

THE RECORDER

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CLASS C MISDEMEANORS, COMPETENCY, AND CONTINUITY OF CARE

Regan Metteauer
Deputy Director
TMCEC

Elizabeth Rozacky
Program Attorney
TMCEC

Ryan Kellus Turner
Executive Director
TMCEC

Collaboration is critical to addressing the national and statewide mental health crisis. In the 2020 edition of *Trends in State Courts*, the National Center for State Courts calls collaboration essential, saying state courts have a responsibility to convene, collaborate, and identify individuals across justice, mental-health, and public-health systems.¹

This was the premise for the creation of the Texas Judicial Commission on Mental Health (JCMH) by the Supreme Court of Texas and the Texas Court of Criminal Appeals in 2018. In their first-ever joint hearing, the Courts found that through collaboration among the judiciary, policymakers, and mental health experts, the JCMH could help the courts better serve Texans with mental health issues.²

This was also the premise for development of the sequential intercept model (SIM) in the early 2000s. Developed over several years in multiple versions, the SIM is an applied strategic planning tool to improve collaboration between the behavioral health and criminal justice systems to reduce involvement in the justice system by people with mental and substance use disorders.³ The federal Substance Abuse and Mental Health Services Administration (SAMHSA) uses this model in workshops as a tool to help communities create local strategic plans based on the gaps, resources, and priorities identified by community stakeholders. At each “intercept”

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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

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Managing Editor: Regan Metteauer

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FROM THE EXECUTIVE DIRECTOR

Ryan Kellus Turner

TMCEC to Focus Exclusively on Distance Learning for Remainder of AY 2020

No More Waiting on COVID-19: More Certainty in Uncertain Times

Dear Judges and Court Personnel:

Because your safety, and the safety of our faculty and staff remain our top concern, TMCEC will not conduct "in-person" events for the remainder of this academic year (ending on August 31, 2020).

The decision was carefully made considering the most recent federal and state health guidelines and the alarming spread of COVID-19 statewide.

We have known since the beginning that no one knows how long the slow, scary carnival ride of COVID-19 is going to last. We recognized early on that the pandemic generates tension between "what was," "what is," and "what shall be."

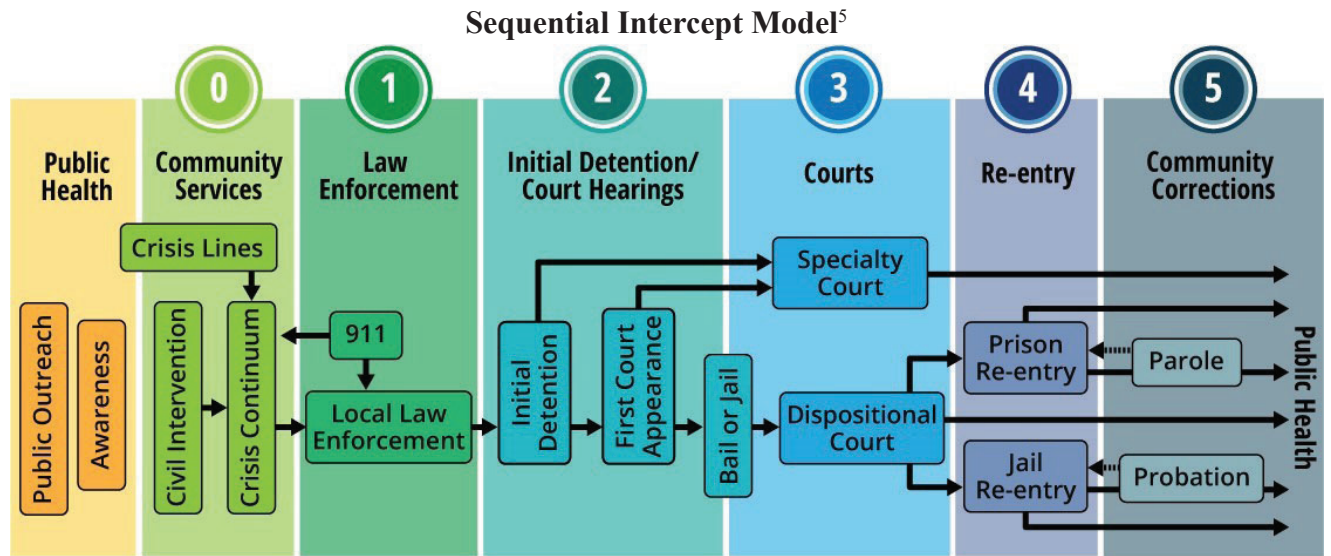
In April, I told you that TMCEC was planning for two possibilities. One entailed distance learning, the other "in-person" events. By May, we began to understand that as long as COVID-19 haunts us, for logistical and other reasons, TMCEC is not likely, any time soon, to be able to conduct in-person training like we did pre-pandemic. In early June, the last time I wrote you, it seemed like Texas was turning a corner. TMCEC was preparing to gradually resume in-person events. We would begin by "dipping a toe in the water" in early July and hoped to be "waist deep" by August. Since then, however, it has become self-evident, that presently "it is not safe to go back in the water."

Setting disappointment aside, we are relieved that there is no longer uncertainty regarding in-person training for the rest of the academic year. Sooner or later we will resume in-person training (and it will be awesome). However, at this moment, TMCEC is focusing 100 percent of its energy on distance learning. To date, virtual programming kicked off with the Traffic Safety Conference and Impaired Driving Symposium. Even if you have already completed your education hours for the year, check out our virtual conferences! We would love your feedback. Plus, we don't know how long this will last; you may want to get a taste of what virtual conferences are like. Details on upcoming virtual events are outlined in the [TMCEC Online Education Guide](#) (July - September 2020). **Registration is now open. To register, go to register.tmcec.com.** To stay up to date, visit our [schedule of events](#).

As a reminder, you can also complete your mandatory judicial education or clerk certification hours online (at your own pace) through webinars on the Online Learning Center (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.

Whether through in-person training or through the internet, TMCEC is committed to making unique learning opportunities for judges and court personnel that are practical and engaging. TMCEC pioneered the use of webinars in Texas judicial education, and we are also ready to blaze a new path in distance learning. We hope you will join us!

(0-5), SAMHSA has identified key issues and best practices, including early identification and assessment, diversion and access to treatment, and information sharing.⁴



Despite the axiomatic importance of collaboration, when the individual in need of help is charged with a Class C misdemeanor, barriers abound for magistrates, municipal courts, and municipal jails. However, certain best practices related to collaboration could materialize with a few legislative changes.

Early Identification and Assessment: Magistrates Need Clear Authority to Get Assistance for Individuals Charged with Class C Misdemeanors

July 13, 2020 was the five-year anniversary of the tragic death of Sandra Bland in Waller County, Texas. Three days before Bland’s death, a police officer pulled her over for a Class C misdemeanor traffic offense and subsequently arrested her after an altercation ensued. At the jail, Ms. Bland told a guard she was depressed and disclosed on a jail screening form a history of depression and a suicide attempt in the preceding year.⁶ She was not hospitalized, seen by a mental health professional, or put on suicide watch. The day before she died, she refused breakfast and twice asked to use the phone from the front desk but was not permitted. The following morning, she was found unresponsive in her jail cell. Her death was ruled a suicide.

The events leading up to Sandra Bland’s tragic death sparked statewide and national outrage, prompting the state legislature to act. Over the past few sessions, the Texas Legislature has demonstrated a dedication to improving procedures pertaining to Class C misdemeanors and both the mental health care system and mental health procedures in the criminal justice system in Texas.⁷ In the Texas Legislature, the House Committee on County Affairs held hearings and studied the circumstances and policies that led to her death.⁸ In its findings, the Committee stated that “policies of diverting people who are in crisis and running afoul of the law either due to their mental health or substance abuse would be better served being diverted into treatment, rather than cycled through the jail system and released with the same problems that caused them to get arrested previously.”⁹

1. Restoring the Sandra Bland Act

In 2017, the Sandra Bland Act (S.B. 1849) amended Article 16.22 of the Code of Criminal Procedure to state that, not later than 12 hours after receiving credible information that any defendant committed to the sheriff’s custody has a mental illness or is a person with an intellectual disability, the sheriff must provide written or electronic notice of the information to the magistrate.¹⁰ This language focused on creating greater identification, diversion, and services for all people with mental illness, intellectual disabilities, or substance abuse issues.

However, another bill amended Article 16.22 during the same legislative session. S.B. 1326 amended the section to include municipal jailers among those who have an obligation to notify a magistrate if there is reasonable cause to suspect that the defendant has a mental illness or intellectual disability.¹¹ However, it limited the obligation to defendants in custody for offenses punishable as a “Class B misdemeanor or any higher category of offense.”¹² Though the two amendments of Article 16.22 differed, the differences could be reconciled. For two years the two versions coexisted on the books. Effect was given to each.¹³

Reconciliation did not last. Every two years, the Texas Legislative Council is required by law to make a non-substantive revision of Texas statutes from the previous legislative session.¹⁴ These revisions, which are typically in a large omnibus bill, aim to make statutes “more accessible, understandable, and usable” without altering the “sense, meaning, or effect of the statute”¹⁵ In 2019, the Texas Legislature passed H.B. 4170 as its “cleanup” bill. However, for Article 16.22, the cleanup bill inadvertently made a substantive change. As amended, Article 16.22 referenced only defendants in custody for offenses punishable as a “Class B misdemeanor or any higher category of offense.” This was a substantive change because it rewrote and undermined the Sandra Bland Act’s more inclusive scope for identifying and diverting *all* people with mental illness, intellectual disabilities, or substance abuse issues. This expansive view is evident in other provisions of the Sandra Bland Act, such as Article 16.23, where law enforcement agencies are generally required to make a good faith effort to divert people suffering a mental health crisis if the charge involves a non-violent misdemeanor (including Class C misdemeanors).¹⁶ In this way, H.B. 4170 created substantive changes outside the purview of a simple “cleanup.”

