

THE RECORDER

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AROUND THE STATE

An Invitation from the TMCA Nominating Chair to TMCA Members

Some of the benefits of being a member of the Texas Municipal Courts Association (TMCA) are that you can run for a position on the Board of Directors, vote in candidate elections, and sign candidate petitions. The TMCA Nominating Committee invites all members in good standing to submit or sign candidate petitions for candidate elections this year for the following offices: President-elect (statewide board position), Second Vice-President (statewide board position), Treasurer (statewide board position), and Regional Director positions for Regions 2, 4, 6, 8, and 10. All terms begin September 1, 2024.

Petitions for these positions must be signed by at least 20 members for statewide board positions and 10 members for regional board positions. All petitions must contain the required number of valid signatures along with the printed name of the members signing the petition for proper verification by the Nominating Committee. All nominees must be employed or serving in a municipal court at the time of nomination. Petitions must be received by the Nominating Committee no later than March 31, 2024.

Petitions must be mailed to: Judge Michael Acuña, Chair, TMCA Nominating Committee, Dallas Municipal Court, 2014 Main Street, Room 331, Dallas, Texas 75201 or emailed to Judge Michael Acuña at michael.acuna@dallas.gov. The subject line should read: "2024 TMCA Petition."

The candidate elections will be held from May 1-June 15, 2024. All qualified persons who have submitted valid petitions will have their names placed on the ballot. A member may not petition to have his or her name placed in nomination for more than one office. We will have a candidates' page on the TMCA website once the ballot has been determined.

No member of the Nominating Committee or the committee itself shall promise any member that his or her name will be placed in nomination. No committee member may be nominated for any board position or may sign a petition for any board candidate.

The names of the members of the Nominating Committee are: (1) Judge Michael Acuña (Dallas) (Chair), (2) Judge Bonnie Townsend (Luling), (3) Judge Wayne Frost (Midland), (4) Judge Jay Robinson (Dallas), and (5) Judge Kathryn Hoang (Dallas).

Your participation in TMCA in general and in the candidate elections in particular affects who is on the board and the policies set by the board. If you are not a TMCA member, please consider becoming one. You can apply for membership at www.txmca.com. If you are a TMCA member, thank you for your membership.

On behalf of the TMCA Board of Directors, thank you for your consideration.

Good luck to all candidates.



**Michael Acuña, Chair
Nominating Committee
Texas Municipal Courts Association**

AROUND THE STATE



Please join TMCEC in congratulating the 2024 Municipal Traffic Safety Initiatives Award winners and honorable mention recipients! Awards will be presented at the April 3-5, 2024 MTSI Conference in San Antonio. Also, the Baytown Municipal Court received the inaugural Trailblazer Award for the most innovative traffic safety activity. Register for the MTSI Conference today to see what Baytown and all the other exemplary courts did to achieve this recognition!

Low Volume Winners

Alvin, Aransas Pass, Azle, Bay City, Freer,
Horseshoe Bay, Malakoff, Lakeway, South Padre Island

Medium Volume Winners

College Station, Edinburg, La Porte, Lewisville, Midland, Missouri City, Victoria

High Volume Winners

Austin, El Paso, Irving, San Antonio

New Applicant Winners

Bruceville-Eddy, Georgetown, Kennedale, Socorro

Trailblazer Award

Baytown

Honorable Mention Recipients

Andrews, Arlington, Balch Springs, Carrollton, Cedar Hill, Dallas,
Denison, Gun Barrell City, Harker Heights, Houston, League City,
Manvel, Marlin, Mesquite, Watauga, Wink, Woodsboro

AROUND THE STATE



TMCEC would like to acknowledge and congratulate the following clerks for achieving their certification in AY 23. For more information on the Clerk Certification Program, visit <https://www.tmcec.com/clerk-certification/>.

LEVEL ONE CLERK CERTIFICATION

Jessica Acevedo, Pecos
Jessica Adams, Panorama Village
Jannet Alarcon, Fort Worth
Stephanie Alff, Lago Vista
Alexandra Anderson, Whitehouse
Christina Avalos, Harlingen
Evelyn Baecker, Texas City
Ashley Barger, Bastrop
Ricardo Bautista, Fair Oaks Ranch
Morgan Beckman, Hurst
Kacee Benitez, Ferris
Torie BenShushan, Amarillo
Danielle Borroel, San Antonio
Michele Burkhammer, Borger
Kimberly Calhoun, Liverpool
Frida Canseco, Ferris
Esmeralda Carrillo, Eagle Pass
Ruben Carrillo, Fort Worth
Daniela Carrillo Sanchez, Tomball
Luis Cazares, San Antonio
Rocio Chairez, Arlington
Roxann Chaparro, Brownsville
Rebecca Chastain, Woodville
Nancy Chumley, Cottonwood Shores
Billie Cisneros, Orange
Sara Clark, Harker Heights
Christina Coker, Corpus Christi
Judith Cook, Madisonville
Justin Crawford, San Antonio
Melinda Cruz, Fort Worth
Kim Davis, Leonard

