

JUDICIAL LEADERSHIP

Judge Brad Cummings
Hopkins County, Pct. No. Two

1

TJCTC Programs are an educational endeavor of the Justices of the Peace and Constable's Association of Texas, Inc. and funded by the Texas Court of Criminal Appeals.

Copyright © 2023 Texas Justice Court Training Center

All rights reserved. No part of this work may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system without the prior written permission of the Texas Justice Court Training Center unless copying is expressly permitted by federal copyright law.

Address inquiries to: Permissions
Texas Justice Court Training Center
1701 Directors Blvd. Suite 530
Austin, TX, 78744

2

Learning Objectives

As a result of this presentation, judges should be able to:

1. Identify conduct that, both, blemish and enhance the prestige of the office, on and off the bench.
2. Identify the importance of managing court cases.
3. Recognize importance of communication, both unconscious and direct.
4. Acknowledge subjectivity and the emphasize objectivity within the courtroom.
5. Discuss different strategies and remedies with colleagues.

3

LEADERS THROUGHOUT AMERICAN HISTORY

Quanah Parker
Comanche leader



Ellen Ochoa
Fmr. Director of Johnson Space
Center;
1st Hispanic Dir.



Jerry Yang
Co-Founder of Yahoo!



Philip Vera Cruz
Civil Rights Leader



Martin Luther King Jr.
Civil Rights Leader



Sam Houston
Father of Texas



Ruth Bader Ginsburg
U.S. Supreme Court Justice



Harriet Tubman
American abolitionist



George Washington
1st U.S. President



4

Why Judicial Leadership ?

- ✓ Respected
- ✓ Intellectual
- ✓ Administration of justice
- ✓ Accountability
- ✓ To tell their story to someone who cares

What else?

5

Why Judicial Leadership ?

Texas Code of Judicial Cannons

- ✓ Canon 1: Uphold integrity of the Judiciary
- ✓ Canon 2: Avoid impropriety
- ✓ Canon 3: Perform duties impartial and diligent
- ✓ Canon 4: Minimize risk of conflict with extra-judicial activities
- ✓ Canon 5: Refrain from inappropriate political activity
- ✓ Canon 6: Comply with the code of Judicial Conduct
- ✓ Canon 7: Effective date of compliance

6

LEADERSHIP

Objectivity Prudence Communication Case Probity
Management

7

LEADERSHIP

Objectivity

8

Objectivity - Definition

The ability to remain fair, impartial, and unbiased when evaluating information or evidence.

9

Objectivity – Rules & Laws

- Texas Rules of Civil Procedure
- Texas Property Code
- Texas Code of Criminal Procedure
- Texas Penal Code
- Texas _____ Code
- TJCTC Deskbooks
- Texas Supreme Court

10

Objectivity – Judicial Discretion

“We may try to see things as objectively as possible. Nonetheless, we can never see them with any eyes except our own.”

- Justice Benjamin N. Cardozo
Fmr. Justice of the U.S. Supreme Court

11

Objectivity – All Cases



**Preponderance
of the
evidence**

12

Objectivity – How do we define discretion?

- The ability to make a decision in the absence of a fixed rule.
- The choice between two or more legally valid solutions.
- A choice made with regard to what is fair and equitable under the circumstances and the law.

13

Objectivity – Why?



