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1

Precinct 4 is the only Constable's office in the Nation to have received the FBI-LEEDA Agency Trilogy Award.

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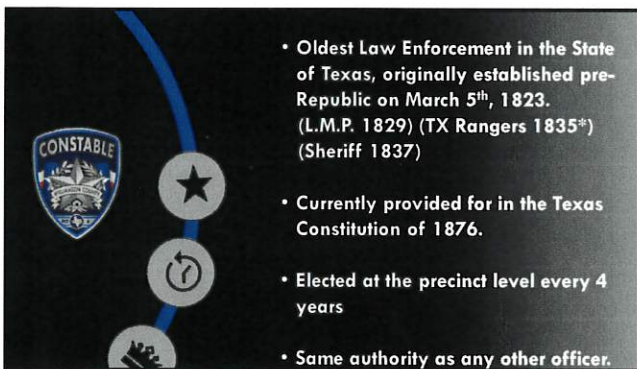


INSTRUCTOR	ASSOCIATION	EXPERIENCE
<ul style="list-style-type: none"> • TTPOA • TJCTG • Patrol Vehicle COB • AG & AG National Conference • LEMIT • Academy Instructor 	<ul style="list-style-type: none"> • LEMIT TCLC #13 • FBI - LEEDA Trilogy • FBI - LEEDA Agency Award • Small Business Owner • JPCA 2019 State Deputy of the Year 	<ul style="list-style-type: none"> • Master Peace Officer- 29 years • TPCA Accreditation Manager • Civil Process Proficiency • Advanced Instructor - TCOLE • Master Instructor - Training Force

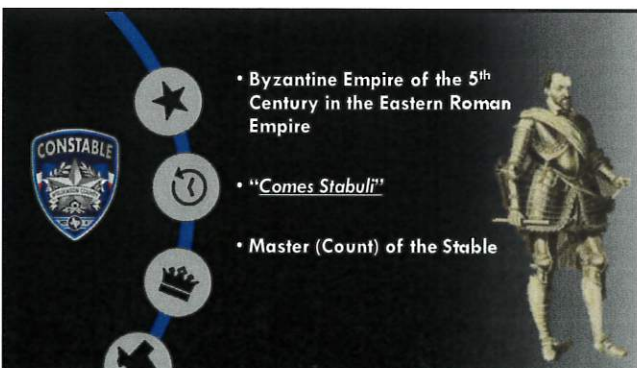
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- Former army officers, known as reeves, were placed in charge of each shire. = "Sheriff"
- Constables were placed in charge of a "hundred", term referring to a medieval community (later became precincts)
- Over the next 200 years, Sheriff's became more administrative (ex: tax collection) and Constables assumed the role of law enforcement.

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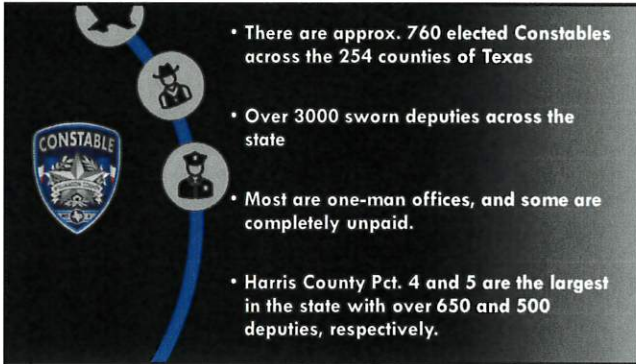
May 1846 – Texas Legislature passes 2 Acts

- **First Act defines "The Office and Duties of Constables"**
 - Clearly outlined peace-keeping and law-enforcement duties
 - Constable's authority on the American Frontier confirmed
- **Second Act defines two duties**
 - Sheriff has similar duties as constable with the additional duties of keeping the jail and guarding prisoners

8

- 1858 - Bill Hickok
- 1870- Constable Wyatt Earp
- 1878- Deputy William Bonnie (under Dick Brewer)
- 1880- Constable Virgil Earp
- 1893- John Selman
 - Texas Ranger Bass Outlaw ('94)
 - John Wesley Hardin ('95)
 - Killed by US Marshall George Scarborough ('96)

