

THE RECORDER

THE JOURNAL OF TEXAS MUNICIPAL COURTS

June 2020

© 2020 Texas Municipal Courts Education Center. Funded by a grant from the Texas Court of Criminal Appeals.

CLASS C FAMILY VIOLENCE: FILLING THE GAPS IN ACCOUNTABILITY AND ENFORCEMENT

Molly Hobbs
Texas Municipal Courts Fellow
Juris Doctor Candidate, 2020, University of Texas School of Law

The Significance and Prevalence of Family Violence Crimes

In the wake of the COVID-19 crisis, family and domestic violence crimes are making headlines.¹ Restrictions, such as stay-at-home orders imposed to keep the virus from spreading, have resulted in increased reports of abuse.² On April 5, 2020, the United Nations called for urgent action to combat a worldwide surge in cases.³ Family violence crimes are not new to the U.S. court system. The hurdles associated with reporting and accessing relevant data are familiar. The recent rise in incidents, however, has rekindled national attention to the longstanding issues and concerns associated with domestic and family violence.

In November 2017, Devin Kelley walked into the First Baptist Church of Sutherland Springs, Texas, killed 26 individuals, and injured dozens more in the deadliest mass shooting in Texas history.⁴ Kelley had previously been convicted by the Air Force general court-martial on two charges of domestic violence against his wife and stepson.⁵ His conviction was never reported in the National Crime Information Center database.⁶ However, Kelley's history of family violence is not unique when compared to other mass shooting perpetrators. The shooter that claimed 49 lives at Pulse Nightclub in Florida reportedly had a history of beating his wife. Similarly, the individual that carried out the deadly attack on children at Sandy Hook Elementary in Connecticut threatened

Family Violence continued on pg. 6

Inside This Issue

Around the State	5	Full Court Press	20
Bail & Bonds Exposition & Show Case	26	IDEA 2019-2020	22
Continuing Educational Credit	21	Mental Health Conference	12
Court Guidance from OCA	23	Mental Health Resources	10
Court Security Officers 10999	27	Summer Webinars	13
From the Center	18	Upcoming MTSI Events	18
From the Director	2	When Courts Visit Classrooms	15

Texas Municipal Courts Education Center

2210 Hancock Drive
Austin, Texas 78756
512.320.8274 or 800.252.3718
Fax: 512.435.6118
www.tmcec.com

FY20 TMCEC Officers

President: Stewart Milner, Arlington
President-Elect: Pam Liston, Rowlett
First Vice-President: Ed Spillane, College Station
Second Vice-President: Danny Rodgers, Fort Worth
Secretary: Hilda P. Cuthbertson, Snook
Treasurer: Robert C. Richter, Missouri City
Past-President: Esmeralda Pena, Houston

Directors

Region 1: Gary Ellsworth, Spearman
Region 2: Robin A. Ramsay, Lewisville
Region 3: Michael Acuna, Dallas
Region 4: Forrest K. Phifer, Rusk
Region 5: Tim Meek, Midland
Region 6: Kathleen Person, Temple
Region 7: Bonnie Townsend, Luling
Region 8: Michael Davis, Conroe
Region 9: Julie Escalante, Baytown
Region 10: Horacio Pena, Palmhurst

Staff

Avani Bhansali, Administrative Assistant
Robby Chapman, Program Attorney and Deputy
Counsel
Elizabeth De La Garza, TxDOT Grant Administrator
Crystal Ferguson, Office Manager/Research Assistant
Mark Goodner, General Counsel and
Director of Education
Antaris Jackson, TxDOT Grant Design Specialist and
Administrative Assistant
Matthew Kelling, Multimedia Specialist
Regan Metteauer, Deputy Director
Ned Minevitz, Program Attorney and TxDOT Grant
Administrator
Lily Pebworth, Program Coordinator
Elizabeth Rozacky, Program Attorney
Deadra Stark, Administrative Director/Controller
Patty Thamez, Administrative Assistant
Ryan Kellus Turner, Executive Director
Brandi Valentine, Registration Coordinator
Andrea Walker, Program Coordinator
Katherine Walker, Communication Assistant

Managing Editor: Regan Metteauer

Published by the Texas Municipal Courts Education
Center through a grant from the Texas Court of Criminal
Appeals. An annual subscription is available for \$35.

Articles and items of interest not otherwise copyrighted
may be reprinted with attribution as follows: "Reprinted
from *The Recorder: The Journal of Texas Municipal
Courts* with permission from the Texas Municipal Courts
Education Center."

The views expressed are solely those of the authors and
are not necessarily those of the TMCEC Board of Direc-
tors or of TMCEC staff members.

Special thanks to Patty Thamez for design and layout of
this edition of *The Recorder*.



FROM THE EXECUTIVE DIRECTOR

Ryan Kellus Turner

**The waiting is the hardest part
Every day you see one more card
You take it on faith, you take it to the heart
The waiting is the hardest part**

Tom Petty

The scary, slow ride of COVID-19 continues. And after two months at home, amidst conflicting messages, a divided nation seems to have one more thing to disagree about. Now, discussions about “staying home” are being supplanted with discussions about “reopening.” Quarantine fatigue is real. So is the possibility of a second wave surge of COVID-19.

What I Have Learned in the Last Month

On May 22, 2020, I participated in a webinar of judicial educators from across the nation hosted by the National Judicial College. Most states have postponed or cancelled in-person training until the end of the summer or the fall. (Florida has postponed in-person training until January 2021.) Judicial education entities across the nation are delving into different forms of distance learning. So is TMCEC.

In terms of COVID-19, we are riding this tiger, not directing it. The challenge is not just preventing people from contracting or dying from the virus; it is how we are going to adapt and live with it.

In terms of training, municipal judges and court personnel across Texas have adapted to COVID-19 and the need to obtain their education hours online. In the six months prior to the pandemic, on average, archived webinars were viewed 220 times per month on the OLC (Online Learning Center). In the past three months (March-May), 8,972 webinars were viewed on demand. Additionally, the number of people watching live webinars in the last three months has doubled.

Do Not Wait for In-Person Training

Lewis Carroll once said, “If you don’t know where you’re going, any road will get you there.” With the future of in-person training remaining uncertain, now is the time for judges, clerks, and other court personnel to come up with a plan for fulfilling their requisite number of education hours.

We appreciate that not everyone is content to “wait and see” if there is going to be in-person training.

Here is the good news. There is no need for uncertainty when it comes to completing your education hours. If you are a judge who has not completed your mandatory judicial education, or court personnel needing to obtain the requisite number of hours for the Clerk Certification Program, you can complete your education hours online (at your own pace) through webinars on the OLC.

Are you new to the OLC? Do you have questions or need technical assistance? We are here to help. Call 800.252.3718 or drop us an email at info@tmcec.com.

What Is Certain in Uncertain Times

Despite wanting to offer “in-person” events that do not require internet, TMCEC has not conducted in-person training since March 6th.

While TMCEC decided in March not to cancel all scheduled events for the remainder of the academic year (which ends on August 31st), all remaining scheduled in-person events may still be cancelled.

Our first and foremost concern remains your safety and the safety of TMCEC staff and faculty.

Bear with Us

TMCEC continues to monitor decisions made by state and local health authorities and will decide whether to cancel in-person events on a case by case basis using federal and state guidelines and recommendations. Our team is working tirelessly on plans to ensure a smooth and safe return to in-person training. In recent weeks, however, it has become increasingly clear that our ability to resume in-person events does not just depend on decisions made by state and local governments. It equally depends on the resources and physical capacity of hotels which serve as venues for TMCEC events.

Unfortunately, because of COVID-19, many hotels have reduced their work force and are not yet fully staffed. Even hotels that are open for business and fully staffed may not be able to accommodate the number of people wanting to attend TMCEC events in-person because of the new safety guidelines.

How could this affect you? TMCEC, for logistical reasons, may not be able to accommodate everyone who submits registration for all in-person events.

Accordingly, even if you submit your registration online, please remember you are not officially registered for an in-person event until you receive a registration confirmation message from TMCEC.

