

# Polling Cavalcade:

*What Have We Learned?*

1

Legal  
Research  
and TJCTC  
Resources

2


## Where can you find the Criminal Court Costs Chart & Cheat Sheet?

1. TJCTC Charts & Checklists Page
2. Officeholding Deskbook
3. Fines, Fees, & Costs Deskbook
4. 1 & 2
5. 1 & 3
6. All of the above

3

## There are 20+ Self-Paced Modules for Credit on the TJCTC website.

1. True
2. False



Texas Justice Court Training Center

Sections of the Page | Contents | Court Personnel | Legal Resources | Online Learning | Contact Us | Log In | Helpdesk

Texas State > Texas Justice Court Training Center > Online Learning > Self-Paced Modules

### Self-Paced Modules

#### Self-Paced Modules

**What are self-paced modules?**

These learning modules can be completed at your convenience and in multiple sittings. They are interactive and will have activities you must complete before you move on to the next section. You can take the module on your computer, tablet, or phone. And they are worth judicial education credit!

**How can I get credit?**

Once you complete the self-paced module, fill out the module certification form. Please note: The module certification form is different than the webinar certification form and can be found below.

[MODULE CERTIFICATION FORM](#)

#### Online Learning Resources

- Virtual Programs
- Recordings for Credit
- Tech Tools
- Non-TJCTC Online Learning
- Webinar Certification Form
- Self-Paced Module Certification Form

#### Social Media

- Facebook
- Twitter

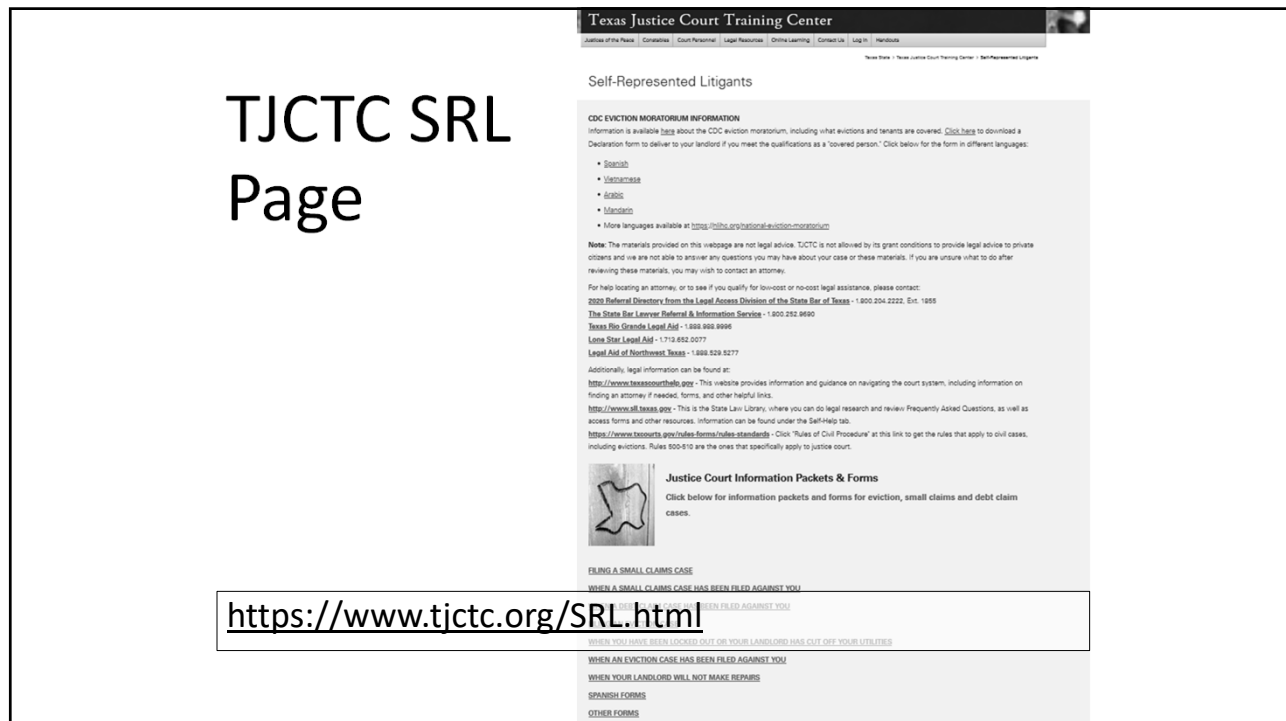
<https://www.tjctc.org/onlinelearning/selfpacedmodules.html>

4

A person comes into your court and says they got paperwork that they are being sued in your court. They want to know what to do.

