



# Level III Court Observation & Professional Journal Planning Guide

Municipal Court Clerk  
Certification Program

Funded by a grant from the Texas Court of Criminal Appeals  
**The Level III Court Observation and Journal Planning Guide**

The Municipal Court Clerks Certification Program is intended to challenge court personnel in the area of professional development and continuous improvement. It is comprised of three (3) levels of competency. Participants achieve certification upon successful completion of each of the three levels, earning the titles Certified Court Clerk Level I (CCCI), Certified Court Clerk Level II (CCCII), and Certified Municipal Court Clerk (CMCC).

The program is sponsored by the Texas Court Clerks Association (TCCA), Texas Municipal Courts Education Center (TMCEC), and Texas State University - San Marcos.

Upon achieving Level III, a clerk will receive an official certificate designating him or her as *Certified Municipal Court Clerk* (CMCC) and is then entitled to utilize the post nominal initials (designatory letters) of CMCC as accreditation in a resume, accompanied by signature, name and title.

Before achieving Level III and becoming Certified Municipal Court Clerks (CMCCs), participants of the Municipal Court Clerks Certification Program must first successfully complete an observation and journal component.

**The journal component is comprised of three key sections:**

1. Court observations and journal notations;
2. Composition of the Professional Journal; and
3. Submission and Review of the Professional Journal for grading.

This component is designed to allow clerks to view processes and procedures in municipal courts across the state of Texas. It is the final opportunity to showcase a combined set of competencies developed from all three phases of the program. Participants are expected to combine the knowledge acquired by achieving Levels I and II, as well as the subject matter of the required Level III management books. **Therefore, the journal component must be the last assignment a participant completes during the Level III phase of the program.**

**Clerks are required as part of the Journal & Observation Process to:**

- Adopt a managerial viewpoint when identifying common problems and developing possible solutions;
- Demonstrate critical and analytical thinking,
- Assess and improve professional decision-making skills;
- Develop professional contacts at other courts for the purpose of benchmarking and networking in which ideas can be shared and nurtured;
- Strengthen writing skills by composing a professional paper (journal) analyzing the observations of other court practices and processes; and
- Use the observation experience to embrace continuous improvement and enhance personal awareness by documenting personal perspective and reflecting on the home court practices and processes.

## Component 1 - Court Observations & Journal Notations

An applicant must complete 40 hours of municipal court visits/observations in municipal courts other than the one employing the clerk. Observations may occur in-person or virtually (if available). Each observation must be well documented; therefore, journal notes are a critical piece to the activity.

The observation requisites are as follows:

<b>Required # Hours:</b>	<b>Court Volume:</b>	<b>Municipality Population:</b>
At least 4 hours	Low-volume courts	10,000 or less
At least 4 hours	Medium-volume courts	10,001 to 249,999
At least 4 hours	High-volume courts	250,000 or greater
28 additional hours	Any volume court(s)	Any of the above
<b>40 Hours Total</b>		

The following 12 courts are considered large courts for the purpose of this program.

Arlington  
Plano  
Laredo  
Fort Worth

Dallas  
Austin  
San Antonio  
Lubbock

Houston  
El Paso  
Corpus Christi  
Irving

Population records can be found at various reference sites, including <https://www.census.gov/quickfacts/fact/table/US/PST045221>.

Acceptance by your host court is a requirement of this program. You will be expected to make personal contact by phone or email to ensure you have a proper appointment scheduled and have abided by basic visitation etiquette.

### A Word of Caution

Whenever a knowledgeable person visits another court, they will observe alternative practices in place. The observer should discuss the reason for the implementation of such practices with the court contact person. If there is a violation of law, generally accepted rule, procedure, or canon of judicial ethics, it is appropriate to bring this practice courteously and quietly to the attention of the court manager. Remember that there are often proper alternatives and varying interpretations of how the law should be applied. Choose words carefully and avoid making the contact/manager feel defensive.

Clerks should refrain from acting as consultants to other courts while conducting their observations. Giving advice and making recommendations do not allow an individual to observe the processes of the court adequately. Clerks are encouraged, however, to comment on the practices they observe in their journals and offer possible solutions, if warranted.

## Scheduling Court Visits

Once clerks have spent time thinking about the operations of the courts in which they are employed and know the kind of information they would like to explore, court observations should be scheduled. Remember that journals must be submitted for review within two years from the date of the first observation. (For example, if the first observation is on January 21, 2021, the journal must be submitted by January 21, 2023.)

It is essential that clerks call the court in advance to secure permission to observe court operations. Additionally, it is highly recommended that clerks follow-up telephone calls with a written confirmation of the visitation dates and times that have been scheduled. Remember to notify the court if plans change and to reschedule, if needed. Clerks should also notify the contact person of their anticipated observation topics beforehand so that their contact may gather forms, job descriptions, and other helpful information that will need to be attached to the journal. *(To assist participants and their host-city, a “Level III Resources” webpage is available on TCCA’s website.)*

While observing another municipal court, clerks should remember to:

- Have the court contact fill out the “Court Observation Verification Form” located in *Appendix A*;
- Take notes; these should be detailed enough to trigger your memory when you later begin to write your journal;
- Pick up handouts, forms, and brochures that support observations, which must be included as attachments to the journal; and
- Be respectful and courteous to the host court.

The writing process does not end once the first draft of the journal is complete. Proofreading your journal entries for incorrect grammar and style will increase the professional tone of the journal and ensure that clerks are evaluated highly in these areas. Refer to the Grammar Review and Style and Formatting Review sections for more information on these topics and for examples of proper usage.

## Preparing for a Court Visit

Having the necessary information before beginning court observations and writing the journal will help clerks ensure that their journal contains the appropriate information and analysis. We highly recommend that clerks gather information pertaining to their own courts. Making copies of forms and handouts as well as talking with supervisors and other key court players can provide clerks with additional information and viewpoints about the operation of their own courts before observing another court. The sample questions should also be answered from the perspective of the clerk’s court. By doing this initial work, clerks make certain that they have information to compare other courts to and understand court operations outside of their own job requirements.

Clerks should develop a list of questions relevant to their anticipated observation topics to discuss with the courts being visited. A clerk’s analysis of his or her own court should expose topics of importance or areas of personal interest (such as using electronic ticket writers or improving caseflow management standards); adding questions regarding these topics of interest will provide clerks with different points of view and allow them to brainstorm about possible solutions for their own courts. The questions that follow can be used to guide the development of more questions and identify additional topics.

## Observation & Notes

The next step after visiting and observing the courts is to write each journal entry. Putting off this step for too long can mean a less clear memory of the experience and could possibly result in the hours of observation not being usable (if over two years old). Writing is not always an easy process, but the pre-observation information gathered, notes taken, and handouts received while observing should give clerks a good starting point. Before writing a rough draft, clerks should review the information in the following three sections that contain the criteria used to evaluate all Level III journals. A copy of the rubric used by the evaluators has been included in *Appendix E*.

### Component 2 – Composition of the Professional Journal

#### 1. Organization and staff of the court

- o Size and makeup of the court staff
- o Organizational relationship between the judge and the court support staff
- o Role of the prosecutor
- o Division of duties within the court

#### 2. Supplemental Information

- o Forms
- o Policies and procedures manual
- o Sample monitoring reports
- o Sample reports to management
- o Sample reports received from management.

### Component 3 – Submittal and Review of the Professional Journal

While clerks should review their own journals before submitting them to TMCEC, clerks are advised to have another individual provide feedback and offer suggestions as an additional means of preventing errors. A helpful checklist can be found on page 20.

Once the 40 hours of court observations are complete and the journal is written and revised and in final form, you must send the journal to TMCEC for grading. You may send a copy of the journal with all necessary attachments, including the Court Observation Verification form (*Appendix A*), by email to [certification@tmcec.com](mailto:certification@tmcec.com). When sending by email, it is recommended to send with both Received Receipt and Read Receipt.

Within 45 days after TMCEC has received the journal, the clerk will be notified of the results. For additional information concerning the journal requirement or the certification program, contact TMCEC at (512) 320-8274 or check for information online at [www.tmcec.com](http://www.tmcec.com).

The journal must be:

- Typed and double-spaced with one-inch margins. The font should Times New Roman at a 12-point size. Illegible and disorganized journals will be returned.
- Number the text pages of the journal.
- Proper capitalization, grammar, and punctuation must be used and will be evaluated.