Like recent toilet paper shortages, this is new territory. We understand it creates some uncertainty. TMCEC will do its best to accommodate as many people as we can safely. Please bear with us.

Simulcasts are Coming

It is not just hotel operations and logistical challenges; many cities have declared travel moratoriums and suspended travel budgets.

Regardless if it's because of travel restrictions, individual health concerns, or some other reason, TMCEC understands that there are many different reasons why you may not be ready or able to attend an in-person event this summer.

That is why in addition to all the fantastic OLC webinar offerings, TMCEC is also planning to live stream two of its most anticipated conferences: the Mental Health Conference (August 12-14) and the Bail and Bonds Exposition & Showcase (August 25-26). Details on how to register for the live simulcasts of these conferences will be announced soon.

Looking Forward

Regardless if it is through in-person training or through distance learning, TMCEC is committed to making unique learning opportunities for judges and court personnel.

TMCEC pioneered the judicial education webinar in Texas. And we are ready to pioneer the virtual conference. In the months to come, we look forward to sharing the details with you.

We appreciate your continued patience. This continues to be a tough time. Despite all the challenges, TMCEC is excited and hopeful for the future.

The 2020 TRAFFIC SAFETY CONFERENCE and IMPAIRED DRIVING SYMPOSIUM are Going Virtual!

ONLINE LEARNING

The Traffic Safety Conference is a 12-hour program focusing on impaired driving and traffic safety issues. At this conference, TMCEC's annual traffic safety awards are presented.

The Impaired Driving Symposium is an 8-hour conference for judges hosted jointly by the Texas Association of Counties, Texas Center for the Judiciary, Texas Justice Court Training Center, and TMCEC.

IMPAIRED DRIVING

Check out <http://www.tmcec.com/mtsi/mtsi-conference/> and <http://www.tmcec.com/mtsi/impaired-driving-symposium/> in the coming weeks for updates and registration information.

Sponsored by grants from the Court of Criminal Appeals and Texas Department of Transportation

AROUND THE STATE

State Commission on Judicial Conduct

Hon. M. Patrick Maguire, Municipal Judge of the City of Kerrville, was appointed by the Supreme Court of Texas to the State Commission on Judicial Conduct. His term expires November 19, 2025. Judge Maguire has served as municipal judge in Kerrville since 2003. He is Board Certified in Criminal Appellate Law by the Texas Board of Legal Specialization. He has served as lead counsel in over 150 appeals in appellate courts throughout Texas, including the Texas Supreme Court and the Texas Court of Criminal Appeals.



TMCA Annual Meeting

TMCA's Annual Meeting is scheduled for July 23, 2020 at the Sonesta Hotel in Bee Cave. There is no CLE, judicial, or clerk certification credit this year. There will be an awards reception for the annual TMCA award recipients. Participants may join in person or virtually. Registration is required and will not be allowed after June 30, 2020. Walk-ins will not be allowed to attend. For more information, including meeting updates related to COVID-19, go to www.txmca.com/annual-meeting/.

Court Operating Plans

Pursuant to orders from the Texas Supreme Court and Court of Criminal Appeals, and OCA's Guidance for Court Proceedings, courts must continue to use all reasonable efforts to conduct proceedings remotely. If it is not possible to conduct a proceeding remotely, before a court is allowed to hold in-person proceedings, the presiding judge of each municipal court is required to submit to the Regional Presiding Judge for their respective judicial region a plan for all courts in the city, discussing measures that will be taken to protect litigants, the public, court staff, judges, and others visiting court buildings. As of June 8, 2020, OCA posted 245 municipal court operating plans on its website (www.txcourts.gov/). See page 23 for a list of Regional Presiding Judges and contact information.



Photo Caption: *Top* - M. Patrick Maguire, Municipal Judge, City of Kerrville; *Bottom* - TMCEC's statewide kiosk project staff visit the Colleyville/Keller Municipal Court on March 4, 2020 for an on-site planning session. Karen Randolph, Court Administrator, Sara Jane del Carmen, Presiding Judge, Emily LaGratta, LaGratta Consulting, Mark Goodner, TMCEC, and Regan Metteauer, TMCEC, attend.

State Justice Institute Municipal Courts Survey Kiosk Project

In February 2020, TMCEC and LaGratta Consulting selected seven courts to serve as pilot sites, "We Want to Hear from You! Municipal Courts Survey Kiosk Project," a project funded by the State Justice Institute. The pilot sites are Colleyville/Keller Municipal Court, Del Rio Municipal Court, Fort Worth Municipal Court, Lubbock Municipal Court, San Antonio Municipal Court, Seguin Municipal Court, and West Lake Hills Municipal Court. The project will tentatively launch on July 1, 2020.

to kill his mother years before his vicious crime.⁷ In fact, research has shown that the majority of mass shooters between 2009 and 2018 targeted their former intimate partner or a family member during the attack.⁸

Devin Kelley represents only one of a staggering number of family violence offenders in Texas; in 2018, 207,360 offenders were involved in incidents resulting in 212,885 victims.⁹ In all, 96% of reported family violence offenses involved assault (aggravated assault, simple assault, or intimidation).¹⁰ These anecdotes and figures leave little doubt that family violence is a significant problem nationwide and in Texas. They further show that family violence can be indicative of future violent criminal behavior.

Municipal courts play a vital role in Texas's family violence landscape. Not only do they have jurisdiction over certain family violence offenses, but arrest and conviction reporting of such Class C misdemeanors are crucial to ensuring justice for subsequent offenses and maximizing peace officer safety. Recent legislation, specifically H.B. 1528 (2019), provided new rules municipal courts must follow that seek to both refine and bolster family violence reporting. This legislation is a step in the right direction to solving some of the problems related to family violence adjudication in Texas.

Texas Law and the Class C Misdemeanor Reporting Gap

Texas courts are required to make an affirmative finding of family violence for offenses under Title 5 of the Penal Code (Offenses Against the Person).¹¹ "Family Violence" must fall into one of three broad categories: (1) a violent or sexual act or threat by a member of a family or household against another member of the family or household; (2) abuses related to children; or (3) dating violence.¹² Crimes involving family violence in Texas can range from fine-only Class C misdemeanors to felonies. While some may consider fine-only crimes as less-serious offenses, affirmative findings made in municipal courts will aid in identifying habitual offenders.¹³ According to Kim Piechowiak, Domestic Violence Training Attorney, Office of Court Administration (OCA), "family violence tends to escalate when left unchecked by the justice system; therefore, incorporating the same best practices in fine-only cases that occur in higher-level cases is key."¹⁴

Even though all degrees of family violence conduct generally reside in Chapter 22 of the Penal Code, there has been a lack of reporting and data collection related to Class C family violence offenses.¹⁵ This gap is particularly problematic when prosecutors are unable to identify instances when a defendant has prior family violence convictions in other jurisdictions. This lack of information undermines prosecutors' ability to adequately prepare cases or file correct charges. It also hinders the court's ability to properly sentence a defendant. Furthermore, it puts law enforcement officers at risk when responding to domestic dispute calls—which are some of the most dangerous calls they respond to.¹⁶

The Cruciality of Family Violence Reporting in Municipal Court

In Texas, a person commits a Class A misdemeanor family violence offense if they intentionally, knowingly, or recklessly cause or threaten bodily injury or offensive physical contact to another and the circumstances meet the definition of family violence.¹⁷ Family violence is punishable as a third degree felony in extreme cases such as when the perpetrator intentionally, knowingly, or recklessly impedes the victim's normal breathing or circulation of blood (strangulation).¹⁸ These family violence offenses can be enhanced and prior convictions—including convictions for Class C misdemeanor family violence—often play a role in deciding whether or not to pursue such enhancement.¹⁹

Prosecutors, however, do not always have ready access to prior family violence convictions if they were not properly reported by the trial court. Consequently, prosecutors are often forced to rely on victims to outline past family violence conduct or convictions. Even then, they face the cumbersome task of authentication through records requests for judgments from any court where a defendant might have been convicted. Because

a conviction for a Class C misdemeanor family violence offense can be used to enhance higher-level offenses,²⁰ municipal courts and their reporting systems are crucial in ensuring that cases are properly handled and that justice is done.