2. Class C Misdemeanors and Article 16.22 of the Code of Criminal Procedure

The current version of Article 16.22 has resulted in misconceptions and barriers for inmates charged with Class C misdemeanors. Some jurisdictions, such as Burnet County, include defendants with such charges in their agreement with their local mental health authority (LMHA).¹⁷ Other jurisdictions discourage magistrates from using Article 16.22 for individuals charged with Class C misdemeanors. Further, some LMHAs interpret the language of Article 16.22 to prohibit providing services to people charged with Class C misdemeanors.

Some people have voiced concern that including Class C misdemeanor charges in the mental health procedures of Article 16.22 (i.e., notification by the sheriff or municipal jailer to the magistrate and orders of interviews and collection of information) would be too much for the system to handle. This misconception may be a result of a lack of data and misinterpretation of existing data. It is uncertain how many individuals are booked into Texas jails solely on a Class C misdemeanor.¹⁸ However, the number of cases filed in municipal and justice courts should not be conflated with the number of actual arrests for Class C misdemeanors. Custodial arrests for Class C misdemeanors are the exception to the rule, not the norm. That is why peace officers are authorized to issue citations. Logistically and financially society could not manage the burden of enforcing its laws related to public safety and quality of life if every accused violator first had to be arrested, booked, incarcerated, and released on bail.¹⁹ Therefore, Article 14.06(b) of the Code of Criminal Procedure authorizes a peace officer who is charging a person with a Class C misdemeanor (other than public intoxication) to issue a citation in lieu of taking them to jail. (For Rules of the Road offenses in Subtitle C of the Transportation Code, Section 543.003 requires citations when the person is not taken to the magistrate.) For certain Class C misdemeanors, a citation is mandatory (i.e., speeding, using a wireless communication device while driving, and open container).²⁰ Of those few Class C misdemeanors that result in a custodial arrest, the only arrestees that would be required to receive an interview by a qualified expert under Article 16.22 are those for which the sheriff or municipal jailer have reasonable cause to believe have a mental illness or intellectual disability, and only then after the magistrate determines such reasonable cause exists.²¹ In addition, some counties have policies restricting access to the jail for arrestees charged with a Class C due to overcrowding issues, further reducing the volume of Class C arrestees. To reiterate feasibility, some LMHAs already include Class C charges in the services they offer pursuant to Article 16.22 orders issued by magistrates.²² Because most people accused of Class C misdemeanors are never arrested, it is important to consider the possibility that mental illness underlies the relatively few number of cases culminating in arrest.

Research shows that people with mental illness and co-occurring substance abuse disorders are arrested for relatively minor offenses such as public intoxication and other “nuisance” offenses at higher rates than other people.²³ People with mental illness and co-occurring substance abuse disorders are more likely to be arrested multiple times for such offenses because of exacerbating factors such as homelessness and unemployment.²⁴ Mental illness or intellectual disability is not selective or less present depending on offense level, and the potentially dire consequences to the person in custody are the same regardless the level of charge. If the Texas judiciary is to succeed at early identification of defendants suspected of having mental illness or intellectual disability and diversion of such people from jail, then the authority of a magistrate to order an inquiry into a person’s mental health history should not hinge on preliminary charging decisions made by law enforcement at the time of arrest. That is why it is important that people arrested on Class C misdemeanors have access to the same procedural safeguards in Article 16.22 as all other people taken to jail on misdemeanor charges.²⁵

In 2021, the Texas Legislature will have an opportunity to restore the Sandra Bland Act. The issue has been brought to the attention of the JCMH and members of the Texas Judicial Council. Judicial organizations, mental health advocates, and criminal justice reformers are poised to ask the Legislature to address the unintended consequences of the 2019 cleanup legislation. That revision had a substantive effect that works against providing the same means of just treatment to all persons who are in jail. Because people should be treated equally and every person should have access to the same means of justice, the limited application of Article 16.22 to persons arrested on Class B misdemeanors and higher should be repealed. Regardless of the basis of an arrest or the classification of a misdemeanor, what matters is whether a magistrate has credible information that may establish reasonable cause to believe that the person has a mental illness or is a person with an intellectual disability.

Diversion and Access to Treatment: Municipal and Justice Courts Need a Mechanism to Protect Defendants Who May Not Be Competent or Fit to Proceed in Court

In Texas, an overwhelming majority of all face-to-face encounters involving defendants appearing before judges in criminal cases involve Class C misdemeanors.²⁶ However, when faced with a defendant who appears incompetent, municipal and justice courts encounter barriers to helping those defendants and protecting their constitutional rights. A criminal defendant may not be subjected to trial if he or she lacks the capacity to understand the proceedings against him or her, to consult with counsel, and to assist in preparing a defense.²⁷ The conviction of a legally incompetent defendant violates due process.²⁸ Furthermore, a trial court’s failure to make sufficient inquiry into a defendant’s competency can violate due process.²⁹

1. Dismiss and Divert: Competency and Class C Misdemeanors

The Code of Criminal Procedure provides no guidance to the bench or the bar on how to comply with the constitutional prohibitions and requirements related to competency in cases involving Class C misdemeanors. Chapter 46B of the Code of Criminal Procedure, which applies to other types of criminal cases, is inapplicable.³⁰ Certainly, defendants charged with Class C misdemeanors should not be subjected to the process of competency restoration. The proceedings involved are costly and lengthen an individual’s involvement in the criminal justice system.³¹ However, such defendants deserve procedural protections in municipal and justice courts to prevent trials that would offend Constitutional norms.

The deficiency of the Code of Criminal Procedure to reflect due process protections for defendants charged with Class C misdemeanors is regrettable. It is a flaw that has caught an untold number of defendants with mental illness in a repeating cycle of Class C misdemeanor violations, fines, warrants, and jail (and where currently magistrates have no clear authority to order screening under Article 16.22). Furthermore, unlike trial judges in felony cases, judges with jurisdiction over Class C misdemeanor cases (e.g., municipal judges, justice of the peace, and county judges) have no statutory authority to “put on the brakes” when questions of competency arise.

Professors George Dix and John Schmolesky explain the conundrum in Texas law:

What if a defendant in a Class C misdemeanor case appears to be incompetent within the meaning of the *federal due process requirement* and Chapter 46B? Does [Chapter 46B] constitute a legislative command to ignore the defendant's impairment and proceed? Most likely, the legislators intended that misdemeanor courts rely on *constitutional restraints*. If a defendant is incompetent the proceedings must simply stop. The public interest in restoring such defendants to competency is so minimal that sound policy suggests that the State simply be required to forego further proceedings. Unfortunately, the legislature did not make this (or any other intent) clear in the revision.³²

These issues were studied by the Legislative Research Committee of the JCMH during the Spring and early Summer of 2020. The Committee recognized that defendants who are suspected of not being fit to proceed because of potential competency issues pose unique challenges to municipal, justice, and county courts. The Diversion Subcommittee recommended two legislative changes that provide guidance to the bench and bar without courts having to make a formal determination regarding competency. One proposal reiterates U.S. Supreme Court case law and tells municipal judges and justices of the peace what the Code of Criminal Procedure already tells county and district judges in Article 26.13(b): a plea should not be accepted unless it appears that the defendant is mentally competent and the plea is free and voluntary. A separate proposal provides procedures and safeguards for dismissing complaints when a municipal judge or justice of the peace believes that a defendant (including a defendant with a mental illness or developmental disability) lacks the capacity to either understand the proceedings or to assist in the defendant's own defense and is unfit to proceed. In 2013, upon the recommendations of the Texas Judicial Council, the legislature passed laws to address these issues in cases involving children accused of Class C misdemeanors. In 2021, the Legislature may have an opportunity to resolve these issues.

2. Divert to What?

A mechanism for dismissing the complaint in such cases is a good start. But what if the defendant needs services or treatment? It is important to remember that the goals of competency restoration are distinct from the goals of treatment and services.³³ Competency relates to a defendant's mental state and present capacity to stand trial at the time of trial.³⁴ Mental illness relates to impairment of thought perception of reality, emotional process, judgment, or behavior. A person may have a mental illness, but still be competent to stand trial (though maybe not without counsel).³⁵ However, the reason a defendant is incompetent to stand trial may be a mental illness. Though a defendant charged with a Class C misdemeanor should not be subjected to competency restoration (and may not be subjected to trial), he or she may still need treatment or services.

In 2019, the Texas Legislature amended Article 16.22 of the Code of Criminal Procedure permitting trial court judges to release a defendant with a mental illness or intellectual or development disability on bail and order the transfer of the defendant to a court with jurisdiction to order outpatient mental health services.³⁶ This does not apply to municipal or justice courts nor is there any other similar statutory mechanism for those courts. Municipal judges and justices of the peace are not wholly without tools for connecting defendants to treatment and services. Article 45.015(b) of the Code of Criminal Procedure (Suspension of Sentence and Deferral of Final Disposition) authorizes a municipal judge or justice of the peace to require the defendant to submit to professional counseling, submit to a psychosocial assessment, and comply with any other reasonable condition. However, this requires a plea of guilty, plea of nolo contendere, or a finding of guilt. As discussed earlier, this is problematic if the defendant does not appear mentally competent and cannot enter a plea.

Without clear guidance and authority to connect defendants to treatment and services early in the case, municipal and justice courts must get creative and figure it out on their own.³⁷ Courts with the most success have formed partnerships with their LMHA. However, some LMHAs, because of funding, can only help defendants in municipal and justice courts, if the defendant is currently in crisis.