- Submit a .pdf copy of the journal to [certification@tmcec.com](mailto:certification@tmcec.com), (a physical copy is not required).
- A separate cover sheet should be titled "Level III Journal of Court Observations" with the clerk's name, address, and telephone number in the upper right-hand corner. This is the only place where the clerk's name should appear. The clerk's name should **not** be on the text pages of the journal. This should be attached as a separate .pdf document with your submission.
- The original Court Observation Verification form (*Appendix A*) must be scanned and attached as a third attachment to your submission.
- Biographical information, formal citations, and footnotes are **not** required.
- Make sure that the journal is carefully proofread before being submitted for review. It is not improper to ask a colleague or family member to review it for errors, although it must be the clerk's original work that is submitted.
- Protect sources. While the journals will not be used to police the courts, please do not convey any confidential information in it. The purpose of this journal is for educational purposes only.

Three sample journal entries are included in *Appendix B*.

Four qualified reviewers will evaluate the journal on the following categories:

- Presentation, neatness, and professionalism;
- Proper use of standard rules of grammar, punctuation, and capitalization; and
- Content.

Journals will be graded using the following criteria:

- Expresses accurate application of the law and proper municipal court procedures. It is recommended but not required that clerks cite statutes, but they do have to be sure that the court procedures which they write about are correct. References should be made to the concepts learned through the Level I and II study guides.
- Documents organizational elements of court structures.
  - For example: Hierarchy of authority and relationships between judge, clerk, and city government, as well as court divisions.
- Analyzes proper court procedures.
  - For example: Are judgments signed on all disposed of cases and before a *capias pro fine* is issued? Are compliance cases being properly handled and dismissed? Does the court file complaints for failure to appear? Do all warrants have probable cause affidavits with them before issuance? Are appeals and appeal bonds being timely sent to the appellate court? Is the court correctly collecting the time payment fee and allocating it properly? Is the court doing juvenile contempt hearings when juveniles fail to pay? Is the court doing a juvenile contempt hearing before notifying DPS to suspend or deny issuance of a driver's license?
- Describes common management issues and illustrates how management leadership makes a difference.
  - For example: Managing change, handling difficult employees, budget challenges, etc.)
- Describes and explains different ways to handle caseload management issues, such as dockets, application of trial court standards, case disposition rates, and monitoring.
- Documents alternate ways to handle fine collections and enforcement and explains how the court coordinates the different collection venues.
- Identifies common problems that municipal courts face and practical solutions.
  - For example: Internal control, customer service, diversity, records management, and court security.
- Includes sample forms, checklists, docket sheets, pamphlets, and policies from other courts.
- Comments on effective practices that the clerk's court might consider adopting.
- Incorporates ideas from the Level III reading list.

The process for determining whether a journal and observations meet the requirements is outlined below:

- When the journal is received, the cover sheet of the journal will be removed and retained by the Program Coordinator. The graders will not know the name of the author. Each journal will be assigned a number. **Thus, clerks should not disclose their names in the journal.**
- The Center will select two anonymous qualified graders and two graders from TCCA to read the work and make comments on the paper.
- Each grader will receive one copy of the journal and make and will use a grading rubric and assess a pass or fail numeric score based on criteria established by the TCCA Education Committee. The score shall be based on punctuation, grammar, capitalization, neatness, presentation, professionalism, and content. Analysis and references to statutes, ethics and Level III reading materials are additional requirements.
- If the average rating of the four reviewers does not meet a score of 70, the clerk will be asked to rewrite all or part of their work.
- The Center will NOT return any of the work. You must resubmit your entire journal.
- The Center is unable to answer questions related to the status of the journal to anyone but the author. All information related to the journal will be made in writing directly to the author within 45 days.
- The participant must keep the letter of completion and a copy must be submitted with the application for Level III certification.

## **SAMPLE OBSERVATION QUESTIONS – RESOURCE 1**

1. Caseflow Management:
  - a. Does the court have established caseflow management standards? If so, give examples and explain.
  - b. How does the court monitor their standards? Explain.
  - c. What type of management reports does the court use to help with the monitoring? Provide samples and explain how the reports help.
  - d. What is the court's average case disposition time? Explain.
  - e. How does the case management software help the court manage the records and the caseflow management? Explain.
2. Managing Change:
  - a. Does the court have a long-range plan? If so, describe.
  - b. How does the court manage legislative changes?
  - c. How does the court manage technology changes?
  - d. How does the court manage budget changes?
  - e. How does the court manage staff changes?
  - f. How does the court manage environmental changes?
3. Issues Involving Sentencing and Fine Collection:
  - a. How is the court managing fine collection to ensure that fines are collected and penalties enforced?
    - i. Describe plans, use of outside vendors, DPS contracts, and how the court coordinates all the collection venues.
  - b. How does the court manage collection of juveniles' fines and ensure that other sanctions are enforced? Does the court have a juvenile case manager, and if so, what are his or her duties?
  - c. What information is collected from indigents who cannot pay and who monitors and manages the payment plans (court orders)?
    - i. Describe the information and how the time payment plans are monitored and enforced.
4. Human Resource Management:
  - a. Is there any evidence of teamwork in the court? If so, explain and describe.
  - b. What methods do the supervisors use to reward or recognize good or exemplary work?
    - i. Describe the criteria for the reward; also explain other motivators that the supervisor uses or that employees appreciate.
  - c. Do the supervisors ever have the employee evaluate the supervisors, and if so, how has that worked? If possible, get samples of the evaluation form and determine how the information is used.
  - d. What are some of the staffing problems that the court has? How does it compare to staffing problems in other courts including yours?
  - e. What are some of the common issues involving managing employees? (For example, facility is lacking workspace; new employee training; employee not suited for job; employee gossip or talking instead of working; employee tardiness; employee makes too many mistakes; employees conflicting with one another; employee thinks he/she knows it all and doesn't; employee not motivated; etc.)
5. Financial Management:
  - a. Does the clerk/court administrator help prepare the budget? What does the clerk do to get ready for budget time? What does a clerk do if the city management does not consult the clerk about the budget?
  - b. How does the clerk justify capital outlays, more staff, etc. for the budget?
  - c. What internal control practices are in place in the court? Describe and explain.

- d. What types of reports does the clerk get from the accounting department to help manage the budget?
- e. How does the clerk manage the building security fund?

6. Problems Facing the Court:

- a. Does the court have regular access to a prosecutor? What role does the prosecutor play in determining how cases are filed and prosecuted?
- b. How does the court avoid ex parte communications with the public? Explain.
- c. Is there evidence of a customer service orientation by court employees? Give examples.
- d. How does the court handle being understaffed (if that is a problem)? Explain.
- e. How does the court manage community service? Explain the types of community service and how it is coordinated.

7. Technology Issues:

- a. How does the court manage the technology fund?
- b. What software is the court using?
- c. Is the police department using handheld ticket writers? If so, are there any court issues with the ticket writers?
- d. What are the court's technological goals? Describe and explain.

## PERSONAL PERSPECTIVE – RESOURCE 2

Perspective is stating one's own ideas based on the facts known. Perspective is your personal understanding of the court procedures. What you observe in another court will have an impact on you based on your personal values, experiences, education, attitudes, and feelings (perceptions). Perception is your observations and your understanding of the facts or ideas you observe. For example, you may hear what other clerks say to defendants at the clerks' counter, you may read forms, or you see a supervisor's behavior toward subordinates.

Perspective is colored by perception. Likewise, perspective can change perceptions by determining what is important or valuable to you. From your perspective and perceptions, you will draw conclusions, determine relationships, and assign meanings. For example, you may determine whether a process or procedure from another court will work in your own court or whether there may be a better solution.

This means that everybody sees things differently because they use different criteria to evaluate and develop a perspective. Sometimes the initial perception triggers feelings and emotions. Sometimes your initial perception or perspective changes after you gather more information. One purpose of the observations is to help court personnel change perspectives and perceptions of court operations. By seeing how courts are managed differently, clerks may develop more diverse ways of managing court operations. If you are creative, your observations can open up a new world of management, but you must be willing to broaden your perceptions and accept change. Observations can become the tools to alter your perspective and help you to make positive changes in the management of your own court.

When you write your journal, you will be telling your own unique viewpoint of your observations. You will want to be successful in expressing your ideas, meaning readers should be able to understand which ideas are important and why. You want the readers to know that you reviewed management issues to help you become a better manager and that you are a professional deserving of Level III municipal court clerk certification. Being a professional means that you exhibit ethical character and leadership qualities.

Sharing your perspective is not about being clever or complex – It is about the facts you collected from your observations and the facts that you took with you to other courts. Now you are sharing them in your journal. You must decide the best way to present your perspective of these facts.