Melissa Davis, Wylie
Bobbi Dawson, Royse City
Kelly De La Colina, Brownsville
Ariel DeLeon, San Antonio
Lester Dews, Fort Worth
Melissa Duenas, Harker Heights
Michelle Everly, Horseshoe Bay
Jonathan Fausset, Fort Worth
Sarah Fetchko, The Colony
David Flores, Elmendorf
Crystal Frazier, Willow Park
Vera Frewaldt, Kennedale
Stacy Froeschner, La Marque
Reyna Gaona, Webster
Guadalupe Garcia, Edinburg
Catherine Garcia, Fort Worth
Macey George, Onalaska
Aaliyah Giadoo, Harker Heights
Tatiana Gilbert, Killeen
San Juanita, Gomez Mission
Angelica Gonzalez, Live Oak
Ray Goolsby, Fort Worth
Amanda Gott, Paris
Laci Harris, Sugar Land
Deanna Harrison, Daingerfield
Haylee Hartman, Blanco
Leia Henderson, Killeen
Nancy Hernandez, The Colony
Esther Hernandez, Olmos Park
Monique Herrera, Pecos
Denae Hicks, Alma
Emily Holder, Glen Rose

AROUND THE STATE

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Daisy Huckaby, Andrews
Gabriela Isaac, Arlington
Kjerstie Jackson, Pearland
Charity James, Cuero
Catherine Johnson, Providence Village
Delia Jones, Taylor
Kieana Jones, College Station
Shellby Kibler, Stephenville
Dora Lastrapes, Missouri City
Stacy Leon Hernandez, Alvin
Tracy Lewis, Kerrville
Dennis Logan, Fort Worth
Nelda Macias, Fort Worth
Sonny Manriquez, Crowley
Arleth Marmolejo, Dayton
Brittany Martinez, Manor
Yvonne McFarland, Schertz
Mary McMahan, Lakeway
Silvia Medina, Dickinson
Shelaina Melton, Addison
Selena Mesa, Sonora
Patricia Minnis, Lewisville
Edine Nicole Mondina, Killeen
Houston Morris, Fort Worth
Fae Morris, Tomball
Kristin Murdock, Tahoka
Angeline Navarro, Pleasanton
Angelica Nguyen, Sugar Land
Brittany O'Brien, Gainesville
Nicole Pacheco, Amarillo
Melissa Pastrano, Killeen
Sydney Pena, Huntsville
Teresa Perales, Iowa Colony
Adriana Petrillo, McKinney
Anna Prasatporn, Colleyville
Mayra Ramos, Argyle
Natalie Riewerts, Mansfield
Tiffany Rivera, Corpus Christi
Vivian Rivera, San Antonio
Samantha Rodriguez, Sugar Land
TammyRome, El Campo



Lisa Roney Ray, Fort Worth
Maria Salgado, Fort Worth
Crystal Salinas, Fort Worth
Marie Samarron, Friona
Donna Samora, Columbus
Melissa Sanchez, Blue Mound
Alondra Santana, Elgin
Tammy Seader, Onalaska
Elizabeth Shields, Providence Village
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Cindy Silva, Pampa
Chelsi Smith, Fort Worth
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Linda Stewart, Alpine
Kristie Tatar, Howe
Evonne Taylor, Bryan
Jovita Tolbert, Angleton
Stephen Tomak, Frisco
Heather Turner, Lago Vista
Leslie Underwood, Allen
Carmen Valdez, Arlington
Deborah Veracruz, Robinson
Veronica Villanueva, Corpus Christi
Javie Villarreal, San Antonio
Gia Wall, Palestine
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Jessica Weatherly, Fort Worth
Kayla Welch, Sugar Land
Stacy Windsor, Amarillo
Pamela Winkler, Bells
Marsha Worley, Texas City

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Selena Alfaro, Lakeside
Tiffany Arizola, Leon Valley
Evelyn Baecker, Texas City
David Baker, Victoria
Genell Bradford, Garland
Lyndi Brightwell, Lancaster

AROUND THE STATE

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Andrea Contreras, Harker Heights
Paola Davidson, West Columbia
Michael Davis, Sugar Land
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Anjuly Flores, Katy
Stacy Froeschner, La Marque
Daniela Gallardo, Fort Worth
Angelica Galvan, Richmond
Valerie Garay, La Porte
Sylvia Guadarrama, San Angelo
Deanna Harrison, Daingerfield
Connie Hayley, Texas City
Maria Hernandez, Coppell
Monique Herrera, Pecos
Catharina Hoffman, Harker Heights
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Robert Kingham, Austin
Elizabeth Kuentz, Horseshoe Bay
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Karen Rodriguez, Baytown
Randy Ross, Longview
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Nikki Tepfer, Burkburnett
Cherisse Thibedeaux, Houston
Jennifer Tyler, Fort Worth
Anne Ulmer, Denison
Veronica Villanueva, Corpus Christi
Javie Villarreal, San Antonio
Marisa Webster, Tahoka
Jonelle Welch, Austin
Kayla Welch, Sugar Land
Keri Whitted, Fate
Tierressias Williams, Houston
Marsha Worley, Texas City
Amanda Yracheta, Missouri City
Monica Zapata, Fort Worth