Information Sharing: Municipal Jails Need Access to the CCQ

For justice-involved individuals with mental illness or co-occurring disorders, screening and assessment provide the foundation for identification, triage, and placement in appropriate treatment interventions.³⁸ Under Texas law, each jail is generally required to check each inmate against the Department of State Health Services (DSHS) Clinical Management for Behavioral Health Services (CMBH) database to determine if the inmate has previously received state mental healthcare.³⁹ The jail, through the Texas Law Enforcement Telecommunications System (TLETS) operated by DPS, is able to search for exact and partial matches of every county jail inmate's personal information in the CMBHS.⁴⁰ This process is called a continuity of care query (CCQ).⁴¹

When an individual is booked into a county jail, TLETS matches their information (last name, first name, date of birth, social security number, sex, and race) against the DSHS database, which serves as the primary system of record for state-funded mental health and substance use services. Inmates who in the last three years have had certain psychiatric hospitalizations or were provided services by either the LMHA or local behavioral health authority (LBHA) are identified through the match request process.⁴² If a partial or exact match is identified, the jail receives a report with that individual's name and location of the last LMHA/LBHA in which a service was provided.⁴³ The jail staff then contacts the LMHA/LBHA to conduct a screening and provide linkage to mental health services provided by the respective authority.⁴⁴ Once the LMHA/LBHA receives the report, they screen the individual for eligibility for continued services provided through their agency.⁴⁵

What about municipal jails? The data exchange process between TLETS and CMBHS, facilitated by a memorandum of understanding, is statutorily authorized (and required) by Section 614.013 of the Health and Safety Code. Section 614.017 of the Health and Safety Code lists the agencies authorized to exchange such information for the purposes of continuity of care and services. Municipal jails are not expressly listed. Subsection 614.017(c)(1)(L) lists "local jails regulated by the Commission on Jail Standards;" however, the duties of the Commission include adopting minimum standards for the operation of county jails.⁴⁶ The Commission acts as the regulatory agency for seven privately-operated municipal jails, but does not provide oversight within city-operated municipal jails.⁴⁷ This excludes most municipal jails from access to critical information to identify and divert inmates with a mental illness. This information would also help municipal jailers comply with the requirement to notify a magistrate under Article 16.22(a)(1).

Conclusion

Collaboration should occur between all jails and all courts for all defendants with mental illness. Across the nation, Texas serves as a model for criminal justice reform, including improving the way the system treats individuals with mental illness.⁴⁸ The 87th Regular Session of the Texas Legislature begins January 12, 2021. Hopefully, they extend a helping hand to equip municipal courts and magistrates with the necessary tools. A system works best when each of its parts are working together.

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1. Jacquelyn Gilbreath et al., *State Courts' Responsibility to Convene, Collaborate, and Identify Individuals Across Systems, Trends in State Courts* 58 (National Center for State Courts 2020).
 2. Eric Quitugua, *Texas' high courts hold historic joint hearing, establish mental health commission*, Texas Bar Blog (Jan. 25, 2018), <https://blog.texasbar.com/2018/01/articles/news/texas-high-courts-hold-historic-joint-hearing-establish-mental-health-commission/>.
 3. National GAINS Center, *Developing a comprehensive plan for mental health and criminal justice collaboration* (2005).
 4. SAMSHA's GAINS Center, *The Sequential Intercept Model: Advancing Community-based Solutions for Justice-Involved People with Mental and Substance Use Disorders* (2019), <https://store.samhsa.gov/sites/default/files/d7/priv/pep19-sim-brochure.pdf>.
 5. This version of the sequential intercept model was developed by the Texas Judicial Commission on Mental Health and published in the 2nd edition of its Texas Mental Health and Intellectual and Developmental Disabilities Bench Book (2019).
 6. St. John BARNED-Smith, *Officials: Sandra Bland spoke of previous suicide attempt*, Houston Chronicle (Jul. 22, 2015), <https://www.chron.com/houston/article/Sandra-Bland-dash-cam-video-appears-to-have-been-6399017.php>.
 7. Tex. H.B. 351, S.B. 1913, 85th Leg., R.S. (2017); The Meadows Mental Health Policy Institute for Texas, *Texas Mental Health Research Framework* 1 (March 22, 2018). See also, Tex. S.B. 362,

- 86th Leg., R.S. (2019); Tex. H.B. 601, 86th Leg., R.S. (2019); Tex. S.B. 1326, 85th Leg., R.S. (2017); Tex. S.B. 1849, 85th Leg. R.S. (2017). See also Judicial Commission on Mental Health, *86th Texas Legislative Summary: Mental Health and IDD Bills by Sequential Intercept* (2019), <http://texasjcmh.gov/media/1651/legislative-summary.pdf>, for a visual depiction of how comprehensive Texas legislation was in 2019 regarding mental illness and IDD.
8. Tex. H.B. 2702, 85th Leg., R.S. (2017).
 9. *Id.*
 10. TMCEC, *2017 Legislative Update*, 26 *The Recorder* 1, 41 (2017).
 11. *Id.* at 39.
 12. *Id.*
 13. Tex. Gov't Code Ann. § 311.025(d) of the Government Code states that “if amendments to the same statute are enacted at the same session of the legislature, one amendment without reference to another, the amendments shall be harmonized, if possible, so that affect may be given to each.”
 14. Tex. Gov't Code Ann. § 323.007.
 15. *Id.*
 16. Tex. Crim. Proc. Code Ann. § 16.23.
 17. Judicial Commission on Mental Health, *Texas Mental Health and Intellectual and Developmental Disabilities Law Bench Book* 94 n.55 (2nd ed. 2019-2020).
 18. There is limited statewide data on county jails in Texas. Available statewide data on Class C arrest warrants issued (not executed), capias pro fine issued (not executed), and magistrate warnings given for Class Cs include Class Cs combined with higher charges. Office of Court Administration, *Annual Statistical Report for the Texas Judiciary Detail* 58 (2019). No statewide data exists on the number of Class C only book-ins to Texas jails. Jails and law enforcement agencies maintain local data but ascertaining the number of Class C only book-ins would require access to records for all Texas jails (roughly 271) and all 1,913 law enforcement agencies. Each county jail in Texas has its own system and the systems do not integrate or communicate with each other. Tarrant County officials estimate that only 243 individuals were booked in the Tarrant County Jail solely on a Class C misdemeanor in 2019 (331 in 2018, 254 in 2017, 206 in 2016, and 311 in 2015). It is estimated that in Travis County 3,891 individuals were booked in solely on a Class C in 2019 (5,083 in 2018 and 7,210 in 2017). One Texas-based advocacy group reported 16,162 Class C charges “leading to jail booking” across 10 of the most populous counties. Texas Appleseed, *An Analysis of Texas Jail Bookings: How Texas Counties Could Save Millions of Dollars by Safely Diverting People from Jail* 3 (April 2019). Note that this number includes multiple charges, not Class C only book-ins. Beyond jails, there is a general lack of criminal justice data, especially related to Class Cs. The Uniform Crime Report (UCR) which is generally relied upon to tell Texas to ascertain whether “crime” is up or down excludes traffic offenses including offenses resulting in traffic fatalities. Furthermore, all Class C misdemeanors are excluded from the Computerized Criminal History System, the statewide repository of criminal record history information reported to the Department of Public Safety (DPS) by local criminal justice agencies in Texas. Robert Avila, Mark Denman, Ryan Kellus Turner, *One Decade Down: Possible Explanations for the Decrease of Traffic Citations in Texas*, 27 *The Recorder* 3, 4 (2018). There is also no statewide central repository for traffic warnings issued by DPS or county or municipal law enforcement (OCA's data only counts citations and complaints resulting in cases filed in court). *Id.* at 5.
 19. Ryan Kellus Turner, *Citations – Part I (Tickets are for Concerts & Sporting Events)*, 16 *The Recorder* 2, 10 (2007).
 20. Tex. Transp. Code Ann. § 543.004.
 21. Tex. Crim. Proc. Code Ann. § 16.22(a)(1).
 22. Burnet County has an agreement with its LMHA, Bluebonnet Trails Community Services, to perform services pursuant to Article 16.22 orders for all levels of offenses, including Class C misdemeanors. According to county records, Burnet County magistrates issued four 16.22 orders for arrestees charged with a Class C in 2019, 9 in 2018, and 4 in 2017.
 23. U.S. Dep't of Health and Human Services, SMA-15-4929, *Municipal Courts: An Effective Tool for Diverting People with Mental and Substance Use Disorders from the Criminal Justice System* (2015) at 3.
 24. *Id.*
 25. Another issue related to Article 16.22 and information sharing is the requirement that the magistrate send copies of the written report to the defense counsel, prosecutor, and the trial court with jurisdiction. Tex. Code Crim. Proc. Ann. art. 16.22(b-1). If the case has not been filed when the magistrate receives the written report, the magistrate must hold the report and send a copy to the trial court once the case is filed. However, magistrates often do not receive notice when the case is filed, which makes this requirement a challenge. A related issue is that magistrates who are municipal judges without authority to appoint attorneys are likely unable to meet the requirement to provide a copy to defense counsel. Judicial Commission on Mental Health, *Texas Mental Health and Intellectual and Developmental Disabilities Law Bench Book* 99 n.61 (2nd ed. 2019-2020).
 26. Consider just the number of Class C misdemeanors adjudicated in municipal courts. According to data derived from the Office of Court Administration, in FY 2015, there were a total of 17,587,118 felony and misdemeanor criminal cases filed in Texas. Eighty percent of these criminal cases (14,150,555 cases) were Class C misdemeanor cases docketed in municipal courts. There were 180,780 trials for Class C misdemeanor cases in municipal courts in FY 2015. To put this figure in perspective, during the same period, there were a combined total of 47,306 trials in all other Texas trial courts with criminal jurisdiction. *Annual Report for the Texas Judiciary*, Fiscal Year 2015, Office of Court Administration, Austin, Texas.
 27. *Drope v. Missouri*, 420 U.S. 162, 171 (1975).
 28. *Bishop v. United States*, 350 U.S. 961 (1956).
 29. *Id.* at 174-75.
 30. The Code of Criminal Procedure contains an entire chapter governing competency, Chapter 46B. However, Article 46B.002 limits its applicability to defendants charged with a felony or a

misdemeanor punishable by confinement. While people can be committed to jail for a Class C misdemeanor, the *punishment* for a Class C misdemeanor only entails the imposition of a fine.