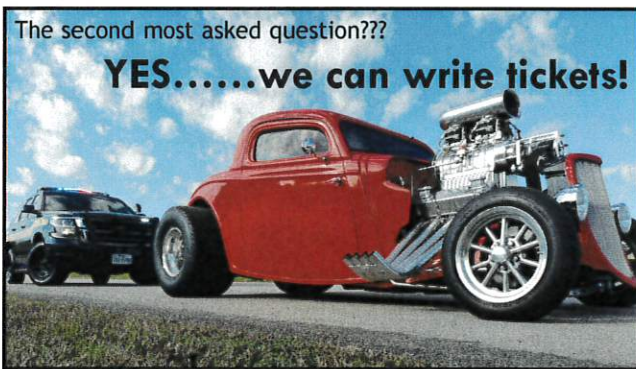
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The infographic features a dark background with a blue vertical line on the left. At the top of the line is a silhouette of a constable on horseback. Below it is a circular icon of a constable in a uniform. At the bottom of the line is a circular icon of a constable in a uniform. To the left of the line is a shield-shaped logo with the word "CONSTABLE" at the top and a central emblem. To the right of the line are four bullet points.

- There are approx. 760 elected Constables across the 254 counties of Texas
- Over 3000 sworn deputies across the state
- Most are one-man offices, and some are completely unpaid.
- Harris County Pct. 4 and 5 are the largest in the state with over 650 and 500 deputies, respectively.

10



The image shows a red classic car with a large engine and a black pickup truck parked on a road. The text "The second most asked question???" is at the top left, and "YES.....we can write tickets!" is in the center in large, bold letters.

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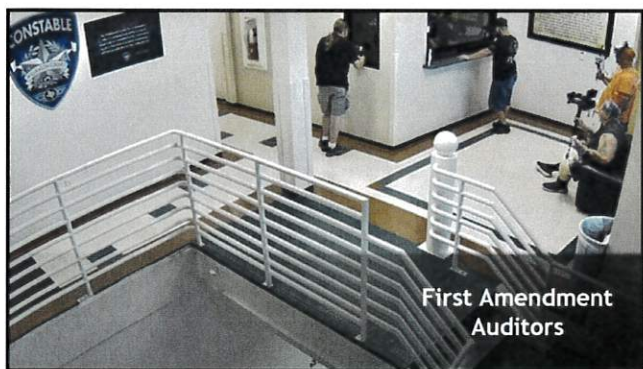


The image shows a white license plate with black text. At the top, it says "NO DRIVER LICENSE OR INSURANCE REQUIRED." Below that is a circular logo with a globe and the text "PEACE ON EARTH GOOD WILL TOWARDS MEN". In the center, the word "PRIVATE" is written in large, bold letters. At the bottom, it says "NOT FOR COMMERCE USE - PRIVATE MODE OF TRAVEL".

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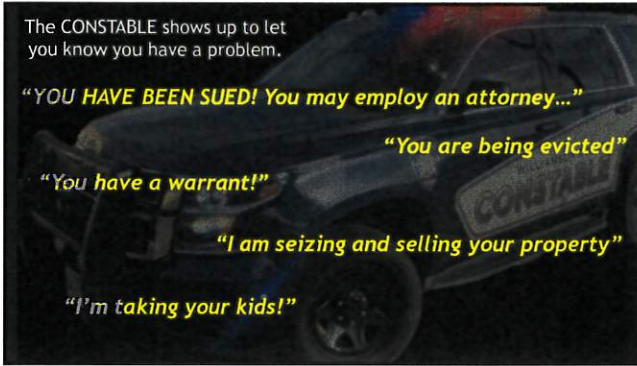
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Civil Process

- Most of our work includes serving civil process
- Papers include Subpoenas, Evictions, Citations, Child Support papers, divorce decrees, etc.
- Most civil process requires personal service
- Citations may not be served on Sundays

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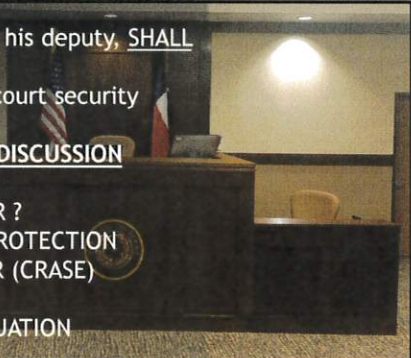


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- The Constable, or his deputy, **SHALL** attend JP court
- This has become court security