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Melisa Laboy, Temple
Lorie Lambert, Melissa
Heather Leonard, Mansfield
Angelica Lombardi, Georgetown
Theresa Montgomery, Mont Belvieu
Tammy Odom, Texas City
Twyla Robinson, Cedar Hill
Bailey Spoonemore, Sherman



NEW RULE: COURTS MUST ADOPT MANDATED CONFIDENTIALITY POLICY BY MAY 1

Municipal courts will soon need to create and implement a mandatory new court confidentiality policy, according to the Supreme Court of Texas. On February 20, 2024, the Court issued the Final Approval of Amendments to Texas Rule of Judicial Administration Rule 7, creating Rule 7.1. Rule 7.1, effective May 1, 2024, requires all Texas courts to adopt a “Court Confidentiality Policy.”



Under Rule 7.1, every court must, no later than May 1, 2024, adopt a policy governing court confidentiality. The policy must: (1) define who it applies to, (2) define confidential information, (3) impose a duty of confidentiality that applies to all court staff (and continues after employment at the court ends), (4) address when, if ever, the disclosure of confidential information is authorized, (5) provide the language of relevant laws, (6) address negligent or accidental disclosure of confidential information, (7) warn of potential penalties for improper disclosure, and (8) require all court staff to acknowledge receipt of the policy in writing.

The Court Confidentiality Policy must be provided to all new court staff members and training on its tenets must be given prior to new staff beginning any substantive work for the court. Furthermore, all existing court staff members must be provided with the policy biannually.

The Supreme Court of Texas has provided a generic [Confidentiality Policy and Agreement sample](#), which can serve as guidance for all Texas courts. TMCEC has created an [adapted sample](#) for municipal courts, which includes, among other things, the municipal-court-specific confidentiality provisions contained in Articles 45.0217, 45.0218, and 45.313 of the Code of Criminal Procedure.

For more about this new rule, attend our Morning Coffee webinar on March 21st!

GOOD INTENTIONS: CANONS AND COMMUNITY SERVICE



Thomas Velez, Program Attorney, TMCEC

Intrinsic to all sections of the Code of Judicial Conduct are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system.

Court-ordered community service was created as a way for offenders to repay the communities harmed by their criminal behavior. It offers a way to satisfy court-ordered fines, costs, and fees that cannot be paid due to financial hardship. It is seen as a merciful and efficient way to satisfy the judgment and to serve the local population.

However, in some real-world applications, a judge's decisions on how community service is administered may inadvertently run afoul of the canons of the Texas Code of Judicial Conduct. In this article, we will explore some examples that may highlight some possible concerns.

Making sound decisions in the face of legal murkiness can be a big part of the judge's task. Living life under the microscope of public scrutiny, judges bear the burden best by faithfully adhering to their oath of office, the law, and working within an ethical framework as set forth in the Code.

This article explores two real-world scenarios in which the judge's decision may or may not violate Canon 2(B).

Canon 2(B) and Prestige of the Office

Perhaps the most discussed provision that can be precarious for judges in municipal courts is Canon 2(B). In the case of awarding community service, municipal judges generally get a wide berth under Article 45.049 of the Code of Criminal Procedure,

but must also consider this canon, which is largely about avoiding inappropriate influence.

A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interest of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge.

SCENARIO 1 Consider the fictional Anytown, Texas with a population of 135. It's an idyllic town with unmistakable small-town charm and a grocery store, bank, theater, rec center, school, and emergency services. The municipal judge knows everybody in town, and everybody knows the municipal judge. One may say that as a matter of necessity our hypothetical judge, Judge Pitfall, routinely orders public works as a method of discharging fines through community service. The judge, however, knows some maintenance projects around town are suffering, moving slow, and could stand for a little extra elbow grease. Judge Pitfall decides to *order* people to work on these town maintenance projects to discharge their judgments by performing community service. The community is grateful – particularly the project masters and city council.

Potential Ethical Flags

1. What are the potential violations of Canon 2(B) in this scenario?
2. Has the judge lent the prestige of the office to advance his own interests?
3. Has he advanced the private interests of another?

In this scenario, the judge's intention is to address maintenance projects around town that are suffering and could benefit from additional assistance. However, it is stated that Judge Pitfall knows everybody in town, and everybody knows the judge, indicating a close-knit community where personal relationships may exist.