14

LEADERSHIP

Objectivity

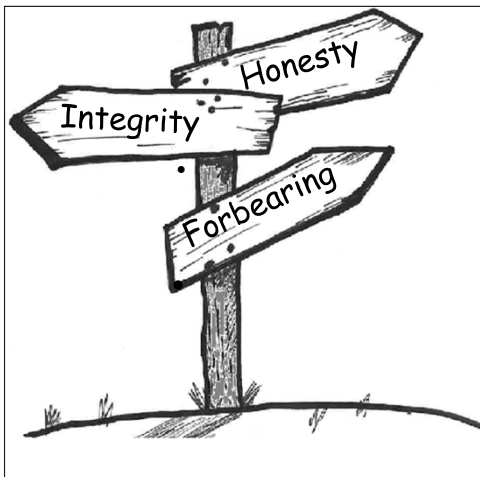
Probity

15

Probity - Respectability

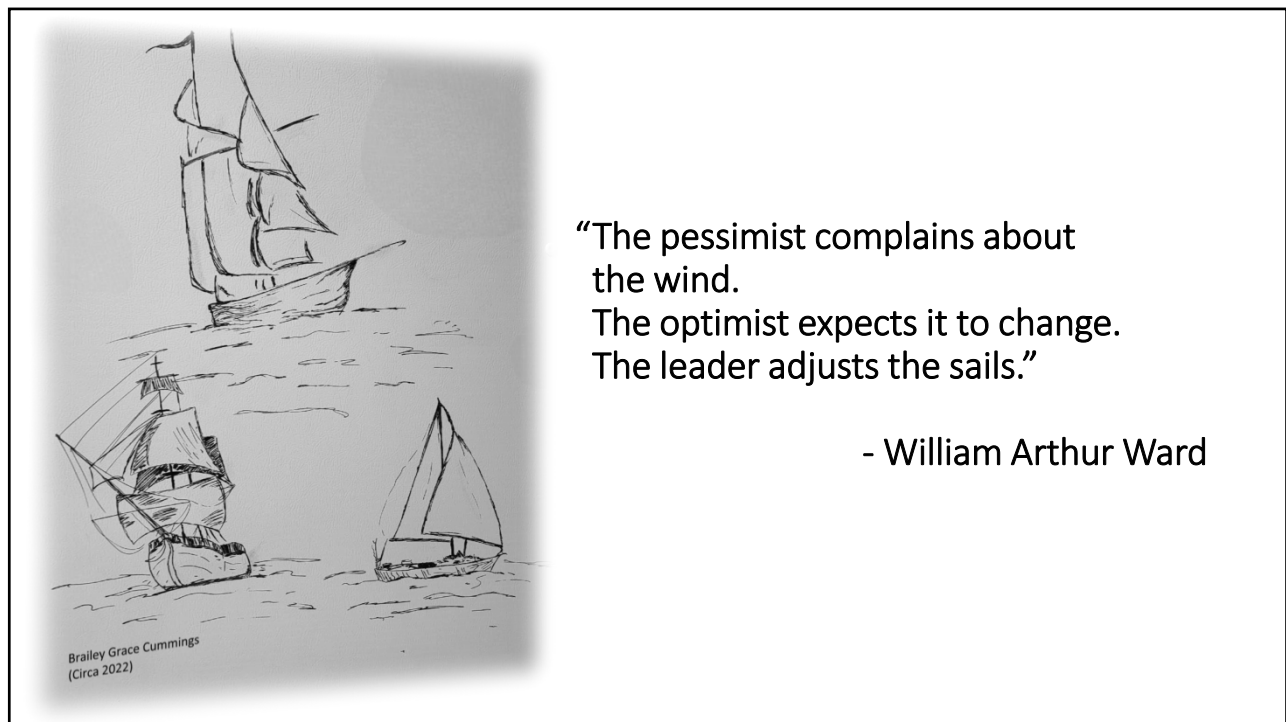
Adherence to the highest principles and ideals

**On
the bench**



**Off
the bench**

16



17



18

“The public’s confidence in the judiciary is undermined when a judge’s conduct simply creates the perception that cases have been prejudiced or that there is a political bias ...”

“... regardless of whether the perceived bias or prejudice exists.”

**The Tennessee Board of Judicial Conduct
RE: Board of Judicial Conduct Complaints
File Nos. B19-7753 and B19-7777**

19

LEADERSHIP

Objectivity

**Case
Management**

Probity

20

Case Management - Definition

The process of handling court cases more resourcefully, timely, and orderly manner.

21

Case Management – Why does it matter?

- ❖ Equal access to justice for all
- ❖ Fair and impartial treatment
- ❖ Timely disposition of each case consistent with individual case circumstances
- ❖ Public confidence

22

Case Management - Types

- Civil
 - Criminal
 - Magistration
 - Juvenile
 - Inquest
- Administrative
 - Animal
 - State licenses
 - Disposition of stolen property, seized gambling paraphernalia, prohibited and seized weapons, and destruction orders.
 - Environmental
 - Occupational driver's license
 - Tow hearings

23

Case Management - Preparation

- Timely Judicial Decision Making
- Time frames and deadlines
- Excessive delays
- Procrastination
- Motions
- Extension or continuance

Preparation is key

24

Case Management

“A litigant is entitled to a fair trial, but not a perfect one, for there are no perfect trials.”