Your journal should include a description of your observations and how the information you collected will benefit you and your court. You do not have to explain how each court process works but should concentrate on how the different courts manage court processes (Remember, this is the management level of the certification program. The perspective you are looking for is the management perspective). Your journal is a presentation of what you learned about how to better manage your court.

Your perception of your observations should reflect the problems that you are having or goals that you want to achieve in your own court. You are writing about what is important to you. You are providing data about other court operations and describing management issues useful to your own court. Your writing is influenced by your experience.

If you want the readers to feel that you learned and were inspired to become a better manager and leader because of the observations, you can demonstrate that by submitting a professional, organized, and clearly written journal. Writing is about communication and communication is about imparting information effectively. Your journal should indicate that you have learned from your observations and that you have examined your procedures and management issues. Sharing your perspective is a process that must be thought out so that you can maximize your means of expression.

## GRAMMAR REVIEW – RESOURCE 3

### Basic Rules of Grammar with Examples of Incorrect Usage

1. Avoid double negatives: “You haven’t got no money.” (Correct Example: “You have no money.”)
2. Don’t make double comparisons: “The defendant is more angrier than the code enforcement officer.” (Correct Example: “The defendant is angrier than the code enforcement officer.”)
3. Avoid extra words: “Where did you get that there copy of your speeding ticket?” (Correct Example: “Where did you get that copy of your speeding ticket?”)
4. Don’t use inappropriate pronouns: “Bring the DSC form to the judge or I.” (Correct Example: “Bring the DSC form to the judge or me.”)
5. Try not to end a sentence with a preposition like “on” or “for:” “Who did the judge do that for?”
6. If an acronym is used, spell out the complete title with the acronym following in parentheses: “...report to DPS was filed...DPS was happy to receive the report.” (Correct Example: “...report to the Department of Public Safety (DPS) was filed...DPS was happy to receive the report.”)

### Subject-Verb Agreement

Main Rule: A verb must agree with its subject in number. A singular subject takes a singular verb (He plays well.); a plural subject takes a plural verb (They play well.).

NOTE: Do not be confused by other words coming between the subject and verb. *Example:* The manager as well as the players is required to display good sportsmanship. (“Manager,” not “players,” is the subject.)

Hint: In order to determine which verb is singular and which one is plural, think of which verb would be used with he or she and which verb would be used with they.

### Other Rules:

1. These pronouns are singular: “each,” “everyone,” “everybody,” “anyone,” “anybody,” “someone,” and “somebody.” Do not be misled by what follows “of.”
  - a. Example: Each of the girls sings well.
2. In sentences beginning with “here” or “there,” the true subject follows the verb. Examples: There are four hurdles to jump. There is a high hurdle to jump.
3. If the pronoun “who,” “that,” or “which” appears as the subject in the middle of the sentence, look at the noun directly in front of the “who,” “that,” or “which.” If it is singular, use a singular verb. If it is plural, use a plural verb.
  - a. Example: She is the secretary who writes the letters.
4. Collective nouns such as “team” and “staff” may be either singular or plural depending on their use in the sentence.
  - a. Examples: The staff is in a meeting. The staff are in disagreement about the findings.

### Tense

Tense- a change in the verb form to indicate the time of the action or state of being.

Present tense indicates a present or habitual action or condition.

*Examples:* He is walking home. We work carefully.

Past tense indicates an action or condition that occurred or existed in the definite past.

*Examples:* He was walking home. We worked carefully.

Future tense indicates that an action or condition will occur or exist in the future.

*Examples:* He will walk home. We shall work carefully.

Generally, do NOT change the tense in the middle of a sentence or passage. *Example:* Bad – If there weren't sharks in the ocean, then I will swim. Good – If there aren't any sharks in the ocean, then I will swim.

## Fragments and Run-on Sentences

A sentence is a group of words containing a subject and a verb expressing a complete thought. A

fragment is a group of words punctuated as a sentence but lacking a vital part.

Some fragments lack:

Subjects (Was starting to go home.)

Verbs (The man working hard and getting nowhere.)

Objects (I believe that teachers would just let me alone.)

Some fragments are permitted:

Requests and commands (Please go.)

Exclamations (Ouch!)

Run-on sentences are separate statements which run together with no marks of punctuation. Run on sentences are easily fixed, either by adding punctuation or by creating independent sentences. *Example:*

Bad – Mrs. Johnson does not hire the typists she supervises them. Better – Mrs. Johnson does not hire the typists; she supervises them.

## Basic Rules of Capitalization

Capitalize:

- The first word of sentences, quotations, listed items, salutations, and complimentary closings.
- Proper nouns (places, people, things, days, months, etc.).
- All main words in headings, subheadings, and titles.
- Races, nationalities, languages, and religions.

Quick Reference Chart for Capitalization	
Capitalize	Do NOT Capitalize
American	un-American
January, February	winter, spring
The South is quite conservative.	Turn south at the stop sign.
Is Dad coming with us?	Is that her dad?

Manor Municipal Court	A municipal court employee
Governor Tony Earl	Tony Earl, our governor
Planet Earth is a sphere.	The earth we live on is good.
I'm taking History 101.	Do you know a lot about history?.

## Basic Rules of Punctuation

A period is used to end a sentence that makes a statement or that is a non exclamatory command.

*Example:* Don't play with your food.

A comma is used to separate individual words, phrases, or clauses in a series, as well as two independent clauses joined by a conjunction word like "but," "or," "for," and "so." A comma can introduce an introductory phrase or set off a descriptive phrase.

*Examples:* I like to run, I love to swim, and I really enjoy walking. After walking down the hall, I had the distinct feeling, however irrational, that someone was following me.

A semi-colon is used to join two independent clauses.

*Example:* You are what you eat; you are not what you do.

A colon is used to introduce a list or to further explain the main clause of the sentence.

*Example:* In the two hours the movie lasted I experienced the heart-wrenching and the blood-curdling: all in the confines of my own living room.

A hyphen is used to make compound words.

*Examples:* big-hearted, mother-in-law, run-of-the-mill, first-class

A dash is used to indicate a sudden break or change in a sentence. It may also be used to emphasize a word, series, phrase, or clause.

*Example:* The storm lashed at the house – raging, destructive, and terrifying.

See *Appendix C* for additional resources on grammar which are available at bookstores, local libraries, and online.

## STYLE AND FORMATTING REVIEW – RESOURCE 4

In addition to grammar, (the structure) of individual paragraphs and the overall journal helps set a professional tone and allows the writer's observations to be effectively shared with readers. Often times, developing an outline as a pre-writing tool helps keep a paper on course and containing all of the necessary information. Creating an outline can be as simple as writing down the topics that should be covered and the information and/or examples that support (elaborate) each one. Clerks can utilize the list of questions they developed for their observations and the list of journal requirements to formulate an outline that contains all the key information.

See *Appendix C* for additional resources on style which are available at bookstores, local libraries, and online.

### Paragraph Format

Most paragraphs follow a simple format containing three primary parts:

1. **Topic Sentence:** This sentence comes at the beginning of the paragraph and indicates to the reader the subject of the paragraph.
2. **Elaboration:** This part of the paragraph expands on the topic sentence by using examples, opinions, or other types of supportive information.
3. **Conclusion:** Placed at the end of the paragraph, the conclusion wraps up thoughts and signals to the reader that the writer is moving to another topic.

**1. Topic Sentence:** Lets the reader know that this paragraph will be discussing rewarding employees.

**2. Elaboration:** Provides context to the topic of rewarding employees through:

- a. *Examples:* Details of Boomtown's Employee of the Month Program.
- b. *Personal Reactions and Commentary:* Gives a personal viewpoint and incorporates Level III ideas.

**3. Conclusion:** Ends the paragraph by tying together the observation and the personal reaction.

#### Sample Paragraph

Later, when I met with the supervisor, I asked him what he did to motivate or reward his employees. He said that he has an employee of the month award and that some of the criteria is based on the job, but some is based on how they treat coworkers. The employees have a point system on a bulletin board in the break room. If an employee does something nice for a coworker, the worker on the receiving end awards a point to the person being nice. The winner each month gets a special parking place, an award on their desk, and to leave an hour early from work on one Friday during the month. I found this to be an interesting way to motivate people. For one thing, it caused co-workers to interact with one another encouraging a social system; for another, it also had in it something personal for the employee—an award. It also gave them a special place to park and some time off. This motivation captured the “what is in it for me.” These were factors discussed in the book, Management of Organizational Behavior: Leading Human Resources (8<sup>th</sup> Edition). From what I observed, using two aspects of what motivates people certainly made a difference for this work group.