The judge's decision to order individuals to work on town maintenance projects to discharge their judgments raises an ethical question. Canon 2(B) emphasizes that judges should not allow social relationships to influence their judgment. In this case, the judge's personal familiarity with the individuals involved and the community as a whole raises concerns about the potential for bias or favoritism.

While the community may be grateful for the judge's actions, particularly the project masters and the city council, it is important to ensure that judicial decisions are made solely based on the law and impartiality. By selectively ordering individuals to community service projects based on personal relationships or community connections, instead of perhaps providing a list of community service options and allowing defendants to choose, the judge could be accused of compromising the integrity of the judicial process.

Considering Canon 2(B) of the Code of Judicial Conduct, the judge's conduct of ordering individuals to work on specific town maintenance projects raises ethical concerns. Personal relationships and familiarity with the community should not influence judicial decision-making. To maintain the integrity of the judiciary, it is essential for judges to avoid any appearance of bias or favoritism, even in close-knit communities.

SCENARIO 2 Judge Pitfall of Anytown has cultivated a reputation as a person who really cares about the people in his court and community. The judge is happy to take calls and requests from members of the community and city council about local projects where assistance from people ordered to perform community service would be especially helpful. A few weeks ago, there was a not-for-profit, town-wide festival where some people worked clean up, the cotton candy booth, and the phone

information line. The fire chief now calls to see if Judge Pitfall can order individuals to clean up equipment for the next couple of weeks. Judge Pitfall sees this as a win-win.

Three Questions

1. What are the potential violations of Canon 2(B)?
2. When the fire chief calls and asks the court to divert resources to the fire station, has the court conveyed or conveyed the impression that the chief is in a special position to influence the judge on where defendants discharge community service?
3. How about working the town fair?

Again, the judge's conduct must be analyzed in light of Canon 2(B), which emphasizes the importance of judges avoiding the influence of social relationships on their judicial conduct and judgment. While Judge Pitfall's willingness to engage with the community and consider requests for community service may be seen as admirable and indicative of care for the community, it raises ethical concerns.

Accepting requests and suggestions from the community raises questions regarding bias and favoritism. A judge's personal relationships and reputation as someone who cares about the community may inadvertently influence their judgment when assigning projects creates an appearance of impropriety.

Although no profit was made at the festival, requests from the fire chief to order individuals to clean up equipment may give the impression that the judge is selectively assigning community service duties based on personal relationships or community influence. It raises questions regarding impartiality and fairness.

Accepting requests from community members and commissioners for specific community service projects raises ethical concerns. While the judge's reputation for caring about the community is commendable, it is crucial to ensure that personal relationships and community influence do not impact judicial decision-making. Judges must make decisions based solely on the law and impartiality

to maintain public trust and the integrity of the judiciary. The judge's conduct in this scenario may be considered ethically questionable under Canon 2(B).

Best Practices

In either scenario above, what could have been done to better comply with the Code of Judicial Conduct?

Because community service has such broad applications, finding a healthy balance of creativity, accommodations, and the general good is a fluid art. A mentor of mine would say, "go to a good tree, get good shade." Texas provides excellent resources, for example, the State Commission on Judicial Conduct is an advisable first stop. Additionally, TMCEC answers questions related to community service.

Some best practices for community service discussed at the AY 24 TMCEC Regional Seminars include:

- Standardizing the criteria for what qualifies as acceptable community service in the court;
- Creating clear written orders that will help to minimize confusion when situations fall into a certain set of parameters, clearly stated procedures help to dispel any appearance of impropriety; and

- Treating all people and organizations in the same manner in similar circumstances to make for fewer headaches along the road.

Building Public Trust

Although the Code of Judicial Conduct is a humble pamphlet in comparison to the voluminous Texas Constitution, it serves as core guidance for what constitutes judicial integrity in Texas.

Courts are neutral arbiters of the law. Judges are charged with maintaining fairness and equity, reflecting the law of the land and not the law of the moment or the party.

In the 2023 State of the Judiciary, Chief Justice Nathan Hecht said definitively, "Judges have no constituencies." The statement read fully in context has neither caveat nor qualification.

Most Texans' personal exposure to the judiciary is in a municipal court. So, it stands to reason that as goes Texans' experience in the municipal court, so goes their perception of the judiciary. It seems at least one directive is clear: public trust is mission critical and it is our individual and collective responsibility to ethically interpret and administer the law.



Court Security Conference
May 21-22, 2024
Austin, TX
Austin Marriott South

The two-day TMCEC Court Security Conference is a 12-hour program that covers best practices in court security. Whether courthouse, cyber, or personal security, the court must establish and implement appropriate plans and procedures to protect court personnel and the public.

Online registration is \$150. There is a \$50 fee per night for a private, single occupancy room. To register online, please visit register.tmcec.com.

