

Where can I get access to legal publications (case law, statutes, etc.)?

Case law reporters may be located in law libraries or libraries at universities. Please contact the library before visiting, as different locations have different policies on visitors. You can also pull up cases using an Internet database. The leading providers are Lexis and Westlaw. You need Internet access and a subscription to use either service, but the Office of Court Administration offers judges deeply discounted subscription rates (www.courts.state.tx.us/contract/accdocs.htm).

How do my duties as a magistrate relate to my duties as a judge?

Judges must act in accordance with local, state, and federal law. Inherent in your position as a municipal judge, you may be called upon in a magisterial capacity, to ensure that prisoners are being held in accordance with the law, and that probable cause exists for their arrest.

For prisoners who are not U.S. citizens, refer to the Texas Attorney General’s website (www.oag.state.tx.us/criminal/consular.shtml) or the U.S. Department of State Consular Notification and Access (travel.state.gov/pdf/cna/CNA_Manual_3d_Edition.pdf). There, you will find notification requirements and contact information for many international consulates, as well as admonishments to the prisoner in their native language.

VI. About Texas Municipal Courts Association (TMCA)

How do I join the TMCA, and what does it provide?

The Texas Municipal Courts Association (www.txmca.com) is an association of municipal courts, whose purpose is to provide assistance, training, and support for municipal courts. TMCA is the parent organization of the Texas Municipal Courts Education Center (TMCEC). You can join the TMCA by filling out an application form (www.txmca.com/appform.htm), and mailing in the form with a \$50 fee (no cash is accepted). Sadly, there is no secret handshake. Dues are \$50 per fiscal year, which runs from September 1-August 31.

For further information, please contact the Texas Municipal Courts Association:

1350 NASA Parkway, Suite 200
Houston, TX 77058
www.txmca.com

VII. About TMCEC

What services does TMCEC provide for new judges?

TMCEC is a valuable resource for new judges, and judges are encouraged to take full advantage of all that is offered. An 800-line (800.252.3718) allows judges to get assistance from the Center’s legal staff. An orientation class is offered at TMCEC offices for new judges several times a year. Also, training is provided for new non-attorney judges at a 32-hour New Judges school. An extensive series of educational events are offered by TMCEC. Go to the website for schedules and descriptions: **www.tmcec.com**. The Center also provides judges with a listserv and helpful printed material, such as a bench books, forms books, quick reference guide(s), code book, and video(s) – many of which are available online. TMCEC also publishes a journal called *The Recorder* (back issues are available online at www.tmcec.com).

What should I expect at TMCEC seminars?

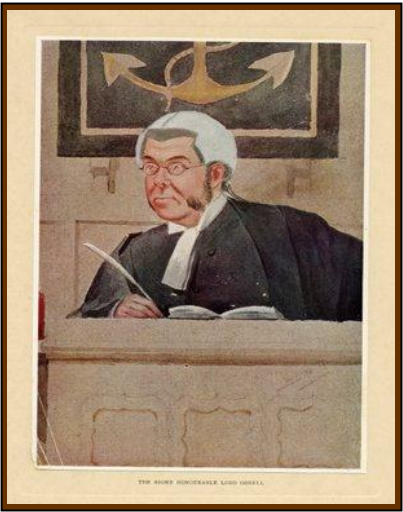
Please refer to the academic catalog, available at www.tmcec.com for details on all TMCEC programs and seminars. TMCEC offers judges ten opportunities to attend regional judicial education programs, which can be used to fulfill the mandatory judicial educational requirements for newly appointed judges (discussed above). There is a \$50 registration fee for Regional Judges Programs. Two introductory New Judges Programs are offered in Austin for newly appointed non-attorney judges. There is a \$200 registration fee for New Judges Programs. Hotel accommodations, breakfast, and some lunches and course material are provided at no additional cost. Funding for TMCEC is provided by a grant from the Texas Court of Criminal Appeals.

What if I have a question that wasn’t answered here?

Please contact the Texas Municipal Courts Education Center:

1210 Hancock Drive	800.252.3718 (toll-free)
Austin, TX 78756	512.320.8274 (telephone)
www.tmcec.com	512.435.6118 (fax)

The Texas Municipal Courts Education Center is a project of the Texas Municipal Courts Association funded by a grant from the Texas Court of Criminal Appeals.



**Frequently
Asked
Questions
for New
Judges**

So, Now You’re a Judge!

I. Continuing Education

What are the mandatory judicial education requirements for attorney judges?

Rule 5(a)(1) of the Rules of Judicial Education requires that judges who are licensed attorneys complete 16 hours of judicial education within one year of taking office, and 16 hours per fiscal year thereafter.

What are the mandatory judicial education requirements for non-attorney judges?

Rule 5(a)(2) of the Rules of Judicial Education require non-attorney judges to take 32 hours of judicial education within one year of taking office, and 16 hours per academic year thereafter.

How do I file for a judicial exemption from MCLE reporting?

Judges who are licensed to practice law in Texas can change their MCLE status by contacting the State Bar of Texas MCLE Department by telephone (800.204.2222, ext. 1806), fax (512.427.4423), email (mcle@texasbar.com), or mail at P.O. Box 13007, Austin, TX 78711-3007. Attorney judges can also file for the judicial exemption online at www.texasbar.com under "My Bar Page." After logging in, go to “View or Report MCLE Hours” and select the “Change MCLE (Exemption) Status” option.

*Note that the academic year runs from September 1 – August 31.