This format should be used as a general guide. Some topics may require multiple paragraphs to cover the material completely, but all three parts should be included in some form. Reviewing the structure of each paragraph using this format can help eliminate irrelevant information and ensure every sentence is related to the topic sentence.

## Journal Entry Format

Every visit to a court will have a separate journal entry. **For three sample journal entries, see *Appendix B*.** The format for each entry will generally have the same key components: an introduction, elaboration, and a conclusion.

The introduction, similar to the topic sentence of a paragraph, *introduces* the reader to the topic of the journal entry. The name, location, and other biographical information of the court observed will often be included in this section of the journal entry. Clerks should not discount the power of the introduction since it serves as the basis for the reader's first impression. A well written introduction entices the reader to delve further into the piece of work while providing a small view of what is to follow.

### Sample Introduction

On March 6<sup>th</sup>, I visited my third court. It is a medium size court employing 15 deputy clerks and one clerk designated as the court administrator. Before visiting this court, I spoke with the court administrator and learned that she believed in the team concept for developing and managing special projects, handling procedural changes and problems, and making decisions. Since I am from a smaller court, I was interested to see how this worked.

Elaboration in a paragraph serves to develop the information contained within the topic sentence. In terms of the journal entry, elaboration serves to develop the introductory topic. Use the information gathered from the answers to the questions concerning the court of employment and the courts visited, the Level III reading list, and any management training, such as a Level III assessment clinic or a court administrator seminar. Elaboration will comprise much of the journal and should contain most of the required content. (See page 14 for a list of requirements.) Be careful to include not only a description of the court visit but a discussion of your findings as well – personal reactions, ideas, and analysis constitute a significant portion of the journal evaluation criteria.

### Sample Elaboration

When I arrived, I was met by the court administrator, who provided me with sample charts that she used to develop the team method of developing processes and lists of problem-solving steps for teams. (The charts are included at the back of the journal.) That day she had a team meeting scheduled to work on how to make the legislative changes. I liked this idea since it took the burden off the court administrator to make decisions that might appear to be arbitrary. It also allowed the deputy clerks to be involved in how to best solve the issues of new legislative procedures that they would be carrying out. I noticed that the team used a six-step problem-solving process that was in one of the books that is required reading for Level III.

After the team meeting, a deputy clerk took me to a work area that she called the "pit." This is where the data entry clerks handle the incoming citations that are filed with the court. I saw a supervisor moving around the area and talking with the clerks. I heard the clerks talking about some computer problems and saw that the supervisor was making notes and reassuring the data-entry clerks that she would get with their programmers to solve the problems. Even though computer problems are frustrating, I noticed that the supervisor's presence and her attentiveness seemed to alleviate some of the stress.

Next, the deputy clerk took me to the window area where clerks were waiting on customers. I noticed that there was a sign in this area that had an ethical concept from the Code of Judicial Conduct. It said, "Court clerks must be patient, dignified and courteous to all court participants." The deputy clerk told me that even when a defendant is belligerent and a supervisor has to be called, the supervisor tries to exhibit courteous behavior. The deputy clerk said that she has discovered that it helps calm defendants and that the clerks like to see the supervisor modeling the same behavior that is required of them.

The final section of a journal entry should be a conclusion, which ties together all of the points made throughout the entry and provides some final thoughts about the experience. Overall impressions of the court and policies that the clerk would like to implement in his or her own court can be included in the conclusion; however, caution should be exercised in bringing up additional topics that are not expanded which leave the reader wanting and expecting more elaboration.

### Sample Conclusion

When I left the court, I had the feeling that the court administrator and the supervisors were leaders and facilitators and not dictators to their employees. Although I do not supervise anyone, I believe that if I can form a team with other city employees to work on some problem areas, such as officers not turning in citations timely and code enforcement officers not preparing the proper paperwork for the court, that I can better communicate the needs of the court and work cooperatively with the other city employees to solve my issues.

One additional component of a journal entry is transition. Transitions lead the reader from the discussion of one topic to another. Words, such as *next*, *then*, and *later*, can transition between events that are in chronological order or items in a list. A transition can also be longer than a single word and can connect a previous idea with the following one directly.

*Example:* Like the court administrator's enforcement of the tardiness policy, all unethical behaviors are dealt with strictly.

Utilizing transitions will make a journal entry more cohesive and will decrease the chance the reader will become lost in the journal's progression.

### Tips for Writing with a Professional Tone

**Tip #1:** Always following the proper rules of grammar and using the correct formats when structuring sentences, paragraphs, and journal entries gives the writer credibility.

**Tip#2:** Do not include slang terminology or profanity. If an individual would not say it in a professional setting, then it should not be written in a professional paper.

**Tip #3:** Remember that the way something is expressed verbally is not always the way it should be written.

**Tip #4:** Not including exclamation points and rhetorical questions is generally better than including them.

**Tip #5:** Write in first- or third-person, but not in second-person. "I visited" and "The clerk stayed" are appropriate, but "You know" isn't.

### Proofreading and Revising

Clerks should take the time to review their work for both content and style before submitting a final copy

to TMCEC. Having another person, such as a family member or friend, review the journal and provide feedback can be helpful during the revising process. An independent reviewer can provide an additional point-of-view and can catch errors and inconsistencies that the writer has overlooked.

The following checklist can be used as a tool to guide clerks during the revision process.

## SUBMITTAL CHECKLIST – RESOURCE 5

### Proof Reading:

- ☐ Is a consistent verb tense used throughout all journal entries?
- ☐ Are proper nouns and the first words of sentences capitalized?
- ☐ Do all sentences contain a subject and a verb? Is the journal free from run-on and fragmented sentences?
- ☐ Are documented court procedures legally accurate? (The Level I and II study guides are great resources to utilize when doing this.)
- ☐ Does every verb agree in number with its subject?
- ☐ Do paragraphs transition easily from one topic to another, allowing the reader to follow the progress of the writer's ideas?
- ☐ Does each paragraph clearly express a thought or idea?
- ☐ Have the content requirements on page 14 been met?
- ☐ Have Level III topics and information (especially those dealing with management issues) been incorporated?
- ☐ Is a professional tone used throughout the journal? Is the journal free from slang terminology?
- ☐ Have formatting requirements been met?
  - ☐ Is the journal double-spaced with one-inch margins?
  - ☐ Are the text pages numbered?
  - ☐ Is the clerk's name located *only* on the coversheet?
- ☐ Has the journal been double-checked for spelling errors? (Beware: Most word processing software will check spelling accurately, but do not check context. The sentence, "The dark clouds *reigned* (rained) intensely through the night," is reported to be error-free.)
- ☐ Is the format of every journal entry consistent?

## **APPENDICES**

Appendix A: Court Observation Verification Form (2 pages)

Appendix B: Sample Journal Entries

Appendix C: Sample Introduction

Appendix D: Additional Resources

Appendix E: Grading Rubric

# Appendix A

(Page 1)

## COURT OBSERVATION VERIFICATION FORM

Name: \_\_\_\_\_

Court: \_\_\_\_\_

Court Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### Guidelines for Court Observations

1. At the time of an observation, a participant must be a Level II (CCCII) in good standing.
2. The original "Observation Record" form must be presented for signature at each visit. Your "Observation Record" must reflect the date of your visit, time spent at the court, and your host's signature verifying your visit.
3. The original "Observation Record" is a required document for journal submittal.
4. Observation hours must add up to a minimum of **40 hours**.
5. Observation hours must be recorded in quarter hour (.25) increments.
6. Observations must be made by scheduling an appointment.
7. Observation must meet the following minimum requirements:

- i. 4 hours in a court with a population of 250,000 or greater (high volume) 12 to choose from below:

Arlington	Dallas	Houston	Plano
Austin	El Paso	Laredo	San Antonio
Corpus Christi	Fort Worth	Lubbock	Irving

- ii. 4 hours in a court with a population between 10,001 and 249,999 (medium volume);
  - iii. 4 hours in a court with a population of 10,000 or less (low volume); and
  - iv. 28 hours of additional observation from any court of your choosing.
8. Population records can be found at various reference sites, including <https://www.census.gov/quickfacts/fact/table/US/PST045221>.
  9. Observations expire on the 2nd anniversary. Using stale or aged observations within a journal could result in a failing journal.
  10. Your professional journal is confidential. You will use these observations to prepare your journal as well as other resources such as websites and Texas Office of Court Administration public data.
  11. Maintain your own copies for your personal records. TMCEC does not maintain copies of journals.
  12. Your "Observation Record" will be audited for time spent in each size court, dates within the two-year period, and verification signatures.