Not only is family violence reporting essential for prosecutors to effectively try subsequent cases, but also for the safety of peace officers. Domestic dispute calls are markedly dangerous and complex for law enforcement. In a study conducted by the National Law Enforcement Officers Memorial Fund, 41% of law enforcement fatalities in 2016 occurred during a domestic dispute call.²¹ A police veteran indicated that other calls, such as shoplifting, are “pretty straightforward.” But when it comes to domestic violence calls, there is an understanding that “you know you are going in with so many moving parts.”²²

The nature of family violence is complicated and adds more risks. At the center of family violence is a perpetrator’s desire for control. When an officer steps into the situation, they are taking some of that control from the perpetrator. To compound the risks and difficulty attached to a family violence call, there may be firearms or other weapons involved and it is likely that the family violence will be in progress when officers arrive. Peace officers can optimize their response and maximize their safety if they are aware of any prior criminal information related to the address or individuals involved in a call before they arrive on scene. Unfortunately, even though such information is known by the trial court, it often goes unreported, putting peace officers at an unnecessary risk. This information gap could be closed using intelligence-led policing and technology.²³ For instance, one improvement would be “providing patrol officers enhanced information, direct access to call details, and providing criminal databases at their fingertips.”²⁴ Such improvements can only be fully realized if trial courts are dedicated to timely and accurately reporting all family violence convictions. In recent years, the Texas Legislature has taken steps to improve judicial processes related to such reporting.

Closing the Gap Surrounding Class C Family Violence Reporting

In 2015, legislation required OCA to create a task force to promote uniformity in collection and reporting of information on family violence, sexual assault, stalking, and human trafficking in Texas.²⁵ This OCA task force was instrumental in identifying the significant gap in family violence reporting.

In 2019, the 86th Texas Legislature sought to close the family-violence information gap. S.B. 325 created a statewide protective order registry.²⁶ Additionally, H.B. 1528 created new requirements for handling and reporting fine-only misdemeanors involving family violence and addressed the issue of inconsistent case reporting. Prior to H.B. 1528, there was no requirement that law enforcement officers enter convictions involving Class C misdemeanor assault with affirmative findings of family violence into the computerized criminal history system (CCHS). Following H.B. 1528, family violence case dispositions must be reported into the CCHS and the entry must include whether there was an affirmative finding of family violence under Article 42.013 of the Code of Criminal Procedure.

H.B. 1528 also created fingerprinting requirements for fine-only family violence offenses both at the time of arrest and at the time of disposition. At the time of arrest, the arresting law enforcement agency must prepare a uniform incident fingerprint card and initiate the reporting process for fine-only misdemeanors involving family violence.²⁷ Prior to H.B. 1528, the requirement for the arresting law enforcement agency only applied to felonies and misdemeanors that resulted in confinement (i.e., not Class C misdemeanor family violence). Now, at the time of disposition of a fine-only misdemeanor involving family violence, the court clerk must report information regarding the person’s citation or arrest and the disposition of the case to the Department of Public Safety (DPS) using a uniform incident fingerprint card (or other electronic method approved by DPS).²⁸

Additionally, in order to make fingerprinting requirements more practical for municipal courts, H.B. 1528 requires defendants charged with an offense involving family violence to make their plea in open court.²⁹ They

can no longer plea by mail, thus providing courts with the opportunity to not only admonish defendants about the consequences of a family violence conviction, but also administer fingerprinting. Some municipal courts have the bailiff take fingerprints after the defendant enters a plea or is convicted for applicable offenses. Some courts have the city police department perform this function at the court. Both these options are better than having the defendant return later or go to an alternative location to be fingerprinted.

Problem Solved? Issues Stemming from H.B. 1528

H.B. 1528 closed some of the information gaps, but also presented new issues. A primary consideration for courts, of course, are the resources required to implement the bill's provisions. H.B. 1528 created new duties for court clerks, which can be burdensome if clerks are already handling heavy workloads or courts find themselves understaffed. The bill also generated new equipment costs for courts that opt to submit fingerprint requirements through an approved electronic method.

In addition to resource concerns, some of the requirements of H.B. 1528 are problematic because of the procedures inherent in charging defendants with Class C misdemeanors. For example, the bill contemplates that the *arresting* law enforcement agency shall prepare a uniform incident fingerprint card and initiate the reporting process for offenders charged with fine-only misdemeanors involving family violence.³⁰ What about defendants charged by a complaint? In that situation, no arrest occurs and, thus, there is no arresting law enforcement agency. However, such defendants are still "charged" and excluding such defendants arguably goes against the spirit of the bill's fingerprinting requirement for family violence defendants.

Conclusion

Family violence affects hundreds of thousands of Texans a year. Given recent legislation, municipal courts now have skin in the game. Robust and consistent Class C family violence reporting can help prosecutors effectively try subsequent cases, maximize peace officer safety, and hold offenders accountable for their crimes.

Problematic gaps relating to family violence still remain and other gaps are surfacing as courts across the state implement H.B. 1528. However, it is clear that the topic of family violence has the attention of the Texas Legislature. It is critical that the justice system continue improving its collection and analysis of family violence data in order to hold offenders accountable and to take steps towards preventing family violence.

-
1. Amanda Taub, *A New Covid-19 Crisis: Domestic Abuse Rises Worldwide*, The Interpreter, N.Y. TIMES (April 6, 2020), <https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html>.
 2. *Id.*
 3. *Id.*
 4. Alex Horton, Katie Mettler, *Air Force failed 6 times to keep guns from Texas church shooter before he killed 26, report finds*, WASH. POST (Dec. 7, 2018), <https://www.washingtonpost.com/national-security/2018/12/08/air-force-failed-six-times-keep-guns-texas-church-shooter-before-he-killed-report-finds/>.
 5. David Montgomery, Richard A. Oppel, Jr., and Jose A. Del Real, *Air Force Error Allowed Texas Gunman to Buy Weapons*, N.Y. TIMES (November 6, 2017), <https://www.nytimes.com/2017/11/06/us/texas-shooting-church.html>.
 6. *Id.*
 7. Hilary Brueck, Shana Lebowitz, *The men behind the US's deadliest mass shootings have domestic violence -- not mental illness -- in common*, BUS. INSIDER. (Aug. 5, 2019), <https://www.businessinsider.com/deadliest-mass-shootings-almost-all-have-domestic-violence-connection-2017-11>.
 8. *Ten Years of Mass Shootings in the United States: An Everytown For Gun Safety Support Fund Analysis*, EVERYTOWN FOR GUN SAFETY (Nov. 21, 2019) <https://everytownresearch.org/massshootingsreports/mass-shootings-in-america-2009-2019/> (noting that 54% of mass shooters also shot their intimate partner or family member during their mass rampage).
 9. Texas Department of Public Safety, *The Crime in Texas Report for 2018, Family Violence*, <https://www.dps.texas.gov/crimereports/18/citCh5.pdf>.