RULES OF

JUDICIAL EDUCATION

FAQ

What are the basic judicial education requirements?

- All municipal judges are required to annually complete 16 hours of judicial education between September 1st and August 31st.
- New judges must complete 16 hours (attorney judges) or 32 hours (non-attorney judges) of in-person, continuous instruction within one year of taking office. A judge's second year of training must consist of 16 in-person, continuous hours at a live TMCEC Judges Seminar.
- After judges have completed at least 2 years of required judicial education, municipal judges can exercise flex-time. This means that while municipal judges must complete 8 hours of continuous live education, the remaining 8 hours of flex-time education can be satisfied through live presentation, approved online education, or any combination of approved live events and online education;
- Additionally, after two years of TMCEC judicial education, municipal judges may choose to "opt out" of TMCEC education by participating in relevant, approved presentations of at least 8 hours of live presentation with the remaining 8 hours through live presentation, online education, or any combination thereof. The choice to "opt out" of TMCEC training is available in alternating years.
- Magistrates are required to complete an 8-hour initial training course on magistrate duties as a qualification for setting bail in criminal cases punishable by confinement. Magistrates who began serving after April 1, 2022 have 90 days from the date they take office to complete the training.

How can I complete the required 8-hour Magistrate Duties course?

TMCEC, in conjunction with the Office of Court Administration (OCA), has developed a course specifically for municipal judges serving as magistrates. This virtual course is available on-demand on TMCEC's Online Learning Center. Attendance counts for 8 hours of Judicial Education and Clerk Certification credit.

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

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

hours available will attend Days 1, 2, and 3.

Can I attend portions of Day 1 and Day 3 and attend all of Day 2?

All judges are expected to attend the entire 8 hours of Day 2 of the regional program. Judges seeking more than 8 hours of credit will be expected to attend the entire 4 hours of Day 1 and/or Day 3. Attendance at all 4 hours of Day 3 is required to be eligible for hotel rooms on the evening of Day 2 subsidized by grant funds.

Am I required to attend more than one TMCEC educational offering annually?

No. Judges are only required to attend one live TMCEC training, and it must contain at least 8 hours of continuous live training (for those who have completed two years of training through TMCEC). Currently, those options consist of one of nine TMCEC Regional Programs or the Municipal Traffic Safety Initiatives (MTSI) Conference. Judges choosing the MTSI Conference to satisfy their judicial education requirements must attend the entire conference to be eligible for credit and for the grant-funded housing.

What TMCEC programs are approved for credit towards the additional 8 hours (if I utilize flex-time)?

- TMCEC Court Security Conference
- TMCEC C3 Fines and Fees Forum
- TMCEC Webinars
- TMCEC Legislative Updates
- TMCEC Municipal Traffic Safety Initiatives Conference
- TMCEC Impaired Driving Symposium
- TMCEC Mental Health Conference
- TMCEC Prosecutors Program
- TMCEC Regional Clerks program (only if the judge serves as a clerk in dual capacity)

What non-TMCEC providers are approved for Judicial Education?

- American Judges Association
- ABA (American Bar Association)
- Harvard Law School
- Houston Municipal Court
- Juvenile Law Section of the State Bar of Texas
- National Association of Criminal Defense Lawyers
- National College of District Attorneys
- National Council of Juvenile and Family Law Judges
- The National Judicial College
- State Bar of Texas Professional Development Programs
- Texas Association of Counties
- Texas Criminal Defense Lawyers Project
- Texas Center for the Judiciary

- Texas Council on Family Violence
- Texas Court of Criminal Appeals
- Texas District and County Attorneys Association
- Texas Justice Courts Training Center
- Texas Juvenile Probation Commission
- Texas Municipal Courts Association
- U.S. Army, Judge Advocate School

National and state bar associations, as well as Texas law schools are also approved if courses relate to municipal courts.

What documentation is necessary to show fulfillment of the 8 hours if satisfied by an approved provider other than TMCEC?

