judge allowed his relationship with a criminal defendant and her mother to influence his conduct and judgment, causing him to repeatedly intercede in a pending criminal matter on behalf of the defendant. The judge's activities on behalf of the defendant lent the prestige of his judicial office to advance her and her mother's private interests, particularly when he (1) contacted the prosecutor and the district judge in an attempt to influence them to discharge the second bond and to release her from custody on her first bond; and (2) attempted to influence law enforcement officials to curtail any investigation into possible on-going criminal activities by the defendant. [Violation of Canon 2B of the Texas Code of Judicial Conduct.] *Public Admonition of a Justice of the Peace.* (01/03/12).

- The judge failed to comply with the law and demonstrated a lack of professional competence in the law by intervening in a landlord-tenant dispute when no case was pending in his court, and by asserting that there was no need for the landlord to file an eviction action in the absence of a written lease agreement. Moreover, the judge lent the prestige of his judicial office to advance the private interests of the landlord, who, as a result of the judge's involvement, was able to summarily evict a tenant from his mobile home without having to comply with notice and other requirements of the Texas Property Code, and without having to pay filing fees and other costs related to an eviction proceeding. [Violation of Canons 2A, 2B and 3B(2) of the Texas Code of Judicial Conduct.] *Public Warning of a Justice of the Peace.* (08/03/12).

<u>CANON 3B(2):</u> A judge should be faithful to the law and shall maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.

- The judge failed to announce the ruling in open court as required by Rule 557 of the Texas Rules of Civil Procedure. [Violation of Canon 3B(2) of the Texas Code of Judicial Conduct.] *Private Admonition of a Justice of the Peace.* (01/03/12).

- The judge failed to follow the law and demonstrated a lack of professional competence in the law when he reduced a defendant's bond that had been set by another magistrate. The judge reduced the bond based on an oral request from members of the defendant's family and without notice to the State as required by Article 17.091 of the Texas Code of Criminal Procedure. The judge had previously been counseled against this practice by the District Attorney. [Violation of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.] *Private Warning and Order of Additional Education of a Justice of the Peace.* (09/26/11).

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

- The judge acted improperly when he followed a litigant into the court's parking lot in a confrontational manner that was not patient, dignified or courteous regarding the litigant's small claims case. [Violation of Canon 3B(4) of the Texas Code of Judicial Conduct.] *Private Admonition of a Justice of the Peace.* (01/03/12).

- In addition to other acts that violated the Texas Code of Judicial Conduct, the judge violated Canon 3B(4) of the Texas Code of Judicial Conduct by failing to treat court staff, defendants, and a prosecutor in a manner that was patient, dignified and courteous. [Violations of Canons 2A, 2B, 3B(2), 3B(4), 3B(5), 3B(10) and 4A(I) of the Texas Code of Judicial Conduct.] *Private Reprimand of a Justice of the Peace.* (08/10/12).

- The judge was publicly admonished to maintain order and decorum in his courtroom and to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity. The judge was specifically admonished to refer to individuals appearing in his courtroom using only their names or titles as appropriate and to refrain from inappropriately referring to parts of a person's body or appearance when addressing individuals in his courtroom, unless of course that reference is appropriate and necessary under the circumstances. [Violation of Canons 3B(3) and 3B(4) of the Texas Code of Judicial Conduct, and Article V, §1-a(6)A of the Texas Constitution.] *Opinion of Special Court of Review on Appeal of Public Admonition of a Justice of the Peace.* (07/03/12).

CANON 3B(5): A judge shall perform judicial duties without bias or prejudice.

- The judge failed to comply with the law and demonstrated a lack of professional competence in the law by failing to promptly forward a Motion to Recuse to the presiding administrative judge for resolution because the attorney/movant's allegations of bias offended the judge, who disputed the events described in the attorney/movant's affidavit. The judge's attempts to negotiate the contents of the motion with the attorney/movant, coupled with his efforts to have the attorney prosecuted for perjury, created such a perception of bias and partiality as to warrant the judge's recusal. In addition, the judge acknowledged being angry and impatient with the attorney/movant, and using an expletive during a hearing to express his frustration with the attorney/movant, demonstrating a lack of patience, dignity and courtesy expected of a judicial officer. In a separate case, some of the judge's opening remarks and discussions during proceedings demonstrated a lack of patience, dignity and courtesy expected of a judicial officer when interacting and communicating with certain defendants and their parents in court, and were perceived by litigants to have demonstrated bias and prejudice on the part of the judge. [Violations of Canons 2A, 3B(2), 3B(4) and 3B(5) of the Texas Code of Judicial Conduct, and Article V, §1-a(6)A of the Texas Constitution.] *Agreed Judgment of Special Court of Review on Appeal of Public Admonition of a Justice of the Peace.* (06/21/12).

CANON 3B(8): A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. A judge shall not initiate, permit, or consider ex parte communications or other communications made to the judge outside the presence of the parties between the judge and a party, an attorney, a guardian or attorney ad litem, an alternative dispute resolution neutral, or any other court appointee concerning the merits of a pending or impending judicial proceeding. A judge shall require compliance with this subsection by court personnel subject to the judge's direction and control.

- The judge failed to require that his court coordinator comply with the provisions of the Texas Code of Judicial Conduct. As a result, the court coordinator engaged in a series of improper *ex parte* communications with the State's attorney. The emails included unsolicited legal advice, which caused the State's attorney to believe that the judge had authorized, if not authored, the communications. [Violation of Canon 3B(8) of the Texas Code of Judicial Conduct.] *Private Admonition of a District Judge.* (06/11/12).

- The judge failed to perform his judicial duties without bias or prejudice by participating in improper ex parte communications with Defense counsel and with the Defense's expert witness. Relying on the information obtained *ex parte* from the expert, who alleged that a party to the litigation had engaged in fraudulent conduct, the judge undertook the role of investigator or special prosecutor in an effort to ferret out whether the party had committed fraud. Once the judge became embroiled in the parties' discovery dispute, he created a strong perception that he could not be a fair and impartial arbiter in the case. [Violation of Canon 3B(8) of the Texas Code of Judicial Conduct.] *Private Warning of a District Judge.* (09/13/11).

CANON 3B(11): A judge shall not disclose or use, for any purpose unrelated to judicial duties, nonpublic information acquired in a judicial capacity. The discussions, votes, positions taken, and writings of appellate judges and court personnel about causes

are confidences of the court and shall be revealed only through a court's judgment, a written opinion or in accordance with Supreme Court guidelines for a court approved history project.

- In his official capacity, the judge was able to obtain nonpublic information from the District Clerk's Office, which he then used for purposes unrelated to his judicial duties. [Violation of 3B(1l) of the Texas Code of Judicial Conduct.] *Private Admonition of a District Judge.* (8/23/12).

CANON 4C(2): A judge shall not solicit funds for any educational, religious, charitable, fraternal or civic organization, but may be listed as an officer, director, delegate, or trustee of such an organization, and may be a speaker or a guest of honor at an organization's fund raising events.

- Based on numerous entries on a Facebook page, it was apparent to the public that the judge was actively involved as an organizer of a charitable fundraiser in violation of Canon 4C(2) of the Texas Code of Judicial Conduct. The judge was aware that his name and judicial title were being used to promote the fundraiser, to sell tickets, and to solicit funds, yet he took no affirmative steps to correct that impression. The judge's active participation in the fundraiser also conveyed the impression that the parent of the recipients of the charitable funds was in a special position to influence the judge and raised questions about the judge's impartiality. [Violation of Canons 2B and 4C(2) of the Texas Code of Judicial Conduct.] *Private Warning and Order of Additional Education of a Municipal Court Judge.* (08/23/12).

CANON 6(C)(2): A justice of the peace or a municipal court judge, except as authorized by law, shall not directly or indirectly initiate, permit, nor consider ex parte or other communications concerning the merits of a pending judicial proceeding.