-
10. *Id.*
 11. Tex. Code Crim. Pro. Ann. art. 42.013.
 12. Tex. Fam. Code Ann. § 71.004.
 13. See Bill Analysis, H.B. 1528, Senate Research Center (Tex. 2019), <https://capitol.texas.gov/tlodocs/86R/analysis/pdf/HB01528E.pdf#navpanes=0>.
 14. E-mail from Kim Piechowiak, Domestic Violence Training Attorney, Texas Office of Court Administration, to Regan Metteauer, Deputy Director, Texas Municipal Courts Education Center (June 9, 2020, 11:30 CST) (on file with TMCEC). Best practices include arrest instead of citation; lethality assessments; predominant aggressor determinations; and evidence-based prosecution instead of relying on the victim’s stated preference for dismissal. *Id.* Some suggest implementing a mandatory-arrest policy for cases involving family violence. The debate surrounding mandatory-arrest policies is complicated. However, opponents to mandatory-arrest policies for family violence raise reasonable concerns. Mandatory-arrest policies might put victims in greater danger of retaliation from their partners or might disempower victims by leaving police with no choice but to make an arrest even if it is against the victim’s wishes. On the other hand, mandatory-arrest policies may help offenders understand the gravity of their offenses or may afford victims an opportunity to remove themselves from unsafe situations. While mandatory-arrest policies would surely face staunch opposition, they would certainly clear up the confusion surrounding H.B. 1528 and help ensure that all alleged offenders of family violence are being fingerprinted and adequately reported into the statewide system.
 15. Task Force to Promote Uniformity in Collection and Reporting of Information on Family Violence, Sexual Assault, Stalking, and Human Trafficking, Recommendations for Collecting and Reporting Data Relating to Family Violence, Sexual Assault, and Human Trafficking as Directed by H.B. 2455, 84th Legislature 12-13 (September 2016), <https://www.txcourts.gov/media/1436043/hb-2455-final-report-september-2016.pdf>.
 16. Nick Breul & Desiree Luongo, *Making it Safer: A Study of Law Enforcement Fatalities Between 2010-2016*, Community Oriented Policing Services (COPS), National Law Enforcement Officers Memorial Fund (NLEOMF), 24 (December 2017), <https://cops.usdoj.gov/RIC/Publications/cops-w0858-pub.pdf>.
 17. Tex. Code Crim. Pro. Ann. art. 22.01(a).
 18. Tex. Code Crim. Pro. Ann. art. 22.01(b)(2)(B).
 19. Tex. Penal Code Ann. §§ 22.01(b)(2)(A); 22.01(b)(2)(B).
 20. The statutory enhancement requires a previous conviction of an offense under Chapter 22 of the Penal Code. This encompasses all levels of assault, including a fine-only Class C misdemeanor. Tex. Penal Code Ann. § 22.01(b)(2)(A).
 21. *Supra* note 7, at 22.
 22. Michael Lariviere, as told by Kerry Shaw, *A 27-Year Police Veteran on Why Domestic Violence Calls Pose the Greatest Danger for Cops*, The Trace (August 4, 2016) <https://www.thetrace.org/2016/08/domestic-violence-police-risk-danger/>.
 23. Breul & Luongo, *supra* note 16, at 28.
 24. *Id.*
 25. H.B. 2455, 2015 Leg., 84th Sess. (Tex. 2015).
 26. S.B. 325, 2019 Leg., 86th Sess. (Tex. 2019).
 27. This poses unique problems for non-custodial arrests. In Texas, a peace officer suspecting a person of committing a Class C misdemeanor, other than public intoxication, may issue a citation to that person rather than immediately bringing him or her before a magistrate. Tex. Code Crim. Pro. Ann. art. 14.06(b). Texas statutory law deems the individual “under arrest” at the time a citation is issued. See Tex. Transp. Code Ann. § 543.003; Tex. Code Crim. Proc. Ann. art.14.06; See also Ryan Kellus Turner, *Citations Part I (Tickets are for Concerts & Sporting Events)*, The Recorder, Mar. 2007, at 12. While the two statutes are by no means parallel, both the Transportation Code and the Code of Criminal provide, regardless of whether the defendant is brought before a magistrate or issued a citation, that first the defendant must be under arrest. *Id.* Practically, fingerprinting would be done at the jail (note that the court needs to communicate with the jail to make sure the jail sends fingerprints to the court). However, if a citation is issued, the defendant will not be taken to jail.
 28. Tex. Code Crim. Pro. Ann. art. 66.252(g).
 29. Tex. Code Crim. Pro. Ann. art. 45.0211(b).
 30. Tex. Code Crim. Pro. Ann. art. 66.252(b).

RESOURCES FOR YOUR COURT

The National Center for State Courts (NCSC) Offers New Resources for Courts for Improving the Justice System Response to Mental Illness

New Documentary. The mental health jail diversion project in Miami is the subject of a new documentary, *The Definition of Insanity*, a project of the Matthew H. Ornstein Memorial Foundation. View the documentary on the NCSC mental health page at <https://www.ncsc.org/mentalhealth>.

Mental Health Awareness. The Arizona Courts have released a new video entitled *Mental Health: It's on Everyone's Mind*. The video, along with other information, is on their Mental Health and Justice System webpage: <https://www.azcourts.gov/mentalhealthinfo>.

Guide for Judges and Court Leaders. *Leading Change: Improving the Court and Community's Response to Mental Health and Co-Occurring Disorders*, is a guide intended for court professionals who want to create change in how mental health needs are addressed in their communities but aren't sure how to get started. It lays out the steps for beginning the movement toward change in the court and community's response to mental health and co-occurring disorders—from inviting stakeholders to the first meeting to sustaining the initial momentum for long-term progress. This guide includes a list of potential stakeholders, action step checklists, sample meeting agendas, and assessment questions. View it here: https://www.ncsc.org/_data/assets/pdf_file/0024/36492/Leading_Change_Guide_Final_4.27.20.pdf.

Coordinated Court and Community Responses. NCSC hosts a page highlighting the practices that create a strong foundation for an effective response to mental health needs in the community. No matter what stage a community is at in its responses, this tool can be used to gain information about recommended practices that create a stronger structure of support for individuals with mental health and co-occurring needs. It includes links to resources and practice descriptions. Visit: <http://apps.ncsc.org/MHBB/>.

Mental Health “Facts in Brief” Resources. In support of the National Initiative to Improve the Court and Community Response to Mental Illness, NCSC made available a series of court information resources for 2020. The first four are:

1. The Psychiatric Care Continuum, a detailed overview of the impacts of mental illness and mental health concerns upon the judiciary and legal system: https://www.ncsc.org/_data/assets/pdf_file/0016/16720/mhf1-psychiatric-care-continuum-jan-2020.pdf.
2. Assisted Outpatient Treatment (AOT) Community-Based Civil Commitment, outlining court-ordered community treatment in regards to the health, safety, and welfare of mental illness subjects and the public: https://www.ncsc.org/_data/assets/pdf_file/0026/16964/mhf2-assisted-outpatient-treatment-jan-2020.pdf.
3. Co-Occurring Mental Illness and Substance Use Disorders (COD) reviews the history and issues presented by co-occurring mental illness and substance use disorders and the strategies courts can use to address them: https://www.ncsc.org/_data/assets/pdf_file/0013/14512/mhf3-cods-mar2020.pdf.
4. Trauma and Its Implication for Justice Systems provides an overview of how a trauma history may relate to individual justice involvement and implications of trauma awareness for the justice system: https://www.ncsc.org/_data/assets/pdf_file/0021/14493/mhf4-trauma-mar2020.pdf.

Behavioral Health Alerts Newsletters. In its June 2020 issue, the newsletter discusses Washington State District and Municipal Judges receiving virtual training on mental illness. To subscribe and receive the newsletter, go to <https://www.ncsc.org/newsroom/behavioral-health-alerts/2020/june-1>.

New Task Force to Assist State Courts. According to NCSC, on March 30, 2020, the Boards of Directors of the Conference of Chief Justices and Conference of State Court Administrators took action to establish a new Task Force to assist state courts in their efforts to more effectively respond to the needs of court-involved individuals with serious mental illness. The task force will build upon the previous work of the NCSC National Advisory Committee, supported by funding from the State Justice Institute.

In its first meeting on May 25, 2020, the task force received a transition report, *The Future is Now: Decriminalization of Mental Illness*: <https://ncsc.contentdm.oclc.org/digital/collection/spcts/id/373/rec/1>. The report led to the following principles, which will guide the work and activities to be undertaken over the next 30 months:

1. A community by community approach, supported by statewide leadership from all three branches of government, is required to improve the justice system response to those with mental illness and co-occurring disorders.
2. Supporting judicial leadership to implement the Sequential Intercept Model to promote early access to treatment for mental illness and co-occurring disorders and to keep individuals from continuing to penetrate the justice system.
3. Developing best practices, research, and data to improve justice system responses including competency delays, civil commitment, assisted outpatient treatment practices, deflection and diversion, caseflow management practices involving those with mental illness and co-occurring disorders, and other strategies to improve our responses.
4. Promoting education and training for judges and court personnel to improve our capacity to lead change in our states and communities and to understand mental illness and co-occurring disorders and their impact on court proceedings.
5. Carrying forward the important work started by the CCJ-COSCA National Judicial Opioid Task Force (NJOTF).