31. Judicial Commission on Mental Health, Texas Mental Health and Intellectual and Developmental Disabilities Law Bench Book 121 (2nd ed. 2019-2020).
32. George E. Dix & John M. Schmolesky, *43 Texas Practice: Criminal Practice and Procedure* § 31:3 (3d ed. 2011). (citations omitted) (emphasis added).
33. *Id.*
34. Judicial Commission on Mental Health, Texas Mental Health and Intellectual and Developmental Disabilities Law Bench Book 123 (2nd ed. 2019-2020).
35. *Id.*
36. Tex. S.B. 362, 86th Leg., R.S. (2019).
37. Examples of municipal courts with processes and procedures to connect defendants with mental illness to services include the Allen Community Court, Big Spring Municipal Court, Corpus Christi Municipal Court, Downtown Austin Community Court, and McKinney Municipal Court.
38. Substance Abuse and Mental Health Services Administration. *Screening and Assessment of Co-occurring Disorders in the Justice System*. HHS Publication No. PEP19-SCREEN-CODJS. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2015.
39. 37 Tex. Admin. Code § 273.5.
40. Department of State Health Services, *Annual Report on the Screening of Offenders with Mental Illness 1* (2015), <https://www.dshs.state.tx.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=8590001263>.
41. Hogg Foundation for Mental Health, *Texas Department of Criminal Justice and Local Criminal Justice Agencies*, <https://hogg.utexas.edu/public-behavioral-health-services-in-texas/texas-department-of-criminal-justice-and-local-criminal-justice-agencies> (last visited July 31, 2020).
42. *Id.* at 2.
43. *Id.*
44. *Id.*
45. *Id.*
46. Tex. Gov't Code Ann. § 511.009. Subsection 511.009(a)(12) requires the chief jailer of a municipal jail to submit to the Commission an annual report of the number of persons under age 17 securely detained in the lockup.
47. Hogg Foundation for Mental Health, *Texas Department of Criminal Justice and Local Criminal Justice Agencies*, <https://hogg.utexas.edu/public-behavioral-health-services-in-texas/texas-department-of-criminal-justice-and-local-criminal-justice-agencies> (last visited July 31, 2020).
48. Hogg Foundation for Mental Health, *Texas Department of Criminal Justice and Local Criminal Justice Agencies*, <https://hogg.utexas.edu/public-behavioral-health-services-in-texas/texas-department-of-criminal-justice-and-local-criminal-justice-agencies> (last visited July 31, 2020).

COMING SOON: ACADEMIC YEAR 21 FALL TMCEC SCHEDULE

Because of concerns about COVID-19, the Court of Criminal Appeals has directed all judicial education providers to postpone live, in-person training until after January 1, 2021. Rather than canceling or postponing events, all TMCEC events during the first quarter of the new, upcoming academic year (September 1 - December 31, 2020) will be virtual events. TMCEC will publish a Fall Schedule in early September. Look for a copy in your email inbox, your mailbox, and online at tmcec.com. In anticipation of a new year, TMCEC will publish a subsequent academic schedule in December.

Regardless of the uncertainty that accompanies a pandemic, future events in AY 21 will include regional seminars for municipal judges and clerks; conferences for new judges, new clerks, juvenile case managers, prosecutors, and court administrators; and special-topic seminars on Court Security and Magistrates. With special rider funding from the Legislature, TMCEC will also offer a Regional Round Table and Statewide Conference, building upon this year's regional round tables.

TMCEC is excited about the upcoming academic year! For more information, visit tmcec.com.

AROUND THE STATE

Results of the 2020 TMCA and TMCEC Board Elections

TMCEC would like to sincerely thank the TMCEC Board of Directors for their tireless dedication and support this past year. We also welcome and congratulate the following directors elected by the TMCA membership to serve on the TMCA and TMCEC Board of Directors for fiscal year 2020-2021. The FY 21 directors will be led by Board President Pam Liston, Chief Judge, Rowlett Municipal Court.

President Elect

(President for fiscal year 2021-2022)
Hon. Michael Acuña
(Dallas)

Second Vice-President

Hon. J. Daniel Rodgers
(Fort Worth)

Treasurer

Hon. Robert C. Richter, Jr.
(Missouri City)

Region II Director

Hon. Teresa Evans
(Arlington)

Region IV Director

Hon. Forrest Phifer
(Wells)

Region VI Director

Hon. Sherry Statman
(Austin)

Region VIII Director

Hon. April Earley
(Lufkin)

Region X Director

Hon. Henrie Morales
(Aransas Pass)

TMCA 2020 Annual Meeting and Awards

TMCA held its annual meeting virtually on July 23, 2020. Each year, TMCA honors an Outstanding Jurist, Court Support Staff Member, and Prosecutor who have made outstanding contributions to the fair and impartial administration of justice. This year's award winners were recognized at a virtual reception following TMCA's annual meeting. Hon. Esmeralda Pena Garcia served as Chair of the Annual Meeting Committee this year.

The 2020 Outstanding Jurist award went to Hon. Dick Gregg III, Presiding Judge, City of Seabrook. The recipient of the 2020 Outstanding Court Support Staff Member award was Sonya Cates, Court Administrator, City of Alvin. (TMCA received no nominations this year for Outstanding Prosecutor.)

Congratulations!



ATTORNEY GENERAL OPINION

Courts Are Authorized to Require Face Coverings

Ned Minevitz

Program Attorney & TxDOT Grant Administrator
TMCEC

On August 3, 2020, the Attorney General of Texas, Ken Paxton, issued *Opinion No. KP-0322* in response to *Request RQ-0356-KP* from Harris County Attorney Vince Ryan. The request sought clarification whether local governments may require face coverings in county-owned and controlled courtrooms, courthouses, and buildings during the COVID-19 disaster. In his advisory (non-binding) opinion, Paxton stated that local public officials indeed have such authority. He addressed four specific questions:

(1) May courts presiding over county-owned or controlled courthouses require face coverings in those courthouses?

Yes. Paxton attributed the authority of courts presiding over county-owned or controlled courthouses to require face coverings to Section 21.001(a) of the Government Code, which gives courts “all powers necessary for the exercise of its jurisdiction and the enforcement of its lawful orders, including authority to issue the writs and orders necessary or proper in aid of its jurisdiction.” He also noted Section 22.0035(b) of the Government Code, which allows the Supreme Court of Texas to modify or suspend any court proceeding affected by a disaster declared by the governor. Finally, *KP-0322* acknowledged that, pursuant to the above authority, the Supreme Court of Texas issued the Eighteenth Emergency Order Regarding the COVID-19 State of Disaster, which requires courts to comply with guidance from the Office of Court Administration (OCA). OCA’s guidance has, according to Paxton, properly given courts the ability to require face coverings through approved operating plans.

(2) May a county judge require face coverings in county buildings and courthouses?

Yes. The Attorney General cited Section 418.108 of the Government Code, which authorizes the presiding officer of a governing body to declare local states of disaster and “control the movement of persons and the occupancy of premises in that area” during the disaster. According to *KP-0322*, the ability to “control . . . the occupancy of premises” includes the ability to require face coverings.

(3) May Commissioner’s Courts require face coverings in county-owned or controlled buildings and courthouses?

Yes. Commissioner’s Courts are the governing bodies of counties. In opining that they have the ability to require face coverings, Paxton cited their authorities granted in Article V, Section 18 of the Texas Constitution and Section 291.001 of the Local Government Code.

(4) What mechanisms exist to enforce such requirements?

KP-0322 references Governor Greg Abbott’s Executive Order No. GA-29, filed July 2, 2020, which permits a fine of up to \$250 for violating the face covering requirement. According to *KP-0322*, this same fine can be applied to the violation of a local face covering requirement. *KP-0322* also states that local authorities may remove or deny entry to individuals who do not follow face covering requirements in applicable premises.

Applicability to Municipal Courts

The questions in *RQ-0356-KP* reference county-owned or controlled buildings. Therefore, *KP-0322* focuses on these buildings. Are municipal courts “county-owned or controlled” for the purposes of *KP-0322*? No. They are located within a county, to be sure, but they are not owned or controlled by the county. Although *KP-0322* does not directly address municipal courts, much of the law cited certainly applies to municipal courts. Specifically, Sections 21.001(a) and 22.0035(b) of the Government Code both apply to municipal courts. Thus, *KP-0322* can generally be read to apply to municipal courts.

One final point: *GA-29* requires face coverings in most, but not all, jurisdictions in Texas. As such, Paxton’s opinion is not a redundant restatement of *GA-29*: *KP-0322* covers all jurisdictions in Texas. It would also continue to be applicable if *GA-29* were to be lifted.

Useful Links

RQ-0356-KP: <https://www2.texasattorneygeneral.gov/opinions/opinions/51paxton/rq/2020/pdf/RQ0356KP.pdf>

KP-0322: <https://www.texasattorneygeneral.gov/sites/default/files/opinion-files/opinion/2020/kp-0322.pdf>

GA-29: <https://www.courthousenews.com/wp-content/uploads/2020/08/tx-mask-order.pdf>

Eighteenth Supreme Court of Texas Emergency Order: <https://www.txcourts.gov/media/1448109/209080.pdf>

TMCEC

REGIONAL ROUND TABLES

With special funding from the Texas Legislature, TMCEC and the regional directors hosted five regional round tables in FY 20: Canyon (Region 1), Dallas (Region 3), Lewisville (Region 2), Midland (Region 5), and Tyler (Region 4). The novel, fast-paced format provided an excellent opportunity for municipal judges, court administrators, clerks, and prosecutors to discuss recent changes in the law related to indigence, fines, and court costs. TMCEC will release a summary publication this month highlighting these successful events. One copy will be mailed to each municipal judge. Look for your copy soon!

