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JAIL CREDIT: ATTORNEY GENERAL OPINION

by W. Clay Abbott,
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On July 1, 2001, Texas Attorney General John Cornyn issued JC-0393, an opinion dealing with the issue of jail credit for fine-only offenses. The full text of the opinion can be found at www.oag.state.tx.us. A link to that cite can also be found on the TMCEC web page, www.tmcec.com. The opinion contains extensive discussion and history on three separate questions concerning jail credit on cases arising out of municipal and justice courts.

The first issue addressed is whether multiple Class C offenses were served out consecutively or concurrently. The second issue is which orders must be entered to have sentences run consecutively. Finally, the opinion addresses the issue of pre-judgment credit and whether it should be applied consecutively or concurrently.

On the third issue, JC-0393 clearly states pre-judgment credit must be applied in a concurrent fashion. The opinion follows the analysis in an article appearing in *The Recorder* in August 2000. Each separate case's fine and cost must be credited under Art. 45.041(c), Code of Criminal Procedure, that requires application of Art. 42.03, Code of

Criminal Procedure, to municipal court cases. The opinion recognizes the "double credit" effect of this position. The opinion cites *Hannington v. State*, 832 S.W.2d 355 (Tex. Crim. App. 1992) and *Ex Parte Bynum*, 772 S.W.2d 113 (Tex. Crim. App. 1989).

Except for this fairly simple point, the rest of the opinion is complicated at best and downright indecipherable at worst. While the opinion makes clear that fines can be consecutive, more commonly referred to as "stacked," the actual implementation of consecutive sentences is dependent on the judge's order and much more cumbersome and difficult.

Post-judgment credit is then dealt with in two separate categories: 1) Orders or Capias Pro Fines issued when the defendant is not "serving another term of confinement," and 2) Orders or Capias Pro Fines issued when the defendant is "serving another term of confinement."

The opinion declares that, in the first category, where the defendant is at liberty at the time of the order or capias, Art. 43.03, Code of Criminal Procedure, does not apply and the sentences are made consecutive or "stacked." The opinion confirms the holding of the Attorney General's previous opinion in Tex. Att'y Gen. Op. No. JM-107 (1983) and the Court's opinions in *Ex parte Minjares*, 582 S.W.2d 105 (Tex. Crim. App. 1978) and *Veteto v. State*,

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FIRST CLERK ACHIEVES FULL CERTIFICATION



Jennifer Sullivan, municipal court clerk of Sealy, Texas, has conquered new territory. She is the first

clerk in the state to master all three levels of the Texas Court Clerks Certification Program. A program started in 1997, the Certification Program offers a study program and then tests a clerk's foundation of skills, ranging from collecting fines to streamlining caseload. To be named a

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AROUND THE STATE

ABA HONORS TEXAS JUDGE

Judge Robin D. Smith of Midland, Texas received the Judicial Education Award from the American Bar Association Judicial Division National Conference of Special Court Judges. Judge Smith has been actively involved in judicial education for 10 years, traveling across Texas once a month to teach classes offered by the Texas Municipal Courts Education Center. He has been a faculty member of the National Judicial College in Reno, Nevada for the past six years in addition to teaching classes at a local community college and publishing a monthly statewide newsletter for judges and court personnel. Smith also authored teen court legislation in 1989, and his teen court program is often cited as a model when similar courts are established across the country. Judge Glenn Phillips, Past President of TMCA, adds, "For many years, Judge Robin Smith has not only worked hard for the Texas Municipal Courts Association, but he has distinguished himself as an outstanding speaker and educator at the state and national level."

DALLAS JUDGE RECEIVES AWARD

Judge Daniel F. Solis was recently honored in receiving the Michael J. O'Neal Outstanding Jurist Gavel

Award at the annual meeting of the Municipal Judges Section of the State Bar of Texas in Austin. Section Chair Judge Andrew Leonie said, "the annual Award recognizes an outstanding Texas Municipal Judge for their professional service and dedication; precisely those qualities of Judge Solis."

In making the presentation Judge William F. Kortemier noted Judge Solis' lengthy history of civic involvement including service on the Boards of Directors of Dallas County Adult Literacy Council, American Red Cross, Dallas Chapter, United Way of Metropolitan Dallas, and Parkland Hospital. He has also served as President or Chair of Dallas Council on Alcoholism and Drug Abuse, Community Council of Greater Dallas, and Dallas Jobs for Progress. Judge Solis also serves as an Evidence Instructor for the Texas Municipal Courts Education Center, is an ex-officio member of the Judicial Nominating Commission for the City of Dallas, and is a Panel Chair of the Dallas area State Bar Grievance Committee. He has served as a Municipal Judge for the City of Dallas since 1977.

JUDGE APPOINTED TO TJC

Judge Glenn Phillips of Kilgore has been appointed to the Texas Judicial Council by Chief Justice Tom Phillips. He has been chosen as the Chair of the Committee on Prosecutors in the Justice of the Peace and Municipal Courts. This committee will identify, study, and make recommendations regarding those municipal and justice of the peace courts that do not have a prosecutor. The committee will also address the economic factors associated with any recommendations.

UPCOMING CONFERENCES

What: Texas Crime Victim Clearinghouse Conference

When: November 15-19, 2001

Where: Houston, Texas, Wyndham Greenspoint Hotel, 12400 Greenspoint Drive, 281/875-2222

Housing: Room rates are \$70 for a single, \$90 for a double, triple, or quadruple. Executive King Suites start at \$90. Call 800-WYNDHAM for reservations.

What: Texas Teen Court Conference

When: November 6-9, 2001

Where: Lubbock, Texas, Holiday Inn Civic Center Hotel, 801 Avenue Q, 806/763-1200

Contact: Ed Cooper at Lubbock Teen Court, P.O. Box 53875, Lubbock, Texas 79457

Housing: \$59 per night

Cost: Members: \$200, Nonmembers: \$250.

What: National Council of Juvenile and Family Court Judges Autumn Programs

When: 1) September 30 - October 5, 2001 Evidence in Juvenile and Family & Court Judicial Response to Alcohol and Other Drugs; 2) October 21-26, 2001 Advanced Family Law & Fall College: The Role of the Judge
Where: Reno, Nevada, The National Council headquarters, 1041 North Virginia Street on the University of Nevada, Reno campus

Contact: 775/784-6012

Housing: University Inn, adjacent to the training site, 775/323-0321. Cost for five nights, including most meals, is \$289.

Cost: \$380 for each course (includes a \$180 activity fee)

What: TDCAA Annual Criminal & Civil Law Update.

When: September 26-28, 2001

Where: Galveston, Texas, Galveston Island Convention Center

Contact: 512/474-2436

Cost: Members - \$250

Nonmembers - \$350.

OPEN GOVERNMENT HOTLINE

The Office of the Attorney General has an Open Government Hotline to answer questions on the Open Records Act, Public Information Act, and Open Meetings Act. Calls are answered by David Short and Sue Testolin. In addition to the calls, the hotline also receives written complaints, which are handled by David Mendoza, James Reyes, and Manny Ruiz. Attorney General John Cornyn states his support for the hotline, "I always have believed problems between citizens and government bodies regarding open records are rooted in a lack of education or understanding of the

process, rather than a willful effort to conceal information." The number is 877/OPEN TEX (877/673-6839). The hotline's hours are 7:30 a.m. - 5:00 p.m. Calls are returned within a two-hour period; calls made after 3:00 p.m. might be returned the next day.

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8 S.W.3d 805 (Tex. App.-Waco 2000).

Although the sentence or fines are consecutive and "stacked," the Attorney General goes on to opine that an order or capias must completely comply with Art. 42.08, Code of Criminal Procedure, and *Banks v. State*, 708 S.W.2d 460 (Tex. Crim. App. 1989). This means the order must declare that the fines are consecutive and identify the causes on which the fines are stacked, conviction date, sentence, and offenses date. Presumptively, if the defendant had 20 charges, all this information on each charge would have to be listed individually in the other 19 judgments.

In the second category, when order or capias are issued when defendant is "serving another term of confinement," the fines would be consecutive under Art. 42.03, Code of

OFFENSE CODES

As the effective date for new legislation passes, TMCEC has received numerous calls asking for the DPS offense codes for Possession of Alcoholic Beverage in Motor Vehicle (or Open Container) created in Section 49.031, Penal Code, by HB 5 for the code that will allow special findings in cases of retail gas thefts under Article 42.019, Code of Criminal Procedure, added by SB 968. The Center has been informed by DPS that neither code has been finalized. DPS personnel have promised that we will be informed as soon as the Department completes this important task. The Center will in turn notify the courts as quickly as possible. Watch our web site at www.tmcec.com and further editions of this publication.



Criminal Procedure, unless specifically “stacked” under Art. 42.08, Code of Criminal Procedure. This whole distinction or category is superfluous based on the opinion’s treatment of the second issue as discussed above.