***What can you give them?***

5



Texas Justice Court Training Center

Justice of the Peace | Constables | Court Personnel | Legal Resources | Online Learning | Contact Us | Login | Handouts

Texas State | Texas Justice Court Training Center | Self-Represented Litigants

## TJCTC SRL Page

### Self-Represented Litigants

**CDC EVICTION MORATORIUM INFORMATION**  
Information is available [here](#) about the CDC eviction moratorium, including what evictions and tenants are covered. [Click here](#) to download a Declaration form to deliver to your landlord if you meet the qualifications as a "covered person." Click below for the form in different languages:

- Spanish
- Vietnamese
- Arabic
- Mandarin

• More languages available at <https://hhs.gov/opportunity/election-moratorium>

**Note:** The materials provided on this webpage are not legal advice. TJCTC is not allowed by its grant conditions to provide legal advice to private citizens and we are not able to answer any questions you may have about your case or these materials. If you are unsure what to do after reviewing these materials, you may wish to contact an attorney.

For help locating an attorney, or to see if you qualify for low-cost or no-cost legal assistance, please contact:

**2020 Referral Directory from the Legal Access Division of the State Bar of Texas** - 1 800 204.2222, Ext. 1055  
**The State Bar Lawyer Referral & Information Service** - 1 800 252 9690  
**Texas Rio Grande Legal Aid** - 1 800 993 9996  
**Loam Street Legal Aid** - 713 652 0077  
**Legal Aid of Northwest Texas** - 1 800 529 5277

Additionally, legal information can be found at:

<https://www.texascourtsinfo.gov> - This website provides information and guidance on navigating the court system, including information on finding an attorney if needed, forms, and other helpful links.

<https://www.sll.texas.gov> - This is the State Law Library, where you can do legal research and review Frequently Asked Questions, as well as access forms and other resources. Information can be found under the Self-Help tab.

<https://www.texascourts.gov/rules-forms/rules-standards> - Click "Rules of Civil Procedure" at this link to get the rules that apply to civil cases, including evictions. Rules 500-510 are the ones that specifically apply to justice court.

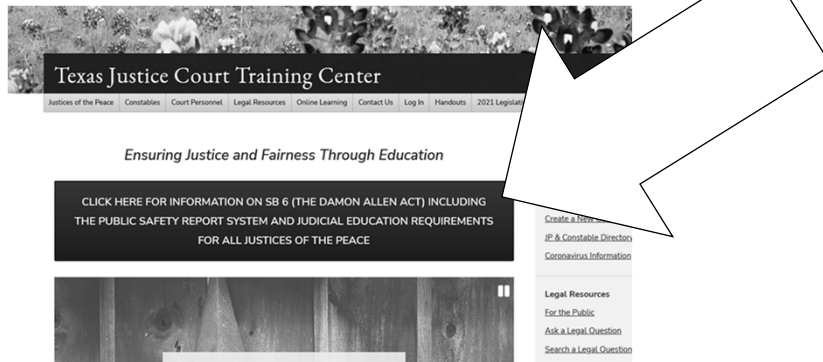
**Justice Court Information Packets & Forms**  
Click below for information packets and forms for eviction, small claims and debt claim cases.

**FILING A SMALL CLAIMS CASE**  
**WHEN A SMALL CLAIMS CASE HAS BEEN FILED AGAINST YOU**  
**WHEN YOUR LANDLORD HAS ACCUSED YOU OR YOUR LANDLORD HAS CUT OFF YOUR UTILITIES**  
**WHEN AN EVICTION CASE HAS BEEN FILED AGAINST YOU**  
**WHEN YOUR LANDLORD WILL NOT MAKE REPAIRS**  
**SPANISH FORMS**  
**OTHER FORMS**

<https://www.tjctc.org/SRL.html>

6

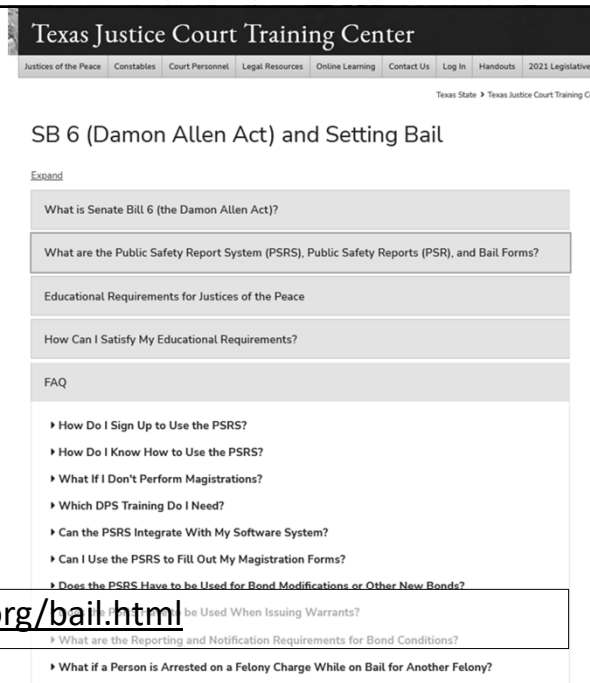
# How to I find out how the new Public Safety Report System (PSRS) works and when I have to use it?