TMCEC would like to thank the following cities for making the round tables possible:



MENTAL HEALTH DURING COVID AND BEYOND

Bianca Bentzin
Division Chief, Prosecution Division
City of Austin Law Department

The word “unprecedented” has been used more times in the last six months than anyone could possibly count. Families and personal lives were altered. Future goals and plans were put on hold. Courts experienced sudden change in a way no one could have predicted—the immediate ceasing of in-person dockets (for many courts). The phrase, “Does everyone have their seat belt on?” is now followed by, “Does everyone have a mask?”

The events of 2020 created a community and work environment we can hardly recognize. For many people, all of this has sparked an increase in feelings associated with anxiety, depression, trauma, and lack of motivation. These potential mental health experiences are understandable considering the immediacy and severity of the societal changes.

Now the good news. “In the middle of every difficulty lies opportunity.” – Albert Einstein. In other words, adversity is opportunity in disguise.

Buddhist philosophy speaks to attachment as creating suffering (the second noble Truth) which presents us with opportunities to learn to “let go.” Being attached to things, habits, and people robs us of our inner peace and freedom. As distressing as forced change can be, such as the amount of personal and professional change the pandemic requires, it also brings a positive shift in helping us see what things, habits, and business practices need to change. “Letting go” makes space for new opportunities and ways of seeing what we are doing at work and home.

Courts across Texas rose to the occasion and created innovative ways of continuing to pursue justice from a distance. Virtual dockets, online court forms, extending plea offers via email or phone, and regular teleworking are revolutionizing our work. Some jurisdictions are even creating plans for virtual jury trials. For some courts, these options would be unthinkable as recent as 2019. Regardless of the reason these operational changes were made, most now agree that these innovations are here to stay. These new opportunities and business practices have increased court efficiency, improved defendant accessibility to justice, reduced traffic (due to employees and members of the public not driving to the courthouse as much), and solved space problems in courts and prosecutor offices with reduced need for physical work space.

Despite these positive changes in our work, some understandably continue to struggle with personal challenges associated with the pandemic. Without an end date to the crisis, it can be difficult to be hopeful about the future. Throughout society, feelings of anxiety, depression, and helplessness continue to rise. There are ways, however, to help manage these feelings and find hope. This list of mental health recommendations comes from talking with clients, colleagues, and friends and from my own research and life. Meaningful change comes from intentional small steps of progress. So, try just one and see how it goes:

- Limit access to news reports and social media. The English language gained a new word in 2020: “doom-scrolling” (the repeated scrolling through social media and webpages creating non-stop exposure to “doom and gloom” news). The problem? This creates self-destructive behavior which causes an increase in anxiety due to the vicious cycle of negativity.
- Talk about your feelings to a therapist, friend, family member, or spiritual leader. (Check out this blog post on

Tips for Managing Stress During the COVID-19 Pandemic:



- Take time away from media reports to focus on things in your life that are going well and that you can control.
- Talk to family and friends. You can still stay connected while social distancing.
- Pay attention to your body. Recognize the early warning signs of stress, and take time to renew your spirit through meditation, prayer, or helping others in need.

ADDITIONAL RESOURCES

Disaster Distress Helpline:

1-800-985-5990

National Suicide Prevention Lifeline:

1-800-273-TALK (1-800-273-8255)

SAMHSA
Substance Abuse and Mental Health
Services Administration

Toll-free: 1-877-SAMHSA-7 (1-877-726-4277) |

info@samhsa.hhs.gov | <https://store.samhsa.gov>

PEP20-01-01-013

why talking about our emotions and stories helps us feel better: [https://beingwellwithbianca.com/what-good-is-talking-about-it-it-wont-change-anything/.](https://beingwellwithbianca.com/what-good-is-talking-about-it-it-wont-change-anything/))

- Let go of the “shoulds” – “I should be making the best of this. I should be exercising/eating healthy/supporting everyone. I should love managing my children’s education at home.” Focusing on the “should” prevents us from facing reality and our present needs. It can also increase feelings of anxiety.
- Take a break, go somewhere new; see a different tree than the one in your yard you have looked at for six months. Humans are so good at adapting that we do not often realize how stressed we really are until we go somewhere else.
- Develop a daily meditation practice; even 10 minutes a day creates positive changes in neurological organization and processing. (Try the free app Insight Timer at <https://insighttimer.com/>) or check out the podcast 10 Percent Happier at [https://www.tenpercent.com/.](https://www.tenpercent.com/))
- Try to have some fun now without waiting for the pandemic to end. The future is uncertain so seize the day. (“I realized the more fun I had, the better I did.” – Bill Murray)
- Treat each other with a little extra grace and compassion. Although everyone has been impacted by the pandemic, we simply have no idea what else might be going on in someone’s life causing them distress. Use a lens of empathy when a co-worker seems stressed or responds sharply. Find an extra level of patience for friends or family members who seem to be struggling. You might need that same level of grace and patience at some point too.

And remember, if nothing else, “Almost everything will work again if you unplug it for a few minutes, including you.” – Anne Lamott

Is Your Court Interested in Starting or Enhancing a
TEEN COURT PROGRAM?



Register Today for the
VIRTUAL TEEN COURT CONFERENCE!
SEPTEMBER 21-22, 2020

Register at
<http://www.tmcec.com/registration/> or
<http://www.tmcec.com/mtsi/teen-court/>

- No registration fee!
- Anticipated Credit: 8 hours judicial education/clerk certification; 3 hours MCLE!
- Participants are encouraged to tune in live but have the flexibility to watch recorded sessions through September 25, 2020!

Questions? Contact Ned Minevitz at ned@tmcec.com or (512) 320-8274.



RESOURCES FOR YOUR COURT

Texas Mental Health Resource Guide

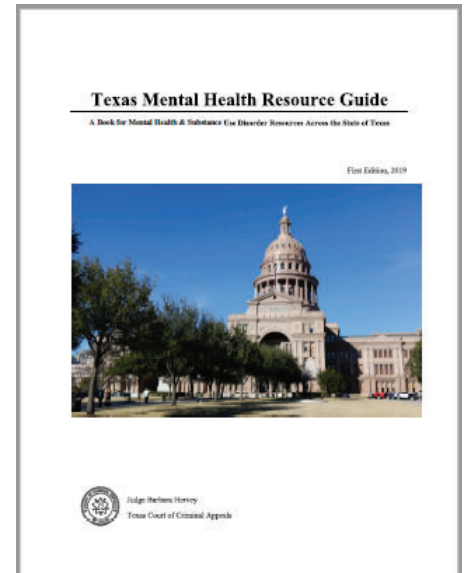
In 2019, Texas Court of Criminal Appeals Judge Barbara Hervey, along with her staff, compiled a Texas Mental Health Resource Guide. She and her staff are currently working on the second edition. The guide, organized by county, lists mental health and substance use disorder resources. Judge Hervey is seeking a list of any new or missing resources for each county.

The first edition of the guide is located online at <https://www.txcourts.gov/media/1445767/texas-mental-health-resource-guide-01242020.pdf>. Please review the resources listed for your county and send a list of resources that could be added to the guide. Examples of resources include mental health or substance use disorder programs, facilities, organizations, governmental agencies, and private practitioners (see the guide for more examples).

The purpose of the guide is to list in one place mental health and substance use resources and services available in each community for a family member, student, defendant, etc.

Responses to this request should be sent to mentalhealthresource@txcourts.gov. Please provide the name of your court and your position (judge, clerk, etc.) in your response.

Judge Hervey and TMCEC thank you for your help developing the second edition of this much-needed guide.



Resources Available from the Texas Judicial Commission on Mental Health

The Texas Judicial Commission on Mental Health published two great resources for courts and generously provided TMCEC with some copies for municipal judges.

- **The Texas Mental Health and Intellectual and Developmental Disabilities Law Bench Book** (Second Edition) is a procedural guide for Texas judges hearing cases involving persons with mental illness or IDD, developed by the JCMH and numerous contributing authors and editors (including municipal judges).
- **The Texas Mental Health and Intellectual and Developmental Disabilities Law: Selected Statutes and Rules** code book is a compilation of Texas laws relating to mental health and IDD, including relevant provisions from the Texas Administrative Code, Health & Safety Code, Code of Criminal Procedure, and more.

With funding from the Court of Criminal Appeals, TMCEC can mail a copy of each publication to municipal judges in Texas. To request your copy, please email info@tmcec.com (limit one of each publication per judge). Make sure to include your name, title, court, and mailing address in your request. Copies are limited and will be mailed based on date of request until supplies run out.

UPCOMING VIRTUAL EVENTS

August 20-31, 2020

Juvenile Case Managers Conference

Free Registration

The virtual Juvenile Case Manager Conference is a self-paced 16-hour online conference featuring 14 pre-recorded sessions covering all statutorily-required topics for JCMs under Art. 45.056, C.C.P. All content (videos, handouts, and presentation materials) will be available for a limited time exclusively on the Online Learning Center (online.tmcec.com). This conference counts for 16 hours of clerk certification credit.



August 20, 2020

DSC and Deferred Webinar

Free Registration and CLE

Municipal courts process requests for DSC and deferred disposition every day, but not every defendant is eligible and the processes are not available for every offense either. In this webinar, participants will examine the commonalities and differences between Driving Safety Courses and Deferred Disposition, and discuss the most effective methods to utilize them in court.



To register for these events, go to register.tmcec.com (conferences) or online.tmcec.com (webinars).

August 25-26, 2020

Bail & Bonds Exposition and Showcase

Free Registration | CLE \$100

Building on the success of last year's Fines and Fees Exposition and Showcase, this 12-hour virtual event will take a similar deep dive into the subject of bail and bonds. The Bail & Bonds Exposition and Showcase will feature a unique blend of new presentations and topics with some of TMCEC's best presentations and presenters. This event is open to magistrates, municipal judges, city attorneys, and municipal court personnel.