- The judge exceeded his authority when he issued summonses directing several individuals to appear in his court in an apparent attempt to mediate a private dispute that had allegedly resulted in the filing of criminal charges. None of the individuals had entered pleas. One of the individuals was summoned to court as a witness, not a defendant. The judge acknowledged he used the proceeding as an opportunity to admonish the individuals regarding their conduct. The judge acted improperly when he allowed the individuals to testify in court about the merits of their pending cases outside the presence of the State and prior to entry of any guilty or nolo contendere plea. Additionally, the judge failed to adequately maintain and preserve court records; ensure his court staff maintained a docket of the proceedings; and demonstrated a lack of professional competence in the law. [Violation of Canons 3B(2) and 6(C)2 of the Texas Code of Judicial Conduct.] *Private Admonition and Order of Additional Education of a Municipal Court Judge.* (01/03/12).

- The judge failed to comply with the law by unilaterally dismissing a criminal case without the consent of the State and was swayed to dismiss the criminal case based on improper ex parte communications with the defendant and the fear of a potential lawsuit. [Violation of Canons 2A, 3B(2) and 6C(2) of the Texas Code of Judicial Conduct, and Article V, §1-a(6)A of the Texas Constitution.] *Public Admonition of a Justice of the Peace.* (09/08/11).

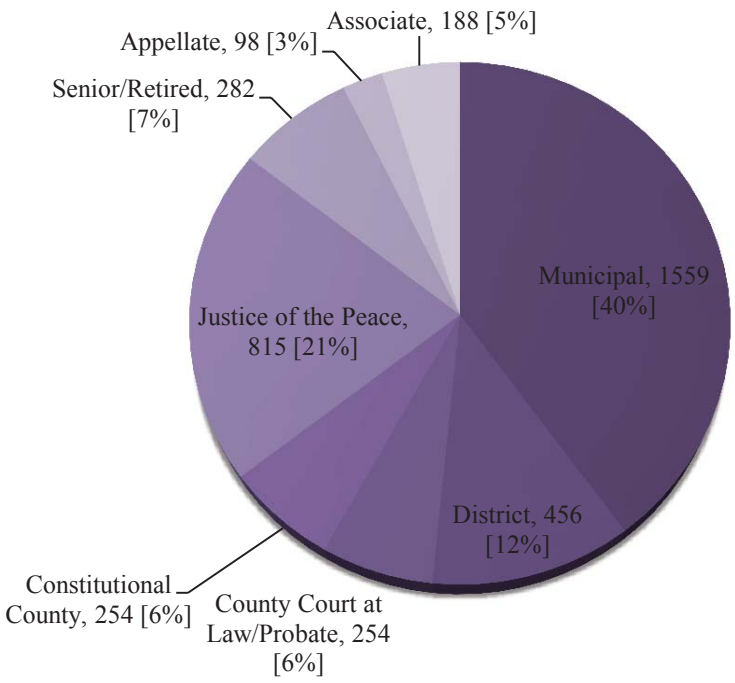
Texas Constitution, Article V, Section l-a(6)A. Any Justice or Judge of the courts established by this Constitution or created by the Legislature as provided in Section 1, Article V, of this Constitution, may, subject to the other provisions hereof, be removed from office for willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice. Any person holding such office may be disciplined or censured, in lieu of removal from office, as provided by this section.

- The judge failed to comply with the law, failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, and engaged in willful conduct that was inconsistent with the proper performance of her duties by engaging in conduct that violated Section 49.031 of the Texas Penal Code. [Violation of Canon 2A of the Texas Code of Judicial Conduct and Article V, § 1-a(6) of the Texas Constitution.] *Private Reprimand of a Former District Court Judge.* (09/01/11).

- The judge willfully and/or persistently failed to timely execute the business of his court, in violation of Article V, section 1-a(6)A of the Texas Constitution and Section 33.001(b)(1) of the Texas Government Code, and denied a litigant's right to be heard, by waiting more than three years to set a case for trial despite the repeated requests for a trial setting from the litigant's attorney. [Violation of Article V, §1-a(6)A of the Texas Constitution and Canon 3B(8) of the Texas Code of Judicial Conduct.] *Private Reprimand of a Justice of the Peace.* (06/04/12).

Excerpt from the *Annual Report of the State Commission on Judicial Conduct*, 2012.

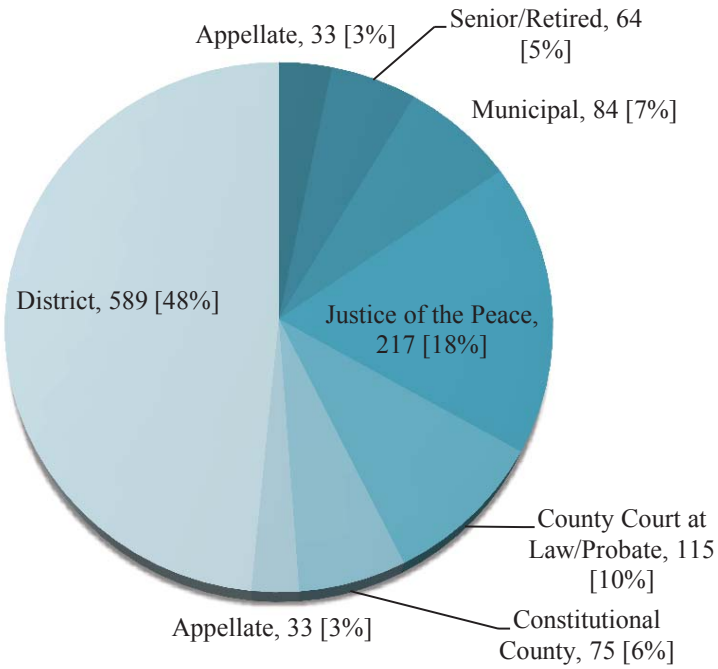
Fig. 1 Total Number of Texas Judges*



* 3,906 Total Judges

Source: OCA FY12

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



* 1,216 Total Complaints

Source: OCA FY12

Annual Report: State Commission on Judicial Conduct

The State Commission on Judicial Conduct has released its 2012 Annual Report, which provides statistical information on the number of violations of the Code of Judicial Conduct filed, investigated, and disposed of. On page 17 of this journal is an excerpt from this publication showing examples of improper judicial conduct. Although municipal judges comprise the greatest in number of any type of judge in Texas (1,559 judges, 40%), only seven percent of the cases filed were for the municipal judiciary. See page 21 of this journal for illustrations.

OCA Annual Report

The Office of Court Administration and Texas Judicial Council have released the 2012 Annual Statistical Report for the Texas Judiciary, which provides synopses and highlights of court activity. Excerpts from the Annual Report about municipal courts are reprinted in this issue of *The Recorder.* The entire report may be downloaded from www.courts.state.tx.us/pubs/AR2012/toc.htm. Also, on the OCA website, readers may find the statistical reports of the municipal courts by alphabetically by city or numerically by population size. The report also now includes a summary of juvenile or minor activity by city.

Profiles of Municipal & Justice Courts

	Justice Courts	Municipal Courts
Number of Judges		
Number of Judge Positions	815	1,539
Age of Judges		
Mean	58	62
Oldest	89	94
Youngest	27	30
Gender of Judges		
Males	523	998
Females	290	546
Length of Service		
Average	9 Yr. 5 Mo.	8 Yr. 1 Mo.
Longest	49 Yr. 5 Mo.	47 Yr. 10 Mo.
First Assumed Office By		
Appointment	207 (25%)	1520 (99%)
Election	607 (75%)	20 (1%)
College Graduated	232 (33%)	917 (65%)
Law School Graduated	66 (9%)	831 (59%)

Excerpt from *FY12 Annual Report of Office of Court Administration.*

Texas Court Security Incident Reports

Available online on the website of the Office of Court Administration (OCA) [www.courts.state.tx.us/oca/pdf/IncRpt-FY2012.pdf]. The FY 2012 Texas Court Security Reports provide information on the 130 security incidents reported to the OCA—33 incidents or 25 percent occurred in municipal courts. Reviewing the examples and statistics shows that court security is an issue of concern to large and small courts alike. The report can be used to help document the need for court security and training in your court.TMCEC encourages courts to report incidents to OCA.