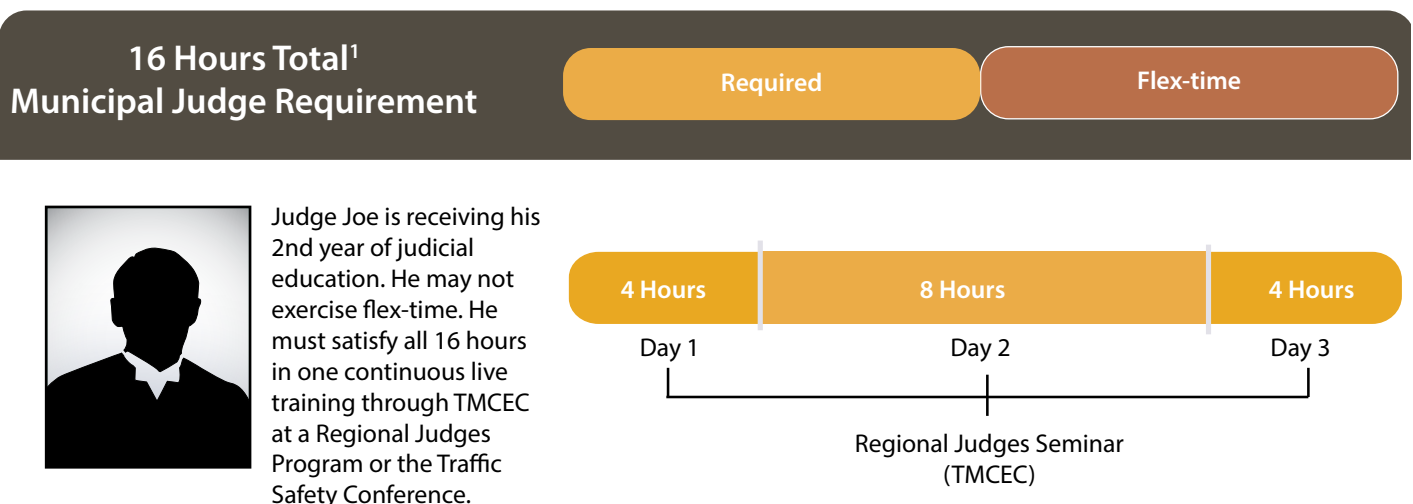
- A certificate of attendance or completion;
- A receipt for payment of tuition;
- A program agenda and affidavit supporting attendance; or
- Other documentation as approved by the TMCEC executive director.

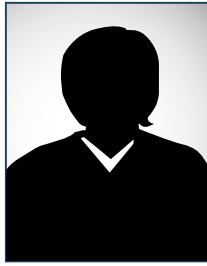
Does TMCEC’s Virtual Regional Seminar count as “live hours”?

Yes, the 2023 changes to the Rules of Judicial Education include synchronous, live programs within the definition of “live TMCEC Judges Seminar.” This means that municipal judges may now attend a live, continuous TMCEC Judges Seminar virtually. On-demand virtual training does NOT count as “live hours.”

Does TMCEC’s Virtual Regional Seminar count as “in-person” training for a judge completing his or her first or second year of training?

No. Judges completing their first or second year of training must complete in-person, continuous hours. While a virtual regional seminar is a “live” seminar, it is not “in-person.”

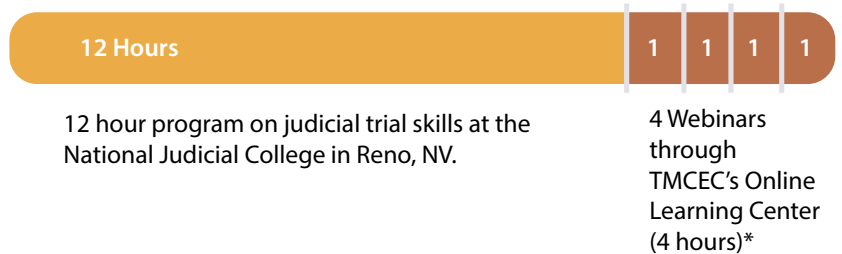




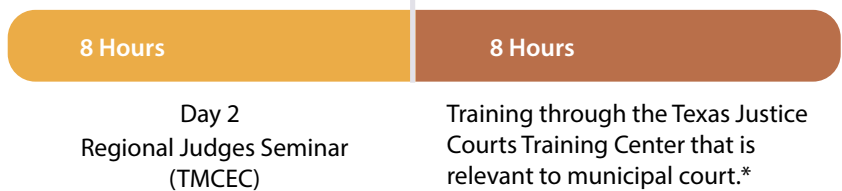
Judge Janice is in her 10th year as a municipal judge. She is choosing to exercise her flex-time option.



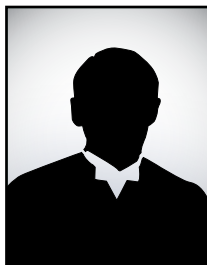
Judge Jacob is a municipal judge in his 5th year of service. He is opting out of required TMCEC training this year for an alternate course. He must still complete 16 hours consisting of at least 8 hours of continuous in-person training. He may do so every other year.



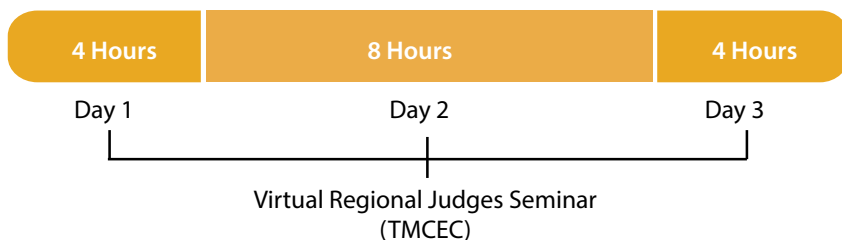
Judge Jane is a municipal judge in her 8th year of service. She is also a Justice of the Peace. She opted out of training last year. She is not eligible to opt out for two consecutive years.