The opinion, when addressing the issue of what orders must be made holds:

“In either case, the justice’s or judge’s order must comport with Art. 42.08 of the Code of Criminal Procedure. Chapter 45 does not provide a procedure that specifically applies to justice and municipal courts; as a result, in accordance with section [sic] 45.002, we look to

‘other general provisions’ of the Code of Criminal Procedure for guidance. ... Section [sic] 43.03(b) explicitly points to Art. 42.08.”

The Court of Criminal Appeals has been fairly strict in enforcing Art. 42.08. *Banks v. State, supra*. requires that five elements appear in an Art. 42.08 stacking order concerning cases for a judgment to run consecutively: 1) the case number, 2) the name of the convicting court, 3) the conviction date, 4) the sentence, and 5) the offense.

The opinion makes what appeared to be a simple holding in *Minjares, supra*. an extremely difficult issue of judicial order writing. Doubtless,

crowded county jails will rush to rely on the opinion. If municipal judges want to make sure defendants serve fine layouts consecutively, they may need to fire up the word processors.

Certification continued from page 1

Certified Municipal Court Clerk, a clerk must achieve certification in Levels I and II, as well as complete a number of education hours including participating in a 24-hour assessment clinic, complete 40 hours of court observation, record an extensive court observation journal, read 18 assigned books, and pass the Level III exam. Sullivan has been a court clerk for ten years and holds an associate’s degree in applied science and business management.

RELEVANT STATUTES, CODE OF CRIMINAL PROCEDURE

Art. 42.08. Cumulative or concurrent sentence

(a) When the same defendant has been convicted in two or more cases, judgment and sentence shall be pronounced in each case in the same manner as if there had been but one conviction. Except as provided by Sections (b) and (c) of this article, in the discretion of the court, the judgment in the second and subsequent convictions may either be that the sentence imposed or suspended shall begin when the judgment and the sentence imposed or suspended in the preceding conviction has ceased to operate, or that the sentence imposed or suspended shall run concurrently with the other case or cases, and sentence and execution shall be accordingly; provided, however, that the cumulative total of suspended sentences in felony cases shall not exceed 10 years, and the cumulative total of suspended sentences in misdemeanor cases shall not exceed the maximum period of confinement in jail applicable to the misdemeanor offenses, though in no event more than three years, including extensions of periods of community supervision under Section 22, Article 42.12, of this code, if none of the offenses are offenses under Chapter 49, Penal Code, or four years, including extensions, if any of the offenses are offenses under Chapter 49, Penal Code.

(b) If a defendant is sentenced for an offense committed while the defendant was an inmate in the institutional division of the Texas Department of Criminal Justice and the defendant has not completed the sentence he was serving at the time of the offense, the judge shall order the sentence for the subsequent offense to commence immediately on completion of the sentence for the original offense.

(c) If a defendant has been convicted in two or more cases and the court suspends the imposition of the sentence in one of the cases, the court may not order a sentence of confinement to commence on the completion of a suspended sentence for an offense.

Art. 43.03. Payment of fine

(a) If a defendant is sentenced to pay a fine or costs or both and the defendant defaults in payment, the court after a hearing under Subsection (d) of this article may order the defendant confined in jail until discharged as provided by law, may order the defendant to discharge the fines and costs in any other manner provided by Article 43.09 of this code, or may waive payment of fines and cost as provided by Article 43.091. A certified copy of the judgment, sentence, and order is sufficient to authorize confinement under this subsection.

(b) A term of confinement for default in payment of fine or costs or both may not exceed the maximum term of confinement authorized for the offense for which the defendant was sentenced to pay the fine or costs or both. If a court orders a term of confinement for default in payment of fines or costs under this article at a time during which a defendant is serving another term of confinement for default or is serving a term of confinement for conviction of an offense, the term of confinement for default runs concurrently with the other term of confinement, unless the court orders the terms to run consecutively under Article 42.08 of this code.

(c) If a defendant is sentenced both to confinement and to pay a fine or costs or both, and he defaults in payment of either, a term of confinement for the default, when combined with the term of confinement already assessed, may not exceed the maximum term of confinement authorized for the offense for which the defendant was sentenced.

(d) A court may not order a defendant confined under Subsection (a) of this article unless the court at a hearing:

(1) determines that the defendant is not indigent or determines that the defendant willfully refused to pay or failed to make sufficient bona fide efforts legally to acquire the resources to pay and enters that determination in writing in the court docket; and

(2) determines that no alternative method of discharging fines and costs provided by Article 43.09 of this code is appropriate for the defendant.

The following is an interview with Jennifer Sullivan where she describes in her own words what it was like to achieve full certification in the Texas Court Clerks Certification Program.

1. What were some of the biggest challenges to completing the certification requirements?

The biggest challenge for me was the fact that I was working 40 hours a week while raising a young child (Jill, who is now four years old), and trying to fit in the time to read 18 books, answer the study guide questions, remember what I was reading, and do it in a short enough time period so that I wouldn't forget what I had read in the first books by the time I finished up the last ones. I had to wait until my daughter was asleep at night, and try not to fall asleep myself while studying for the test and also while writing the journal. As any clerk knows, there is no way to read, study, and prepare this journal at our jobs. There are too many responsibilities at work that must be completed, and I don't know of any courts that have idle time to spare. Most courts are understaffed.

2. What was your experience with those many courtroom visits and the observation journal that followed? What were some significant experiences or observations from your visits to other courts?

You must have heard about the lightening strike at my house! I had completed about one-half of my journal and I had it all on my hard drive at home. (Yes, dummy me didn't have a current backup!!!) Well, one day while I was at work, we had a storm, and lightening struck the transformer in front of our house and even though I had a surge protector, the electrical surge hit my computer. I took it to Gateway and hoped like crazy that they would be able to restore my data, and thank goodness they did. Needless to say, I went out

and bought a ton of diskettes and backed up EVERYTHING!

I learned something from every court I observed. I had never worked in another court besides Sealy and I really took over this court not knowing anything about it, like so many other clerks do. A lot of times in small courts a new employee is hired and no training is available from someone within the city. This is when TMCEC and TCCA become vital. Many new clerks don't even know that TMCEC and TCCA exist to provide support and training. So sometimes you get into a rut, a way of doing things, and you don't realize there are other ways, sometimes better, more efficient, or organized ways of doing things. Anything that can save us time and energy goes a long way when dealing with municipal court.

These are some of the things I have implemented in my court that I learned while observing others:

- Setting up bailiff guidelines to insure professionalism and courtroom security;
- Creating two-part NCR paper forms for convenience (NCR paper is non-carbon paper that makes copies without having to use carbon paper), eliminating the hassles of running back and forth between the copy machine and courtroom;
- Implementing pre-trial hearings on all cases set for trial;
- Creating a list of announcements for the judge to read at the beginning of arraignments to ensure defendants are aware of their options;
- Notifying defendants in writing at arraignments of their trial date, eliminating the need for trial-setting letters to be mailed out; and
- Revising color-coded filing systems.

The hands-on lessons learned from other individuals performing court duties has been an invaluable experience.

I am thankful to the court personnel who allowed me to spend time visiting and observing their courts. The best advice I can give regarding the journal, I received from Shirley Armstrong of Grand Prairie, she said, "Just start writing, just jump in, and start doing it." Don't worry about what it looks like or sounds like now, just get something out on paper and keep going. You can always go back and revise and make it look good later. Just get over that writer's block by brainstorming on your word processor. Don't worry about the grammar, spelling, punctuation, and reuse of words. After you have typed everything you can about the experience, go back to clean it up and use the thesaurus.

3. What did you gain from completing the extensive reading list? Do any of the books stand out as particularly good resources for you?

I gained a great amount of motivation and energy from reading many of the books. I'll admit a few were very hard to get through, but most of the books gave great ideas for motivating employees and feeling good about your work. It encouraged me to be proud of the work I do. Many of the books reiterated things I learned from college courses I had taken regarding the supervising, hiring, and training of employees. I really enjoyed the "Leadership Challenge." It had a lot of good ideas and was a very inspiring book.

4. What has your teaching experience for TMCEC been like? Do you enjoy it?

When Margaret Robbins first asked me to attend the "Train the Trainer" workshop in Austin about three years ago, I thought, no way! I'm too shy, quiet, and inexperienced to teach at one of the seminars. But I challenged myself to get out of my comfort zone, because I knew if I could do this, it

would be a great learning experience for me. I knew it would help me be able to express myself better one on one and in front of a large group. What court administrator has not had to get up in front of City Council and speak! I knew this would be a good thing, if I could get over the nervousness. Well, I attended the workshop and I really learned a lot about public speaking. I learned it was a fear that some feared more than death itself! We picked topics and I am so shy that I didn't shout out a good easy topic right away so I got stuck with "Warrants and Failures To Appear!" Why me, I thought! Well, Margaret kept encouraging me and giving me the confidence to at least try one class. One 2½ hour class! I prepared and studied and prepared, which we learned was the key to success in public speaking. I thought my heart was going to beat right out of my chest when I stood up there in front of about 100 clerks. But after a few minutes of stumbling over words, I got into the subject and I really wanted these clerks to know all there was to know about warrants and failures to appear, and I forgot about being nervous and my heart stopped pounding. Now, after about three years of teaching, I don't get near as nervous as I used to. I really just want to share with others, because I know how frustrating it is to attend the seminars as a new clerk, and think, "Oh no, we are doing everything wrong!" I hope other clerks will get out of their own comfort zone and try public speaking. I promise it is not as hard as you have created it in your mind to be. If I can do it, anybody can. I really do enjoy it now, and the questions from the audience I used to dread, I now look forward to, because I know the audience is really listening and they want to know how to do their jobs right. We all do.