Report of Change

Changes by the 82nd Texas Legislature (2011) now require city secretaries to notify the Texas Judicial Council of the name of municipal judges, mayors, and the court clerk within 30 days of the person's appointment or election or a vacancy in the position. See page 23 of *The Recorder* for the form.

OFFICE OF COURT ADMINISTRATION

205 WEST 14TH STREET, SUITE 600 • (512) 463-1625 • FAX (512) 936-2423
P.O. BOX 12066 • AUSTIN, TEXAS 78711-2066
http://www.txcourts.gov

David Slaydon
Administrative Director

REPORT OF CHANGE/VACANCY IN MAYOR OR MUNICIPAL COURT JUDGE OR CLERK

Section 29.013(a) of the Government Code requires the secretary of a municipality to notify the Texas Judicial Council of the name of each person who is elected or appointed as mayor, municipal court judge, or clerk of a municipal court within 30 days after the date of the person's election or appointment. The secretary is also required to notify the Texas Judicial Council of the name of the mayor, municipal court judge or clerk that vacates such an office.

NOTE: Judges include the presiding judge, associate judges, alternate judges, contracted judges or other person who serves in a judicial capacity for the city.

Appointment or Election

Name:

Position:

City/Court:

Appointed or Elected? □ Appointed □ Elected **Date Appointed or Elected:**

Email:

Phone:

Vacated position

Name:

Position:

City/Court:

Date vacated:

Return by mail to the attention of Judicial Information at the address listed above, fax to the number listed above, OR email to reportingsection@courts.state.tx.us.

DANGER WITHOUT INTENTIONS: A CENTRAL TEXAS PROGRAM MAKING A DIFFERENCE WITH TEEN DRIVERS

Brenna McGee
TxDOT Grant Administrator and Program Attorney, TMCEC

The statistics regarding teen drivers are frightening. Not only are motor vehicle crashes the leading cause of death of 15-20 year olds,[1] but the National Highway Traffic Safety Administration (NHTSA) reported that in 2010, 30 percent of the young drivers who were killed in crashes had a BAC of .08 or higher.[2] While many struggle with how to make teen drivers safer, one central Texas non-profit is facing the challenge head-on.

Danger Without Intentions, a 501(c)(3) non-profit organization based out of Waelder, Texas, is an award-winning program that educates teen drivers on the dangers of impaired driving and distracted driving. Providing various court-ordered adult offender, high school, and middle school programs, Danger Without Intentions strives to "educate and save lives" by providing "prevention thru intervention." One program of note is the Alcohol and Drug Awareness Program, a dynamic presentation that takes the audience on an emergency call, providing a vivid look at actual DWI-related crash scenes. The presentation provides a sense of being on location with the police, fire fighters, and paramedics and includes a one-on-one question and answer session at the conclusion of the program. A crash car from the first Travis County DWI murder case is also displayed.

"One of the unique things we do is have not just a survivor speak, but an offender speak also," said Guy Benson, the CEO of Danger Without Intentions and a former paramedic who was motivated to create the non-profit with his wife Deborah Parsons after they were in a near-fatal car crash in 1999. "We found that offenders wanted to hear from other offenders, to hear about the impact it has had on their lives 10 years, or in the case of one of our speakers, 37 years later. They can learn from their experiences too because it stays on your record for life."

Danger Without Intentions has been recognized by Mothers Against Drunk Drivers (MADD) and has put on presentations at numerous Texas schools. Although based in central Texas, the non-profit has gone as far as El Paso to put on presentations. Danger Without Intentions is currently operating in 39 counties in Texas and is expanding. One local partnership is with the Lakeway Municipal Court for its annual traffic safety programs.

"What I really like is that it's not sugar-coated, it's reality-based, and they don't pull any punches," said Judge Kevin R. Madison of why he partners with Danger Without Intentions in all four of the courts where he is the presiding judge. "I believe with teens you have to be direct, blunt, brutally honest, and we share that philosophy. It is hard-hitting, disturbing even, but that may get through to some kids."

For those attending a program as part of a court order, Danger Without Intentions is an inexpensive program—the cost is approximately $30—and the parents and siblings of the attendee can attend the program for free. Danger Without Intentions is also willing to waive the fee if a judge wants a child to attend a program but is worried that the child cannot afford it.

"We are here to enhance what the courts are already doing," said Benson. "We do not use any money out of their budgets, and we are not here to steal the glory. We are here to help the courts, because we all need to work together."

For more information on Danger Without Intentions, please visit www.dangerwithoutintentions.com or call 512.924.9638 (office) or 866.893.2821 (toll-free) or email dwi@gvtc.com.

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[1] National Highway Traffic Safety Administration Traffic Safety Facts, 2010 Data, *Young Drivers*, DOT HS 811 622 available at http://www-nrd.nhtsa.dot.gov/Pubs/811622.pdf.

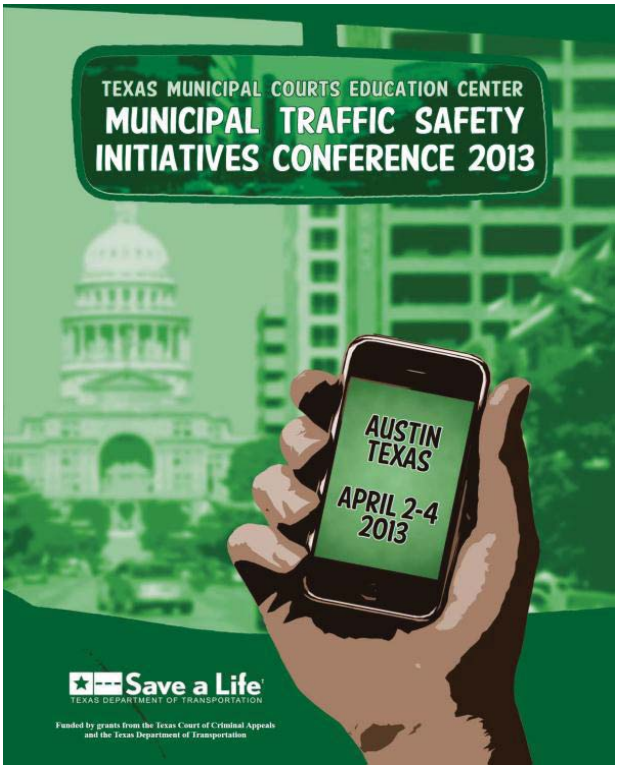
[2] *Id.*

2013 Municipal Traffic Safety Initiatives Conference

Coming April 2013, TMCEC is excited to offer a three-day Municipal Traffic Safety Initiatives Conference with funding from the Texas Department of Transportation (TxDOT). The conference is open for judges, clerks, juvenile case managers, and prosecutors to attend.

April 2-4, 2013 (T-W-Th)
Omni Southpark Austin
4140 Governor's Row
Zip Code: 78744
512.448.2222
Register by: March 10, 2013

This year's optional pre-conference session, Influencing Young Drivers, features DSC and Deferred Options and Creative Sentencing for Young Drivers. Those topics are followed by Alive at 25, where participants will have the opportunity to experience the course from the eyes of the young drivers ordered to complete it. Some of you have attended an Alive at 25 breakout session at the regional conferences, but this gives participants a first-hand experience of the actual course.



April is both Alcohol Awareness and Distracted Driving Awareness Month. New and familiar courses will be offered with a focus on these topics as well as a distracted driving panel discussion recounting the past year. A new breakout track will feature community programs, including Danger Without Intentions.

New courses in Commercial Driver's License Laws and Driver's License Reciprocity will be offered.

TMCEC is again sponsoring the Municipal Traffic Safety Initiatives Awards.