Attendance: For all virtual conferences, TMCEC asks that participants attend the entire conference. As this program is underwritten by public monies, it is required that participants attend all sessions to ensure the best use of public resources. Please do not enroll in the program if you do not intend to stay the entire time.

TMCEC WRAPS UP ITS FIRST VIRTUAL TRAFFIC SAFETY CONFERENCE

Reprinted from Full Court Press, the blog of the Texas Municipal Courts Education Center

Mark Goodner
General Counsel & Director of Education
TMCEC

TMCEC's first Virtual Traffic Safety Conference came to an end on August 7, 2020. It was a new experience for us and for most of the participants. Mark Goodner sat down (virtually) with TxDOT Grant Administrator & Program Attorney, Ned Minevitz, to ask some questions about the conference.

MG: Ned, the Virtual Traffic Safety Conference is wrapping up this week. I know you and other TMCEC staff, especially Matthew Kelling, put a lot of time and effort into it. Are you pleased with the result?

NM: Absolutely! With this conference being, to my knowledge, TMCEC's first full-blown online conference, I was a bit nervous that we would not be able to pull it off—I feared that it may end up being the proverbial “guinea pig” that future TMCEC conference planners looked at as how not to host a virtual conference (laughter). TMCEC's exemplary staff made sure that this did not happen. I think we all feel a great sense of pride and achievement that we were able to offer such a great conference on the first go. One participant comment stuck out to me. It said “TMCEC has this virtual conference thing DOWN!” How cool is that?



MG: How does this conference differ from other TMCEC virtual offerings?

NM: TMCEC is experimenting with a bunch of different virtual conference formats right now. The Virtual Traffic Safety Conference is a “hybrid” conference that blends synchronous (live) and asynchronous (pre-recorded) content. The sessions were primarily pre-recorded, but we offered two live Q&A sessions with the faculty. Participants were given a window of two weeks (July 27 through August 7) to complete the 12-hour conference at their own pace. We also offered “watch parties” where participants could interact with each other through a chat feature while all watching the same course. Other TMCEC virtual conferences may be 100% synchronous. There are really a lot of different virtual conference formats and at this point we are trying them and seeing what works and doesn't work.



MG: Does virtual training have any benefits over live, in-person training? What are the drawbacks?

NM: The most obvious benefit is probably convenience: participants can get the credit they need from the comfort of their living room! And for asynchronous events they can get this credit *when* they want, so if a conflict arises one day, they can just watch it the next day or that evening. Of course, there is no substitute for face-to-face interaction between participants, TMCEC staff, and faculty. We hope to get back to that soon. But if I were to



make a prediction, I do not think virtual conference offerings will go away once the COVID-19 pandemic subsides. For all of the negatives stemming from the pandemic, I think one positive is that it gave TMCEC the opportunity to explore new and different ways to provide our constituents with the best education possible.

Thanks for the insight, Ned!

Full Court Press is a blog offered by TMCEC to provide information to all municipal court personnel. It allows TMCEC to examine topics and stories that support commentary and discussion. We hope that you will check in with *Full Court Press* frequently. Check out all blog posts at: <https://tmcecblog.com/>.

THE BRIEF



Information for Texas Municipalities about Texas Municipal Courts (July 2020)

THE VIRTUAL EXPERIENCE PEOPLE ARE TALKING ABOUT
TMCEC Bail & Bonds Exposition and Showcase (August 25-26, 2020)
Part of the C3 Initiative

Check out the latest edition of *The Brief*, a periodic briefing for Texas mayors, city council members, and other local officials highlighting issues and increasing awareness and understanding of municipal courts in the Lone Star State. *The Brief* is part of TMCEC's public information and education campaign, *Councils, Courts, and Cities (C3)*.

For more information and for an electronic copy of *The Brief*, visit <http://tmcec.com/c3/>. Follow C3 on Twitter: @C3ofTexas. To subscribe to *The Brief*, send an email to tmcec@tmcec.com. In the subject line type "Add me to C3."



2020 MTSI TRAFFIC SAFETY CONFERENCE & IMPAIRED DRIVING SYMPOSIUM

Offer First Glimpse of TMCEC's Pivot to Virtual Conferencing

Thank you to all the participants that logged in and supported these **TxDOT-FUNDED PROGRAMS!**

SOME FEEDBACK FROM OUR ATTENDEES

“TMCEC has this virtual thing DOWN!”

“The 2020 Impaired Driving Symposium was the best online conference I have attended!”

“Outstanding job bringing together the presenters – each of which provided much needed information!”

SAVE THE DATES!

2021 MTSI Traffic Safety Conference

March 29-31, 2021 Denton, TX

Impaired Driving Symposium

August 2-3, 2021 Corpus Christi, TX

DRSR WORKSHOPS

A Summer of DRSR Teacher Workshops: Virtually Amazing

Elizabeth De La Garza
TxDOT Grant Administrator
TMCEC

As the worldwide COVID-19 pandemic initiated the move to homes for both schools and offices, Driving on the Right Side of the Road (DRSR), TMCEC's traffic safety student education grant from TxDOT, began the quick pivot from presenting our previously scheduled summer in-person teacher workshops to the new world of virtual presentations. DRSR's team of teacher/presenters had already begun the transition of their classroom lessons to online teaching, so they proved well prepared to move DRSR into this uncharted realm.

DRSR workshops happen at both Texas Regional Educational Service Centers (ESCs) and in individual schools and school districts. Texas is divided into 20 Regional ESCs, each of whom provides leadership, training, and technical assistance in all areas of education to the districts and schools located within their boundaries. Texas also has approximately 1,227 school districts (including charter schools) with more than five million students enrolled. DRSR works with the ESCs and individual school districts to schedule free teacher trainings on DRSR materials and resources. These trainings and materials are provided free of charge to the ESCs, districts, and their teachers thanks to DRSR's generous TxDOT grant.

This year, DRSR presented seven full-day teacher workshops at regional ESCs and seven smaller presentations at workshops hosted by Texas Law-Related Education (LRE). These presentations were given in almost every region of Texas. DRSR offers three different trainings to school districts and ESCs: *DRSR Overview: Lessons that Save Lives*, *DRSR Children's Books*, *Literature that Saves Lives*, and *DRSR Mock Trials: A Mock Trial Roadmap for your Classroom*. DRSR teacher trainings emphasize traffic safety using the subject academic standards (called the Texas Essential Knowledge and Skills, known to teachers as the TEKS). All Texas educators must teach their students using these standards as their benchmarks. By using these standards in DRSR's traffic safety education resources, DRSR helps teach traffic safety while helping the teacher reach their own goals of making sure all subject and grade-level TEKS are taught.

DRSR's biggest workshop of the year is the three-day Teacher Traffic Safety Academy (TTSA), normally held in Austin. Due to COVID-19 restrictions on travel and gatherings, this year's workshop was held virtually from July 14-16. The TTSA workshop is open to educators and administrators of any grade level and classroom experience, municipal court employees, traffic safety professionals who are interested in school outreach, and TxDOT representatives. Applications to attend go out each January via ESCs, at the annual Texas LRE conference, and through social media. Nine participants were accepted this year.

The 2020 TTSA provided three new lessons for Texas classrooms, including an overview of the Fourth Amendment entitled *Criminal Justice Conversations*, another lesson about law making at the federal and state level entitled *How a Bill Becomes a Law*, and a lesson outlining how students can safely interact with law enforcement titled *Texas S.B. 30: The Community Safety Education Act*. The agenda included a virtual field trip through the Texas Supreme Court with staff attorney Kelly Canavan and briefing attorney Beau Carter. The virtual field trip took us into the areas of the Supreme Court building rarely seen by the public along with tidbits about the workings of the court.

Our keynote speaker was TMCEC Program Attorney and Deputy Counsel Robby Chapman. Mr. Chapman presented *Fourth Amendment Issues and Search and Seizure* (a perfect segue to our Fourth Amendment lesson).

TMCEC Deputy Director Regan Metteauer joined us the next day to present on mental health in a presentation titled *Mental Health: Courts and Schools Working Together*. Gabriella Kolodzy from the Texas Transportation Institute at Texas A&M University spoke to participants about her TxDOT grant program, Teens in the Driver Seat, in the presentation titled *Creating a Traffic Safety Culture at your School*. Rounding out the final day, Travis County Court of Law Presiding Judge Elisabeth Earle spoke on community and restorative justice issues and her vision for using criminal courts to deliver justice to offenders while attempting to change lives and prevent repeat offenses. Her presentation, *How the Austin District Court Does Its Work*, was a great way to wrap up the three-day virtual workshop! Evaluations for this event were glowing with many participants asking to be allowed to participate in next year's event!

As of the end of July, DRSR has presented to 81 teachers in FY20, with several other workshops still scheduled for August. Some of the comments from participants include:

Teacher Traffic Safety Academy

I really loved exploring the 4th amendment search and seizure clause more in depth as well as having the opportunity to see how students in groups can discuss questions pertaining to them.

I look forward to this conference all year!

Great presentations! Virtual tour was awesome!

Elementary Books Workshop

Thank you so very much for having these materials available for us to use... Safety is important always!!!

I am loving these bi-lingual materials!

The safety materials (kids' books, big books, flash cards, TxDOT games) are incredible. Thank you so much!

Mock Trial Workshops

This course offered resources beyond any expectation I could have set for this course. I am entirely grateful for all the opportunities provided to myself, my colleagues, and most importantly, my students.

I have attended a couple of the DRSR workshops within the last couple of years and the abundance of resources to use in the classroom is amazing.

DRSR Overview Workshop

Excellent course that incorporates many subjects together.

This is a great workshop!