5. Describe your court, its docket and schedule, the local public it serves, and a little bit about a typical week for you.

My court is made up of 2 clerks. We handle about 425 cases per month, hold weekly arraignments on Tuesdays at 1:00 p.m. and monthly trials on Thursdays at 1:00 p.m. Many tickets are written on the interstate (IH-10) which runs through Sealy; a lot of those are college students traveling between home and school. We also receive a lot SISD school tickets like Class Disruption and Fighting. These are tough to handle because most juveniles are not able to pay a fine, and making them do community service is a full time battle. We are a small court so I perform all of the duties of the court administrator and clerk. A typical week for me is handling requests made to the judge and replying to those requests for the judge; preparing cases for trials and arraignments; processing warrants and *capias* pro fines; and preparing reports to council and the state. Thank goodness for computers! Also there is sitting in on arraignments and trials. Calling jurors, witnesses, and defendants for court. Our custodian, Theresa Gonzales, calls the defendants who failed to appear and notifies them that they need to appear. She has a script that I prepared, and she reads that to them. She also helps out with filing and mail-outs. We also put our community service workers to work around the office and Theresa serves as our community service coordinator. They help clean the office, community center, and the police department; they wash city cars and sometimes if we have a few workers, Theresa will take them out in the city van and let them pick up trash along our streets.

6. What has becoming a Certified Municipal Court Clerk brought to your job and your court?

This is a difficult question to answer. Some of the city staff think it is a great achievement and are very proud, however, sadly there are those that think certification is a waste of time. For me personally, I did it for myself. The judges I work with are very excited and happy for me. They have always encouraged me to become certified and to go to school. I think you have to have that inner desire to better yourself and even if it doesn't mean a pay increase, you know you did it and it is something you can be proud of. Really, the only individuals that can truly appreciate this accomplishment are other court clerks.

7. How did you get through the extensive process of certification?

I really just jumped in and started reading the books. I wanted to have the test done first, but I am glad I attended the Assessment Clinic, which was WONDERFUL, right before I took the test. It helped a lot! I had observed in a few courts here and there and written the journal when possible, but after I learned that I had passed the test I went into court observing double-time. Towards the end of the observation, I observed three courts in one week, and was up every night working on the journal just to get it done. Once you pass that test, you get a burst of inspiration and energy and you just want to finish it up.

I can explain how it feels in one word - "RELIEVED!" I'm just so relieved that I've finally completed the program.

8. Anything else you'd like to add?

I do want to add that being actively involved in the Texas Court Clerks Association and my local chapter, the Gulf Coast Chapter, has been a huge help in the form of support. I have

become very close to my friends in the Gulf Coast Chapter and they have been encouraging me the whole time to complete the certification process. They were the ones I called when I needed to observe other courts and they were welcoming and glad to have me in their courts. It was nice to spend the day in a court with a friendly face, someone you know and have become friends with over the years.

I cannot emphasize enough how important it is to become involved in TCCA and your local chapter. The strong network that is created through a local chapter, now facilitated by e-mail, will become your lifeline in times of crisis within your court. Your chapter friends become a sounding board for new ideas and concerns that they also share within their cities.

I am so glad that I finally came out of my shell in 1998 and became actively involved in TCCA by becoming a board member. That has also helped me to realize the importance of the Certification Program and appreciate the efforts that the previous board members gave in creating the Certification Program. Clerks like Leisa Hardin, Crowley; Rosie Caballero, Coppel; Winnie Kocot, Arlington; Hilda Phariss, Bryan; Don Vanadore, Grand Prairie; Shirley Armstrong, Grand Prairie; and Quentin Porter, San Antonio were instrumental in the creation of the Certification Program, not to mention Margaret Robbins and Hope Lochridge who played a major part in the implementation of this program.

Access the 2001-2002 Academic Schedule on the TMECE web site at www.tmcec.com.



SEVEN HABITS OF HIGHLY EFFECTIVE JUDGES

by Judge John N. Kirkendall
Ann Arbor, Michigan

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Three hundred fifty years before Steven R. Covey developed his highly touted and utilized analysis of successful people¹, Lord Matthew Hale (1609-1676), Chief Justice of England, laid down 18 rules to govern behavior on the bench. (See page 8 of this newsletter.) Anachronistic as they may be, it is easy to discern from his historic words the bedrock of today's judicial canons.³

Over the years, I observed the habits of many respected colleagues. And, as time passed, I joined the faculty of the Michigan Judicial Institute as well as that of the National Judicial College where I have had a chance to share my observations. I have learned the following:

1. Be punctual.

A tardy judge costs money. Parties are paying attorneys, missing work, and paying babysitters. If the judge is regularly late, attorneys learn to arrive late. Once a judge gets a reputation for being tardy, it is very difficult to change things. Start on time and also stop on time. If attorneys know the case will conclude at five o'clock, they can plan their cases more precisely. Court staff members deserve to have time with their families as well.

2. Listen actively.

Lord Hale admonished himself not to read the newspaper or write letters

while on the bench. Fortunately, today this would go without saying. Your parties have been waiting a long time for their day in court – perhaps even losing a night's sleep thinking of what to say to you. It is not only important they are heard, but it is important they believe they have been heard. Studies show courteous listening may be more important to the party than the result. This technique may take cultivation⁴, but once developed contributes strongly toward the parties' notion they have received a fair trial. Moreover, its proper exercise undoubtedly reduces grievances. Avoid loquacity⁵. Bite your tongue and try not to interrupt. Francis Bacon put it this way: "Patience and gravity of hearing is an essential part of justice; and an over-speaking judge is no well-tuned cymbal."⁶ There are the obvious times when the court must take charge and get the case on track, but the rule is patience.

3. Decide the case.

Judges are adjudicators. Do it. Develop a style that suits you and the docket you conduct. Many good judges make their determinations at the bench. Others have a need to write opinions. Develop a calendaring mechanism to keep track of the opinions due. Develop a technique to get the opinion written. Many times that very difficult opinion will simply resolve itself as you begin to write. Other times, an outline computer software program can help fit the pieces together and turn an otherwise dull project into something interesting. Discover for yourself how you work best.

4. Keep your finger on the pulse.

Judges are in charge of their courts. Know how the public and your staff feel about the way things are working. Periodically have questionnaires available for the persons who use your court. Find out if parking,

seating, facilities, staff attention, and so on are satisfactory. Meet with your staff regularly to determine satisfaction levels. Check your turnover rates. If your staff is leaving for other employment, find out why. Maintain diversity. People are generally more comfortable receiving service if there are some people around who look a little bit like they do. Go to bat for staff when required. Since the public will judge you by how they are treated by staff, let staff know this is a high priority. No one is in your courthouse for enjoyment. They are generally present because of a difficult event. Don't compound the problem. Discover and implement ways to make the courthouse experience more satisfactory.

5. Participate in Community Outreach Programs.

Judges are public relations personnel. Our judicial system works because the public has trust and confidence in its judges. There is no militia to carry out your judgments. Public trust must continually be fostered. Judges are best equipped to cultivate and further develop public trust by

participating in community outreach programs. Involvement of the schools, clergy, businesses, and service organizations in the work of the court is a responsibility of the conscientious judge. There is now an excellent, low-cost book available for judges describing successful programs nationwide⁷. Get it and develop a program for your court⁸.

6. Continue to Develop Professionally and Personally.

Share. Do not be a loner. The very job of judging has a cocoon effect⁹. Resist it as much as possible by joining with colleagues at meetings designed to enhance professional education and the judicial system. Take on a responsibility and fulfill it. Pursue a hobby. Value and spend time with your family. There are times when a partner is the only person you can talk things over with. A judge needs variety to thrive. Attend classes. It is important to attend a national educational opportunity regularly to exchange ideas with colleagues around the country. Your court and constituents will benefit immeasurably. Our court developed a leave policy specifically

envisioning attendance by judges at national conferences on a regular basis. Keep fit. Take the time to exercise regularly. Have regular check-ups. It is tempting given the press of heavy dockets and caseloads to give up "unnecessary" usurpations of judicial time. Do not succumb to this temptation. Your health is a valuable asset. Spiritual development is important to the well-rounded judge.