The registration fee is $50. Enrollment is limited to 200 participants.
Register today!

To get more information, download the brochure, and register, visit the TMCEC website at http://tmcec.com/MTSI/Traffic_Safety_Conference_2013.

Municipal Traffic Safety Initiatives Conference Agenda

Day 1 (Tuesday): Optional Session (MUST ATTEND ENTIRE OPTIONAL SESSION FOR CREDIT) — April 2, 2013

9:00 – 5:00 p.m.	Registration
	Optional Pre-conference Session: Influencing Young Drivers
10:00 – 11:00 a.m.	**DSC and Deferred Options**
11:00 – 12:00 p.m.	**Creative Sentencing for Young Drivers**
12:00 – 12:50 p.m.	Lunch (Provided)
1:00 – 5:00 p.m.	**Alive at 25 Driver's Awareness Course**
4:30 – 6:00 p.m.	**Driving Simulators and Exhibits**

Day 2 (Wednesday) (MUST ATTEND ENTIRE GENERAL CONFERENCE FOR CREDIT) — April 3, 2013

6:45 – 7:50 a.m.	Registration & Breakfast (provided)
8:00 – 8:05 a.m.	Welcome & Announcements
8:05 – 8:50 a.m.	**Why Safe Driving is Important to Our Community**
9:05 – 10:15 a.m.	**Distracted Driving: A Panel Discussion on Federal, State, and Local Response**
10:30 – 11:25 a.m.	**Traffic Safety and Transportation-Related Case Law Update**
11:30 – 12:00 p.m.	**Municipal Traffic Safety Initiatives Award Winners: A Video Presentation**
12:00 – 12:50 p.m.	Lunch (provided)

	Magistrate Issues	Traffic Laws	Community Programs	Outreach
1:00 – 2:15 p.m.	**Blood Draws: Statutory & Case Law**	**Commercial Driver's License Laws**	**Danger Without Intentions**	**Model Outreach Panel**
2:30 – 3:30 p.m.	**Setting Up a No Refusal Program**	**Driver's License Reciprocity**		
3:45 – 5:00 p.m.	**Bond Conditions in DWI Cases**	**Speeding and Speed Limit Laws**	**FOCUS: Distracted Driving**	

5:05 – 6:30 p.m. **Optional Debriefing: TMCEC Attorneys**

Day 3 (Thursday) — April 4, 2013

6:45 – 7:50 a.m. Breakfast (provided)

	Juveniles	Behind the Wheel	Traffic Court Issues	Reporting
8:00 – 9:15 a.m.	**Talking To Your Town (Driving on the Right Side of the Road)**	**Things With Wheels**	**The Silver Tsunami: Courts and the Growing Elder Population**	**Communicating with DPS: An Update**
9:30 – 10:45 a.m.	**Teen Court and Traffic Safety**	**Drug Impaired Driving**	**Evidentiary Issues in Speed Cases**	**OmniBase and Scofflaw**

11:00 – 12:00 p.m. **Where We Go From Here: Closing Remarks**

12:00 p.m. Conference Adjorns

Agenda topics subject to change.

The general conference offers participants 12 hours of judicial education, clerk certification, and TCLEOSE credit. Participants can earn additional credit hours by attending one of the optional sessions: 6 hours for attending the pre-conference and 1.5 hours for attending the debriefing.

Licensed attorneys can receive up to 10 hours of FREE CLE credit by attending the general conference, including up to 2 hours of ethics, depending on the break-out sessions attended. An additional 5.5 hours (including 1 hour of ethics) can be obtained by attending the optional pre-conference, and an additional 1.5 hours can be obtained by attending the optional debriefing.

The conference will end at 12:00 noon on Day 3 (April 4th).

TEXAS MUNICIPAL COURTS EDUCATION CENTER
TRAFFIC SAFETY CONFERENCE

Conference Date: April 2 - 4, 2013
Conference Site: Omni Southpark Austin
4140 Governor's Row • Austin, TX 75001
512.448.2222

$50.00 Registration Fee for Municipal Judges and Court Personnel (There is no CLE fee for the Traff c Safety Conference)
$50.00 Registration Fee for TxDOT Program Partners and DTSSs

Name *(please print legibly)*: Last Name: _____ First Name : _____ MI: _____
Names you prefer to be called (if different): _____ Female/Male: _____
Position held: _____
Date appointed/hired/elected: _____ Years experience: _____
Emergency contact: _____

HOUSING INFORMATION - Note: $50 per night single room fee

TMCEC will make all hotel reservations from the information you provide on this form. **TMCEC will pay for a double occupancy room at the traffic safety conference.** To share with another specif c seminar participant, you must indicate that person's name on this form.

☐ I request a private, single-occupancy room ($50 per night: ___# of nights x $50 = $_____)
☐ I request a room shared with a seminar participant. Room will have 2 double beds. TMCEC will assign roomate or you may request roomate by entering seminar participant's name here: _____
☐ I request a private double-occupancy room, but I'll be sharing with a non-participating guest. I will pay additional cost, if any, per night ($50 per night: ____# of nights x $50 = $ _____). I will require: ☐ 1 king bed ☐ 2 double beds
☐ I do not need a room at the seminar.

Hotel Arrival date (this **must** be f lled out in order to reserve a room): _____
☐ Smoker ☐ Non-Smoker

Municipal Court of: _____ Email Address: _____
Court Mailing Address: _____ City: _____ Zip: _____
Off ce Telephone #: _____ Court #: _____ Fax: _____
Primary City Served: _____ Other Cities Served: _____

STATUS (*Check **all** that apply):*

☐ Full Time ☐ Part Time ☐ Attorney ☐ Non-Attorney ☐ Juvenile Case Manager ☐ Other: _____
☐ Presiding Judge/Judge ☐ Court Administrator ☐ Justice of the Peace
☐ Associate/Alternate Judge ☐ Court Clerk/Deputy Clerk ☐ Mayor (*ex officio* Judge)

I certify that I am currently serving as a municipal judge, prosecutor , court support personnel, or TxDOT Partner/DTSS in the State of Texas. I agree that I will be responsible for any costs incurred if I do not cancel at least 10 business days prior to the conference. I agree that if I do **not** cancel at least 10 business days prior to the event that I am not eligible for a refund of the registration fee. I will f rst try to cancel by calling the TMCEC off ce in Austin. If I must cancel on the day before or day of the seminar due to an emergency, I will call the TMCEC registration desk at the conference site IF I have been unable to reach a staf f member at the TMCEC off ce in Austin. If I do not attend the program, TMCEC reserves the right to invoice me or my city for meal expenses, course materials, and, if applicable, housing ($85 or more plus tax per night). I understand that I will be responsible for the housing expense if I do not cancel or use my room. If I have requested a room, I certify that I work at least 30 miles from the conference site. **Payment is due with the registration form. Registration shall be confirmed only upon receipt of registration form and payment.**

_____ _____
Participant Signature (May only be signed by participant) *Date*

PAYMENT INFORMATION: Payment will not be processed until all pertinent information on this form is complete.

Amount Enclosed: $_____ Registration Fee + $_____ Housing Fee = $_____
☐ Check Enclosed (Make checks payable to TMCEC.)
☐ Credit Card Payment (Complete below.)

Card Payment:
Amount to Charge: $_____ Credit Card Number _____
Credit Card Type Expiration Date: _____
☐ MasterCard
☐ Visa
Name as it appears on card (print clearly): _____
Authorized signature: _____

Please return completed form with payment to TMCEC at 2210 Hancock Drive, Austin, TX 78756, or fax to 512.435.6118. Because this conference is paid for by grant funds, by submitting this form, you agree to attend the general conference in its entirety.

2013 Webinar Series

About Webinars:

Webinar participation is open to all municipal judges, clerks, court administrators, prosecutors, bailiffs, warrant officers, juvenile case managers, and court interpreters.