- Judge Jerome Frank
U.S. Circuit Judge of the U.S. Court of Appeals,
Second Circuit

25

Case Management

- Record retention
- Rule 12
- FOIA
- Dispute resolution
- Transparency
- Web site
- Legal services programs
- Correct direction of travel
- Self-help center
- Anticipate

26

Case Management – Do's & Don'ts of Clarity

Don't

1. Legal advice
2. Recommend specific attorneys
3. Provide guidance or opinion
4. Contemplate on a pending case
5. Fill out the paperwork

Do

1. Legal information
2. Provide a list of attorneys
3. See (1)
4. Refer to an attorney or legal aide
5. See (4)

27

Unruly individual

CONTEMPT!

28

LEADERSHIP

Objectivity

Prudence

**Case
Management**

Probity

29

Prudence - Definition

Exercising sound judgment, wisdom, and temperament while concluding a rightful ruling.

30

www.scjcstatecommissionjudicialconduct.texas.gov

“Filing a complaint against a judge is actually very easy...”

-Jeff Morgan

<https://www.youtube.com/watch?v=1LsV6-edC-o>

**HOW TO FILE A COMPLAINT AGAINST A JUDGE
WITH THE TEXAS STATE COMMISSION ON
JUDICIAL CONDUCT**

Description

The main purpose of this channel is to expose the evil and injustice that are codified in the Texas anti-Family Code and implemented by our anti-family courts.

31

Unruly individual

CONTEMPT!

32

Self Represented Litigants and Procedural Fairness

- 6th Amendment
- McKaskle v. Wiggins
- Faretta v. California - “Faretta rights”

33

Four key elements
in ensuring
perception of
fairness and
impartiality

1. **Voice:** The ability to participate in a case by expressing their viewpoint.
2. **Neutrality:** Consistently applied legal principles, unbiased decision makers, and transparency.
3. **Respectful treatment:** Individuals are treated with dignity and their rights protected.
4. **Trustworthy authorities:** Benevolent, caring, and sincere authorities – garnered by listening to individuals and explaining or justifying decisions that address the litigant’s needs.

34

TRCP 500.6

A Judge may question a witness or party and may summon any person or party to appear as a witness when the judge considers it necessary to ensure a correct judgment and a speedy disposition.

In order to develop the facts of the case.

(By order of the Supreme Court.
Eff. Aug. 31, 2013)



35

LEADERSHIP

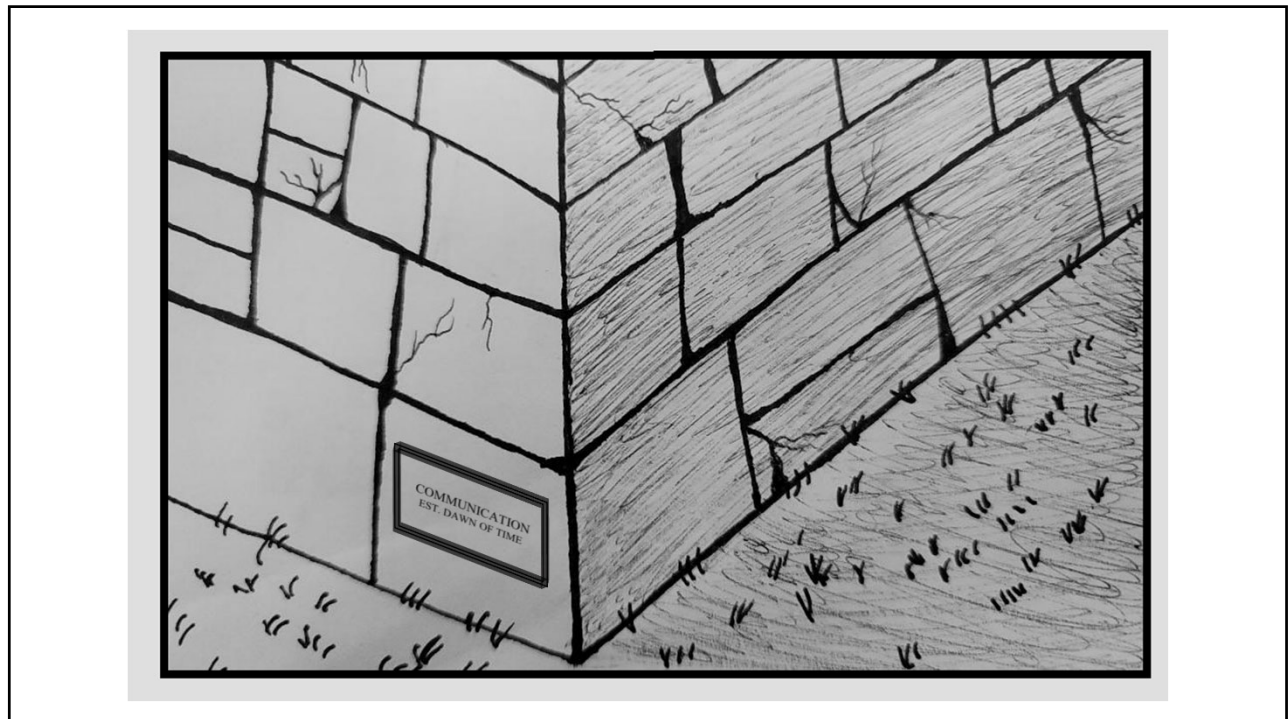
Objectivity Prudence Communication Case Management Probity