7. Actively Work with Lawmakers and Funding Agencies.

You see the effects of the law on the parties before you each day. You see opportunities for improvements. Develop mechanisms to communicate them to legislators, whether it is an invitation to a legislator to attend a judicial council meeting or whether it is a meeting in the state capitol. Do not be the judge who only appears when salary or retirement issues are being considered. Many courts have developed ways to provide orientation to their funding agency members. If members of a funding agency can spend a day with you in your courtroom and chambers, they will have much clearer insight into budget

THINGS NECESSARY TO BE CONTINUALLY HAD IN REMEMBRANCE²

1. *That in the administration of justice I am intrusted for God, the King and country; and therefore,*
2. *That it be done, 1. uprightly; 2. deliberately; 3. resolutely.*
3. *That I rest not upon my own understanding or strength, but implore and rest upon the direction and strength of God.*
4. *That in the execution of justice I carefully lay aside my own passions, and not give way to them, however provoked.*
5. *That I be wholly intent upon the business I am about, remitting all other cares and thoughts as unseasonable and interruptions. And, while on the Bench, not writing letters or reading newspapers.*
6. *That I suffer not myself to be prepossessed with any judgment at all, till the whole business and both parties be heard.*
7. *That I never engage myself in the beginning of any cause, but reserve myself unprejudiced till the whole be heard.*
8. *That in business capital, though my nature prompt me to pity, yet to consider there is a pity also due to the country.*
9. *That I be not too rigid in matters purely conscientious, where all the harm is diversity of judgment.*
10. *That I be not biased with compassion to the poor, or favour to the rich, in point of justice.*
11. *That popular or court applause or distaste have no influence in anything I do, in point of distribution of justice.*
12. *Not to be solicitous what men will say or think, so long as I keep myself exactly according to the rule of justice.*
13. *If in criminals it be a measuring cast, to incline to mercy and acquittal.*
14. *In criminals that consist merely in words, where no more harm ensues, moderation is no injustice.*
15. *In criminals of blood, if the fact be evident, severity is justice.*
16. *To abhor all private solicitations, of what kind so ever, and by whomsoever, in matters depending.*
17. *To charge my servants, 1. Not to interpose in any matter whatsoever; 2. Not to take more than their known fees; 3. Not to give any undue precedence to causes; 4. Not to recommend counsel.*
18. *To be short and sparing at meals, that I may be the fitter for business.*

requests you make later on.

¹ *The 7 Habits of Highly Effective People: Powerful Lessons in Personal Change*, Stephen R. Covey, Simon & Schuster.

² From the original in Hale's own handwriting. I could only wish that, further, he had given a caution against interrupting counsel, and against loquacity on the bench, with a repetition of Lord Bacon's maxim, "A much-speaking judge is a no well-tuned cymbal."

Hale, Matthew, in Campbell, John, Lord, *Lives of the Chief Justices of England* (London: John Murray, 1858), Vol. I, pp. 547-48

³ This article assumes a judge's working familiarity with the judicial canons of ethics. The thesis: effective work habits built on such a foundation will produce a stellar public servant.

⁴ In one class at the National Judicial College, a judge from California revealed a technique a colleague developed for staying awake during a particularly boring matter. The judge sat in an old courtroom with a hardwood floor beneath his chair. He would tightly hold a quarter between his thumb and forefinger. When he dozed off, the quarter would fall, hit the floor, clunk loudly and bring him back to life! This tale shows the importance of the court not relinquishing its role as manager. Perhaps the California judge's technique could be avoided altogether if the judge were to enforce rules ensuring crisp, non-repetitive presentations. In short, not only should the judge avoid loquacity but also the judge should squelch the same characteristic in attorneys.

⁵ I have taken the liberty to extract this, as you can see, from Hale. I am not sure this would be an accepted tenet in courts of appeals, however.

⁶ Bacon, *Essays: Of Judicature; I Works of Francis Bacon* (Philadelphia: A. Hart, 1852) p. 58

⁷ *Judicial Outreach on a Shoestring: A Working Manual*, Judge Richard Fruin, American Bar Association, 1999, Product Code 5230048, available at the ABA website: <http://www.abanet.org/jd/pubs/5230048.html>. Judicial Division member price: \$9.95

⁸ Judges must be mindful of judicial canons and the appearance of bias when involved with community organizations. Do not join boards of groups likely to appear before you. Highly visible positions on behalf of causes whose subject matter is under your jurisdiction should be avoided.

⁹ A noted speaker once invited her audience to empty two desk drawers. Replace the contents of one with the glowing letters and tributes you receive as they come in. Replace the contents of the other with copies of letters you would have liked to have mailed in response to less complimentary missives. To improve one's mental outlook, periodically review the contents of each. Read over and bask in the tributes in one drawer and then tear up the letters you would have liked to have mailed in the other!

COMMUNITY COURT APPROACH TO REPEAT OFFENDERS

By Judge Elisabeth Earle
Downtown Austin Community Court

In Austin, statistics show that 54.7 percent of those arrested for public

order offenses have been arrested previously¹; this recidivism most frequently occurs in the downtown business district. In response to a call for action from citizens, downtown businesses, homeless advocates, and public officials, the Downtown Austin Community Court (DACC), the first court of its kind in Texas, opened October 1, 1999 to help solve this problem.

The mission of the Court is to provide an innovative approach to working with public order offenders by ordering treatment to end their cycle of criminal behavior and community service projects to restore the community. Public order offenses include public intoxication, camping in public places, possession of drug paraphernalia, disorderly conduct, urinating in public places, simple assault, and aggressive panhandling. Targeting the downtown area, the Court only hears cases that occur in an area defined by Martin Luther King Blvd. on the north, Lamar Blvd. on the west, IH-35 on the east, and Town Lake on the south.

The Community Court bridges the gap between the courts, social services, law enforcement, and the community. The Court takes advantage of the opportunity provided by an arrest or court appearance to address the needs of people who are in need of help, provide a central link to the services that are needed, and mandate immediate accountability. DACC provides the opportunity for persons charged with public order offenses to change their behavior and thus, their life choices. Defendants appear anticipating a different type of court and are often surprised when the Court helps provide solutions for their individual case and addiction issues. All offenders are screened early in the court process to determine any health and human service needs they may have. Treatment referrals are made for everything

from chemical addiction to workforce development with an emphasis on the continuum of care. To help offenders face their addiction, "treatment-readiness" classes are conducted daily at the Court by a peer counselor.

The community service component of sentencing emphasizes immediate accountability. Accountability is defined as taking responsibility for behaviors, taking action to repair the harm resulting from those behaviors, and paying back the community harmed. The Community Service Coordinator monitors for compliance in a timely and accountable manner. Over 33,000 hours of community service have been completed since 1999. These hours have directly benefited the downtown Austin community and the compliance rate for community service is over 90 percent.

Defendants who have completed the DACC program sometimes write and thank everyone for providing them with an opportunity to change their behavior. Some defendants are first-time offenders charged with public intoxication or minor in possession of alcohol. Most are interested in keeping the offense off their criminal records. At the other end of the spectrum, there are offenders who have been through the criminal justice system many times and have never dealt with their drug or alcohol addiction. These cases are more difficult and involve addressing some deep issues.

Recently, a 23-year-old young man was sitting in the courtroom waiting to meet with his community court social worker. This was not his first encounter with the criminal justice system; however, he had a different look in his eyes than on previous appearances - a look of accomplishment. As he approached the bench, he was grinning from ear to ear. His

social worker explained he had just completed a 28-day inpatient program at Austin Recovery Center. This young man ran away from home at the age of 15. His family lives in Boston and Washington State. While in treatment, he made contact with his family, informed them he was receiving help for his addiction and celebrated his 23rd birthday sober. Currently he has a sponsor and is living at Push-Up, receiving assistance in obtaining full-time employment, and continuing his recovery program. As he turned away, he said, "Thank you, Judge, for not giving up on me," and looked at the officers in the courtroom, saying, "If it weren't for the officer arresting me, I would still be on the streets." Unfortunately, DACC also has defendants who have not taken treatment seriously and the power of their addiction is currently winning the battle, but the Court does not give up hope.

One of the goals of the Downtown Austin Community Court is to engage the entire community in using the opportunity provided by a public order offense to begin the process of rebuilding the social capital upon which the Austin community is based. Coordinating all the individuals, groups, agencies, and organizations involved in the Community Court is a considerable task that involves partnerships. On May 10, 2000 the court received the Community Collaboration Award in recognition of the benefit to the central Texas community as a result of the Court's collaborative efforts.

A Community Action Panel involves community members in long-range strategic planning for the Community Court. While developing the community networks that are necessary to correct criminal behavior, the Court serves as a catalyst that strengthens and empowers the Austin community to meet the challenge of

addressing the causes of crime, as well.