*Or other approved provider.



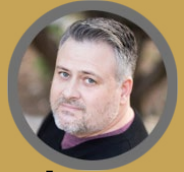
Judge Javier is in his third year of training. He had a conflict with the regional seminar nearest him. Rather than travel hundreds of miles, he is attending the virtual regional judges seminar.



¹ New non-attorney judges in first year of service must complete a 32-hour program, and then must complete 16 hours each year thereafter.



C3 Spotlight



Helping Local Governments Understand and Use the Local Consolidated Fee

Mark Goodner, General Counsel and Director of Education, TMCEC

Municipal courts play a vital role in preserving public safety, enhancing the quality of life in Texas communities, and deterring future criminal behavior. While this is directly tied to municipal courts' central purpose of the administration of justice, as a byproduct, municipal courts generate frequent (and sometimes substantial) incidental revenue for the cities that host municipal courts.

Incidental revenue is made up of fines and court costs. Fines are generally directed to the general fund of a municipality and face less restrictions in their use. Court costs are different. A large portion of court costs are sent to the state, and the ones that stay local frequently have statutory constraints directing them to be used for specific purposes. The best example of this is the Local Consolidated Fee (LCF). All Texas cities, regardless of population, stand to benefit from understanding these specific purposes.

The LCF is a \$14 court cost collected on all non-jailable misdemeanor offenses, including criminal violations of a municipal ordinance (Section 134.103, Local Government Code). Municipal treasurers are required by law to allocate the \$14 to four separate funds or accounts, based on percentages (outlined below). It is important to emphasize that the money in the fund or account may only be used for the purposes provided by law (Section 134.151(a), Local Government Code).

1. Municipal Court Building Security Fund, Art. 102.017, Code of Criminal Procedure

In each case, \$4.90 of the LCF must be allocated to the Municipal Court Building Security Fund. Monies in this fund are administered under the direction of the governing body of the municipality. Funds may only be used for security personnel, services, and items related to buildings that house the operation of municipal courts.

“Security personnel, services, and items” includes: (1) the purchase or repair of X-ray machines and conveying systems; (2) handheld metal detectors; (3) walkthrough metal detectors; identification cards and systems; (4) electronic locking and surveillance equipment; (5) video teleconferencing systems; (6) bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services; (7) signage; (8) confiscated weapon inventory and tracking systems; (9) locks, chains, alarms, or similar security devices; (10) the purchase or repair of bullet-proof glass; (11) continuing education on security issues for court personnel and security personnel; and (12) warrant officers and related equipment.

While the list above is not exhaustive, every requested expenditure should be evaluated based on the criteria outlined in the statute. Is the expenditure considered security personnel, services, or items?

Does it relate to the building that houses the operation of our municipal courts? These are the central questions that should guide a governing body in the use of these funds consistent with state law in a way that withstands the scrutiny of an audit and promotes public confidence.

2. Local Youth Diversion Fund, Section 134.156, Local Government Code

In each case, \$5.00 of the LCF is to be placed in the Local Youth Diversion Fund. In a city that employs or contracts a juvenile case manager, monies may be used to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of juvenile case manager. If there are monies left over, the remainder can be used to implement programs directly related to the duties of the juvenile case manager.

Since the implementation of the local consolidated fee in January of 2020, every municipal court in Texas has collected the \$5.00, yet the majority of municipal courts did not employ or contract for the services of a juvenile case manager and, therefore, had no legal way to expend the monies in this fund. H.B. 3186 passed by the 88th Regular Legislature amended Section 134.156 of the Local Government Code, allowing more avenues of expenditure for local governments.

If a city does not employ a juvenile case manager or contract for juvenile case manager services, monies may be used for the support of a local mental health authority, juvenile alcohol and substance abuse programs, educational and leadership programs, teen court programs, and any other project designed to prevent or reduce the number of juvenile referrals to court. Money in the fund, however, may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.

3. Municipal Court Technology Fund, Article 102.0172, Code of Criminal Procedure

In each case, \$4.00 of the LCF must be placed into the technology fund. The Municipal Court Technology Fund may be used only to finance the purchase of or to maintain technological enhancements for a municipal court including (1) computer systems; (2) computer networks; (3) computer hardware; (4) computer software; (5) imaging systems; (6) electronic kiosks; (7) electronic ticket writers; and (8) docket management systems.

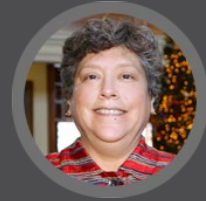
The fund shall be administered by or under the direction of the governing body. Expenditures should be directly linked to the purpose of the fund according to state law. Decisions should be guided according to whether they relate to technological enhancements for the municipal court.