Additional information about the work of the Task Force and resources for courts about behavioral health issues can be found at <https://www.ncsc.org/mentalhealth>.

Pandemic Rapid Response Team

According to NCSC, a national effort is being led by the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA). Jointly, the groups have formed a Pandemic Rapid Response Team consisting of six judicial leaders. The group is chaired by Chief Justice Nathan Hecht, Supreme Court of Texas, who serves as president of CCJ.

For more information on the pandemic response team and about how courts are responding to the pandemic, go to ncsc.org/pandemic. NCSC is maintaining a data visualization highlighting key efforts aimed at maintaining access to justice while ensuring public health, located at <https://public.tableau.com/profile/ncscviz#!/vizhome/StateCourtResponsestoCOVID-19/CovidTheCourts>.

With permission from NCSC, TMCEC compiled this list of resources from the NCSC website: <https://www.ncsc.org/mentalhealth>. They are listed in no particular order.

National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23185-4147



Registration Fee: Register online at register.tmcec.com. The registration fee must be submitted with registration. We will e-mail each registrant a confirmation letter prior to the conference. The registration fee is \$50 for municipal judges and prosecutors. There is no second seminar fee for attending the Mental Health Summit. Those attending will receive two night's accommodations (in a private single room) at the Omni Westside, conference meals (breakfast and lunch on August 13 and breakfast on August 14), and printed course materials. Participants are eligible for reimbursement of travel (mileage, air fare, etc.) and per diem (meals) within state and federal limits. Participants should bring sufficient funds for a meal each evening, for meals while traveling, and for incidental expenses. The deadline to register is July 13, 2020.

Hotel Registration: TMCEC will pay for a private room (no single room fee) at the Mental Health Summit. If you work within a 30-mile radius of the conference site, TMCEC cannot pay for a hotel room. TMCEC will continue to make all hotel reservations from the information that you provide on your registration form. Do not contact the hotel unless you plan to arrive early or extend your stay; in either case, you will be responsible for payment of that portion of the bill (including tax). TMCEC

Funded by a grant from the Court of Criminal Appeals

pays for your hotel room, but be prepared to post a deposit or present a credit card for incidentals. You are responsible for all incidentals including parking fees and any additional costs (plus tax) for family members. Hotel check-out for most conferences is usually 12:30 p.m. on the last day of the conference. We cannot guarantee a room for you unless you pay the appropriate fee before the registration deadline. After the cut-off date, you may be charged a higher rate, be referred to a nearby hotel, and/or not be allowed to enroll in the course. When demand is very high for a conference, some participants will have sleeping rooms at neighboring hotels.

Credit: This conference counts for up to 12 hours of judicial education credit and up to 10.25 hours of CLE credit. There is no additional fee for CLE credit for licensed attorneys. No TCOLE credit will be offered.

2020 TMCEC SUMMER SCHEDULE

TEXAS MUNICIPAL COURTS EDUCATION CENTER



WEBINARS ARE AVAILABLE LIVE & ON-DEMAND:

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

Live webinars begin at 10:00 a.m. on their scheduled day and typically last one hour. On-demand webinars are available anytime on the Online Learning Center at <https://tmcec.remote-learner.net/>. Webinar participation counts for one hour of credit toward the clerk certification program. Specific webinars noted with a label on the OLC count for one hour of judicial credit (red label) and others may be submitted to the State Bar for MCLE credit for attorneys (yellow label).

CLAIMING CREDIT:

After finishing a webinar, complete and submit its associated evaluation. This will generate a certificate of completion that can be accessed on the Register site at <https://register.tmcec.com/>

JUNE 18, 2020

**Trauma-Informed
Judicial Practice**

Presented by Bianca Bentzin,
Chief Prosecutor, City of Austin

JULY 2, 2020

**Records and
Non-Disclosure**

Presented by Jan Blacklock Matthews,
Judge, City of Wilson

JULY 16, 2020

Dismissals

Presented by Jan Blacklock Matthews,
Judge, City of Wilson

AUGUST 6, 2020

Ordinances

Presented by Ryan Henry,
Associate Judge, City of West Lake Hills

AUGUST 20, 2020

DSC and Deferred

Presented by Mark Goodner,
Director of Education, TMCEC

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

EMBRACE TECHNOLOGY AND MAXIMIZE YOUR LEARNING EXPERIENCE WITH THE TMCEC APP

1
Download the
TMCEC
MOBILE APP

2
LOGIN SAMPLE
id: 67493
pswd:67493ud

3
LEARN
CONNECT
SUCCEED

Sign in with your current
TMCEC login info
No need to create a new account

**USER FRIENDLY
INTERFACE**
Register, Connect, Manage,
Track, Evaluate & so much more
in one place

AVAILABLE ON
ANDROID APP ON
Google play
Available on the
App Store

Consider purchasing a tablet with court technology funds to maximize your TMCEC Seminar Experience!

Beginning September 1, 2020, TMCEC will no longer offer written materials at Regional Judges Programs. However, course materials will continue to be supported on the TMCEC app. As TMCEC's app moves into its third year of supporting constituents, now may be the time to try it for yourself!

The TMCEC app is fully supported on both cell phones and tablets (either Apple or Android). If you would like to be prepared for the best experience possible, consider investing some of your court technology funds on new tablets for court personnel in your city. The TMCEC app will continue to offer many great features such as course materials, speaker information, communication with other attendees, and speaker evaluations. Next year, TMCEC constituents can expect an even more robust experience within the app as we continue to expand its tools and functionality (such as note-taking, polling, and breakout track selection).

Although TMCEC will not provide printed materials next year, participants will be able to access and print course materials from the TMCEC website on their own.

WHEN COURTS VISIT CLASSROOMS: EDUCATING STUDENTS ABOUT COMMUNITY WORKERS

Driving on the Right Side of the Road (DRSR) encourages courts to reach out to their community schools! To help with this effort, DRSR provides lessons, activities, and materials to courts hosting school visits or visiting schools.

Students in grades Kindergarten through 5th grade learn about the many kinds of community workers who exist to help their municipality stay healthy, keep clean, fight fires or crime, or even deliver the mail. Below is a lesson for elementary students, written by experienced teacher Stacey Kochler from Flower Mound, Texas. The *Respecting Authority: Keeping Everyone Safe* lesson helps teach students about these community workers and the importance of respecting the authority figures that keep their communities safe. This lesson also supports the TEKS (Texas Essential Knowledge and Skills), which are the academic standards that all teachers must use to prepare their students for those important spring tests.

In addition, Senate Bill 30 (now called *The Community Safety Education Act*), passed in the 85th legislative session (2017), requires schools and districts to provide instruction on interaction with law enforcement. The law became effective August 27, 2018. This lesson may serve as a foundation for further instruction as students become drivers.

The lesson has been edited slightly for formatting. For the entire lesson, or other lessons to use for school and student outreach, please contact Elizabeth De La Garza (elizabeth@tmcec.com).

Respecting Authority: Keeping Everyone Safe

S.B. 30: 3rd - 5th Grade

Learning Objectives:

1. Understand how to respectfully respond to an authority figure.
2. Listen critically to interpret and evaluate.
3. Participate in class discussion.

TEKS:

SS: 3.1A, 3.2B, 3.11A, 3.12B, 3.17ACE, 3.18AB, 3.19AB; 4.18 A, 4.21BCD, 4.22ABCDE, 4.23AB; 5.18AB, 5.20A, 5.24BCD, 5.25ABCDE, 5.26AB

Vocabulary: safety, respect, authority figure

Materials:

- Scenario cards
- Various materials from the classroom to create props
- Paper

Resources:

- [DRSR Children's Books](#) website
- [DRSR Education Publications and Lessons](#) website

Teaching Tips/Notes:

- The State Board of Education adopted a new rule in Title 19 of the Texas Administrative Code that became effective August 27, 2018: TAC Section 74.39 of the Texas Administrative Code, Requirements for Instruction on Proper Interaction with Peace Officers. This rule requires school districts and charter schools to provide instruction to students in grades 9-12 on proper interaction with peace officers during traffic stops and other in-person encounters. This lesson is created to support 3rd-5th graders. Because students this age are not yet driving, we want to build a better understanding of respect for authority figures.
- You can order the DRSR books and the Our Town Community map in color on the [DRSR website](#) for **FREE**.
- Other [DRSR Children's Books](#) would make great read alouds.