All webinars begin at 10:00 a.m. and last approximately one hour. Webinar participation counts for one hour of judicial education credit and credit toward the clerk certification program. All upcoming webinars are approved for MCLE credit from the State Bar for licensed attorneys. Archived webinars eligible for MCLE credit are marked with a yellow label on the Webinars on Demand page of the OLC.

Recent Webinars Now Playing On Demand:

Magistrate's Orders of Emergency Protection
Presented by Kimberly Piechowiak, Domestic Violence Resource Attorney, Office of Court Administration

Expunction: A Guide for Clerks
Presented by Mark Goodner, Program Attorney & Deputy Counsel, TMCEC

Dynamics of Family Violence
Presented by Kimberly Piechowiak, Domestic Violence Resource Attorney, Office of Court Administration

Blood Warrants
Presented by W. Clay Abbott, DWI Resource Prosecutor, Texas District & County Attorneys Association

The Classroom to Municipal Court Pipeline
Presented by Ryan Turner, General Counsel & Director of Education, TMCEC

Webinar Instructions:

To view a TMCEC webinar:
1. First go to the Online Learning Center (OLC) at http://online.tmcec.com.
2. Find the login box in the upper left corner of the page and enter your TMCEC username and password. Call TMCEC and we can give you that information if you do not already know it.
3. Click Login.

To enroll in an upcoming webinar:
1. Look for the list of **Course Categories** in the middle of the page just below the welcome message.
2. Click on **Upcoming Webinars** to view a full schedule.
3. Click on the title of the webinar you would like to attend.
4. You will see a message that says, "You are about to enroll yourself as a member of this course. Are you sure you wish to do this?" You need not pre-register for upcoming webinars, but you must be enrolled to view the webinar link, course materials, and most importantly, to receive credit for the webinar. Click **Yes** to enroll.
5. You are now considered enrolled in the webinar. You will see the webinar title and, below, links for Webinar, Course Materials (there may be more than one), Evaluation, CLE reporting (if applicable), and a Certificate.

To view the webinar, no more than 30 minutes prior to the scheduled start time:
1. Click on the **Webinar** link inside the course page for the webinar you would like to view.
2. The link will open a new window in your web browser. You should see the title of the webinar and two options for logging in. Choose **Enter as a Guest** and type your full name into the space provided. Do not enter your same username and password, as it will not work with Adobe Connect.
3. Click **Enter Room.**
4. You will experience a short delay as the software to display the webinar is automatically installed and configured on your system. You should not be asked to download or confirm anything. When the software is configured, you should be able to view the webinar.
5. Make sure you have the sound turned up on your computer speakers as you will not be calling in on the telephone.

For more detailed instructions on watching webinars, visit the Upcoming Webinars page of the OLC, the Webinars page on the TMCEC website, or contact TMCEC at 800.252.3718.

Upcoming Webinars

Juveniles: Constitutional Issues from Searches to Confessions
March 21 (Thursday) @ 10:00 a.m.
Presented by Ryan Turner, General Counsel & Director of Education, TMCEC

The Texas Model for Addressing Disproportionality and Disparities
April 18 (Thursday) @ 10:00 a.m.
Presented by Joyce James, Associate Deputy Executive Commissioner, Center for Elimination of Disproportionality & Disparities, addresses overrepresentation of races or cultural groups and unequal treatment in the court system

The Silver Tsunami: Courts and the Growing Elder Population
May 16 (Thursday) @ 10:00 a.m.
Presented by Mark Goodner, Program Attorney & Deputy Counsel, TMCEC

Can I Do This Electronically? And all that it entails…
May 30 (Thursday) @ 10:00 a.m.
Presenter TBD

Distracted Driving
June 6 (Thursday) @ 10:00 a.m.
Presented by Garry Parker, Law Enforcement Liaison, Texas Municipal Police Association

Conviction Reporting & Surcharges Update
June 20 (Thursday) @ 10:00 a.m.
Presented by Cheryl Garren, Texas Department of Public Safety, Assistant Manager, Enforcement and Compliance

OmniBase and Scofflaw
July 11 (Thursday) @ 10:00 a.m.
Presented by Brenna McGee, TxDOT Grant Administrator & Program Attorney, TMCEC and Regan Metteauer, Program Attorney, TMCEC

Nonappearance Crimes: FTA, VPTA, & Beyond
July 25 (Thursday) @ 10:00 a.m.
Presented by Katie Tefft, Program Director, TMCEC

Five Frequently Asked Questions Concerning Judicial Education Changes

Mark Goodner
Program Attorney and Deputy Counsel, TMCEC

Pat Ek
Registration Coordinator
TMCEC

For years and years, the Rules of Judicial Education for municipal judges were the same: it would be 12 hours and it would be live and continuous. Change, as they say, is inevitable, however, and the 2012-2013 Academic Year arrived with many changes regarding judicial education. We have been operating under the new rules for several months and now that we have completed five Regional Judges Seminars in Tyler, Austin, San Antonio, Addison, and Galveston it is clear that many questions still linger among judges. The following addresses some of the most frequently asked questions fielded by TMCEC staff:

What is the change?

- Municipal judges are now required to annually complete 16 hours of judicial education (an increase of 4 hours).
- After judges have completed at least 2 years of required continuous, live judicial education through TMCEC, municipal judges must complete 8 hours of judicial education comprised of continuous live presentation. The remaining 8 hours can be thought of as "flex-time" and can be satisfied through live presentation, approved online education, or any combination of approved live events and online education.
- Additionally, after 2 years of judicial education, municipal judges may choose to participate in relevant, approved non-TMCEC presentations of at least 8 hours of live presentation with the remaining 8 hours through live presentation, online education, or any combination thereof. The choice to "opt-out" of TMCEC training is available in alternating years.

How do I register?

You will register for regional programs in the same way you have in the past. The updated Regional Judges FY13 Registration form (included on page 32 of this issue) will require you to specify which sessions you plan to attend in their entirety. The combined FY13 Registration Form for Regional Judges, Court Administrators, Bailiffs & Warrant Officers, Level III Assessment Clinic, and Traffic Safety Conferences form does not require you to specify which sessions you plan to attend, and its submission should be accompanied by the Mandatory Judicial Attendance Form. If you have already registered, you may receive a second Mandatory Judicial Attendance Request Form asking you to specify if you are attending just 8 hours, 12 hours, or the full 16.

Can I attend any 8 hours that I choose at a regional program, if I would like to fulfill the remaining hours online or through other means?

No. Judges are expected to attend the entire 8 hours of Day 2 of the regional program. Judges wishing to receive 12 hours would attend Day 2 plus Day 1 or Day 3. Judges seeking the full 16 hours available will attend Days 1, 2, and 3.

What non-TMCEC providers are approved for judicial education?

Approved providers include:

- American Academy of Judicial Education
- ABA (American Bar Association) Traffic Seminar
- CoLoGo (Courts and Local Government) Conference
- Harvard Law School
- Houston Law School and Foundation
- Juvenile Law Section of the State Bar of Texas
- National College of District Attorneys
- National Council of Juvenile and Family Law Judges
- The National Judicial College

- South Texas School of Law
- State Bar of Texas Professional Development Programs
- Texas Defense Lawyers Project
- Texas Council on Family Violence
- Texas District and County Attorneys Association
- Texas Justice Courts Training Center
- Texas Juvenile Probation Commission
- Texas Municipal Courts Association

Does this change affect the cost of the regional program?

The registration fee will be the same, and TMCEC will still pay for a double occupancy room at all regional programs for those that work at least 30 miles from the conference site. Hotel rooms are available on the evening of Day 1 for all participants at grant expense. Hotel rooms are only available at grant expense on the evening of Day 2 for those attending all four hours of Day 3. A $50 per night charge for single rooms will still be required. The fee for the optional CLE will remain $100, regardless of the number of hours of credit sought.

A more extensive FAQ can be found on the TMCEC website at http://www.tmcec.com/Programs/Judges/Judicial_Education_Changes_FAQ.