**Appendix A** (Page 2)  
**COURT OBSERVATION VERIFICATION FORM**

<b>Date</b>	<b>Court Name &amp; Size</b>	<b>#Hours</b>	<b>Printed Name of Court Representative</b>	<b>Verified by: Signature</b>

## Appendix B: Sample Journal Entries\*

\*Your journal will be double-spaced

November 9, 2005

Today I visited Boomtown Municipal Court. It is a high volume court located in Happy County. Approximately 100,000 cases a year are filed in the court. The court has five full-time judges and five part-time judges. Each full-time judge has his or her own secretary. The court administration is directed by a head clerk called the court administrator. She has one deputy clerk who is considered her assistant. There are 55 deputy clerks who handle the processing of cases. The court is divided into five divisions. One division is responsible for processing citations and preparing complaints. One division is called the customer service division and handles defendants at the window and on the telephones and is also responsible for community service. Another division, the trial division, prepares the cases for pre-trial, jury trials, and bench trials. The court also has a division that is responsible for warrants, *capias pro fines*, and coordinating the other collection venues. The last division I visited handles the mail and coordinates the handling of money, deposits, and reports.

The court has four full-time prosecutors who prosecute cases, work with defendants on plea bargains, and make motions for dismissals.

I talked with the court administrator about standards for caseflow management and she shared with me her standards. I asked how she developed the standards and she explained that she involved all the clerks and took one division at a time. She and the deputy clerks flow-charted the processes in each division. They determined where they had problems and could improve the processes. After that, they established standards for each of the processes. Each department is responsible for monitoring their processes, and they submit monthly reports to the court administrator. The court administrator reviews the reports and works with the supervisors when standards are not being met.

One of the biggest problems that the court administrator deals with in trying to adhere to standards is that each of the judges processes cases a little bit differently, which affects the standards. Consequently, she has to take that in to account in her reports.

I asked the court administrator if the court has a long-range plan for the court. She said that she, the presiding judge, and an assistant city manager had developed a plan and meet annually to see if the plan is on target. She explained that the deputy clerks were aware of the plan and brought issues to their supervisors to discuss. They particularly talked about technology and changes in the software.

The court administrator explained that she is watching city growth trends because it has been affecting the court's caseload and the long-range plan. The police department has hired eight new officers just to patrol the streets and has increased the caseload by 20 percent. She said that she had anticipated this, but the city budget was tight, and she could not hire new clerks right now. As a result, she had to move money in the budget to overtime and ask clerks to volunteer. So far, she has had plenty of volunteers.

The court administrator had to go to a meeting; so, she introduced me to the supervisor of the customer service division. I observed the deputy clerks wait on defendants at the window. I noticed that they were allowed to process applications for deferred disposition at the window. The clerks did, however, tell the defendant that it was up to the judge to review the application and decide whether or not it would be granted. When the clerks finished the applications, they took the court costs and the fine money from the defendants. Then they gave the defendant a copy of the

paperwork.

The supervisor explained that the judge required the defendant to post a bond in the amount of the fine and pay court costs at the window and if the defendant could not do that, the clerk had to set the defendant for a hearing before the judge. I asked the supervisor about the special expense fee. He said that part of the paperwork included a form that the defendant signed authorizing the court to use the bond to pay the special expense if the defendant completed the terms of the deferred. I told the supervisor that my judge required defendants to appear in open court if they wanted to request deferred disposition.

I asked the supervisor if the clerks get tired of handling defendants all the time. He said, "Yes," and then explained that they are cross-trained to handle community service. When they are in the community service division, they deal with files, call defendants who are late, or, if defendants have submitted their community service paperwork, the clerks ensure that the documentation is proper.

I asked the supervisor how his employees worked as a team. He said that they have a team that works on improving customer service and a team for training new employees. He also said that he is on the floor daily with his employees and observes how they work together.

Since I had read the book, Team Players and Teamwork, I know the effective characteristics of effective teams and wanted to know more about these teams. I asked the supervisor if he minded if I talked to the employees about their shared roles as team members. He assured me that it was fine and that he would come back later to continue our discussion. After talking with the employees, I was impressed with the open communication, clear roles, and work assignments of each of the team members. They did express, though, that it took some time to get to the point of being effective. At first, there was a lot of tension and disagreement. They said that their supervisor's confidence and guidance was a key factor in helping them shape their goals and values and get them to where they are today.

My thoughts were that this is what leadership is really about. Some of the points made in the book, Leadership When the Heat is On, are that leaders earn the respect of their employees and when things go well, they give credit to the team members.

Later, when I met with the supervisor, I asked him what he did to motivate or reward his employees. He said that he has an employee of the month award and that some of the criteria is based on the job, but some is based on how they treat coworkers. The employees have a point system on a bulletin board in the break room. If an employee does something nice for a coworker, the worker on the receiving end awards a point to the person being nice. The winner each month gets a special parking place, an award on their desk, and gets to leave an hour early from work on one Friday during the month. I found this to be an interesting way to motivate people. For one thing, it caused co-workers to interact with one another encouraging a social system; for another, it also had in it something personal for the employee—an award. It also gave them a special place to park and some time off. This motivation captured the "what is in it for me." These were factors discussed in the book, Management of Organizational Behavior: Leading Human Resources (8<sup>th</sup> Edition). From what I observed, using two aspects of what motivates people certainly made a difference for this work group.

The next division that I visited handled the money. I was specifically interested in internal controls. I asked if they had policy and procedures for internal controls. They did and provided me with a copy. Since this is such a big operation, I was interested in how the mail was handled. The deputy clerk that was assigned to me took me to where the mail was sorted. Three clerks were still working on the morning's mail. I noticed that there were two cameras in the room and that the room was all windows. One clerk was opening the mail and stamping the checks and money orders with a "deposit only stamp." The other clerk was date stamping the envelopes and all the correspondence.

The third clerk was on the computer finding the cases in the system and noting the payments. If a defendant requested a driving safety course, that mail was stacked to go to another clerk to process. The division of duties is similar to the recommendations in the book, Internal Control of Court-Collected Funds, which explains that division of duties helps protect against loss or misappropriations of funds.

The deputy clerk told me that at one time the court had had money embezzled and it had been money that had been mailed to the court. She said now they divided the duties of opening the mail up between three clerks and did it in a room with windows and cameras. The clerk explained that not only was this part of their internal control but was also a safeguard for the clerks so that there was documentation that they did not steal money.

Next, I went to the trial division. One prosecutor was in a room off of the courtroom talking to defendants. Bench trials were being conducted today. I slipped into the back of one of the courtrooms to listen. Another prosecutor and defendant were before a judge. The prosecutor was presenting a plea bargain to dismiss a failure to appear charge if the defendant would agree to plead guilty to the disorderly conduct charge. The judge agreed and dismissed the failure to appear. The defendant pled guilty to the disorderly conduct. After the judge set the fine, the defendant was directed to the clerk in the courtroom to pay the fine. The next case was called, and the prosecutor explained that no plea bargain could be reached and that the State was ready for trial.

I slipped out the door to talk to the clerks about how they coordinated so many trials. The supervisor said that they have jury trials three times a week and bench trials every day if the prosecutor could not work out a plea bargain. She said that they used to set every case for pretrial but then the pre-trials caused a backlog on the trials; so, they quit. Now they only set pre trials if there are motions filed with the court. She said that they are still behind on juvenile dockets and are thinking about hiring part-time deputy city attorneys to prosecute on the weekends to help clear out the juvenile backlog. They were still trying to solve which judges were going to give up their weekends to the court. These are issues discussed in caseload management.

Talking about juveniles reminded me about the juvenile now adult procedures. I ask the clerk how the court handled juveniles and their parents who did not show up for their court appearance. She told me that the first notice the court sends to the parents is a courtesy notice from the clerk's office. If the parents and juvenile do not appear, then the judge issues a summons that is served by the police department. Then if the parent and juvenile do not appear, the court issues a non-secure custody order for the child. The clerk said that the prosecutor is considering filing charges on the parent for failing to appear with child at hearing and was in the process of writing a complaint so that could be done.

The problem with the non-secure custody order is that the police department would not serve them. Hence, the court was calling the parents and sending more notices trying to get them in. Sometimes the parent and child would come in, sometimes not. This was an area that the court was working on. I asked if they notified DPS to suspend or deny issuance of the driver's license and she said that they did, but she did not how well that worked.