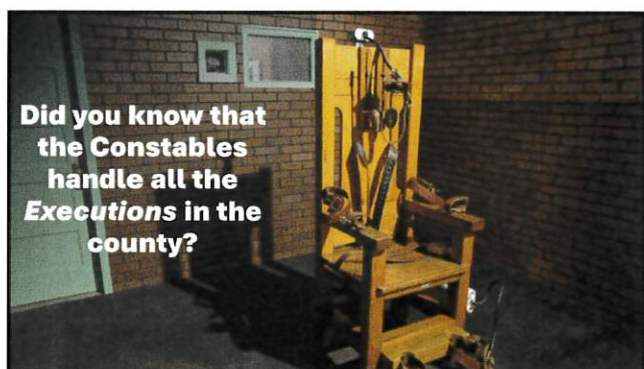
SECURITY PLAN DISCUSSION

- CAMERAS ?
- METAL DETECTOR ?
- JUDGE/ STAFF PROTECTION
- ACTIVE SHOOTER (CRASE)
- FIRE
- DISASTER/ EVACUATION



22


Did you know that the Constables handle all the Executions in the county?



23

Judgment Enforcement Documents (Writs)

- Execution (TRCP Rule 621 thru 656)
- Life of 30, 60, or 90 days
- **1st legal remedy for a plaintiff to collect a judgement**
- Served by a Sheriff or Constable commands the officer to seize and sell at public auction any non-exempt property found within the officer's county satisfy a dollar judgment.
 - Exempt property: for a family \$100,000.00; for a single adult \$50,000.00 from the exempt property list in §42.002 of the Texas Property Code §42.021 b. 022 added addition exempt Property. §42.005 void the exempt list when the judgment for the enforcement of a child support lien.



24

Exempt personal property

- (1) home furnishings, including family heirlooms;
- (2) provisions for consumption;
- (3) farming or ranching vehicles and implements;
- (4) tools, equipment, books, and apparatus, including boats and motor vehicles used in a trade or profession;
- (5) wearing apparel;
- (6) jewelry not to exceed 25 percent of the aggregate limitations prescribed by section 47.0011(a);
- (7) two firearms;
- (8) athletic and sporting equipment, including bicycles;
- (9) a two-wheeled, three-wheeled, or four-wheeled motor vehicle for each member of a family or single adult who holds a driver's license or who does not hold a driver's license but who relies on another person to operate the vehicle for the benefit of the non-licensed person;
- (10) the following animals and forage on hand for their consumption:
 - (A) two horses, mules, or donkeys and a saddle, blanket, and bridle for each;
 - (B) 12 head of cattle;
 - (C) 60 head of other types of livestock; and
 - (D) 120 fowl; and
- (11) household pets.

25

The image shows a video frame with mathematical formulas overlaid on a man's face. The formulas include (3×2) , $21 = \frac{4K(1+K)}{Pv}$, and $(A + \eta)^2 + K^2$ and $=$. Below the formulas is a balance sheet:

3,874.01	0.00	201,400.40	205,234.41	100.00	205,324.41
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A red arrow points from \$3,874.01 to \$205,234.41. The text "The Client interest rate: 1.30" is visible at the bottom left.

26

The image is a screenshot of a "Domestic Wire Notification" from Cadence Bank. It features the bank's logo and a report date of 11/09/23 09:57:04 CST. The main text states: "The transaction has been transmitted to the bank." Below this, a red arrow points to the amount: **\$20,573,783.59**. Other fields include Transaction Number, Amount, Beneficiary Name, and Status (Delivered). A small video inset shows a man speaking.

27



28

NOTICE OF SALE
STATE OF TEXAS
COUNTY OF MONTGOMERY

BY VIRTUE OF A WRIT OF EXECUTION

DATED June 20, 2023 and read pursuant to a judgment rendered by the 13th District Court of Montgomery County, Texas, by the Clerk of said Court on July 23, 2023, in the amount and delivered with an execution of said County, Texas, on the 27th day of August, 2023, to wit: **August 2, 2023, at 10:00 AM** in Magnolia, TX 77354, in the City of Magnolia, Texas, beginning at or about 10:00 AM, we will sell as represented, if we proceed to sell by such to the highest bidder at the right, site and corner of the premises as well with the aid of the following described real property listed upon in the presence of said auctioneer, the same being and being stored in the County of Montgomery, and the State of Texas, to-wit:

Build No. 25212424
2023 Lotus Evija Electric - 420 211911 C12ND048883
Beardo Black on Black, Chra 10K

And with the intent to sell to satisfy the judgment rendered in the above noted and captioned cause, together with interest and costs accrued in the enforcement thereof and the proceeds of said sale to be applied as follows:

This personal property will be sold in its present condition "AS IS" and no warranty of any kind will be made or given. The buyer shall be subject to all local and national, common, conditions, restrictions, easements, encumbrances, liens or taxes against the property or of the date of sale.