Teaching Strategy:

1. Write the word **RESPECT** on the board. Ask students “What is respect? How do you show respect to others? Who should you show respect to?” Continue your discussion on the meaning of respect and who we should show respect to - guiding them to authority figures like parents, teachers, police officers, etc. Make sure they understand that speaking in a kind voice and keeping control of their body actions is a major part of showing respect. Continue the conversation by leading students to talk about how they “stay safe” at school. Who helps you stay safe? These people have a job to do and one of these is to keep everyone safe. It’s a big responsibility.
2. Ask these questions:
 - Why would a teacher/authority figure need to talk about negative behavior?
 - Why do they correct behavior? What are some examples of times when you had behavior corrected?
 - Who are the authority figures in your life who deserve respect?
 - What can you do to show respect to an authority figure?
3. Divide students into groups of 4 or 5. Give each group a scenario card to read. Each group should act out their scenario card **WITHOUT** showing respect. They can use classroom props as needed, but this is a quick act out scene.
4. Have each group share their act with the class. After each group’s scene, have a discussion of what went wrong (the disrespectful part). Have the class share ideas on how to make the scene respectful. The group will take notes from the class suggestions and regroup to change up their scene to show how to respond respectfully in their situation.
5. After each group has acted out their scenario, allow them time to regroup and add in respect.
6. All groups will share again showing respect in the same scenario.
7. Discuss respect, again, as a class. Guide students to understand how showing respect leads to better outcomes. Discuss the differences in each scenario and what specifically made things different. Revisit these questions:
 - Why would a teacher/authority figure need to talk about negative behavior?
 - Why do they correct behavior? What are some examples of times when you had behavior corrected?
 - Are there any other authority figures in your life who deserve respect?
 - What can you do to show respect to an authority figure?

Extension Ideas:

- Allow students to create their own scenario cards. They can trade and act those out as well or instead of the suggestion below.
- Have students write a letter of apology to someone they know they didn't show respect to before. Have them include how they should have responded differently.
- Students can act in the role of the teacher, principal, janitor, etc. and see how the scenarios change.

Scenario Cards:

<p>Your classroom teacher calls you out in the hall to talk about your negative behavior in the classroom.</p>	<p>A teacher in your school tells you to stop running in the hall.</p>
<p>The principal sees you in the hall and asks you for your name and your teacher's name.</p>	<p>The cafeteria worker reminds you to talk softly while in the lunch line, but your friend is at the back of the line.</p>
<p>A bus driver tells you to cross the street using the crosswalk instead of crossing in the middle of the street.</p>	<p>A school janitor asks you to help pick up some trash in the hallway, but your teacher is waiting for you in class.</p>



UPCOMING MTSI EVENTS

**Municipal Traffic Safety Initiatives
Motivational Interviewing Workshop
Presented by Andy Fazzio**



Register Today!

No Registration Fee!

Houston, TX | Date: August 7, 2020

Register at:
<http://www.tmcec.com/registration/>
or
<http://www.tmcec.com/mtsi/motivational-interviewing>

MUNICIPAL TRAFFIC SAFETY INITIATIVES

Save a Life
Texas Department of Transportation

Travel, lodging, and meals reimbursed to participants (following state and federal guidelines)

Motivational Interviewing, Screening, & Brief Intervention (MISBI) is a counseling approach to effect behavioral and attitudinal change in individuals. Municipal court employees communicate with defendants on a daily basis. MISBI is an innovative method of talking with them that seeks to change their mindset and attitude with the end goal of preventing re-offending.

Do not miss this excellent opportunity to learn this extremely valuable and effective skill! There is no registration fee and lodging will be covered for those whose court is 30+ miles from the conference site. Meals and other travel will be reimbursed within state and federal limits! In-depth MISBI course materials will also be provided.

The conference brochure and agenda are available at http://tmcec.com/files/8015/8802/1817/MTSI_Motivational_Interviewing_2020-updated.pdf.

Note: If you were registered for this conference on its original date (March 25, 2020), your registration will be automatically transferred to the new date in August. If you were registered for the conference in March but cannot attend in August, you **MUST** cancel to avoid a fee.

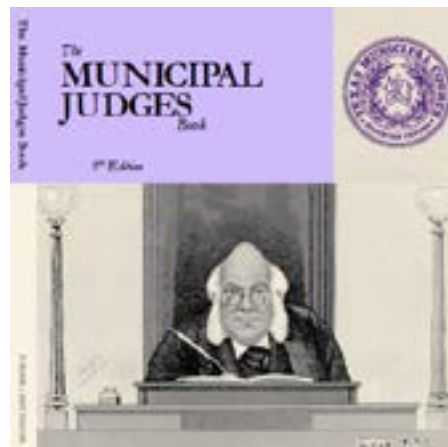
For more information, please contact Ned Minevitz at ned@tmcec.com or (512) 320-8274.



FROM THE CENTER

Coming Soon to Your Court: *The Municipal Judges Book*, 8th Edition

Interested in procedural and substantive laws impacting Texas municipal courts? *The Municipal Judges Book*, featuring both historic and contemporary issues, critically analyzes the nature of municipal courts and the judge's role in the Texas criminal justice system. The 8th edition, which incorporates recent legislative and case law updates, will be released this summer. Through special funding from the Texas Legislature, TMCEC is sending a complimentary copy to each municipal court and each judge. Look for your copy of the 8th edition this summer!



Upcoming TMCEC Events

Online 10999 Court Security Specialist – starts the 1st of the month, every month. Limited to the first 100 court security officers. Eight-hour mandatory course. TCOLE credit. No cost. Register at register.tmcec.com.

Juvenile Case Managers (JCM) Conference – July 20th-22nd, 12 to 16-hour program. Omni Austin Southpark. Texas law requires JCM training in accordance with local rules. This conference offers courses that track the legislative requirements. Cost: \$150 Registration fee, \$50 per night single room fee. Certification credit.

Motivational Interviewing Workshop – August 7th, 6.75-hour program, offered at the Omni Houston Hotel at Westside. *Motivational Interviewing, Screening, & Brief Intervention (MISBI)* is a counseling approach to effect behavioral and attitudinal change in individuals. Municipal court employees communicate with defendants on a daily basis. MISBI is an innovative method of talking with them that seeks to change their mindset and attitude with the end goal of preventing re-offending. Judges, clerks, and juvenile case managers can use this when talking with defendants in court, fellow staff members at work, and even family members! No registration fee. To register, contact ned@tmcec.com. Not for CLE credit, but approved for judicial education and certification credit.

Prosecutors Conference – August 4th-6th, 12 to 15-hour CLE program. Omni Corpus Christi Hotel. This program is uniquely designed for attorneys prosecuting in municipal court. Price varies. CLE credit.

Court Administrators Conference – August 4th-6th, 12 to 15-hour program. Omni Corpus Christi Hotel. This program is uniquely designed for clerks serving as court administrators or in a supervisory capacity. Cost: \$150 Registration fee, \$50 per night single room fee. Certification credit.

Mental Health Conference – August 12th-14th, 12-hour program. Omni Houston Hotel at Westside. This program is designed to equip judges, magistrates, and prosecutors with information necessary to impact their communities by changing the way the criminal justice system responds to mental illness. The conference will feature some presentations from the highly-rated 2018 Mental Health Summit in Dallas but with an updated agenda reflecting recent changes in law. Price varies. No second seminar fee. Judicial education credit. 10.25 hours CLE credit.

Bail & Bonds Exposition & Showcase – August 25th-26th, 12-hour program. Omni Austin Southpark. Building on the success of last year’s *Fines and Fees Exposition and Showcase*, TMCEC will take a similar deep dive into the subject of bail and bonds. Part retrospective, part preview, an examination of both big ideas and best practices, the TMCEC Bail & Costs Exposition and Showcase will feature a unique blend of new presentations and topics with some of TMCEC’s best presentations and presenters. No second seminar fee. Judicial Education credit. CLE credit.