4. Municipal Jury Fund, Section 134.154, Local Government Code

Money allocated to the municipal jury fund may be used by a municipality only to fund juror reimbursements and otherwise finance jury services. While state law does not require cities to pay or reimburse municipal court jurors, it is not prohibited. The Municipal Jury Fund provides a funding mechanism for cities who want to provide reimbursement in an amount determined by the city. Other costs related to jury services could include the cost of mailing jury summonses and food and beverages provided to jurors during service.

C3 (Councils, Courts, and Cities) is a public information and education campaign created by TMCEC that aims to help fill the information gap between city halls and municipal courts in Texas. For more information on C3, visit <https://www.tmcec.com/cities/>.

Using Mock Trials for School Outreach



Elizabeth De La Garza, TxDOT Grant Administrator, TMCEC



Reaching out to local schools may seem daunting. Some of the challenges might include trying to begin the process, deciding what activities and information to share with students, or determining how to follow-up after your visit. TMCEC's TxDOT grant, Municipal Traffic Safety Initiatives (MTSI), would love to help bridge the gap between your court and school-aged children by providing lessons, activities, and support! This article briefly discusses using mock trials to help achieve this goal.

Mock trials are a terrific way to incorporate law into the classroom while covering important traffic safety tips! The mock trial highlighted below (State v. Bryant) helps support the "TEKS" (Texas Essential Knowledge and Skills), which are the academic standards that all Texas teachers must use to prepare their students for those ever-important spring tests.

Using mock trials in the classroom is also a wonderful way to show students the viability of

pursuing a career in law. Class presentations by judges and court personnel also allow teachers to incorporate real-world activities into their classrooms, thus reinforcing prior learning from their curriculum and bringing relevance to their lessons. Mock trials support necessary TEKS skills such as analyzing structures and functions of the judicial branch. Other supported skills include teaching point of view, validity of information, arguments, and counterarguments from primary and secondary sources for bias/frame of reference.

Conducting mock trials at local schools is a win for the court, a win for the teacher, and a win for the students! Many local municipal courts are already conducting mock trials with great success!

PLEASE NOTE :

The following mock trial has been abridged for this edition of The Recorder. For the entire lesson (as well as all MTSI's other lessons), please contact Elizabeth De La Garza (elizabeth@tmcec.com) or visit tmcec.com/mtsi/educators.

The State of Texas vs. Casey Bryant

Abridged Mock Trial Lesson for Grades 7-12

Background

The Highland Creek subdivision of Anytown, Texas is a quiet neighborhood with friendly families. During Spring Break 2018, the weather was nice and children enjoyed playing outside. On March 18th of that week, at 2:38 p.m., Casey Bryant (age 18) left her home in the Highland Creek subdivision and travelled north on Creekview Lane.

As Casey approached the bend in the road, Henry Wallen (age 8) rode his bicycle out of his home's driveway onto Creekview Lane. Casey's car struck Henry and he was thrown from the bicycle. Henry, who was not wearing a helmet, suffered serious head trauma because of the crash. Casey stopped to render aid and called 911.

Paramedics arrived on the scene six minutes later and transported Henry to the hospital. He spent three days in the ICU (intensive care unit) while they waited for answers regarding the extent of the injuries. Henry was released from the hospital five days later having suffered a concussion that took over two months to fully recover from and broke both femurs, which required months of physical therapy to regain the ability to walk again.

Charges

The State charges Casey Bryant with three offenses:

- Deadly Conduct
- Reckless Endangerment
- Texting While Driving

Evidence

In this exercise, only the following evidence may be introduced at trial:

- Highland Creek Subdivision Map
- Crash Location Photographs
- Casey's Text Messages Around the Time of the Crash
- Dr. Denny Manuel's Resume
- Peyton Odell's Resume

To view the full lesson or other MTSI instructional materials, visit tmcec.com/mtsi/educators.

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To provide high quality
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materials to assist
municipal court judges,
court support personnel,
and prosecutors in
obtaining and maintaining
professional competence.

April 23-25, 2024

Panhandle Regional Judges
Seminar: In Person or Virtual

Panhandle Regional Clerks
Seminar: In Person or Virtual

**Overton Hotel and
Conference Center
Lubbock, Texas**

**In person:
Lubbock, Texas**

**Virtual:
Live Online**



The TMCEC Regional Judges Seminar is a 16-hour program that covers legal, ethical, and practical issues that municipal judges typically encounter on the bench.

The TMCEC Regional Clerks Seminar is a 16-hour program that covers legal, ethical, and practical issues, providing foundational knowledge of municipal court practices.

REGISTRATION & HOUSING FEES Registration is \$150. The Housing Fee is \$50 per participant per night. To register, please visit register.tmcec.com.