II. Oath and Anti-Bribery Statement

Where do I file my oath of office and anti-bribery statement?

All elected and appointed officials must subscribe to an anti-bribery statement before taking the oath of office. The anti-bribery statement must be filed with the city secretary. The oath of office, which is required under Article XVI, Section 1(a) of the Texas Constitution, must be filed with your city’s custodian of records (typically the city secretary). Forms are provided at the TMCEC website: www.tmcec.com, or you can contact the Center at 800.252.3718.

III. Decorum and Practical Matters

Do I need to wear a robe?

Municipal judges aren’t required to wear a robe, but it is encouraged, because robes promote a solemn and professional atmosphere. The judge is the pivotal figure in the court, and if a judge is sitting on the bench in Bermuda shorts and a Hawaiian t-shirt, you can imagine how much respect he or she will be given.

Where do I buy a robe?

There are a number of internet sites and specialty stores that sell robes. It’s usually a safe bet that if a store sells graduation robes, it also sells judicial robes. A few examples of places to buy robes are Harbro Robes (www.judgesrobes.com), Murphy Robes (www.murphyrobes.com), and Academic Apparel (www.academicapparel.com). Some judges even wear robes used for another purpose, such as choir or graduation. Consider the temperature of your courtroom when selecting a fabric and consider adding pockets.

What to wear under the robe?

Clothes! To be more specific, clean and professional clothing is the best option. Women should wear business attire and respectable, closed toed shoes. Men should wear a dress shirt, slacks, socks, and dress shoes. Shorts, jeans, and casual shoes should not be worn, as this does not promote professionalism in the court.

Where do I buy a gavel? Should the city provide one?

Cast that meat-cleaver aside and get a real gavel online. Some sites include: The Gavel Store (www.gavelstore.com) and For Counsel

(www.forcounsel.com). Bookstores in law schools also tend to carry gavels (to give law students something to aspire to?). You might also try an internet auction site.

The city is not required to provide you with a gavel, unless the city ordinance so stipulates.

Do I need a badge and where do I get one?

You do not need to have a badge. Badges are typically associated with law enforcement, not the judiciary. However, you may have a badge specially made online, at sites such as Blackinton Badge Company (www.blackinton.com). Municipalities typically issue some form of identification for identity and security access purposes. We do not recommend that you flash your badge to get a free cup of coffee!

Can I carry a gun on the bench?

Municipal judges may carry a concealed handgun on the bench as long as they have a license to carry a concealed weapon. See Chapter 411 of the Texas Government Code, specifically Sections 411.1882 and 411.201. Judges who are interested in carrying a concealed handgun are encouraged to become well-versed in the penal code provision regulating the carrying of a handgun by a license holder. See Section 46.035 of the Texas Penal Code.

Do I get a judicial license plate?

No. Special license plates are not available for municipal judges. See Chapter 504 of the Texas Transportation Code.

IV. Ethical Considerations

Can my wife, husband, or significant other place a political yard sign on our front yard?

A judge should not endorse a political candidate. A judge may, however, express support for his or her political party, and may express an opinion on political events. But the important thing to remember in being a judge is that the appearance of impropriety should be avoided. A judge should appear impartial at all times. So even if your spouse posts a sign endorsing a political candidate in your yard, if someone might think it is YOU that supports the candidate, then your spouse should consider the possible implications of posting the sign. The spouse of a judge, however, does not have the same ethical or legal obligations as a judge.

Can I endorse political candidates if I am a part-time judge?

Even part-time judges would be well advised not to endorse any specific political candidate. The Code of Judicial Conduct applies to part-time judges as well as full-time judges.

Where can I find the Code of Judicial Conduct?

You can find the code on the State Commission on Judicial Conduct website (www.scjc.state.tx.us/pdf/txcodofjudicialconduct.pdf), the Office of Court Administration website (www.courts.state.tx.us/Judethics/canons.asp), or the TMCEC website (www.tmcec.com). You can also purchase print copies from most law school bookstores.

What is the State Commission on Judicial Conduct and when should I call them?

The Commission is an agency that monitors the behavior of judges to ensure that they perform in an ethical and unbiased manner. The Commission also investigates and sanctions judges who behave in an inappropriate manner. You should file a complaint with the Commission if you have knowledge of a judge using profanity, making inappropriate or prohibited comments about a pending case, being biased, having a drug or alcohol problem, making public endorsements of political candidates, or anything else that is inappropriate behavior for a judge. You may contact the Commission toll free at 877.228.5750, or fill out a complaint form at: www.scjc.state.tx or www.tmcec.com, and mail it to the Commission. Be prepared to describe your complaint in detail.

V. General Questions

What is a municipal court of record?

Municipal courts of record, governed by Chapter 30 of the Texas Government Code, are municipal courts that keep records of trial proceedings (typically electronically or by means of a court reporter). In municipal courts of record, appeals stem from preservation of error in the court record and transcript. Defendants are not entitled to a trial *de novo* on appeal (as is the case with a municipal court of non-record); rather, appeals from municipal courts of record are governed by the Texas Rules of Appellate Procedure. Error must be preserved in municipal court to be considered on appeal from a municipal court of record.

Both municipal courts of record and non-record appeal to county court.

How does my court become a municipal court of record?

Under the Municipal Courts of Record Act, passed in 1997, a municipal court may become a court of record through the passage of local ordinance. The municipal judge, however, generally must be a licensed attorney with two years’ experience practicing law in Texas for the judge’s court to become a court of record. See Chapter 30 of the Texas Government Code for further detail.