DRSR could not provide these important teacher workshops and resources without support from TxDOT, TMCEC attorneys and staff, and help from TMCEC's other TxDOT grant, Municipal Traffic Safety Initiatives (MTSI), administered by Ned Minevitz. DRSR also relies heavily on its team of teacher/presenters from districts all over the state. These teachers provide DRSR teacher trainings while teaching full-time in their home school districts. Teachers, especially this year, are asked to do so much! Please support the teachers in your life as they help our Texas students re-enter the classroom during the COVID-19 pandemic. DRSR salutes these educational professionals and hopes to see them at DRSR workshops *in-person* next summer!

TMCEC ATTORNEYS DISCUSS MUNICIPAL COURT IN THE TIME OF COVID-19

Adapted from the June 2020 edition of The Scribe, with Permission from the Texas Court Clerks Association

The COVID-19 Pandemic has forced courts to re-examine fundamental processes and procedures in unprecedented ways. Six months ago, who would have thought that Texas courts would be, in some cases, conducting all court business remotely? This has raised numerous questions for municipal courts throughout the state. In this article, TMCEC Program Attorney & Deputy Counsel Robby Chapman and General Counsel & Director of Education Mark Goodner sat down to discuss answers to three common questions about conducting municipal court during a pandemic.

QUESTION 1: The Office of Court Administration issued guidance on May 4th that requires submission of an “operating plan” to the Regional Presiding Judge for the Administrative Region. What or Who is a Regional Presiding Judge?

RC: Anyone that has processed a motion to recuse or disqualify has worked with the Regional Presiding Judge for the Administrative Region. This is the judge that assigns a different judge to hear a motion to recuse or disqualify or hear a case in which the original judge is recused or disqualified. Outside of that process, most court personnel likely have not encountered their Regional Presiding Judge. There are 11 regions and one presiding judge for each region. The Governor ultimately appoints the judge under authority laid out in Section 74.005 of the Government Code.

MG: There are 11 Administrative Judicial Regions and each one serves multiple counties. This information is readily available here: <https://www.txcourts.gov/organizations/policy-funding/administrative-judicial-regions/>. I like this resource as it provides the Regional Presiding Judges’ contact information, a list of counties by Administrative Judicial Region, as well as a map of the regions. Additionally, the Administrative Judicial Regions are listed in Section 74.042 of the Government Code.

RC: The other question is, why send the operating plan to the Regional Presiding Judge of the Administrative Region? The duties and authority of that judge are also spelled out in the Government Code. Among other things, these include advising local courts on case flow management, ensuring implementation of guidelines set by the Supreme Court, and improving the administration of justice. For those that need it, the original letter from OCA is linked to the TMCEC website at http://www.tmcec.com/index.php/download_file/view/11162/1062/.

QUESTION 2: What are the requirements for my judge’s continuing education hours during the pandemic?

MG: All municipal judges are still required to annually complete 16 hours of judicial education between September 1st and August 31st. On March 30, 2020, however, the Texas Court of Criminal Appeals issued an Emergency Order Regarding the Rules of Judicial Education. The order suspended portions of the rules that require live, continuous hours of judicial education that would prevent a judge from completing his or her hours during the disaster. Now, all 16 hours can be completed by electronic means until 30 days after the Governor lifts the Declaration of State of Disaster. TMCEC continues to offer new webinars frequently, and there are over 200 webinars on demand currently. Additionally, TMCEC has numerous virtual conferences available in August 2020. We have more options than ever for judges to complete their annual judicial education.

RC: Certified court clerks are also still required to complete continuing education in order to maintain certification. Levels I and II must complete 12 hours. Level III must complete 20 hours. On March 17, 2020, though, our partners at the Texas Court Clerks Association released a statement authorizing all of the hours for this academic year to be completed through TMCEC webinars. The requirement is that it must be either a live or archived TMCEC webinar. And the hours must be recorded in the clerk’s TMCEC profile on or before August 31, 2020. This only pertains to the current academic year, ending on that date. As Mark said, there are over 200 webinars currently available on the TMCEC Online Learning Center (OLC), with more being added. All sessions from this year’s regional clerks seminars are also available as recordings under “FY 20 Regional Clerks” on the OLC.

QUESTION 3: What is the authority to conduct court proceedings remotely?

RC: Authority to conduct court remotely was quite limited prior to the pandemic. In fact, this question came up at the Austin Legislative Update. At the time, direct authority for video or telephone proceedings in a courtroom was limited by Article 45.0201 of the Code of Criminal Procedure to Capias Pro Fine Show Cause Hearings or the new Reconsideration of Fine or Cost Hearings. Of course, nobody then could have imagined that Texas courts would be going full on George Jetson soon! The current and much broader authority to conduct court remotely is found in the Emergency Orders issued by the Supreme Court and Court of Criminal Appeals.

MG: I agree; there was some limited authority for handling things through videoconferencing—Art. 15.17 magistrations hearings and Article 45.046 commitment hearings come to mind—but that changed on March 13, 2020 with the issuance of the 1st Emergency Order by the Supreme Court and the Court of Criminal Appeals. The 1st Emergency Order permitted all courts to allow or require remote participation in hearings by everyone except jurors. Less than a week later, in the 3rd Emergency Order, courts were prohibited from conducting non-essential proceedings in person. Both orders were later clarified and amended by the 12th Emergency Order on April 27, 2020. Under that order, the authority to allow anyone (other than a petit juror) involved in any hearing or proceeding of any kind to participate remotely by teleconferencing, videoconferencing, or other means was extended until June 1, 2020. Additionally, courts were told they must not conduct in-person proceedings contrary to OCA guidance. More recently, courts were given guidance regarding proceedings on or after June 1, 2020. In the guidance, courts were told they should use all reasonable efforts to conduct proceedings remotely. In fact, according to OCA, both essential and non-essential proceedings should occur remotely unless court participants are unable to successfully participate in a remote hearing for reasons beyond the court’s control. In other words, the court should not be the reason that remote proceedings are not happening. This guidance is in effect indefinitely, until further updated.

RC: On this topic, we also receive questions at the Center asking whether specific operating plans are in line with guidelines or whether it is permissible to proceed with in-person court. It is important to note that TMCEC attorneys cannot make that call, but courts should consult with their Regional Presiding Judge on such questions. On July 17th, the Regional Presiding Judges sent a “Guidance Update” to courts. This memo outlined key points from the Supreme Court’s 18th Emergency Order and spelled out the Regional Presiding Judges’ positions on the guidance. It concludes with an invitation to contact your Regional Presiding Judge with any questions or suggestions. This was followed on August 6th by the 22nd Emergency Order. In that order, the Texas Supreme Court and Court of Criminal Appeals not only address the possibility of jury trials, but also reiterate the duties of the Regional Presiding Judges. Both of these documents are available on the TMCEC website.

This issue and previous issues of The Scribe can be found online at <https://texascourtclerks.org/page-18220>.

CONFERENCE OF REGIONAL JUDGES

STEPHEN B. ABLES, 6TH ADMINISTRATIVE JUDICIAL REGION, CHAIR

PRESIDING JUDGES

RAY WHELESS, 1ST ADMINISTRATIVE JUDICIAL REGION
OLEN UNDERWOOD, 2ND ADMINISTRATIVE JUDICIAL REGION
BILLY RAY STUBBLEFIELD, 3RD ADMINISTRATIVE JUDICIAL REGION
SID HARLE, 4TH ADMINISTRATIVE JUDICIAL REGION
MISSY MEDARY, 5TH ADMINISTRATIVE JUDICIAL REGION

DEAN RUCKER, 7TH ADMINISTRATIVE JUDICIAL REGION
DAVID L. EVANS, 8TH ADMINISTRATIVE JUDICIAL REGION
ANA ESTEVEZ, 9TH ADMINISTRATIVE JUDICIAL REGION
ALFONSO CHARLES, 10TH ADMINISTRATIVE JUDICIAL REGION
SUSAN BROWN, 11TH ADMINISTRATIVE JUDICIAL REGION

July 17, 2020

Dear Judges,

On June 29, 2020, the Texas Supreme Court (Supreme Court) issued its [18th Emergency Order](#) regarding court proceedings during the COVID-19 Pandemic. The Supreme Court's Order requires all courts to comply with the Office of Court Administration's (OCA) [Guidance](#) regarding in-person court proceedings. To correct any misinterpretation of the Supreme Court's 18th Emergency Order and OCA's Guidance and to ensure compliance with both, we are providing a summary of both for your review. We also remind you that failing to follow the Supreme Court's Order and OCA's Guidance may result in a complaint to the State Commission on Judicial Conduct from a lawyer or litigant, cause a loss of the public's trust in the judiciary, and most importantly, jeopardize the health of court staff and the public.

Please note that **all proceedings should be held remotely unless the proceeding cannot successfully be conducted remotely**; neither OCA's Guidance nor the Supreme Court's Emergency Order require courts to resume conducting in-person proceedings at this time.

Key points from OCA's Guidance and the Supreme Court's 18th Emergency Order:

- **Courts should use all reasonable efforts to conduct proceedings remotely.** All proceedings should occur remotely (such as by teleconferencing, videoconferencing, or other means) unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court's control. Courts may need to conduct hybrid hearings in certain proceedings.
- **A court may not hold any in-person proceedings unless an operating plan for the courts in the county or municipality has been submitted to the regional presiding judge by the local administrative district judge for a county or the presiding judge of a municipal court, as applicable.** To be clear, even if a court has an acknowledged operating plan, the court must continue to hold proceedings remotely unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court's control.
- **No jury trials or proceedings, including jury selection (except for grand jury impanelment proceedings as described in the bullet below), may be conducted without prior approval.** Jury trials and proceedings may not be held unless specifically approved by the local administrative district judge, regional presiding judge, and OCA as

one of a limited number of jury proceedings authorized under the Supreme Court's 18th Emergency Order. Judges wishing to obtain approval should contact their local administrative judge and regional presiding judge to begin the process.