RULE 5.* MUNICIPAL COURT JUDGES.
a. Each municipal court judge will, as an official duty:
(1) within one year after taking office, complete a minimum of 16 hours of instruction from the Texas Municipal Courts Education Center (TMCEC) in the performance of the duties of office if a licensed attorney, or a minimum of 32 hours of instruction if not a licensed attorney; and
(2) each fiscal year thereafter, complete a minimum of 16 hours of instruction from the Texas Municipal Courts Education Center in the performance of the duties of office. A judge's second year of judicial education must be comprised of 16 continuous hours at a live TMCEC Judges Seminar. After meeting the judicial education requirement for the first two academic years, a judge must complete at least eight continuous hours at a live TMCEC Judges Seminar. A judge may complete the remaining eight hours through approved live TMCEC trainings, approved online education, or a combination of approved live events and online education.
(3) in every fiscal year that ends in 0 or 5, complete two hours of course instruction related to understanding relevant issues of child welfare and the Individuals with Educational Disabilities Act as required by Section 22.1105 of the Government Code. See Rule 12a.
b. A person who serves in the dual capacity as a municipal judge and as a justice of the peace may be permitted to receive credit toward fulfillment of the requirements of the rules of judicial education for each office by attending a course of instruction for either office, provided that the curriculum is pertinent to the duties and responsibilities of each office. The determination of the applicability of the course to each or either office shall be made by the judicial education committee having jurisdiction over each office in accordance with that committee's procedures.
c. After serving as a municipal court judge for a period of two years and meeting the judicial education requirement each year as required by Rule 5a, a judge may attend an alternate course approved by the Municipal Courts Education Committee. The alternate course must provide at least eight continuous hours of live presentation. A judge may complete the remaining eight hours through approved live trainings, approved online education, or a combination of approved live events and online education. An approved alternate course may be selected only every other year

**Amended 3/2008: the amendment to Rule 5 clarifies and memorializes a long-held construction by the Municipal Courts Education Committee. Specifically, all municipal judges, including judges who serve in the dual capacity as a municipal judge and as justice of the peace are required first to complete two years of instruction pertaining to the duties of the office of municipal judge from the Texas Municipal Courts Education Center before being eligible to meet judicial education requirements pursuant to Rule 5b. As amended, Rule 5 parallels the provision of Rule 3a (1) – (2), requiring that justices of the peace obtain their first two years of instruction from the Texas Justice Court Training Center.*

The Education Committee has long construed the provisions of Rule 5 collectively. Accordingly, this amendment is not intended as a substantive change. Rather, it merely clarifies that Rule 5b and Rule 5c are construed respectively in light of the provisions of Rule 5a.

Excerpt from the *Rules of Judicial Education*, Texas Court of Criminal Appeals, www.cca.courts.state/jcptfund/pdf/RulesOfJudEdu.pdf

2012 - 2013 TMCEC Academic Schedule At-A-Glance

Seminar	Date(s)	City	Hotel Information
New Judges & Clerks Orientation	March 6, 2013 (W)	Austin	TMCEC 2210 Hancock Drive, Austin, TX
Clinic (Compliance)	March 20, 2013 (W)	Austin	TMCEC 2210 Hancock Drive, Austin, TX
Regional Clerks Seminar	March 24-25, 2013 (Su-M)	Houston	Omni Houston Westside Hotel 13210 Katy Freeway, Houston, TX
Regional Judges Seminar	March 24-26, 2013 (Su-M-T)	Houston	Omni Houston Westside Hotel 13210 Katy Freeway, Houston, TX
Traffic Safety Seminar	April 2-4, 2013 (T-W-Th)	Austin	Omni Southpark Austin 4140 Governors Row, Austin, TX
Regional Clerks Seminar	April 8-9, 2013 (M-T)	Amarillo	Ambassador Hotel Amarillo 3100 Interstate 40 West, Amarillo, TX
Regional Judges Seminar	April 8-10, 2013 (M-T-W)	Amarillo	Ambassador Hotel Amarillo 3100 Interstate 40 West, Amarillo, TX
Regional Clerks Seminar*	April 29 - May 1, 2013 (M-T-W)	S. Padre Island	Pearl South Padre 310 Padre Boulevard, S. Padre Island, TX
Regional Attorney Judges Seminar	May 5-7, 2013 (Su-M-T)	S. Padre Island	Isla Grand Beach Resort 500 Padre Boulevard, S. Padre Island, TX
Regional Non-Attorney Judges Seminar	May 7-9, 2013 (T-W-Th)	S. Padre Island	Isla Grand Beach Resort 500 Padre Boulevard, S. Padre Island, TX
Clinic (Bond Forfeitures)	May 15, 2013 (W)	Austin	TMCEC 2210 Hancock Drive, Austin, TX
Bailiff and Warrant Officer Seminar	May 22-24, 2013 (W-Th-F)	Galveston	San Luis Resort Spa & Conference Center 5222 Seawall Boulevard, Galveston, TX
New Judges & Clerks Orientation	June 5, 2013 (W)	Austin	TMCEC 2210 Hancock Drive, Austin, TX
Regional Clerks Seminar	June 10-11, 2013 (M-T)	Waco	Hilton Waco 113 South University Parks Dr. Waco, TX
Regional Judges Seminar	June 10-12, 2013 (M-T-W)	Waco	Hilton Waco 113 South University Parks Dr. Waco, TX
Prosecutors & Court Administrator Seminar	June 17-19, 2013 (M-T-W)	Corpus Christi	Omni Corpus Christi Hotel Bayfront Tower 900 N. Shoreline Blvd., Corpus Christi, TX
Juvenile Case Managers	June 26-27, 2013 (W-TH)	Austin	Omni Southpark Austin 4140 Governors Row, Austin, TX
Magistrates Conference	July 9, 2013 (T)	Austin	Omni Southpark Austin 4140 Governors Row, Austin, TX
New Clerks Seminar	July 15-18, 2013 (M-T-W-Th)	Austin	Omni Southpark Austin 4140 Governors Row, Austin, TX
New Judges Seminar	July 15-19, 2013 (M-T-W-Th-F)	Austin	Omni Southpark Austin 4140 Governors Row, Austin, TX
Legislative Update - Lubbock	August 15, 2013 (Th)	Lubbock	Overton Hotel & Conference Center 2322 Mac Davis Lane, Lubbock, TX
Legislative Update - Houston	August 20, 2013 (T)	Houston	Omni Houston Hotel 4 Riverway, Houston, TX
Legislative Update - Austin	August 23, 2013 (F)	Austin	Omni Southpark Austin 4140 Governors Row, Austin, TX

*There is an optional Traffic Safety four-hour program on May 1, 2013. Those who opt to attend this will be eligible for a second night in the hotel at grant expense.

www.tmcec.com

Celebrating Municipal Courts continued from pg 2

Municipal Courts Week serves a dual purpose: it is a chance for courts, city councils, and communities throughout Texas to show their appreciation for the dedicated municipal judges, court clerks, court administrators, prosecutors, bailiffs, warrant officers, and other court personnel who comprise the Texas municipal courts, and an opportunity for the municipal courts to share with the public the important role that local courts and their personnel play in the criminal justice system and the larger community. The activities in many cities highlighted this dual purpose. For example, in Lockhart, Municipal Courts Week was celebrated through both interaction with the public and rewards for the staff. "We [had] our Traffic Safety display in our lobby and encouraged people to pick up any information that may be useful to them," said Bonnie Townsend, Court Administrator for the Lockhart Municipal Court. "I [brought] snacks to my staff this week to show my appreciation for what they do. The Judge and I [bought] breakfast for our staff at the end of the week."

For more information on what other cities did to celebrate, go to http://www.tmcec.com/Resources/News/Municipal_Courts_Week.