The Community Action Network (CAN), a collaboration of 13 public and private organizations, released a report, *Community Assessment - Public Safety, Crime Prevention and Victimization*, addressing key issues to meet Travis County's vision. The vision is that Travis County "will be a community where all persons will be safe from crime and victimization." The report revealed that prevention and intervention are more successful and cost-effective methods for addressing criminal behavior than incarceration. Travis County Health & Human Services and Veterans Services' Research & Planning Division met with juvenile and adult criminal justice system experts to identify the best practices in Travis County. The Downtown Austin Community Court was viewed as "one of the best things about the criminal justice system in Travis County."

When asked what programs work in the Austin community, CAN stated, in general, offense-specific courts, such as the Travis County Drug Court, Travis County Family Violence Court, and Austin Downtown Community Court, are more effective and efficient than traditional courts. These specialty courts are able to partner with appropriate social services within the justice system and with outside stakeholders, such as schools, churches, and community members.

In the process of developing the community networks that are necessary to further the community court purpose, it has become apparent that a "one size fits all" approach will not be effective. There is no such thing as a generic model for a community court. Ideally, each court will reflect the particular nature of its community. However, at its core, as stated

SAMPLE COMMUNITY COURT PROCEDURE AT ARRAIGNMENT

- Defendant is arrested and taken to jail.
- Defendant may be released by the jail to appear in community court within three days.
- If defendant does not appear, the judge orders a commitment. If defendant appears and pleads not guilty, a trial date in municipal court is set.
- If the defendant does not appear at municipal court for trial, a bench warrant is issued. If he or she appears, a trial is held. Case is dismissed if the defendant is found not guilty. If the defendant appears and pleads guilty, he or she undergoes a screening/assessment. The resource coordinator compiles assessment and services information for the prosecutor, and then makes a recommendation to the judge.
- If the defendant is arraigned on Saturday or Sunday, the magistrate at the arraignment will take a plea from the community court defendant. If the defendant pleads guilty, he or she will be released to appear at the community court on Monday morning. If the defendant pleads not guilty, the cases will be processed through municipal court.
- If the defendant is still in jail, he or she is transported to community court, where he or she undergoes a screening/assessment. The resource coordinator compiles screening data, Community Service Restitution compliance assessment, coordination of benefits and services, and information for the prosecutor. The prosecutor then makes a recommendation to the judge.
- If the defendant receives a deferral, the resource coordinator arranges for community service, managed services, housing, workforce development, and/or other wraparound services. The coordinator also tracks the defendant's progress.
- If the defendant complies with the sentence, the case is closed. If he or she does not comply, the resource coordinator will notify the judge, who will order a clerk to generate a commitment.
- If the defendant is ordered to pay a fine, he or she may pay the fine or opt to do community service to satisfy the fine.
- If the defendant pays the fine, the case is closed.
- If the defendant chooses community service, the resource coordinator arranges for community service and tracks the defendant's progress in completing it.

earlier, community justice is about partnership and problem solving. Too often these concepts are viewed as missing from the criminal justice system across the nation.

The CAN assessment is an example of how, through collaboration, the community can address challenging issues and make progressive changes

within our criminal justice system. If you would like a copy of the report by the Community Action Network (CAN), *Community Assessment - Public Safety, Crime Prevention and Victimization Report*, please contact the CAN office at 512/414-8203 or visit their web site at www.caction.org.

As the Downtown Austin Community Court concludes its second year in existence, the positive feedback received from community members, law enforcement, social services, and the defendants themselves is evidence of how the community court concept is working and has been welcomed. With the support of the community and the commitment of the individuals involved, hopefully an innovative program such as a community court can make a difference one life at a time.

For further information on the Downtown Austin Community Court, contact: Judge Elisabeth Earle, P.O. Box 13464, Austin, Texas 78711, 512/433-4836.

¹ Data from Austin Travis County Mental Health and Mental Retardation Community Court Screening Pilot Program, April 1999.

FOR YOUR COURT

FAMILY FORWARD® OFFERS TEEN & PARENTING PROGRAMS

According to the most recent *Annual Report of the Texas Judicial System*, municipal courts adjudicated nearly 150,000 non-traffic juvenile cases in fiscal year 2000. To put this figure in perspective, during the same period of time, county and district courts designated as juvenile courts collectively adjudicated nearly 43,000 juveniles.

Frequently municipal and justice courts encounter misdirected children on the path to further criminal activity. More frequently, municipal court judges and prosecutors find that the origins of such behavior are deeply rooted in family problems.

Since 1981 municipal and justice courts have had the authority to order defendants to submit to counseling.¹ In 1991, municipal and justice courts were authorized to order truant children and their parents to attend classes for students at-risk of dropping out of school.² In 1995, the Legislature expanded the authority of municipal and justice courts under certain circumstances to order juveniles and individuals standing in parental relation to attend a wide array of special programs (including counseling, parenting, and self-improvement).³

While the law authorizes their use, one of the most frustrating tasks for municipal and justice courts is locating such programs.

Family Forward® was incorporated as Parents Anonymous® of Texas in 1979 to stop child abuse and neglect in Texas. The agency received its new name in early-2001 as well as an expanded mission – to strengthen families in order to prevent child abuse and neglect, school drop-out, and juvenile delinquency. Three programs are provided by the agency: Parents Anonymous® groups; the Texas Parent Heartline, a statewide toll-free telephone crisis counseling hotline for individuals experiencing parenting stress; and *The Middle Way Family Education*®, a comprehensive 15-week intervention for the entire family. Family Forward® also supports a statewide parent leadership team comprised of a diverse group of parents from across the state whose purpose is to represent and promote the needs of families.

Family Forward® programs and services are provided by a growing net-

work of service affiliates and community partners throughout the state, including family serving agencies, schools, domestic violence shelters, colleges and universities, child care centers, health care facilities, mental health centers, and faith-based organizations.

For additional information, contact Sarah Abrahams, Program Development Coordinator, at 512/459-5490, ext. 213 or sabrahams@familyforward.org.

¹ Former article 45.54 (3)(C), Code of Criminal Procedure (renumbered Article 45.051(b)(3), Code of Criminal Procedure during the 76th Legislature, 1999).

² Section 54.021, Family Code.

³ Section 54.022, Family Code.

BOOKS OF INTEREST

Caseflow Management: The Heart of Court Management in the New Millennium

by David C. Steelman, with John A. Goerdt and James E. McMillan (2000; \$27; 288 pp.)

An efficient court is more likely to win the confidence of the public. *Caseflow Management: The Heart of Court Management in the New Millennium* breaks court management down to its essential element: monitoring and controlling the progress of cases. This book brings courts up to date on the basic methods of caseflow management, describes the fundamental features of successful programs, and guides readers through the actual implementation of a caseflow management program. Caseflow management is the “conceptual heart” of judicial administration, and this book can help you improve the efficiency and effectiveness of your court.

David C. Steelman is a senior staff attorney with The National Center

for State Courts. James E. McMillan is the director of The National Center’s Court Technology Laboratory in Williamsburg, Virginia. John A. Goerdt is a judicial planner for the Iowa Judicial Branch.

There are four other titles in the Court Management Library Series:

Automating Court Systems by Lawrence P. Webster (\$23, 187 pp.)

Employee Discipline and Grievances by Gerald B. Kuban (\$20, 184 pp.)

Jury System Management by G. Thomas Munsterman (\$24, 204 pp.)

Trial Court Budgeting by Robert W. Tobin (\$18, 114 pp.)

The Courthouse: Planning and Design Guide for Court Facilities

by Don A. Hardenbergh (1999 revised edition, \$80)

The largest and most expensive program that any court administrator or judge will ever participate in is the planning, design, and construction of a new courthouse. Decisions made during the planning and design phases will affect the organization and operation of the court and judicial system for many years. The revised edition of *The Courthouse: A Planning and Design Guide for Court Facilities* provides the information you need to make informed decisions at each stage of planning. It examines the many issues that affect the planning process. Included in this discussion are the need to establish a user committee to oversee the project, selection of consultants and architects, and the five phases of a facilities project: planning, design, bidding, construction, and occupancy.

Don A. Hardenbergh is a nationally recognized justice planning professional, specializing in justice facility planning, court security, and judicial management.

Order the previous books from the National Center for State Courts online at www.ncsc.dni.us, first clicking "Information About the Courts," then clicking "NCSC Publications Catalog."

Checklists for Searches and Seizures in Public Schools

By Jon M. Van Dyke and Melvin M. Sakurai (2001; \$120, softbound, published annually)

A must for anyone who has to comply with the very complex constitutional rules now governing searches and seizures, here is the guidance you need to ensure that principals, educators, and school officials stay on the right side of the law. This volume provides the details on limitations placed on investigative activities in schools. It provides: ways to conduct searches and seizures without violating students' rights; a table of cases that provides quick, easy access to important judicial decisions in schools; a complete, in-depth discussion of pertinent laws and cases; timely, practice-proven guidance for attorneys representing plaintiffs or defendants in civil rights cases; and sample forms to maintain an inventory of items seized from students.