- **A judge may impanel a new grand jury if the judge follows the procedures set out in OCA's template (attached) and notifies his or her regional presiding judge of the judge's intent to do so.** The template procedure was developed by OCA in coordination with the regional presiding judges. Once the impanelment is completed, the district judge must submit a report on the attached form to OCA within 5 business days to permit OCA to gather data that will assist with understanding juror reporting patterns and contribute to other jury best practices during the pandemic. If a district judge wishes to impanel a grand jury using procedures different than those in the template procedure, the district judge should prepare a plan in consultation with their local administrative judge and regional presiding judge. Once the plan is developed, it should be presented to OCA for review.
- Courts are permitted to **suspend or modify any deadlines or procedures**, whether prescribed by statute, rule, or order, **for a stated period ending no later than September 30**, except that in parental termination cases filed by the government, the dismissal date for any case previously retained on the court's docket can be extended for an additional period not to exceed 180 days from the date of the Supreme Court's 18th Emergency Order.
- Courts may: without a participant's consent, allow or require anyone involved in any hearing, deposition, or other proceeding of any kind, to participate remotely; consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court; conduct proceedings away from the court's usual location with reasonable notice and access to the participants and the public; require every participant to alert the court of COVID-19 symptoms or exposure; take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.

Additionally, on July 2, 2020, Governor Abbott issued [Executive Order GA-29](#) and a [proclamation](#) amending Executive Order GA-28. Executive Order GA-29 requires every person in Texas to wear a face covering over the nose and mouth when inside a commercial building or other building or space open to the public except under certain conditions, including:

- if the person is younger than 10 years of age;
- if the person has a medical condition or disability that prevents wearing a face covering;
- while a person is giving a speech for a broadcast or to an audience; or
- if the person is in a county with fewer than 20 active cases of COVID-19 and the county judge of the county has submitted an exemption affirmatively opting out of the requirement. (The number of active cases by county are available on the [Department of State Health Services data site](#) (see "Active Cases by County" tab), and a list of exempt counties that have opted out is available at <https://tdem.texas.gov/ga29/>.)

If your county has not been exempted from the Governor’s Executive Order requiring face coverings, you shall ensure that all court participants comply with the face covering requirements. It is not necessary to amend your county’s or municipality’s operating plan to implement this requirement.

Lastly, as COVID-19 cases continue to increase in our communities, we strongly encourage you to communicate regularly with your local public health authority to determine if changes to your [county](#) or [municipal](#) court operating plan is advisable.

We all want to express our appreciation for your hard work during these challenging times. If you have any questions or suggestions, do not hesitate to contact your regional presiding judge.

Sincerely,



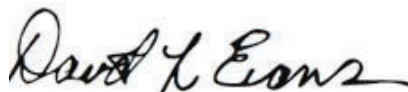
Steve Ables
Chair,
Presiding Judge, Sixth Administrative Judicial Region



Dean Rucker
Presiding Judge, Seventh Administrative Judicial Region



Ray Wheless
Presiding Judge, First Administrative Judicial Region



David L. Evans
Presiding Judge, Eighth Administrative Judicial Region



Olen Underwood
Presiding Judge, Second Administrative Judicial Region



Ana Estevez
Presiding Judge, Ninth Administrative Judicial Region



Billy Ray Stubblefield
Presiding Judge, Third Administrative Judicial Region



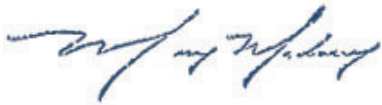
Alfonso Charles
Presiding Judge, Tenth Administrative Judicial Region



Sid Harle
Presiding Judge, Fourth Administrative Judicial Region



Susan Brown
Presiding Judge, Eleventh Administrative Judicial Region

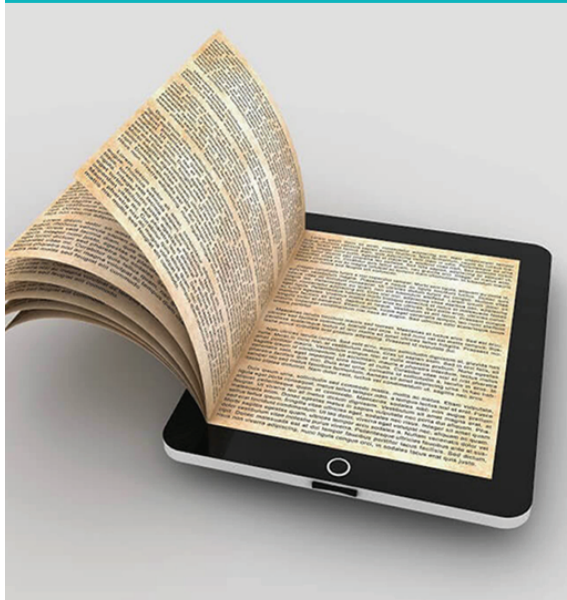


Missy Medary
Presiding Judge, Fifth Administrative Judicial Region

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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 and website. As TMCEC's app moves into its third year of supporting constituents, now may be the time to try it for yourself!

Participants will still be able to access and print course materials ahead of time from the TMCEC website on their own.

1

DOWNLOAD THE TMCEC APP

The TMCEC app is fully supported on both cell phones and tablets (either Apple or Android). Sign in with your TMCEC login information. No need to create an account.

2

USER EXPERIENCE

The TMCEC app is a professional tool that provides you with detailed information at all conferences. Some of the features include agenda and speaker information, track selection, course materials, event evaluations, alerts, hotel information, live polling, an opportunity to network with fellow participants and much more. We are constantly working on expanding the tools and functionality of the App based on feedback from our constituents for a robust user experience.

3

INVEST IN THE FUTURE

If you would like to be prepared for the best experience possible, consider purchasing a tablet with court technology funds on new tablets for court personnel in your city.



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

Part of the C3 Initiative



AUGUST 25-26, 2020

VIRTUAL EXPERIENCE

The Bail & Bonds Exposition and Showcase will feature a unique blend of new presentations and topics with some of TMCEC's best presentations and presenters. This event is open to magistrates, municipal judges, prosecutors, and municipal court personnel. TMCEC also welcomes guests (i.e., mayors, city council members, city officials, and municipal employees) who register with an eligible TMCEC constituent, space permitting.

Funded by a grant from the Court of Criminal Appeals



TMCEC
BAIL & BONDS
EXPOSITION & SHOWCASE
Part of the C3 Initiative
August 25-26, 2020

TOPICS AND PRESENTERS (tentative)

The Basics: Bail and Bonds in Texas

Robin Ramsay, Associate Criminal District and County Court Judge, Denton County

Personal Bonds: Misunderstanding, Utility, and Limits

Ryan Kellus Turner, Executive Director, TMCEC

Risk Assessment Tools

David Slayton, Administrative Director, Office of Court Administration

Bail and Mental Health

Kirk Noaker, Municipal Judge, Burnet

Bond Conditions and Impaired Driving Cases

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

Mandatory and Discretionary Bond Conditions

David Gonzalez, Attorney, Sumpter & Gonzalez

Bail, Bonds, and Municipal Courts

Mark Goodner, General Counsel & Director of Education, TMCEC

Debriefing Session

TMCEC Staff

Bail and Ethics

Jacqueline Habersham, Executive Director, State Commission on Judicial Conduct

Case Law Chronology: Bail and Bonds

TMCEC Staff Attorneys

The Court Personnel Role: Documentation and Reporting

Robby Chapman, Program Attorney & Deputy Counsel, TMCEC

Endnote and Recap

Pam Liston, Presiding Judge, City of Rowlett

Credit: Up to 13 hours of Judicial Education/Clerk Certification Education. Up to 11.25 hours of CLE (1 hour ethics)

Attendance: TMCEC asks that participants attend the entire conference. As this program is underwritten by public monies, it is required that participants attend all sessions to ensure the best use of public resources. Please do not enroll in the program if you do not intend to stay the entire time.

Registration Fee: There is no registration fee for eligible TMCEC constituents (i.e., judges, clerks, court administrators, and city attorneys.) The fee for participants seeking CLE is \$100. The registration fees for C3 guests (i.e., mayors, city council members, city officials, and municipal employees who register to attend with an eligible TMCEC constituent) is \$10. TMCEC constituents eligible for this event may register online. C3 guests are not eligible for on-line registrations but may register by calling 800-252-3718.

**TEXAS MUNICIPAL COURTS
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AUSTIN, TX 78756
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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.

GUIDELINES FOR 800-LINE CALLS

TMCEC fields hundreds of calls on the 800-line from the more than 900 cities with municipal courts across Texas. Please observe the following rules when utilizing the 800-line so that TMCEC may efficiently and effectively serve all its constituents:

- Remember, TMCEC only takes questions from judges, clerks, city prosecutors, and bailiffs, and warrant officers. Please do not refer defendants, commercial vendors, members of your city council, or other peace officers to TMCEC.
- While you may rely on the 800-line as your primary method of resolving court-related questions, we ask that you view it as a last resort.
- Before you decide to call, please make a concerted effort to locate the pertinent portions of relevant statutes (e.g., Penal Code, Code of Criminal Procedure, Transportation Code, etc.).
- Please do not call without first having carefully examined the statute(s) in question.
- Questions pertaining to court costs, records and reporting, record management, local government issues, open record requests, and ethical dilemmas should be made directly to agencies specializing in the subject matter, whenever possible.
- Judges with questions are asked to call in person rather than having clerks or other court personnel call on their behalf.
- Clerks should consult with their judges prior to calling, whenever possible.
- TMCEC cannot give legal advice. Please do not attempt to utilize the legal resources of TMCEC in lieu of consulting your city attorney.
- Question should not be submitted by means other than the 800-line. Do not use email or chat features to submit a legal question.
- Please do not ask TMCEC to prepare a written response to your legal question—TMCEC is unable to do so.
- Please do not call TMCEC if your question pertains to a personal legal matter.

If you call, your patience is appreciated. Your call will be returned as soon as possible. However, due to the volume of telephone calls received and the importance of other services provided by TMCEC (e.g., training, program development, publications); your calls may not be returned immediately. We do make every effort to return calls within 24 hours.