36

Communication - Definition

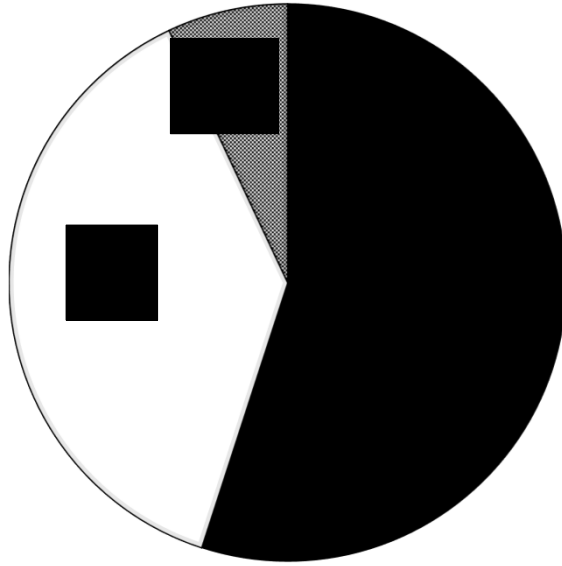
The ability to share information, ideas, and emotions with others in a clear and effective way

37



38

55/38/7 Formula of Communication



39

Active Listening

40

Body Language

41

Facial Expression

42

Clarity and Precision

Constructive Criticism

43

“The single greatest problem in communication is the illusion that it has taken place.”

- William H.

Whyte

44

Communication - Prejudice

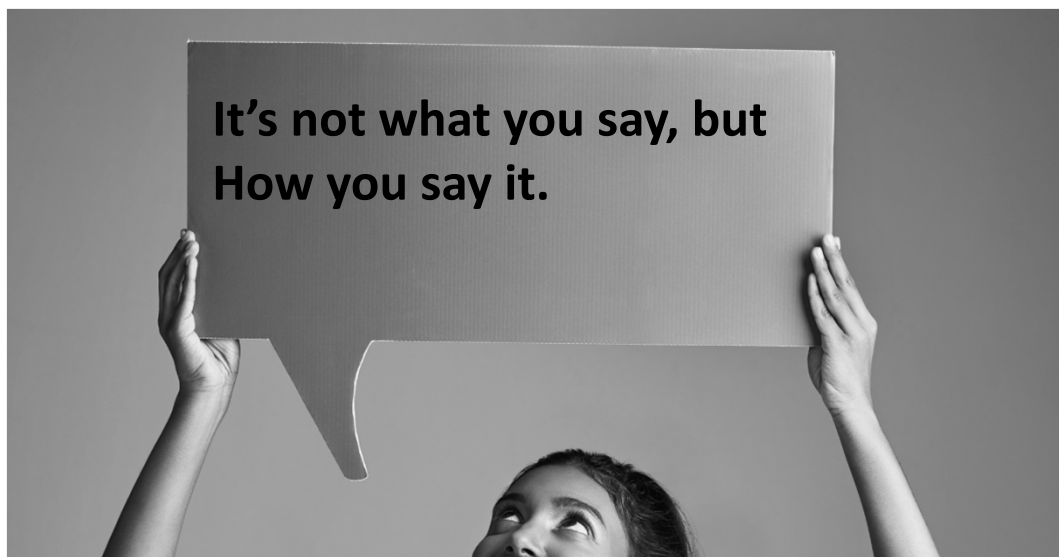
Cases holding that conduct was sufficiently prejudicial.