That led me to the warrant division. I talked with the supervisor about how juveniles were handled if they did not pay. She said that after the court conducted a contempt hearing and if child still did not pay, the court reviewed some documentation about the case and issued a *capias pro fine*. I asked the clerk if the child was at least age 17 when the *capias pro fine* was issued. She said, "yes."

I then asked about their collection plan. She showed me a copy and explained how they were coordinating the different aspects of the plan. The city has marshals who serve warrants and call defendants. Defendants with *capias pro fines* who come in see clerks to complete applications for payment plans or community service before seeing a judge. Another clerk coordinates defendants contacted by an outside vendor and by DPS Failure to Appear program. The supervisor showed

me a report that indicated a 30 percent increase in revenues in the last three months since instituting the collection plan.

Before I left the court, I went back to see the court administrator. I still had a few questions for her. I had noticed that everyone had an identification card that they used to go in and out of the court and certain offices. The court administrator explained that the cards were part of their security system and that each person had their own number embedded in their card. That way she could tell if someone was in the building when he or she was not supposed to be. Card reader locking mechanisms is one of the security systems discussed in the book, Court Security: A Guide for Post 9-11 Environments.

I also asked the court administrator if the court had mission and vision statements. She took me to a framed writing on the wall and showed me the statements. Then she pulled a copy from her desk and gave me the copy. She said that both statements help her and her staff to stay on task and target particularly when everybody gets tired. The court administrator says that she likes to lead by example, so she is always at work on time and many times works late. She likes to take time each week to go to the different divisions just to talk a few minutes with the employees to see what issues they have to make sure she is not missing any problem, issues, or good things that are going on.

The reason I asked about the mission and vision statements is because three of the books in Level III talked about them—Leadership When the Heat is On; Management of Organizational Behavior: Leading Human Resources (8<sup>th</sup> Edition); and Caseflow Management: The Heart of Court Management in the New Millennium. Each of these books talked about particularly having a vision and goals; about concentrating on them; about beginning and not stopping; about celebrating when goals are achieved; and evaluating progress. I am now realizing how important a mission and vision is for the court.

My observation of this court raised several issues. I do not have any standards in my court. After reviewing this court's standards policy, I found that their judges usually grant no more than two continuances. My judge grants a continuance every time it is asked for. Hence, I have cases that have not gone to trial in eight months. I am going to call the court administrator and ask how she approached her judges about this issue. I know that in reading the book, Caseflow Management: The Heart of Court Management in the New Millennium, that backlogs are created when a court does not have a continuance policy and that standards are hard to develop if cases are continually put on hold by the judge.

Another issue that I thought about is that although my city is not growing or my court's caseload increasing, the police department is getting a federal grant to issue tickets on seatbelts which will soon increase my caseload and I need to prepare for that increase.

I also realized after talking with the deputy clerks about how much they enjoyed getting the employee of the month award that I should do something to reward or recognize my two deputy clerks.

A copy of the forms and policies that I collected from this court are attached as exhibits. Things that I am going to explore for my court are:

- Creating a mission and vision statement;
- Flow-charting each process to make sure we are doing them properly;
- Dividing out the duties of opening of the mail;
- Instituting rewards for staff;

- Although I am not comfortable with processing deferred disposition at the window, discussing the issue with my presiding judge; and
- Talking with the city manager about adopting the technology fund so that the court can purchase new software (I was amazed at how much the software helped generate reports for the court.)

February 7, 2006

Today I visited Little Town Municipal Court. It is a low volume court located in Wee County. The Court disposes of approximately 2000 cases a year. The Court consists of one part-time judge and one clerk. When needed, the police dispatcher assists with clerical duties. The prosecutor works on retainer and comes to the court on a weekly basis to meet with defendants who want to negotiate a plea-bargain.

The Court is in the process of becoming automated. Presently all cases are processed manually using the traditional docket books, which are large bound volumes. The average length of time for case disposition is 120 days. To help the court be more efficient, the court maintains court documents on each case in a separate case jacket. The jacket is pre-printed with certain information that allows the clerk to place check marks and dates by certain actions that occur during processing. The pre-printed information helps the clerk to more rapidly and accurately note needed processing data on the jacket. It also helps the court to quickly determine where the case is in the system and what further action, if any, is still required to complete the case. The jacket contains the following information and places to make notations:

- Type of trial: (bench) (jury)
- Date of Trial: \_\_\_\_\_
- DSC: Date granted \_\_\_\_\_; Date completed: \_\_\_\_\_
- Deferred Disposition granted: Date granted \_\_\_\_\_
- Due date \_\_\_\_\_
- Warrant of Arrest: issued \_\_\_\_\_ served \_\_\_\_\_ recalled \_\_\_\_\_
- Capias Pro Fine: Issued \_\_\_\_\_ served \_\_\_\_\_ recalled \_\_\_\_\_
- Fine amount: \_\_\_\_\_
- Dated paid: \_\_\_\_\_
- Court Costs: \_\_\_\_\_
- Notice of Final Conviction to DPS: Date reported: \_\_\_\_\_
- Appeal: Amount of bond \_\_\_\_\_ Date bond posted: \_\_\_\_\_
- Transcribed to county-date: \_\_\_\_\_

Like many courts in Texas, this Court is struggling with effective fine collection practices. The clerk reported that the Court is frequently holding indigent hearings. If a payment plan is adopted, the defendant is given 30 days to pay in full before the plan goes into effect and the \$25 time payment fee is assessed. However, I noticed that the clerk does not have a system for periodically checking cases that are out-of-time on their time payment. She just reviews these cases when she has time. On the other hand, a further review of financial management procedures, showed that the clerk has established work procedures that help her to process mail and make daily deposits. A copy of those procedures is attached to this Journal. I believe some type of tickler filing system for the time payments will help to make fine collection practices more effective for this court.

Because this is a small town in an area of Texas that is not very populated, the court has difficulty finding alcohol and tobacco awareness courses or community service opportunities for juveniles. Nonetheless, the Court works with the local school system to set up highway clean-up programs and is requiring juveniles to write a report on the dangers of smoking and alcohol abuse, which

they present in class. I have not talked with my school district about cooperating on these types of projects but will call the district and pursue this. I obtained a copy of a city resolution that provides for a spirit of cooperation between the city and the school district. A copy of the resolution along with a copy of the letter/handout that the court gives to juveniles and their parents is attached to this Journal.

The clerk expressed a concern about court security since there has been an increase in crime in the city in the last few months and the court does not have a security plan. I shared my court's plan and the security devices the city had purchased with the building security fund.

Although the clerk is struggling with a manual system, she has convinced the city of the need for a computer and is in the process of purchasing hardware and a case management software.

Effective practices that I can take back to my court:

- The one clerk appeared to be more organized than our court. Because she must perform all the administrative functions, generally, she has devised means to accomplish most tasks. She does keep a daily log of tasks and notes when a task is not completed. This is something that my court could implement to assist us to better organize problem areas to make sure those issues are properly handled and in a timely manner.
- This court subscribes to Court Manager, a magazine of the National Center of State Courts. It is a membership benefit of becoming a member of the NCSC. The membership fee is only \$75. The clerk said that they offer excellent materials and annual conferences.
- After the judge and clerk came back from TMCEC training sessions, they have a regular conference to identify what changes need to be made to court procedures.
- The judge in this court frequently grants deferred disposition to defendants charged with failure to maintain financial responsibility and requires the defendant to present a receipt for insurance for six months or to bring in the effective policy every month for six months. This has been found effective in keeping defendants from canceling insurance as soon as the court disposes of their cases.
- The court is very pleased with the service they get from their collection agency, Happy Fines, Inc. While this company takes 30 percent of the revenue, it has helped the court to clear delinquent fines.

When I return to my court, I need to check on the following issues:

- How much are we charging for court costs no-insurance cases?
- Ask the judge if she would be willing to meet after every TMCEC seminar to discuss possible changes.
- Remember to post the sign about penalties for filing fraudulent documents that is required by law.
- Call the Center and ask if it is proper for the clerks to prepare the complaint for the prosecutor and sign the affidavit herself?
- Check on the case disposition records of our court.

March 6, 2006

On March 6<sup>th</sup>, I visited my third court. It is a medium size court employing 15 deputy clerks and one court clerk designated as the court administrator. Before visiting this court, I had spoken with the court administrator and had learned that she believed in the team concept for developing and managing special projects, handling procedural changes and problems, and for the decision making process. Since I am from a smaller court, I was interested in how this actually worked.