FULL COURT PRESS RETURNS!

THE BLOG OF THE TEXAS MUNICIPAL COURTS EDUCATION CENTER



TMCEC is pleased to announce that *Full Court Press*, the blog of TMCEC, has been rebuilt and relaunched! While access to Full Court Press never disappeared for our constituents, administrative access has been limited for some time due to hosting and security concerns. The new address of *Full Court Press* is tmcecblog.com.

TMCEC offers Full Court Press as a service to all municipal court personnel. This blog supplements TMCEC’s already substantial social media presence. With *Full Court Press*, we aim to fill the space between our social media offerings on Twitter and Facebook and our traditional publications, such as *The Recorder*. Twitter and Facebook are fantastic vehicles for sending you information in small doses or for passing along links to relevant articles and websites. *Full Court Press* will allow us to examine topics and stories with more commentary and discussion. We hope that you will check in with *Full Court Press* frequently and join the discussion.

REMINDER: JUDGES AND CERTIFIED CLERKS MUST COMPLETE THEIR CONTINUING EDUCATION HOURS BY AUGUST 31ST

TMCEC is working hard during these difficult times to make sure that you have more opportunities than ever to comply with your educational requirements. Judges and certified clerks have until August 31, 2020 to complete their hours of continuing education (judicial education for judges and renewal hours for clerks). Due to COVID-19, the requirement for live, continuous training has been changed. For judges, the Court of Criminal Appeals issued an order permitting all 16 hours to be completed by electronic means until 30 days after the Governor lifts the Declaration of State of Disaster. For certified clerks, TCCA allows all hours to be completed online this year by viewing webinars through TMCEC's Online Learning Center (OLC).

TMCEC currently offers over 200 webinars on demand and continues to regularly offer new ones. Additionally, all sessions from the 2020 Houston regional judges and clerks seminars are recorded and available on the OLC. Both viewing webinars and listening to audio files are permissible methods to satisfy your hours.

For judges, if you are having trouble meeting the educational requirements this year, keep in mind that you may request a waiver. If you have completed other relevant CLE or judicial education, you may submit an Intent to Opt Out form as long as you have completed at least two years of training and did not opt out of TMCEC training last year. For more information, see the alternative judicial education page on the TMCEC website.

TMCEC ONLINE LEARNING CENTER Webinars & Continuing Education

TMCEC OLC

ONLINE LEARNING

TMCEC offers an Online Learning Center where its constituents can participate in webinars, locate archived course materials, and complete a series of activities for orientation as a new court staff member. TMCEC's Online Learning Center (OLC) is open to municipal judges and court support personnel.

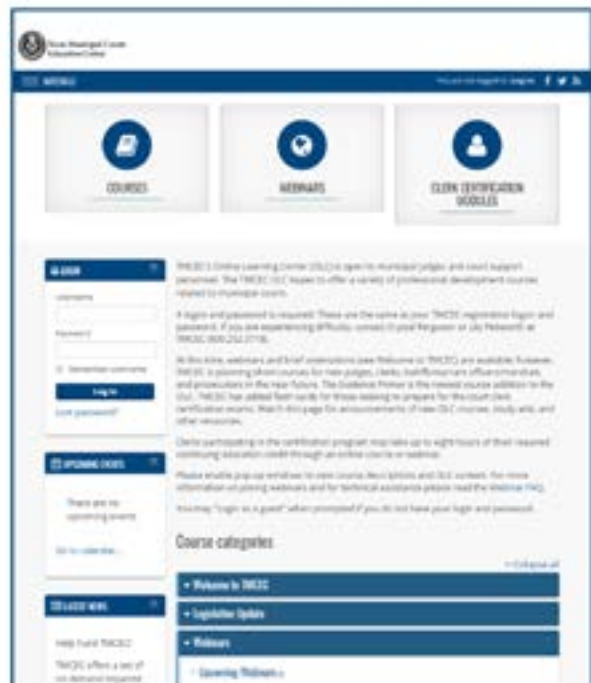
Please visit www.tncec.com > TMCEC OLC. Login with your TMCEC ID and password. If you cannot locate yours, please contact us at tmceec@tmceec.com for assistance.

WEBINARS

Webinars are free of charge to TMCEC constituents and can be viewed live or on-demand. Webinar participation generally counts for one hour of judicial education credit and credit toward the clerk certification program. Some webinars are also approved for MCLE credit from the State Bar of Texas for licensed attorneys.

CONTINUING EDUCATION

Judges can participate in webinars as flex time toward their required annual training (see, additional rules on pg. 3). Clerks participating in the certification program may take up to 8 hours of their required continuing education credit through an online course or webinar.



MUNICIPAL JUDGES REQUIRED TO COMPLETE CHILD WELFARE AND IDEA TRAINING IN 2019-20 ACADEMIC YEAR

Since 2009, every judge who handles juveniles charged with fine-only offenses must complete a two-hour course of instruction related to understanding the relevant issues of child welfare and the IDEA in every judicial academic year ending in 0 or 5.

What are my options to comply with this requirement this year?

Please log in to the [child welfare and IDEA page](#) of the OLC. On this page, TMCEC offers multiple options for satisfying this requirement. Here are your options:

- 1. Credit for In-Person Training at (or Audio Recordings of) Regional Judges Seminar:** Several classes are approved for IDEA/Child Welfare credit at the regional seminars. If, due to COVID-19, you were unable to attend, you can listen to audio recordings of the Regional Judges Program in Houston and complete the evaluation to get credit.
- 2. Child Welfare and IDEA Videos:** Three videos (consisting of two hours total) are offered on the OLC. You can watch the three videos and complete the evaluation to get credit.
- 3. Webinars:** Multiple webinars are available that will cover child welfare and the IDEA topics. Judges who watch two IDEA webinars will fulfill the two-hour requirement. You can watch the webinars on the child welfare and IDEA page and complete the evaluation to get credit.
- 4. Credit for Outside Training:** On the OLC, you may complete the certification of credit evaluation to get credit for Child Welfare/IDEA hours received from another training entity (such as the Texas Justice Court Training Center).

How do I report this requirement?

If you partially completed your hours at a live training, you may complete the remainder of your two hours on the OLC using any of the four options above. Once you have completed two hours in full, you may complete the evaluation for credit.

Once you complete the evaluation under any of the four sections of the Child Welfare/IDEA section of the OLC, your credit will show up in your transcript within 1-2 weeks.

If you have any questions or concerns relating to this requirement, please contact Mark Goodner (mark@tmcec.com).

Now Available on the OLC: Audio Recordings from the 2020 Houston Regional Judges and Clerks Programs

Completing your education credit online while staying at home? TMCEC is pleased to announce that the audio recordings from the 2020 Houston Regional Judges and Clerks Programs are now available on the Online Learning Center (OLC). To access the audio and accompanying course materials for each session, go to online.tmcec.com and click on **Courses**. To obtain credit (judicial education credit or clerk certification credit), follow the instructions listed for each session.

The online audio sessions have been approved for credit for this academic year (year ending August 31, 2020) for those judges and clerks who have not already attended a live regional program this academic year.

COVID-19: COURT GUIDANCE FROM OCA

The Office of Court Administration (OCA) released Guidance for Court Proceedings on or after June 1, 2020. In its Seventeenth Emergency Order, the Texas Supreme Court provided that courts must not conduct in-person proceedings contrary to this guidance. According to OCA, courts should use all reasonable efforts to conduct proceedings remotely. Effective June 1st, if a court is unable to hold a proceeding remotely for reasons beyond the court's control, the court may hold in-person hearings consistent with OCA's Guidance to Courts Regarding All Court Proceedings. See, <https://www.txcourts.gov/media/1447076/guidance-for-all-court-proceedings-during-covid-19-pandemic.pdf>. Courts may also delay in-person proceedings longer if they wish or are advised to do so by local public health authorities.