Search and Seizure Checklists

By Michele G. Hermann (\$170, softbound, 2001, published annually)

This quick-reference guide covers every area of search and seizure law. It provides instant access to the latest and most important developments in this highly volatile field. It includes the most recent decisions on: searches of homes and automobiles, probable cause, arrests, and exigent circumstances. This is also an invaluable source of quotations from and citations to leading Supreme Court

and federal court cases.

Wharton's Criminal Evidence, 15th Edition

By Barbara E. Bergman and Nancy Hollander (2001; \$680, Three hardbound volumes, updated annually)

Wharton's Criminal Evidence provides practical information on criminal evidentiary issues for pretrial preparation and during trial. The authors thoroughly analyze the applicable Federal Rules of Evidence and cases interpreting the Rules, and compare and contrast the corresponding evidentiary rules, statutes, and cases in individual states. Cited thousands of times by the U.S. courts, *Wharton's Criminal Evidence* treats all the principles of evidence and admissibility specifically as they apply to criminal cases. Designed for academicians and practitioners, both defense and prosecution, *Wharton's Criminal Evidence* thoroughly examines: handling of witnesses, impeachment rules, lay witness opinion testimony, expert testimony, real and demonstrative evidence, burdens of proof and presumptions, cases interpreting the Federal Rules of Evidence, and statutes and cases in individual states, and conveniently incorporated throughout the text, every major Supreme Court decision concerning criminal evidence.

Wharton's Criminal Evidence is your dependable and accurate source for answers to all your questions concerning criminal evidence. The authors' expert analysis leads you through evidentiary issues you might encounter in a criminal case.

Order these books online at www.westgroup.com or by calling 800/344-5009.

USEFUL WEB SITES

American Bar Association - www.abanet.org

American Judicature Society - www.ajs.org

National Center for State Courts - www.ncsc.dni.us

Office of Court Administration - www.courts.state.tx.us

State Bar of Texas - www.texasbar.com

State Bar of Texas Municipal Judges Section - www.texasmunicipaljudges.org

Texas Department of Criminal Justice - www.tdcj.state.tx.us

Texas Lawyer Press - www.texaslawyerpress.com

Texas Court Clerks Association - www.texascourtclerks.org

Texas Municipal Courts Association - www.txmca.com

Texas Municipal Courts Education Center - www.tmcec.com

FROM THE CENTER

TMCEC 2001-2002 SCHEDULE

JUDGES 12-HOUR

October 22-23, 2001
Austin
Doubletree Hotel
6505 I-35 North
78752
512/454-3737

November 7-8, 2001
Tyler
Sheraton Hotel
5701 South Broadway
75703
903/561-5800
Registration Deadline: 10/12

January 17-18, 2002
San Antonio
Holiday Inn Riverwalk
217 N. St. Mary's Street
78205
210/224-2500
Registration Deadline: 12/5

February 4-5, 2002
Houston
Sofitel Houston
425 N. Sam Houston Pkwy. E.
77060
281/445-9000
Registration Deadline: 1/4

March 4-5, 2002
Dallas
Doubletree Hotel Lincoln Centre
5410 LBJ Freeway
75240
972/934-8400
Registration Deadline: 2/7

April 3-4, 2002
Amarillo
Ambassador Hotel
3100 I-40 West
79102
806/358-6161
Registration Deadline: 3/4

April 29-30, 2002 (Attorney Judges
Only)
South Padre Island
Radisson Hotel
500 Padre Boulevard
78597
956/761-6511
Registration Deadline: 3/27

May 1-2, 2002
(Non-Attorney Judges Only)
South Padre Island
Radisson Hotel
500 Padre Boulevard
78597
956/761-6511
Registration Deadline: 3/27

July 2-3, 2002
El Paso
Hilton Camino Real
101 South El Paso St.
79901
915/534-3007
Registration Deadline: 6/5

SPECIAL TOPICS FOR JUDGES

March 20-23, 2002
Corpus Christi
Traffic Court Technology
Omni Marina Tower
900 North Shoreline Drive
78401
361/887-1600
Registration Deadline: 2/20

July 15-17, 2002
San Antonio
Joint Ethics Conference
Hotel to be determined
Registration Deadline: 6/17

JUDGES & CLERKS FROM LOW VOLUME COURTS 12-HOUR

October 10-11, 2001
Burnet
Holiday Inn Express
810 S. Water (Hwy 281)
78611
512/756-1789
Registration Deadline: 9/19

COURT OF RECORD?

Has Your Municipal Court Become a Court of Record in the Last Two Years?

HB 731 passed during the 76th Legislature amended the Government Code by adding the Uniform Municipal Courts of Record Act (UMCRA). Contained in Chapter 30 of the Government Code, the UMCRA sets forth the law allowing cities to create a municipal court of record by ordinance. Prior to the UMCRA, a municipal court of record could only be created by the Legislature. Prior to the UMCRA, there were 42 municipalities with statutorily created courts of record.

During the 77th Legislature, certain aspects of the UMCRA were revisited. An oversight in the act was discovered. While the UMCRA allowed municipalities to create their own courts of record, the law did not require newly created courts of record to be reported to the Office of Court Administration or with any other court-related entity. Consequently, the exact number of municipal courts of record created pursuant to the UMCRA is unknown.

In an effort to collect this important data, please let the TMCEC know if your municipal court has become a court of record in the last two years (the UMCRA became effective September 1, 1999).

Correspondence may be sent to TMCEC either by mail (1609 Shoal Creek Boulevard, Suite 302, Austin, TX 78701), fax (512/435-6118), or e-mail (price@tmcec.com). Please include the date in which your court of record was created.

May 20-21, 2002
Denton
Radisson
2211 I-35 E. North
76205
940/565-8499
Registration Deadline: 5/1

June 24-25, 2002
Conroe
Del Lago Conference Center &
Resort
600 Del Lago Boulevard
77356
936/582-6100
Registration Deadline: 5/23

NEW NON-ATTORNEY JUDGES AND CLERKS 32-HOUR

September 23-27, 2001
Austin
Lakeway Inn
101 Lakeway Drive
78734
512/261-6600

Registration Deadline: 8/31

December 9-13, 2001
Austin
Lakeway Inn
101 Lakeway Drive
78734
512/261-6600
Registration Deadline: 11/12

July 21-25, 2002
Austin
Lakeway Inn
101 Lakeway Drive
78734
512/261-6600
Registration Deadline: 6/24

ORIENTATION FOR NEW NON-ATTORNEY JUDGES & CLERKS

November, 28, 2001
January 30, 2002
March 27, 2002

CLERKS 12-HOUR

October 22-23, 2001
Austin
Doubletree Hotel
6505 I-35 North
78752
512/454-3737
Registration Deadline: 9/21

November 5-6, 2001
Tyler
Sheraton Hotel
5701 South Broadway
75703
903/561-5800
Registration Deadline: 10/12

January 17-18, 2002
San Antonio
Holiday Inn Riverwalk
217 N. St. Mary's Street
78205
210/224-2500
Registration Deadline: 12/5

February 4-5, 2002
Houston
Sofitel Houston
425 N.
Sam Houston Pkwy. E.
77060
281/445-9000
Registration Deadline: 1/4

March 4-5, 2002
Dallas
Doubletree Hotel Lincoln Centre
5410 LBJ Freeway
75240
972/934-8400
Registration Deadline: 2/7

April 3-4, 2002
Amarillo
Ambassador Hotel
3100 I-40 West
79102
806/358-6161
Registration Deadline: 3/4

April 25-26, 2002
SPI
Radisson Hotel
500 Padre Boulevard
78597
956/761-6511
Registration Deadline: 3/27

July 2-3, 2002
El Paso
Hilton Camino Real
101 South El Paso St.
79901
915/534-3007
Registration Deadline: 6/5

PROSECUTORS 12-HOUR

February 14-15, 2002
Houston
Sheraton Brookhollow
3000 North Loop West
77092
713/688-0100
Registration Deadline: 1/21

June 3-4, 2002
Austin
Hilton Airport
9515 New Airport Drive
78719
512/385-6767
Registration Deadline: 5/6

COURT ADMINISTRATORS 12-HOUR

February 14-15, 2002
Houston
Sheraton Brookhollow
3000 North Loop West
77092
713/688-0100
Registration Deadline: 1/21

June 3-4, 2002
Austin
Hilton Airport
9515 New Airport Drive
78719
512/385-6767
Registration Deadline: 5/6

WARRANT OFFICERS & BAILIFFS 12-HOUR

January 8-9, 2002
San Antonio
Omni Hotel
9821 Colonnade Boulevard
78230
210/691-8888
Registration Deadline: 12/14

May 13-14, 2002
San Angelo
Holiday Inn
441 Rio Concho Drive
76903
915/658-2828
Registration Deadline: 4/15

LEVEL III ASSESSMENT CLINICS 24-HOUR

November 16-18, 2001
Conroe
Del Lago Conference Center & Resort
600 Del Lago Boulevard
77356
936/582-6100
Registration Deadline: 10/16

June 14-16, 2002
Denton
Radisson
2211 I-35 E. North
76205
940/565-8499
Registration Deadline: 5/1

APPRECIATION TO OUR FACULTY

TMCEC would like to express its sincere appreciation to all the faculty who have volunteered their time to teach in various TMCEC courses across the state during the 2000-2001 Fiscal Year. Without their dedication

and expertise, the TMCEC mission would not be possible.