Purchaser at this sale will receive an ordinary copy of Constable's Bill of Sale which is subject without, interest or delay.

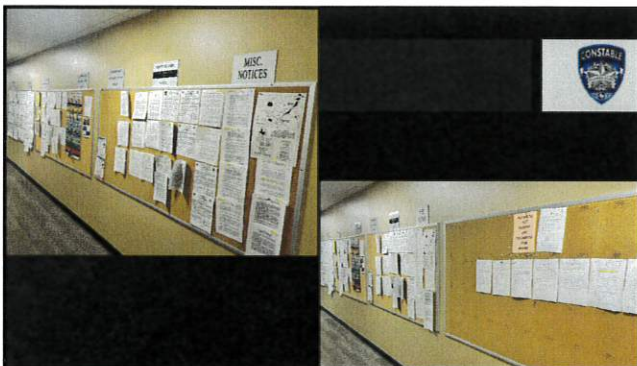
At the time the sale begins, all fixtures of this sale shall be negotiated with the officer who conducts the sale.

Dated at Montgomery County, Texas, this 15th day of Aug, 2023.
 Chita Zayas, Constable President & Montgomery County, TX.

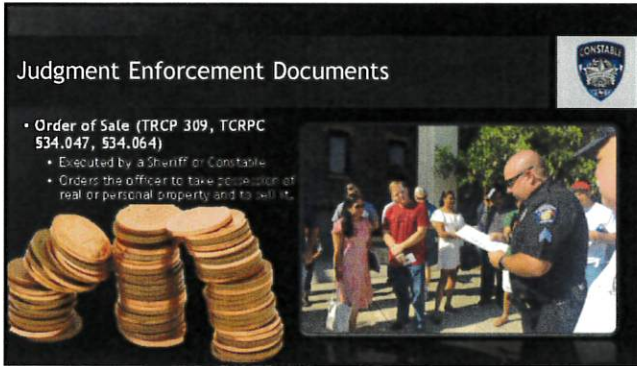
*****NOTICE OF SALE - BY VIRTUE OF WRIT OF EXECUTION*****
Wednesday, August 2nd at 10:00am
35523 FM 149 Magnolia, TX 77354
CASH ONLY - NO EXCEPTIONS

Montgomery County Pct. 5
 Constable's Office
 Wednesday, August 2nd at
 10:00am
 35523 FM 149 Magnolia, TX 77354
 Cash Only - No Exceptions
 281-259-6493