As noted in that guidance, before a court may hold in-person proceedings, the presiding judge of each municipal court is required to submit to the Regional Presiding Judge for their administrative judicial region a plan for all courts in the city discussing measures that will be taken to protect litigants, the public, court staff, judges, and others visiting court buildings in order to reopen the court. The plans should be developed in consultation with local health authorities and the county judge or mayor, as appropriate. OCA has a template on their website that can be modified. In-person hearings may not be held on or after June 1st unless an operating plan has been submitted and approved in writing by the Regional Presiding Judge. For more information, go to <https://www.txcourts.gov/organizations/policy-funding/administrative-judicial-regions/>.

Region 1: Presiding Judge Ray Wheless; Address: 2100 Bloomdale Road, McKinney, TX 75071; Phone: 469.818.4211

Region 2: Presiding Judge Olen Underwood; Address: 301 North Thompson, Suite 102, Conroe, TX 77301; Phone: 936.538.8176

Region 3: Presiding Judge Billy Ray Stubblefield; Address: 405 South MLK Blvd, Box 9, Georgetown, TX 78626-0405; Phone: 512.943.3777

Region 4: Presiding Judge Sid L. Harle; Address: 100 Dolorosa, Room 4.08, San Antonio, TX 78205; Phone: 210.335.3954

Region 5: Presiding Judge Missy Medary; Address: 901 Leopard Street, Room 804, Corpus Christi, TX 78401; Phone: 361.888.0593

Region 6: Presiding Judge Stephen B. Ables; Address: 700 Main Street, Kerrville, TX 78028; Phone: 830.792.2290

Region 7: Presiding Judge Dean Rucker; Address: 500 North Loraine Street, Suite 502, Midland, TX 79701; Phone: 432.688.4370

Region 8: Presiding Judge David L. Evans; Address: 100 North Calhoun Street, Second Floor, Fort Worth, TX 76196-1148; Phone: 817.884.1558

Region 9: Presiding Judge Ana Estevez; Address: 501 South Fillmore, Suite 4C, Amarillo, TX 79101; Phone: 806.379.2365

Region 10: Presiding Judge F. Alfonso Charles; Address: 101 East Methvin Street, Suite 447, Longview, TX 75601; Phone: 903.236.1748

Region 11: Presiding Judge Susan Brown; Address: 301 Fannin Street, Houston, TX 77002; Phone: 832.927.6600

Counties comprising each of the 11 Administrative Judicial Regions are located in Sec. 74.042, Government Code.

2020 SCHEDULE OF EVENTS

Have You Checked out the COVID-19 Calendar? Go to <http://tmcec.com/calendar/> to stay up to date!

Type	Seminar	Status	Date	City	Address
Other Seminar	Traffic Safety Conference	Postponed	July 13-15, 2020 TBD	Virtual	Virtual
Other Seminar	Juvenile Case Managers Conference		July 20-22, 2020	Austin	Omni Southpark 4140 Governor's Row Austin TX 78744
Other Seminar	New Judges & New Clerks Seminars		July 27-31, 2020	Austin	Omni Southpark 4140 Governor's Row Austin TX 78744
Clinic	Impaired Driving Symposium	Postponed	August 2-4, 2020 TBD	Virtual	Virtual
Other Seminar	Court Administrators & Prosecutors Conferences	Rescheduled	August 4-6, 2020	Corpus Christi	Omni Corpus Christi Hotel 900 N. Shoreline Blvd. Corpus Christi, TX 78401
Clinic	Motivational Interviewing Workshop	Rescheduled	August 7, 2020	Houston	Omni Westside 13210 Katy Freeway Houston, TX 77079
Other Seminar	Mental Health Conference		August 12-14, 2020	Houston	Omni Westside 13210 Katy Freeway Houston, TX 77079
Regional Seminar	Regional Judges & Clerks Seminars	Rescheduled	August 17-19, 2020	Lubbock	Overton Hotel 2322 Mac Davis Ln. Lubbock, TX 79401
Clinic	ICM: Project Management for Courts	Registration Closed	August 24-27, 2020	Austin	Omni Southpark 4140 Governor's Row Austin TX 78744
Other Seminar	Bail and Bonds Exposition & Showcase	Rescheduled	August 25-26, 2020	Austin	Omni Southpark 4140 Governor's Row Austin TX 78744



For updates related to courts and TMCEC events affected by COVID-19, go to <http://tmcec.com/calendar/covid-19-novel-coronavirus-update/>.



ONLINE REGISTRATION

GET READY! BEGINNING
SEPTEMBER 1, 2020, TMCEC
EVENT REGISTRATION WILL
BE ONLINE ONLY!

1. LOGIN

Visit www.tmcec.com to login and register
for events online.

Login Sample id:67493 password:67493ud

2. CHOOSE

Once logged in, click on

Register > Event List

Choose preferred seminar to register

3. REGISTER

Make selections to attend Special

Sessions, Room preferences & add CLE

Checkout and proceed to payment

FORGOT USERNAME & PASSWORD?

No worries! Please contact
us to retrieve that information.

NEED HELP? For online registration issues and/or
questions, email us at info@tmcec.com or call 512.320.8274
and the TMCEC staff will be happy to help.

BAIL & BONDS

Exposition & Showcase



AUGUST 25-26, 2020

OMNI SOUTHPARK
4140 Governor's Row
Austin, TX 78744

Funded by a grant from the
Court of Criminal Appeals



TMCEC offers the Court Security Officer Certification Course (10999) online through our Online Learning Center (online.tmcec.com). Whether you are a new or seasoned bailiff, this course offers valuable training. For new bailiffs, this course satisfies your certification requirements. For experienced bailiffs, it is a good refresher course. This course may be repeated but is only eligible for TCOLE credit once in a training cycle (there are two 24-month periods in the current training cycle, which ends on August 31, 2021).

Who May Attend: This 8-hour course is open to court security officers who serve in Texas municipal courts. Other court security officers may register upon approval from TMCEC's Executive Director.

This course begins on the first day of every month and ends on the last day of the month.

Registration: Register by going to register.tmcec.com. Your TMCEC registration login and password are required. If you do not have a username and password, complete a registration form and email it to 10999@tmcec.com or mail or fax it to TMCEC. The registration form is available on the TMCEC home page: www.tmcec.com. Upon registration, you will receive a confirmation email with an enrollment key. Go to the OLC and click on *Courses*. The title of the course is TMCEC Court Security 10999. You will be prompted to enroll. Click on *Enroll* and enter the enrollment key. Registration is open for all remaining courses in FY 20 (June through August). A TCOLE PID is required in order for TMCEC to report your credit to TCOLE.

There is no cost to take this course.

More About This Course: Completion of this course satisfies the mandate in S.B. 42 (85th Legislature) that all court security officers be certified. This platform is ideal for cities and courts unable to send their bailiffs to live training. The course can be completed at the participant's own pace. Registration is open at any time, however, regardless of the date of registration, the course must be completed by the last day of the month in which the participant registers in order to receive credit and certification.

**TEXAS MUNICIPAL COURTS
EDUCATION CENTER
2210 Hancock Drive
AUSTIN, TX 78756
www.tmcec.com**

Change Service Requested

Presorted Standard
U.S. Postage
PAID
Austin, Texas
Permit No. 114

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.

SPECIAL EDITION OF *THE BRIEF*

The latest edition of *The Brief* was released in May 2020 featuring a special edition topic, Judicial Independence, Collaboration, and COVID-19. *The Brief* is a periodic briefing for Texas mayors, city council members, and other local officials highlighting issues and increasing awareness and understanding of municipal courts in Texas. *The Brief* is part of TMCEC's public information and education campaign: Councils, Courts, and Cities (C3). For more information about C3, visit <http://tmcec.com/c3/>. Follow C3 on Twitter: @C3ofTexas.

Check out past issues of *The Brief* from the 2020 Academic Year:

- Regarding the Appointment of Municipal Judges: OATH OF OFFICE (March 2020)
- Regarding the Appointment of Municipal Judges: THREE BASIC ISSUES (January 2020)
- The C3 Initiative One-Year Anniversary (November 2019)
- 86th Legislature Recap: Big Issues and the Road Ahead for Municipal Courts (September 2020)

Join the mailing list by sending an email to tmcec@tmcec.com. Type "Add me to C3" in the subject line.