When I arrived, I was met by the court administrator, who provided me with sample charts that she used to develop the team method of developing processes and lists of problem solving steps for teams. (The charts are included at the back of the journal.) That day she had a team meeting scheduled that was working on how to make the legislative changes. I liked this idea since it took the burden off the court administrator to make decisions that might appear to just be arbitrary. It also allowed the deputy clerks to be involved in how to best solve the issues of new legislative procedures that they would be carrying out. I noticed that the team used a six-step problem solving process that was in one of the books that is required reading for Level III.

After the team meeting, a deputy clerk took me to a work area that she called the “pit.” This is where the data entry clerks handle the incoming citations that are filed with the court. I saw a supervisor moving around the area and talking with the clerks. I heard the clerks talking about some computer problems and saw that the supervisor was making notes and reassuring the data entry clerks that she would get with their programmers to solve the problem. Even though computer problems are frustrating, I noticed that the supervisor’s presence and her attentiveness seemed to alleviate some of the stress.

Next, the deputy clerk took me to the window area where clerks were waiting on customers. I noticed that there was a sign in this area that had an ethical concept from the Code of Judicial Conduct. It said, “Court clerks must be patient, dignified and courteous to all court participants.” The deputy clerk told me that even when a defendant is belligerent and a supervisor has to be called, that the supervisor tries to exhibit that courteous behavior. The deputy clerk said that she has discovered that it helps in calming upset defendants and that the clerks like to see the supervisor modeling the same behavior that is required of them.

Also, this court had created an area in their lobby for children to watch videos while their parents waited in line. This appeared to alleviate some of the defendant’s stress. I was also surprised to see that there were chairs at each of the customer windows. I observed the defendants for a while and noticed that being able to sit and talk with the clerks seemed to help the defendants’ attitude.

By this time it was lunch. I decided to eat with the deputy clerks in their break room. When I entered, I immediately saw a big bulletin board with all kinds of pictures. The deputy clerk explained that the teams each have a fun project to help foster cooperativeness and self confidence in their work. The pictures documented the projects. I was impressed. I felt that there was an atmosphere of trust and cooperation among the clerks. I am sure that this helped lessen some of their stress.

When I left the court, I had the feeling that the court administrator and the supervisors were leaders and facilitators and not dictators to their employees. Although I do not supervise anyone, I believe that if I can form a team with other city employees to work on some problem areas, such as officers not turning in citations timely and code enforcement officers not preparing the proper paperwork for the court, that I can better communicate the needs of the court and work cooperatively with the other city employees to solve my issues.

**SMALL COURTS**  
**City A Municipal Court**  
*November 17, 2017*  
*10:00 AM – 12:30 PM*

City A is an opulent city in central Unnamed County with a population of approximately 8,564; located four miles north of downtown City B. City A has a reputation for the most expensive housing property in the Unnamed County area. The median home value is approximately \$1,649,700 and a median family income of \$200,001 (*US Census Bureau, 2010*).

The Municipal Court is in the Spanish Colonial Architecture City A Town Hall building with the Public Safety and Library alongside of it. The court has a staff of five; the judge, a bailiff, a full time court administrator, a full-time deputy court clerk, and a part-time clerk. The part-time clerk also serves as the finance secretary and assists at the windows on Tuesday when court is in session. The judge and bailiff are part-time and work approximately four hours weekly. Three associate judges fill in (by rotation) when the presiding judge is not available. There were a total of 10,011 cases filed in 2016.

***Division of Duties***

The City A Municipal Court staff has a division of duties to ensure they are *an American community making a difference*. All dockets for City A are held weekly on Tuesday from 1:30PM – 4:00PM. Because the court administrator and the deputy court clerk may be in court, the phones are not answered when court is in session. The deputy court clerk reports to the court administrator who in turn, reports to the Finance Director.

**Court Administrator.** The court administrator completes the administrative duties as well as attends court, processes court orders given by the judge, processes payments at the window, signs defendants up for the community service, and any other necessary duties required. The court administrator is under the direction of the chief finance director. In conjunction with the chief finance director, the court administrator develops the budget, presents it to city council, and monitors the caseflow management process.

**Deputy Court Clerk.** The deputy court clerk has the clerk duties of attending court, processing paperwork resulting from court, processing payments at the window, scheduling court dockets, signing defendants up for the community service and payment plans, processing incoming and outgoing mail correspondence, answering phone calls, processing appeal bonds, and other necessary duties as required.

**Prosecutor.** There are two part-time prosecutors and they are available to defendants on all docket settings. The prosecutor is in the court building every Tuesday and additional dates for trials. The court staff has access to the prosecutors on Tuesday (4:00PM-4:30PM) or by email or phone.

**Bailiff.** The bailiff is part-time and is in the building on Monday, Tuesday, and half of the day on Wednesday.

**Judge.** The judge is committed to the citizens of City A as the judge is a former prosecutor and grew up in City A. While the judge is part-time, the staff has access to the judge by phone or email. The court administrator reports they generally hold non-urgent requests and correspondence until the judge arrives in the building. Although the judge knows the residents of City A, to avoid ex parte communications with the public, if an issue arises that creates conflict, the judge assigns an associate judge to the case.

***Dockets***

The court appearance notice on the citation recently changed; effective February 2017. The court

processed 1300 citations in the month of January 2017, with an average case disposition of 180 days.

**Plea.** The court has two windows (with a microphone) that have a glass separating the defendant from the court clerks. The judge is present in the courtroom one day weekly for four hours. Since the judge is only in court one day weekly, before attending court, each defendant checks in at one of the front windows before entering the courtroom. The defendant is given a card which allows admittance into court. All defendants have an opportunity to talk with the prosecutor.

**Juveniles.** City A does not have a Juvenile Case Manager or a Teen Court Program and has approximately 40-50 juvenile cases filed annually. City A does not have citations filed on juveniles younger than the age of 15. Juveniles under the age of 15 are referred to CID (Criminal Investigations Department) officers.

Most of the filed juvenile citations are alcohol related. The CID officers access the JIS system to review the criminal history of juveniles. When a juvenile's driver's license is "suspended", in lieu of a suspension notice to DPS, the juvenile releases the driver's license to the court for 30 days.

Because the high school is in the neighboring town of City B, the court does not partner with the schools. The judge, however, implemented a program in which the defendant's must comply. For the first offense of a moving traffic violation, the defendant must write a two-page theme paper regarding the law and how their offense occurred. A second offense requires a driver's safety course. A third offense requires confiscation of a driver's license until the defendant's 18<sup>th</sup> birthday. Only one defendant so far, was required to relinquish a driver's license.

The juvenile docket is also Tuesday afternoon at 3:30PM. City A did not have any juvenile penal code offense filed in 2016. It seems, per the court clerks, that for an unknown reason, the juveniles leave City A and commit penal code violations in surrounding cities. The juvenile docket consists of only high school students.

**Show Cause & Contempt.** City A does not offer separate Show Cause or Contempt dockets. All cases are scheduled on the same day and defendants go through the normal process to see the judge.

**Trial.** Trials are also scheduled on Tuesday and occasionally when necessary, on Monday, however, trials are rare as only five cases went to trial in 2016. As of March 2017, two cases were scheduled for trial.

**Civil.** Code enforcement makes up most the civil cases. In 2016, 30 cases were filed outside of one defendant that had 132 cases and another one defendant had 72 cases filed. These high filings for one defendant are rare. Both defendants' cases were related to construction projects.

**Attorney Docket.** A separate attorney docket is not provided.

### ***Sentences/Fine Collection***

When adults are noncompliant, they can request community service to pay their fine or set up a payment plan. A conviction is then entered. Noncompliance does not result in a warrant. A defendant may reset a payment plan as needed until their fine is fulfilled. Juveniles may complete community service and the alcohol awareness program as the cases are generally alcohol related. There are few indigence cases filed; however, community service is an option. The application is the sample form provided by the Texas Municipal Courts Education Center.

City A no longer issues capias pro fine warrants as the judge believes it is an inconvenience. When a defendant comes to the window and could not post a bond, previously they were arrested. Now they complete a *commitment to appear* letter, the warrant is cleared, and the defendant's court date is rescheduled. If the defendant subsequently does not appear, another letter is mailed. The collection rate is 80%.

## ***Programs***

Outside of alcohol awareness, DCS, community service, and the program implemented by the judge regarding driver's licenses, no other programs for juveniles or adults are offered.

**Alcohol/Tobacco Awareness.** A defendant can select from the state-wide database for classes in the area. City A offers a variety of class options.

**Community Service.** City A offers the community service program and defendants locate a facility to complete their hours as a list of available services is not offered. Defendants must provide proof of completion on letterhead of the agency in which they completed the hours.