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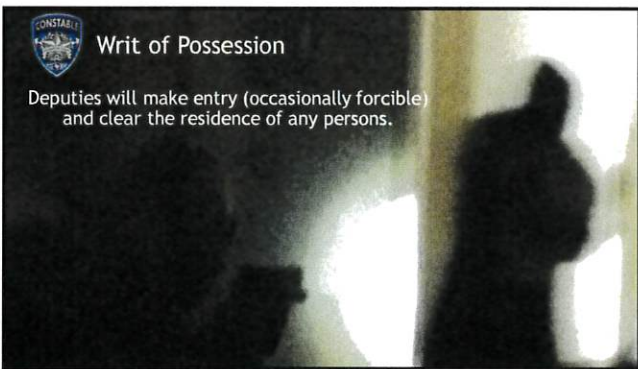
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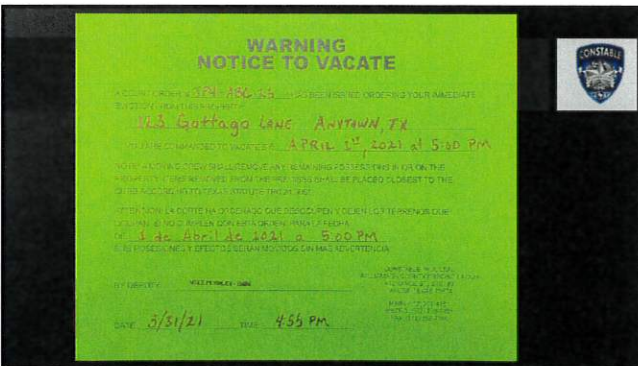
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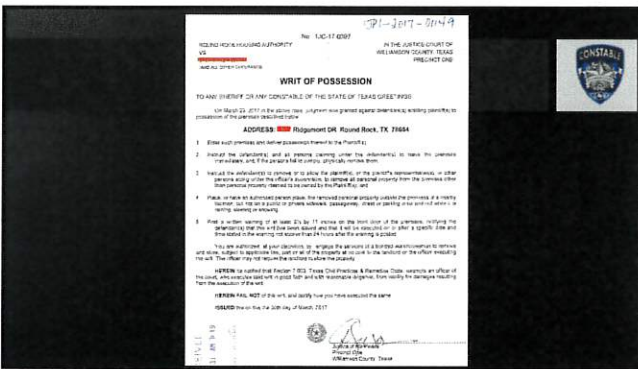
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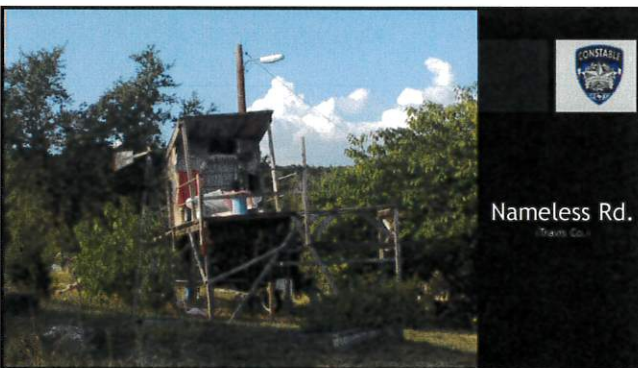
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Turtlelock Dr.

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Rawhide Loop

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Hollow Tree

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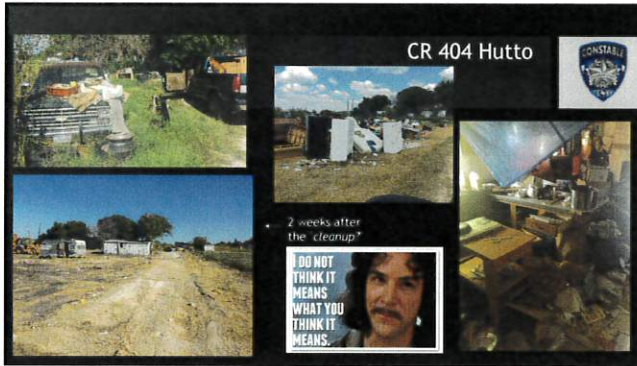
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Illegal Lockouts

- Tenant may regain entry under a Writ of Reentry
 - Complaint is filed in the JP precinct where the property is located
- If judge rules the lockout was illegal the court may issue a Writ of Reentry directing the landlord to let the tenant back in
- If the landlord fails to obey the order he may be held in contempt of court and the Sheriff or Constable may use reasonable force to put the tenant back into the rental unit
- Another option is a Writ of Retrieval



51

Call the Constables, they'll do it...

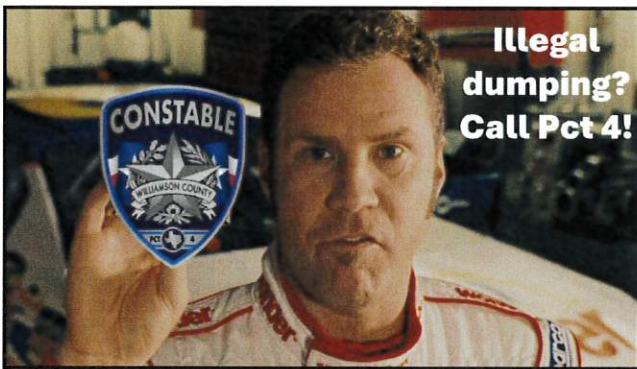


Constable's do not have secret magical powers that other peace officers lack.

- Child custody enforcement
 - Civil Standbys
- Divorce decree enforcements

**Notice to any peace officer of the State of Texas: "If they use reasonable efforts to enforce the terms of their custody agreement in this state. A peace officer arrested on the terms of a court order and the officer's agency are entitled to the applicable immunity against any claim, suit or litigation, regarding the officer's good faith acts performed in the scope of the officer's duties in enforcing the terms of the order that results in child custody. Any person who knowingly prevents the enforcement of an order that is lawful under Chapter 151, which concerns an officer that may be penalized by enforcement as just for as long as two years and a fine of up to \$50,000."*

52



Illegal dumping? Call Pct 4!