TEXAS MUNICIPAL COURTS EDUCATION CENTER
FY13 REGISTRATION FORM:

Regional Judges Seminars

Conference Date: _____ Conference Site: _____

Check one:

☐ Non-Attorney Judge ($50)
☐ Attorney Judge not-seeking CLE credit ($50)
☐ Attorney Judge seeking CLE credit ($150)

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

Name *(please print legibly)*: Last Name: _____ First Name: _____ MI:_____
Names you prefer to be called (if different): _____Female/Male: _____
Position held: _____
Date appointed/hired/elected: _____Years experience:_____
Emergency contact:_____

HOUSING INFORMATION - Note: $50 a night single room fee

TMCEC will make all hotel reservations from the information you provide on this form. **TMCEC will pay for a double occupancy room at all Regional Judges, Bailiff/Warrant Officer seminar, Level III Assessment Clinic, the Court Administrators conference and the Traffic Safety Conference.** To share with a specific seminar participant, you must indicate that person's name on this form.

☐ I request a private, single-occupancy room ($50 per night : ____ # of nights x $50 = $_____)
☐ I request a room shared with a seminar participant. Room will have 2 double beds. TMCEC will assign roommate **or** you may request roommate by entering seminar participant's name here:_____
☐ I request a private double-occupancy room, but I'll be sharing with a non-participating guest. I will pay additional cost ($50 per night : ____ # of nights x $50 = $_____). I will require: ☐ 1 king bed ☐ 2 double beds
☐ I do not need a room at the seminar.

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

Municipal Court of: _____ Email Address: _____
Court Mailing Address: _____ City: _____ Zip:_____
Office Telephone #: _____ Court #: _____ Fax: _____
Primary City Served: _____ Other Cities Served:_____

I plan to attend the following sessions in their entirety:

☐ **Day 1: Pre-Conference, 1 p.m. – 5 p.m. (4 hours)**
(In Tyler and South Padre Attorney judges seminars, the pre-conference will be a post-conference and will be on Day 3, 1 p.m.-5 p.m.)
☐ **Day 2: Seminar, 8 a.m. – 5 p.m. (8 hours)**
☐ **Day 3: Seminar, 8 a.m. – Noon (4 hours)**

***I understand that if I do not attend Day 3 in its entirety, then I am not allowed a hotel room at grant expense on the evening of Day 2. All judges are allowed a hotel at grant expense on the evening of Day 1.**

I certify that I am currently serving as a municipal judge or court support personnel in the State of Texas. I agree that I will be responsible for any costs incurred if I do not cancel at least 10 business days prior to the conference. I agree that if I do **not** cancel at least 10 business days prior to the event that I am **not** eligible for a refund of the registration fee. I will first try to cancel by calling the TMCEC office in Austin. If I must cancel on the day before or day of the seminar due to an emergency, I will call the TMCEC registration desk at the conference site IF I have been unable to reach a staff member at the TMCEC office in Austin. If I do not attend the program, TMCEC reserves the right to invoice me or my city for meal expenses, course materials and, if applicable, housing ($85 or more plus tax per night). I understand that I will be responsible for the housing expense if I do not cancel or use my room. If I have requested a room, I certify that I work at least 30 miles from the conference site. **Full payment is due with the registration form. Registration shall be confirmed only upon receipt of registration form and full payment of both the registration fee and the hotel room.**

_____ _____
Participant Signature (may only be signed by participant) *Date*

PAYMENT INFORMATION: Payment **will not** be processed until all pertinent information on this form is complete.

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

☐ Check Enclosed *(Make checks payable to TMCEC.)*
☐ Credit Card

Credit Card Payment:

Credit card type:
☐ *MasterCard*
☐ *Visa*

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

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

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

TEXAS MUNICIPAL COURTS EDUCATION CENTER
FY13 REGISTRATION FORM:

Regional Clerks Seminars

Note: Please use other registration forms for Level III Assessment Clinic and Court Administrators Conference

Conference Date: _____ Conference Site: _____

Clerk/Court Administrator ($50) for Regional Seminar

Name *(please print legibly)*: Last Name: _____ First Name: _____ MI:_____
Names you prefer to be called (if different): _____Female/Male: _____
Position held: _____
Date Hired: _____ Years experience:_____
Emergency contact and phone number: _____

HOUSING INFORMATION - Note: $50 a night single room fee

TMCEC will make all hotel reservations from the information you provide on this form. **TMCEC will pay for a double occupancy room at all regional clerks seminars.** To share with a specific seminar participant, you must indicate that person's name on this form.

☐ I request a private, single-occupancy room ($50 for one night only).
☐ I request a room shared with a seminar participant. Room will have 2 double beds. TMCEC will assign roommate **or** you may request a roommate by entering seminar participant's name here:_____.
☐ I request a private double-occupancy room, but I'll be sharing with a non-participating guest. I will pay additional cost. ($50 for one night only). I will require: ☐ 1 king bed ☐ 2 double beds
☐ I do not need a room at the seminar.

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

Municipal Court of: _____ Email Address: _____
Court Mailing Address: _____ City: _____ Zip:_____
Office Telephone #: _____ Court #: _____ Fax: _____
Primary City Served: _____ Other Cities Served:_____

STATUS (*Check **all** that apply):*
☐ Full Time ☐ Part Time ☐ Court Clerk/Deputy Clerk ☐ Juvenile Case Manager
☐ Court Administrator ☐ Other _____

I certify that I am currently serving as municipal court support personnel in the State of Texas. I agree that I will be responsible for any costs incurred if I do not cancel at least 10 business days prior to the conference. I agree that if I do **not** cancel at least 10 business days prior to the event then I am **not** eligible for a refund of the registration fee. I will first try to cancel by calling the TMCEC office in Austin. If I must cancel on the day before or the day of the seminar due to an emergency, I will call the TMCEC registration desk at the conference site IF I have been unable to reach a staff member at the TMCEC office in Austin. If I do not attend the program, TMCEC reserves the right to invoice me or my city for meal expenses, course materials and, if applicable, housing ($85 or more plus tax per night). I understand that I will be responsible for the housing expense if I do not cancel or use my room. If I have requested a room, I certify that I work at least 30 miles from the conference site. **Full payment is due with the registration form. Registration shall be confirmed only upon receipt of the registration form and full payment of both the registration fee and the hotel room.**

_____ _____
Participant Signature (may only be signed by participant) *Date*

PAYMENT INFORMATION: Payment **will not** be processed until all pertinent information on this form is complete.

Amount Enclosed: $ ____50____ Registration Fee + $_____ Housing Fee = $_____
☐ Check Enclosed *(Make checks payable to TMCEC.)*
☐ Credit Card

Credit Card Payment:

Credit card type: *Amount to Charge:* *Credit Card Number* *Expiration Date*
☐ *MasterCard* $_____ _____ _____
☐ *Visa*

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

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

TEXAS MUNICIPAL COURTS EDUCATION CENTER
FY13 REGISTRATION FORM:

Court Administrators, Bailiffs & Warrant Officers, Level III Assessment Clinic, Juvenile Case Managers, and Traffic Safety Conferences

Conference Date: _____ Conference Site: _____

Check one:

☐ Traff c Safety Conference - Judges & Clerks ($50)
☐ Juvenile Case Managers ($50)
☐ Level III Assessment Clinic ($100)

☐ Court Administrators Seminar ($100)
☐ Bailiff/Warrant Off cer* ($100)

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

Name *(please print legibly)*: Last Name: _____ First Name: _____ MI:_____
Names you prefer to be called (if different): _____Female/Male: _____
Position held: _____
Date appointed/hired/elected: _____Years experience:_____
Emergency contact:_____

HOUSING INFORMATION - Note: $50 a night single room fee

TMCEC will make all hotel reservations from the information you provide on this form. **TMCEC will pay for a <u>double</u> occupancy room at all regional judges, Bailiff/Warrant Officer seminar, Level III Assessment Clinic, the Court Administrators conference and the Traffic Safety Conference.** To share with a specif c seminar participant, you must indicate that person's name on this form.