**Driving Safety Course.** The DCS program is offered and defendants are required to locate an appropriate and approved program.

## ***Software and Online Services***

INCODE is the software used for the court process. Auto citations are used and most of the manual citations are through code enforcement. The finance and utility departments also use INCODE, which helps in caseload management. Steelman, Goerdt, & McMillian (2004) suggest a system-wide caseload management program.

Defendants can access the website for information and in the future, can access signing up for a deferred order and payment plan requests. An online program application is available for translation of forms.

## ***Improvements/Special Projects***

The court administrator and the deputy court clerk work together as a team, they have a consultant working with them on the *Ferguson* issues by reviewing their policies and procedures; they are six months into the review. The review included training on racial profiling, improving the security system which encompasses speakers to alert other departments of building emergencies. The consultant recommendations include using a different form for defendants at the window versus defendants in court. The purpose is to ensure defendants are aware they have the option to come to court (see the judge). The court administrator completes a variety of projects for the chief finance director.

There is consideration to hire a part-time deputy court clerk to assist the judge in court; however, the judge prefers to have the court administrator in court.

## ***Summary***

City A Municipal Court is a uniquely charming town that is small but *big*! They are big in providing services and big in having the most expensive real estate in the area. Only two of the court staff are full-time and manage the caseload of the court to ensure all citizens that come through are served and court orders are monitored. All cases are scheduled on Tuesdays including juveniles which are set for the "high school" docket. When juveniles are noncompliant, they submit their driver's license to the court in lieu of a suspension reported to the Department of Public Safety. Adults have the benefit of applying for community service or setting up a payment plan when necessary. When a defendant is noncompliant, they have the option to set up another plan until the fine is satisfied. If the fine remains unsatisfied, a warrant is not issued. Eighty percent of defendants pay out their fine after an initial noncompliance.

Utilizing INCODE makes City A paper *light* as there are copies of documents made and then scanned. As many small courts, City A has a goal of becoming a *paperless* court. City A seems to embrace the technological changes to improve caseload management; however, it seems the judge is not as willing. The judge prefers to have the court administrator in court to assist with the document flow. One of the fundamentals to caseload management is judicial leadership and

commitment (*Steelman, Goerd, & McMillian, 2014*). With training, INCODE can process the paper the judge produces without assistance from the court administrator.

City A has a unique teamwork plan with other city departments as they share the INCODE software that is compatible for other departments. Teamwork is not only in the form of employees working together on specific tasks but also in software and new systems (*Parker, 2006*). Incorporating this type of teamwork to successfully utilize one software system for multiple city departments shows a good organizational model of a group working together in an intensely collaborative environment to deliver a successful product – a definition of an effective team player (*Parker, 2016*)!

### ***Recommendations***

It is recommended that the City A Municipal Court set up community service events for the juveniles/minors so juvenile defendants can give back to their own community. A suggestion is a *donation door* in which the defendants make posters and post them around the city (and receive community service credit) and work by the *donation door* of city hall as the citizens bring in household items such as food, toiletries, shoes, etc. the defendants can collect and sort the items and the court staff can transport the items to a local shelter.

Another recommendation is for the judge and the court administrator to develop an efficient caseload management plan that allows the software to move the cases and allows for monitoring and scheduling. An effective caseload plan allows the court administrator to concentrate on financial, budget, and human resource plans; other administrative tasks.

## Appendix C: Sample Introduction

In Texas, a municipal court is created in each incorporated municipality. Municipalities can establish courts of record. Municipal courts of record have additional jurisdiction in certain civil and criminal matters as well as jurisdiction over criminal violations of certain municipal ordinances and airport board rules, orders, or resolutions that do not exceed \$2,500 in some cases and \$500 in other situations. Municipal courts have concurrent jurisdiction with justice courts.

Municipal courts in Texas are as diverse as the many courts in operation, from the large urban courts to the small-town community courts. The courts partner with municipalities with large police departments to cities with no police department. Regardless of the court's size or population it serves, it is the court in which the average citizen will contact as a defendant or a juror. Municipal court staff consists of judges, prosecutors, court clerks, and bailiffs. The staff hierarchy and staff additions vary from court to court. However, diverse municipalities have liberty in determining the structure of the court.

As described in the Level I teachings, municipal judges serve as magistrates with the authority to issue warrants for the confinement and arrest of persons charged with the commission of felony or misdemeanor offenses. As a magistrate, a municipal judge can hold hearings, reduce testimony to writing, discharge the accused defendant, or order the accused to jail and set bail.

Court clerks receive direction from the judge in matters of court police and judicial procedures; "ensuring that the ministerial and administrative duties are properly performed" (Court Clerk Certification Guide, Level I, p. 33). A court clerk has the primary responsibility to process the clerical work of the court, which is accompanied by the following: executing daily operations of the court, maintaining court records, scheduling dockets and cases, and other duties as outlined in the city charter, ordinances, or the judge. The court clerk is required to maintain an official record of court proceedings (Government Code, Section 29.01).

The duty of the prosecutor is to see that justice is done. The prosecutor represents the citizens (state) and is to enforce the law strict but fair (Code of Criminal Procedure). The bailiff's duty is to maintain order in the courtroom. Judges have the responsibility to ensure safety; however, judges rely on bailiffs for assistance. Each of these positions are considered officers of the court with the duty to discharge their responsibilities to execute their official duties.

## Appendix D: Additional Resources

### Print Resources

#### Grammar

Fruehling, Rosemary T., and N. B. Oldham. *Write to the Point*. New York: McGraw-Hill, Inc., 1992.

Sebranek, Patrick, Verne Meyer, and Chris Krenzke. *Basic English Revisited: A Student Handbook*. Burlington, WI: The Write Source, 1985.

Shertzer, Margaret D. *The Elements of Grammar*. New York: Macmillan, 1996. Strunk, William, and E. B. White. *The Elements of Style*. New York: Penguin Press, 2005.

Thurman, Susan. *Everything Grammar and Style Book: All the Rules You Need to Know to Master Great Writing*. Avon, MA: Adams Media Corporation, 2001.

Warriner, John E. *English Composition and Grammar: Complete Course*. Orlando, FL: Harcourt Brace Jovanovich, 1988.

#### Critical Thinking

de Bono, Edward. *De Bono's Thinking Course*. New York: Barnes and Noble Books, 2005.

### Online Resources

“English Usage, Style & Composition>” 17 May 2006, *Bartleby*, <[www.bartleby.com/usage](http://www.bartleby.com/usage)> (25 May 2006).

A collection of full-text reference books on grammar and style.

OWL. “Grammar, Punctuation, and Spelling.” *Purdue University Online Writing Lab* <<http://owl.english.purdue.edu/handouts/index.html>> (25 May 2006).

Contains numerous handouts and worksheets on a large number of grammar, punctuation, and spelling topics.

Strunk, Jr., William. “The Elements of Style.” *Bartleby*, 1999. <[www.bartleby.com/141](http://www.bartleby.com/141)> (25 May 2006).

The entire full-text of William Strunk’s classic, *The Elements of Style*, online.

*There are also several websites that offer online writing workshops and classes for clerks who wish to have even more training.*

## Appendix E: Grading Rubric

### Grading Rubric – Level III Journal

#### **I. Presentation (9 points – 4.5 points each):**

- |  |                              |
|--|------------------------------|
|  | a. Neatness, Professionalism |
|  | b. Typed, double spaced      |

#### **II. Writing Competency (10 points – 5 points each):**

- |  |   |
|--|---|
|  | a. Proper use of grammar                      |
|  | b. Proper use of punctuation & capitalization |

#### **III. Content (81 points – 9 points each):**

- |  |   |
|--|---|
|  | a. Expresses accurate application of the law and proper municipal court procedures referencing statutes and/or Level I & II Study Guides;   |
|  | b. Documents organizational elements of court structures (for example: hierarchy of authority and relationships between judge, clerk, and city government, as well as court divisions); |
|  | c. Analyzes proper court procedures and management issues;  |
|  | d. Describes different ways to handle case flow management issues such as dockets, application of trial court standards, case disposition rates, and monitoring;                        |
|  | e. Documents alternate ways to handle fine collections and enforcement and explains how the court coordinates the different collection venues;  |
|  | f. Identifies common problems that municipal courts face and practical solutions;   |
|  | g. Includes sample forms, checklists, docket sheets, pamphlets, and policies from other courts;   |
|  | h. Comments on effective practices that his/her court might consider adopting; and  |
|  | i. Incorporates management ideas and theories from the Level III reading list.  |
|  | <b>TOTAL SCORE</b>  |