State v. Galloway (New Jersey) - The Judge referred to the defendant as a “thug”, made comments about his appearance, and suggested that he was guilty before the trial had concluded.

People v. Freeman (Illinois) – The Judge referred to the defendant as a “gangbanger” and making comments about his tattoos

State v. Jenkins (North Carolina) - The Judge turned his back toward the jury during the defendant's testimony

45



46



47



Richard M. Nixon



John F. Kennedy

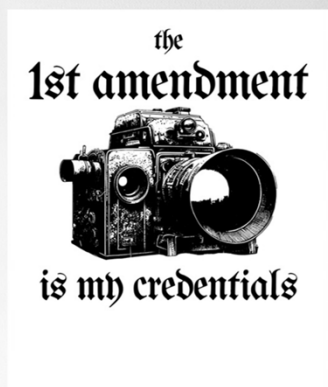


48



49

Constitutional



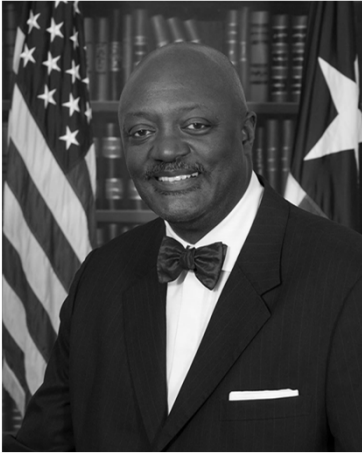
Auditors

How do we respond to a First Amendment Audit encounter?

- Educate your employees. Watch and assess videos on YouTube.
- Don't engage or disproportionately react.
- Identify and clearly mark areas closed to the public.
- Policy doesn't supersede the constitution.
- No expectation of right to privacy in public
- Consult with your County Attorney

50

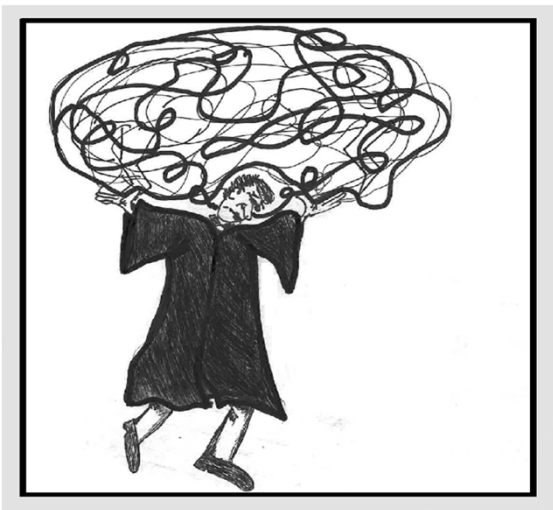
"No one is above the law and no one should ever be treated like they are beneath the law."



Judge Morris Overstreet
Former Texas Court of Criminal Appeals Judge (1990-1998)

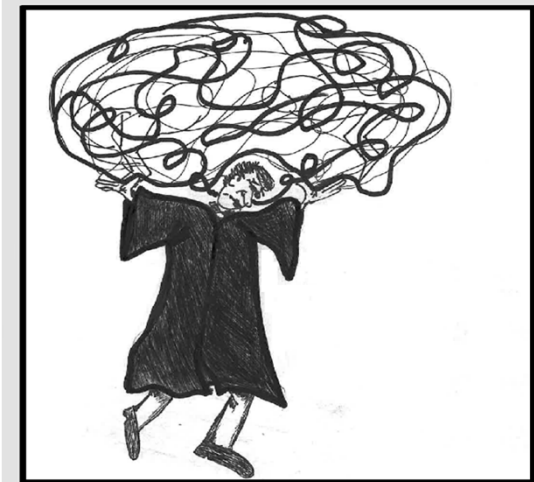
51

Judicial Stress – What do you do?



52

Judicial Stress



- Impact of decisions
- Expectations
- Isolation
- Financial pressure
- Lack of feedback
- Coroner related duties
- Political
- Court of public opinion

53

Judge Brad Cummings
Justice of the Peace, Pct. 2
Hopkins County

Office: 903-438-4038
Cell: 903-348-6149



54