☐ I request a private, single-occupancy room ($50 per night : ____ # of nights x $50 = $_____)
☐ I request a room shared with a seminar participant. Room will have 2 double beds. TMCEC will assign roommate **or** you may request roommate by entering seminar participant's name here:_____
☐ I request a private double-occupancy room, but I'll be sharing with a non-participating guest. I will pay additional cost. ($50 per night : ____ # of nights x $50 = $_____). I will require: ☐ 1 king bed ☐ 2 double beds
☐ I do not need a room at the seminar.

Hotel Arrival Date (this **must** be f lled out in order to reserve a room): _____ ☐ Smoker ☐ Non-Smoker

Municipal Court of: _____ Email Address: _____
Court Mailing Address: _____ City: _____ Zip:_____
Off ce Telephone #: _____ Court #: _____ Fax: _____
Primary City Served: _____ Other Cities Served:_____

STATUS (*Check **all** that apply):*

☐ Full Time ☐ Part Time ☐ Attorney ☐ Non-Attorney ☐ Bailiff/Warrant Off cer
☐ Presiding Judge/Judge ☐ Justice of the Peace ☐ Juvenile Case Manager
☐ Associate/Alternate Judge ☐ Mayor (*ex officio* Judge) ☐ Other _____

***Bailiffs/Warrant Officers:** Municipal judge's signature required to attend Bailiffs/Warrant Off cers' program.
Judge's Signature: _____ Date: _____
Municipal Court of: _____ TCLEOSE PID # _____

I certify that I am currently serving as a municipal judge or court support personnel in the State of Texas. I agree that I will be responsible for any costs incurred if I do not cancel at least 10 business days prior to the conference. I agree that if I do **not** cancel at least 10 business days prior to the event then I am **not** eligible for a refund of the registration fee. I will f rst try to cancel by calling the TMCEC off ce in Austin. If I must cancel on the day before or day of the seminar due to an emergency, I will call the TMCEC registration desk at the conference site IF I have been unable to reach a staff member at the TMCEC off ce in Austin. If I do not attend the program, TMCEC reserves the right to invoice me or my city for meal expenses, course materials and, if applicable, housing ($85 or more plus tax per night). I understand that I will be responsible for the housing expense if I do not cancel or use my room. If I have requested a room, I certify that I work at least 30 miles from the conference site. **Full payment is due with the registration form. Registration shall be confirmed only upon receipt of the registration form and full payment of both the registration fee and the hotel room.**

_____ _____
Participant Signature (may only be signed by participant) *Date*

PAYMENT INFORMATION: Payment **will not** be processed until all pertinent information on this form is complete.

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

☐ Check Enclosed *(Make checks payable to TMCEC.)*
☐ Credit Card

Credit Card Payment:

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

Credit card type: $_____ _____ _____
☐ *MasterCard*
☐ *Visa*

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

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

TEXAS MUNICIPAL COURTS EDUCATION CENTER
FY13 REGISTRATION FORM:
New Judges, New Clerks, and Prosecutors Conferences

Conference Date: _____ Conference Site: _____

Check one:

☐ New, Non-Attorney Judge Program ($200)
☐ New Clerk Program ($200)
☐ Non-municipal prosecutor seeking CLE credit ($400)
☐ Non-municipal prosecutor not seeking CLE credit ($300)

☐ Prosecutor not seeking CLE/no room ($100)
☐ Prosecutor seeking CLE/no room ($200)
☐ Prosecutor not seeking CLE/with room ($250)
☐ Prosecutor seeking CLE/with room ($350)

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

Name *(please print legibly)*: Last Name: _____ First Name: _____ MI:_____
Names you prefer to be called (if different): _____Female/Male: _____
Position held: _____
Date appointed/hired/elected: _____Years experience:_____
Emergency contact:_____

HOUSING INFORMATION

TMCEC will make all hotel reservations from the information you provide on this form. **TMCEC will pay for a single occupancy room at the following seminars**: four nights at the new judges seminars, three nights at the new clerks seminars, and two nights at the prosecutors conference (if selected). To share with another seminar participant, you must indicate that person's name on this form.

☐ I need a private, single-occupancy room.
☐ I need a room shared with a seminar participant. TMCEC will assign you a roommate or you may request a roommate by entering seminar participant's name here here: _____ (Room will have 2 double beds.)]
☐ I need a private double-occupancy room, but I'll be sharing with a non-participating guest. I will pay additional cost, if any, per night.
I will require: ☐ 1 king bed ☐ 2 double beds
☐ I do not need a room at the seminar.

Hotel Arrival Date (this **must** be f lled out in order to reserve a room):_____ ☐ Smoker ☐ Non-Smoker

Municipal Court of: _____ Email Address: _____
Court Mailing Address: _____ City: _____ Zip:_____
Off ce Telephone #: _____ Court #: _____ Fax: _____
Primary City Served: _____ Other Cities Served:_____

STATUS (*Check **all** that apply):*

☐ Full Time ☐ Part Time ☐ Attorney ☐ Non-Attorney ☐ Court Clerk ☐ Deputy Court Clerk
☐ Presiding Judge/Judge ☐ Court Administrator ☐ Prosecutor ☐ Mayor (*ex officio* Judge)
☐ Associate/Alternate Judge ☐ Bailiff/Warrant Off cer ☐ Justice of the Peace ☐ Other _____

I certify that I am currently serving as a municipal judge, prosecutor, or court support personnel in the State of Texas. I agree that I will be responsible for any costs incurred if I do not cancel at least 10 business days prior to the conference. I agree that if I do **not** cancel at least 10 business days prior to the event that I am **not** eligible for a refund of the registration fee. I will f rst try to cancel by calling the TMCEC off ce in Austin. If I must cancel on the day before or day of the seminar due to an emergency, I will call the TMCEC registration desk at the conference site IF I have been unable to reach a staff member at the TMCEC off ce in Austin. If I do not attend the program, TMCEC reserves the right to invoice me or my city for meal expenses, course materials and, if applicable, housing ($85 or more plus tax per night). I understand that I will be responsible for the housing expense if I do not cancel or use my room. If I have requested a room, I certify that I work at least 30 miles from the conference site. **Full payment is due with the registration form. Registration shall be confirmed only upon receipt of registration form and full payment of both the registration fee and the hotel room.**

_____ _____
Participant Signature (May only be signed by participant) *Date*

PAYMENT INFORMATION: Payment **will not** be processed until all pertinent information on this form is complete.

☐ Check Enclosed *(Make checks payable to TMCEC.)* **Amount Enclosed: $_____**
☐ Credit Card
Credit Card Payment:

	Amount to Charge:	*Credit Card Number*	*Expiration Date*
Credit card type:	$_____	_____	_____
☐ *MasterCard*			
☐ *Visa*			

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

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

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TMCEC MISSION STATEMENT

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

The Recorder is available online at www.tmcec.com. The print version is paid for and mailed to you by TMCA as a membership benefit. Thank you for being a member of TMCA. For more information: www.txmca.com.

Texas Municipal Courts Association
2013 Annual Conference
San Antonio, Texas
July 11-13, 2013

- NEW! TMCEC - Approved Judicial Education Credit for "Flex Time."
- Great Rate at the Historic Menger Hotel - $85 single/double/triple per night.
- Visit www.txmca.com in Early 2013 for Agenda and Registration Forms.
- SBOT Continuing Legal Education Credit for Attorney Judges & Prosecutors.
- Satisfies Annual Level I, II and III Continuing Clerk Certifications Hours.
- Collections, Court Security, Case Management Software, Electronic Citations, and Imaging Vendors on Hand.
- NEW - Speakers and Topics!
- Attendees can go to www.mengerhotel.com and click on Reservation. Select Group enter Attendee Code, TMCA13 and the Travel Dates to Check Availability or Call 1.800.345.9285 for Room Reservations.
- Registration & Room Deadline June 10th, 2013. Room and Space Limited!

Don't Miss Out - Registration & Room Deadline is June 10, 2013
Save the Date and Register Soon!!