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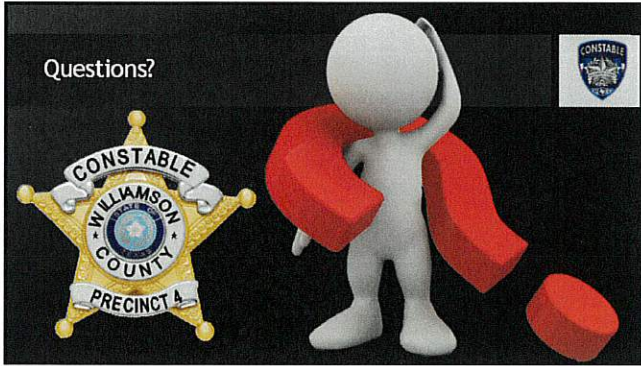


Environmental Law Enforcement

- Our Environmental Division is responsible for the enforcement of environmental laws within Williamson County.
- These laws include **Illegal Dumping, violations of Outdoor Burning Rules, violations involving Public Nuisances, Junk Vehicles, and violations involving Hazardous Materials.**



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56

Working Together: The Role of the Clerk and the Constable

Texas Justice Court Training Center

1

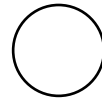
“The way a team plays as a whole determines its success. You may have the greatest bunch of individual stars in the world, but if they don’t play together, the club won’t be worth a dime.”

– **Babe Ruth**



2

The Justice Court Clerk



3

A day in the life....

- How many clerks do each of you have in your office?



4

Authorities and duties of a clerk

- What can a clerk do and not do
- Common duties
 - Records
 - Reporting
 - Scheduling
 - Interaction with the public
 - Processing
- See handout



5

And what can't they do?

- Perform the judge's inquest duties or investigations.
- Perform the judge's magistration duties.
- Make determinations in cases, including whether or not to grant a defendant deferred disposition.
 - The clerk **can** grant DSC, since there is no discretion involved if the defendant qualifies (more info in Stage II!)



6

Creating Office Processes with Your Court Clerks

Payment processes – clerks can provide a financial buffer

Interacting with the public – clerks can provide a buffer



7

Training Court Staff

- TJCTC Court Personnel seminars
- Creating procedure manuals for staff hiring and training
- Training sessions on Legal Advice vs. Legal Information and Ex Parte communication
 - Give your clerks a standardized way to handle this
- Brown bag lunches: Invite other organizations from the county to have a sit down with staff to discuss connections and issues. (Auditors, Constables, etc.)



8

Teambuilding & Morale

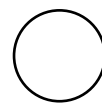


- Ways to improve morale
 - Education for staff
 - Making your staff feel like a team
- How to make your office an enjoyable, supportive place to work
 - Treat employees with respect
 - Deliver praise and recognition often
 - Emphasize how important the work is you all are doing
 - Give staff a say in things



9

What are some specific ideas you have on how to build morale in your office?



10

Communication



- Set clear expectations
- Have an open, inviting environment where people feel comfortable asking questions
- Build trust
- Set aside specific times to talk about issues
 - “My new Judge starts the week off by coming into my office and asking if I have any questions or concerns for the week. It’s a great way to troubleshoot before the week starts.”



11

“My judge won’t listen”

- What happens if a clerk says a process is incorrect in your office?
- Do you automatically dismiss this?

- We often hear from clerks that say they are undervalued and not listened to by their judge.



12

Troubleshooting

- What are some issues or concerns you have about effectively managing staff?



13

But I don't have a clerk!

- What happens if you are clerkless? Or you have 1 clerk and they go on vacation?
- Best practices for being both Judge and Clerk:
 - 1. Attend TJCTC's clerk training and watch our webinars
 - 2. Be organized
 - 3. Seek out help from mentors



14

**Leadership is
practiced not so
much in words as in
attitude and in
actions.**

-Harold S. Green



15

**Your
Constable**



16

Thank you!



TJCTC's Justice Court Clerks Do's & Don'ts

This list is not exhaustive – there may be other do's & don'ts that are not included here.

Do's

(Not all clerks will do all of these, but all are possible things that could be assigned.)