W. Clay Abbott, General Counsel, TMCEC, Austin
Michael Acuña, Assistant City Attorney, City of Dallas
Honorable Robert S. Anchondo, Municipal Court Judge, City of El Paso
Reggie Andrews, Administrative Technician IV, Driver Records Bureau, DPS, Austin
James S. Angelino, Assistant District Attorney, Denton County
Shirley Armstrong, Court Services Director, City of Grand Prairie
Dr. Suzette Ashworth, Consultant, Austin
Honorable Robert J. Barfield, Municipal Court Judge, City of Pasadena
David Berman, Prosecutor, City of Coppell
James Bethke, Special Counsel to Trial Courts, Office of Court Administration, Austin
Honorable George H. Boyett, Municipal Court Judge, City of College Station
Honorable Deanna Burnett, Municipal Court Judge, City of Carrollton
Debbie Carter, Public Policy Coordinator, Texas Council on Family Violence, Austin
Honorable Richard W. Carter, Retired Municipal Court Judge, Arlington
Antoinette R. Cicerello, Ph.D., Forensic Psychologist, Grand Prairie
Ron Cornelius, Marshal, City of Richland Hills
Honorable Jay Daniel, Municipal Court Judge, City of San Angelo
D'Ann Drennan, Prosecutor, City of Southlake
Russ Duncan, Collections Manager, Kerr County
Sandra Dyer, Court Manager, City of Lockhart
Honorable Elizabeth Earle, Presiding Judge, Downtown Austin Community Court
Kathleen Forrest, Consultant, Austin
Honorable Linda Frank, Chief Municipal Prosecutor – Arlington and Municipal Court Judge – Plano
Dawn Gaston, Court Clerk, City of Lakeway
Carol Gauntt, Court Administrator, City of Richland Hills
Honorable Allen Gilbert, Municipal Court Judge, City of San Angelo
Sheri Gipson, Administrative Technician IV, Driver Records Bureau, DPS, Austin
Leisa Hardin, Court Administrator, City of Crowley
Leita Hart, Management Consultant, Austin
Tammy Hawkins, Teen Court Coordinator, City of Odessa
Rene Henry, Collections Project Manager, Research & Court Services Section, Office of Court Administration, Austin
Honorable Vonciel Jones Hill, Municipal Court Judge, City of Dallas

John E. Hill III, Assistant District Attorney, Lubbock County
Mark Hocker, Assistant District Attorney, Lubbock County
Honorable Brian S. Holman, Presiding Judge, City of Lewisville
Honorable Anne Puidk Horan, Municipal Court Judge, Cities of Quinland and Caddo Mills
Honorable William Hughes, Municipal Court Judge, City of Canyon
Mary Ellen Keith, Attorney at Law, Trinity
Honorable Stanley M. Kerr, Mental Health Attorney, Travis County Probate Court & Municipal Court Judge – Austin
Honorable C. Victor Lander, Municipal Court Judge, City of Dallas
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James Lehman, Collections Specialist, Office of Court Administration, Austin
Honorable Andrew Leonie, Municipal Court Judge, City of Lavon
Dr. Richard Lewis, Jr., President, Round Top Consulting Associates, San Antonio
Hope Lochridge, Executive Director, TMCEC, Austin
Robin Loving, Communication Results
Honorable Kevin Madison, Municipal Court Judge, City of Lakeway, and Villages of Bee Caves and Briarcliff
Scott Mann, Chair, Commission on Judicial Conduct, Lubbock
Robert Miklos, Assistant City Attorney, City of Dallas
Jeff Moore, Assistant Attorney General, Attorney General's Office, Austin
David Mudd, Director of Reporting Services, Office of Court Administration, Austin
Erik A. Nielsen, Research Attorney, Texas District & County Attorney Association, Austin
Kim Ogg, Executive Director, Crime Stoppers of Houston
Honorable Mike O'Neal, Administrative Municipal Judge, City of Dallas
T.J. Patterson, Special Crimes Division, Office of the Attorney General, Austin
Jo Dale Pavia, Program Coordinator, TMCEC, Austin
Honorable Glenn Phillips, Municipal Court Judge, City of Kilgore
Kimberly Piechowiak, Assistant City Attorney, Municipal Courts, City of San Antonio
Honorable Edwin L. Presley, Municipal Court Judge, City of Benbrook
James Rader, Associate General Counsel, Lower Colorado River Authority, Austin
Honorable Robin Ramsay, Presiding Judge, City of Denton
Geary Reamey, Professor of Law, St. Mary's University School of Law, San Antonio
Jodie Reaver, Advocacy Specialist, Texas Council on Family Violence, Austin

Margaret J. Reaves, Executive Director,
Commission on Judicial Conduct, Austin
Honorable Robert C. Richter, Jr., Municipal
Court Judge, City of Missouri City
Officer Charles Ricketts, Crisis Response
Team Officer, San Antonio Police Depart-
ment
Margaret Robbins, Program Director,
TMCEC, Austin
Elaine Roberts, Attorney at Law, Bruckner
Burch PLLC, Houston
Cheryl Roberts, Driver Improvement Bureau,
DPS, Austin
Honorable Jennifer Rymell, Former Municipal
Court Judge, City of Fort Worth
Kim K. Scofield, Government Records
Consultant, State & Local Records Manage-
ment Div., Texas State Library and Archives
Commission, Austin
Barry Sharp, Education Specialist, TDH Office
of Tobacco Prevention and Control, Austin
John L. Shergold, Assistant City Attorney,
City of Brownsville
Honorable Robin Smith, Municipal Court
Judge, City of Midland
Deydra Stevenson, Court Administrator, City
of Abilene
Jennifer Sullivan, Court Clerk, City of Sealy
James C. Tenison, Chief Warrant Officer,
City of Midland
Ryan Kellus Turner, Program Attorney &
Deputy Counsel, TMCEC, Austin
Honorable Joseph Varela, Associate Judge,
City of Houston
Honorable John Vasquez, Municipal Court
Judge, City of Austin
Diana Vaughn, CPA, Internal Auditor, City
of Carrollton
Honorable Kenneth J. Vitucci, Municipal
Court Judge, City of Austin
Gordon Walker, Chief City Marshal, City of
San Angelo
Bob Warneke, Staff Attorney, Commission on
Judicial Conduct, Austin
LaJuana Williams, Driver Improvement
Bureau, DPS, Austin
Robert Williams, Consultant, ASTEP
Seminars
Honorable Steve Williamson, Municipal Court
Judge, City of Fort Worth
Seana B. Willing, Senior Commission Counsel,
Commission on Judicial Conduct
David Wise, Former Staff Attorney, Commis-
sion on Judicial Conduct
David Zimmerman, Former Staff Attorney,
Commission on Judicial Conduct



CLERKS 24-HOUR PROGRAM ENLARGED TO 32-HOURS

TMCEC has expanded the new, introductory training program for new clerks from a four-day program to a program of five days and 32 hours. In FY 02, these programs will begin on Sunday at 1:00 pm, and concludes on Thursday at 12:00. The start and stop times are the same as that of the judges. All three programs are scheduled to be held at Lakeway Inn, located 20 miles west of Austin on the following dates:

September 23-27, 2001

December 9-13, 2001

July 21-25, 2002 (limited to 100 clerks- register early!)

TMCEC 77TH LEGISLATIVE UPDATE NOW ON-LINE

Judges and court support personnel can access video and audio recordings of the July 27, 2001 TMCEC Legislative Update that was held in Austin. This program may be accessed through the TMCEC web site located at www.tmcec.com. A link, *Legislative Update Online* is located in the upper right hand corner of the TMCEC home page in a gray box. If the link does not appear, hit the "Refresh" button on your browser. From this link you can hear the presentation of the speaker and

download the PowerPoint presentations and course materials. If you have high-speed Internet access, you may also view the video of the program. Every court was sent in early August a copy of the course materials at no charge.

LAW BOOKS FOR COURTS

In late September a copy of *Texas Criminal Law and Motor Vehicle Handbook* will be sent by TMCEC to every municipal court judge, as well as one copy to every court for use by court support personnel. These publications will be sent at **no charge**, as the copies were paid for from grant funds from the Court of Criminal Appeals. TMCEC staff members worked with Gould Publishers to add relevant statutes to this version that had been omitted in the past, but are important to municipal courts, such as statutes on the time payment fee, oaths and courts of record.

TMCA OFFICERS AND DIRECTORS FY 2001-2002

An important resource to municipal court judges and court support personnel is their TMCA/TMCEC regional director or officer. The regional directors are willing to talk with you about:

- Problems that you may have in your court or with your council, and
- Your ideas and suggestions about the TMCEC program.