- 👍 Maintain the records of the court.
 - ✓ Maintain filing and/or software system.
 - ✓ Make sure all required records are kept accurately and completely.
 - ✓ Follow retention schedules: <https://www.tsl.texas.gov/slr/localretention>
 - ✓ Respond to records requests (could require judge input).
 - ✓ Maintain confidentiality of all records not subject to public disclosure.
 - ✓ Make sure expunged records are destroyed and treat them as though they never existed.
- 👍 Follow reporting requirements: <https://www.tjctc.org/tjctc-resources/publications.html>
- 👍 Keep court calendar and handle scheduling (hearings, trials, weddings, etc.).
- 👍 Interact with the public.
 - ✓ Provide information without giving legal advice.
 - <https://www.txcourts.gov/media/1220087/legalinformationvslegaladviceguidelines.pdf>
 - ✓ Answer phones and take messages as needed.
 - Write down complete message, be accurate with details (date, time, name spelling, phone number, etc.), note urgency or time sensitivity, deliver message ASAP.
 - ✓ Process mail.
 - ✓ Provide information about cases and any fees/fines that are due.
 - ✓ Be the gatekeeper for the judge.
 - ✓ Provide quality customer service and use proper terminology.
- 👍 Process case paperwork.
 - ✓ Accept and file-stamp filings.
 - ✓ Have complaints/affidavits/etc. sworn before you.
 - ✓ Provide statement of inability form in civil cases without charge or request.
 - ✓ Issue citation in civil cases.
 - ✓ Send service by mail in civil cases if requested.
 - ✓ Send out hearing notices and summons.
 - ✓ Draft court orders/documents.
 - ✓ Send out default judgment notices in civil cases.
 - ✓ Process payments.
- 👍 Assist with other paperwork as needed.
- 👍 May use the judge's signature stamp, but only at the judge's specific direction.
- 👍 Hold down the fort when the judge is away.
 - ✓ Comply with standing orders (ex: order allowing payment plans to be approved at the window in certain situations).
 - ✓ Have plan in place beforehand for how things should be done in judge's absence and for notifying judge of urgent matters that clerk is not authorized to handle.
 - ✓ Flag anything that needs to be presented to the judge when they return.
 - ✓ Take any messages for the judge and make sure they get them when they return.
- 👍 Be professional.
- 👍 Follow ethical standards – you have to follow the same canons as the judge.
 - ✓ Canons can be found here: <https://www.txcourts.gov/rules-forms/rules-standards/>

TJCTC's Justice Court Clerks Do's & Don'ts

This list is not exhaustive – there may be other do's & don'ts that are not included here.

Don'ts:

- 🗨️ Provide legal advice.
- 🗨️ Engage in ex parte communication about the merits of a case except where expressly allowed by law.
 - *Note:* This does not prohibit certain communications as described in Canon 6C(2).
- 🗨️ Engage in duties reserved for the judge.
 - ✘ Hold hearings.
 - ✘ Enter rulings.
 - ✘ Conduct inquests.
 - ✘ Conduct magistrations.
 - ✘ Conduct weddings.
- 🗨️ Use judge's signature stamp **other than** at the judge's specific direction.
- 🗨️ Engage in unethical or improper behavior.
 - ✘ Exhibit favoritism (allowing any relationship, partisan interest, etc. to influence conduct or behavior).
 - ✘ Allow conflicts of interest (using the prestige or authority of the court to advance the private interests of yourself or others).
 - ✘ Engage in improper use of the court's resources, records, or access to information (using these things for personal use or as a favor to someone instead of only for official court business).
 - ✘ Exhibit bias or prejudice.
 - ✘ Allow the appearance that the court is not neutral and impartial in all cases.
 - ✘ Accept "gifts" (something given to you in your role as a clerk that could appear improper or be intended to gain favor with the court; any gift that violates any canons or county rules).
 - ✘ Allow the appearance of impropriety (conveying the impression that you or any group you are affiliated with are in a special position to influence the judge).
 - ✘ Violate any canon, law, or rule.
- 🗨️ Comment (including on social media) about cases which are in or may come before the court.
- 🗨️ Act as law enforcement or engage in any action that benefits the prosecution and is not independent and neutral.
 - Ex: issuing subpoenas for the state's witnesses without request and not doing the same for the defense.

Not Expressly Prohibited, But TJCTC Recommends That You Don't:

- 🗨️ Generate complaints for offenses, including FTAs and VPTAs (should be an officer or prosecutor).
- 🗨️ Serve as an interpreter for your court.