The following is a list of the fiscal year 2001-2002 officers and directors along with the region that they represent. The term of office is from September 1 through August 31 each year.

President

Hon. Robert Kubena
Municipal Court Judge
City of Hallettsville
509 South Front
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361/798-2109
c: 361/798-3340
FAX: 361/798-5952

President-Elect

Hon. Joe Pirtle
Presiding Judge
City of Seabrook
2030 Willow Wisp Drive
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First Vice-President

Hon. Sharon Hatten
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City of Midland
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Second Vice-President

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City of Benbrook
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FAX (court): 817/249-0884

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Ms. Vicki Gerhardt
Municipal Court Clerk
City of New London
P.O. Box 428
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FAX: 903/895-4668

Treasurer

Hon. Robert C. Richter
Presiding Judge
City of Missouri City
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E-MAIL: richter333@juno.com

Region I Director

Hon. Robert Doty
Municipal Court Judge
City of Lubbock
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Region II Director

Hon. Ninfa Mares
Presiding Judge
City of Fort Worth
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Fort Worth, TX 76102
817/871-6715
FAX: 817/871-8670

Region III Director

Hon. Mike O'Neal
Administrative Municipal Judge
City of Dallas
2014 Main St., Rm. 210
Dallas, TX 75201
c: 214/670-5573
o: 214/670-5784
FAX: 214/670-6947
E-MAIL: mone837@airmail.net

Region IV Director

Hon. Patsy Haynes
Municipal Court Judge
City of Kilgore
P.O. Box 990
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FAX: 903/983-3523
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Region V Director

Hon. Robin Smith
Presiding Judge
City of Midland
P.O. Box 1152
Midland, TX 79702
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FAX: 915/685-7319
E-MAIL: rds2000@prodigy.net

Region VI Director

Hon. Dan Francis
Municipal Court Judge
City of Robinson
506 Franklin Avenue
Waco, TX 76701
c: 254/753-2419
FAX: 254/753-4543
E-MAIL: honoapii@aol.com

Region VII Director

Hon. David Perkins
Municipal Court Judge
City of New Braunfels
1485 S. Seguin
New Braunfels, TX 78130
c: 830/608-2145
o: 512/245-2174 (university)

Region VIII Director

Hon. Timothy Fox
Municipal Court Judge
City of Brazoria
202 S. Main
Brazoria, TX 77422
c: 979/798-2165
FAX: 979/798-1852
EMAIL: tfox@republic.net

Region IX Director

Hon. Hector M. Hernandez
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City of Houston
1400 Lubbock, Room 214
Houston, TX 77002
c: 713/247-5464
FAX: 713/247-8747

Region X Director

Hon. George Robinson
Presiding Judge
City of Yorktown
326 E. Main Street
Yorktown, TX 78164
361/564-9410
FAX: 361/564-9476

Past President

Hon. Glenn Phillips
Municipal Court Judge
City of Kilgore
1003 Stone Road
Kilgore, TX 75662
c: 903/983-1559
o: 903/984-3300
FAX: 903/983-1200

REGION I — Armstrong, Bailey, Baylor, Borden, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Gaines, Garza, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hutchinson, Jones, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Scurry, Shackelford, Sherman, Stonewall, Swisher, Terry, Throckmorton, Wheeler, Wilbarger, Yoakum

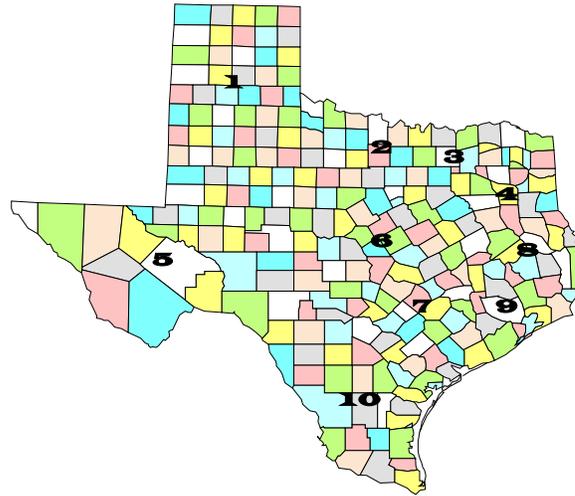
REGION II — Archer, Clay, Comanche, Cooke, Denton, Erath, Hood, Jack, Johnson, Montague, Palo Pinto, Parker, Somervell, Stephens, Tarrant, Wichita, Wise, Young

REGION III — Collin, Dallas, Fannin, Grayson, Hunt, Kaufman, Rockwall

REGION IV — Anderson, Bowie, Camp, Cass, Cherokee, Delta, Franklin, Freestone, Gregg, Harrison, Henderson, Hopkins, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rusk, Shelby, Smith, Titus, Upshur, Van Zandt, Wood

REGION V — Andrews, Bandera, Brewster, Brown, Callahan, Coke, Coleman, Concho, Crane, Crockett, Culberson, Eastland, Ector, Edwards, El Paso, Glasscock, Howard, Hudspeth, Irion, Jeff Davis, Kerr, Kimble, Kinney, Loving, Martin, Mason, McCulloch, Medina, Menard, Midland, Mitchell, Nolan, Pecos, Presidio, Reagan, Real, Reeves, Runnels, Schleicher, Sterling, Sutton, Taylor, Terrell, Tom Green, Upton, Uvalde, Val Verde, Ward, Winkler

REGION VI — Bell, Bosque, Burnet, Coryell, Ellis, Falls, Hamilton, Hill, Lampasas, Limestone, Llano, McLennan, Milam, Mills, Robertson, San Saba, Travis, Williamson



REGION VII — Austin, Bastrop, Bexar, Blanco, Brazos, Burleson, Caldwell, Colorado, Comal, Fayette, Gillespie, Gonzales, Grimes, Guadalupe, Hays, Kendall, Lavaca, Lee, Walker, Washington, Wilson

REGION VIII — Angelina, Brazoria, Chambers, Galveston, Hardin, Houston, Jasper, Jefferson, Leon, Liberty, Madison, Montgomery, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Waller

REGION IX — Fort Bend, Harris

REGION X — Aransas, Atascosa, Bee, Brooks, Calhoun, Cameron, De Witt, Dimmitt, Duval, Frio, Goliad, Hidalgo, Jackson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kleberg, La Salle, Live Oak, Matagorda, Maverick, McMullen, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Wharton, Willacy, Zapata, Zavala

TMCEC BENCH BOOK ON-LINE

The TMCEC *Bench Book* can now be accessed electronically via the Office of Court Administration or TMCEC web sites at www.courts.state.tx.us/publicinfo/2001benchbook/ or www.tmcec.com. The on-line version of this practical guide includes links to TMCEC forms, case law, statutes, and bill search engines. Funding to develop the on-line guide was made possible from the Judicial Committee on Information Technology and the Court of Criminal Appeals.

When using the on-line guide, the following tips will help the user navigate through it:

- If the entire width of the *Bench Book* page does not show on your screen, check the monitor resolution settings of your computer. It was designed to be viewed with 1024 x 768 pixels.
- The “Table of Contents” window on the left can be enlarged or reduced depending on your monitor size.
- The “search” command allows the user to search by word or topic. Be sure to wait a minute for the search function to complete its work.
- To scroll through the *Bench Book*, use the “forward” and “back” buttons in the bottom left corner.
- There is an icon that contains the letter “A” throughout the *Bench Book*. This indicates that the particular statute was amended by the 77th Legislative session. If you click on the “A” icon, you will be linked to the Texas Legislature

TEEN COURT ADDENDUM

TMCEC would like to make an addendum to the list of Texas Teen Courts included in Volume 10, Number 3 of the *Municipal Court Recorder*: The City of Freeport also has an active Teen Court. Please excuse this oversight.

Online web site [<http://www.lrl.state.tx.us/isaf>], a service of the Texas Legislative Reference Library. From there you may enter the statute number and look to see what bills amended it. You can then access the bill, as that is the final version. We have inserted the "A" icon **only** when the amended statutes have a significant impact on the procedure described in the *Bench Book*.

- The checklists in the *Bench Book* and the links to the TMCEC

Forms Book are .pdf files. This means that you cannot edit them on-line, although you can print them. If you want to edit the materials, please call the Center for a set of diskettes or CD-ROMs that will allow you to make changes. For example, if you want to insert the name of your court in any given form, you can do that with the diskettes/CD-ROMs without retyping the entire form. There are four navigation buttons at the top of each page. By clicking

on these, you will go directly to the Texas Statutes, the OCA web page, the TMCEC web page, or a list of TMCEC forms.

Any questions, comments, or information on broken links may be sent to Hope Lochridge at the Center (hope@tmcec.com) or call 800/252-3718.



TEXAS MUNICIPAL COURTS
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**TMCEC MISSION
STATEMENT**

To provide high quality judicial education, technical assistance, and the necessary resource material to assist municipal court judges, court support personnel, and prosecutors in obtaining and maintaining professional competence.

Change Service Requested