<https://www.tjctc.org/bail.html>

7

## TJCTC Bail Page



<https://www.tjctc.org/bail.html>

8

## Evictions

9

A gentleman comes by your office and tells your clerk that he has a squatter living in a small apartment about his garage. He says he allowed them to stay there rent free for two weeks but now it's been four months, and they won't move out. He wants to know what he should do.

10

You should tell him:

1. File an eviction case and you'll hear it right away.
2. Talk to a lawyer.
3. Take a look at the SRL Packet on Evictions and after reading that decide whether he might need a lawyer to help or can handle this on his own.

11

The person living above the garage is:

1. A tenant at will.
2. A tenant at sufferance.
3. A squatter.
4. I'm not sure but I don't think he can just live there indefinitely.

12

## Discussion Scenario

A landlord is in a hurry to evict a tenant, so he hands the tenant a three-day notice to vacate, and files suit the same day reasoning that since the case won't be heard for 10 – 21 days the tenant has plenty of time to get out. The petition states that the NTV was served the same day the petition was filed.

1. May the court grant a judgment for possession to the landlord?
2. What if the tenant fails to appear?
3. When would a three-day notice to vacate not be sufficient or not be required?

13

## Rent Into the Registry

A tenant may have to pay rent into the court registry if they appeal:

1. In any residential eviction case.
2. Whenever the landlord asks for back rent.
3. If the eviction is a nonpayment of rent case.

14

## Failure to Pay Rent Into the Registry

If the tenant fails to pay rent into the registry of the justice court:

1. The justice court still sends the case to the county court if the appeal was perfected.
2. The tenant loses their right to appeal the case to the county court.

15

## County Court Issues

If the tenant fails to pay rent into the justice court registry and the case has already been sent to the county court:

- A. The landlord has to ask the county court to “remand” the case back to the justice court.
- B. The landlord can ask the county court to issue a writ of possession.

16



## How Would You Rule?

Larry has one acre of land behind his house, and he lets Terry put his RV there. Six months later Larry is ready for Terry to move on, but Terry likes it where he is and won't leave.

- If Larry files an eviction suit:
  1. The manufactured home rules apply.
  2. The manufactured home rules do not apply.
- Why?

17

Probable Cause and Warrants

18

“On April 11, 2023, approximately 7:30 PM I, Box County Deputy Bill Russel, responded to the 213 Adobe Drive, for a domestic assault. The defender was identified as Tony Marcus DOYLE (W/M DOB: 12/21/1984). After looking at the victim’s (Sonya Lynn Doyle) injuries, I saw two puncture wounds to her left arm and her description of the incident. I good reason to believe and do believe DOYLE committed the offense of Assault Family Violence (PC 22.01).”

**Is there probable cause to issue a warrant?**

**1. Yes, PC**

**2. No PC**

19

Can you sign a  
blood search  
warrant?



20

A doctor can request an  
Emergency Mental Health  
Warrant/Emergency Detention  
Order via email.

1. True
2. False

21

## **Special Procedures for Application by Doctor**

- A judge or magistrate may allow a doctor to email an application for an EDO or request one via a secure 2-way electronic communication (video conference).
- If the application is done by video conference, the judge must keep a recording.

*More info about EDOs/EMHWs can be found in the  
Magistration Deskbook!*

22

## Magistration

23

### Magistration Basics

- Can a person be held up to 72 hours on a felony charge before they are brought before a magistrate?
  1. Yes; they can be held up to 72 hours.
  2. No; they must be magistrated without unnecessary delay but not later than 48 hours after the arrest.

24

## Bail Schedules

- My county has a bail schedule; when I set bail all I have to do is look at the bail schedule and set bail based on what it says for the offense the defendant is charged with.
  1. True
  2. False

25

- Which of these factors are listed in Art. 17.15 as ones to be considered in setting bail:
  1. Prior Criminal History
  2. Age and Sex of Defendant
  3. Ability to Make Bail
  4. How High it Needs to be to Keep him Locked Up

Can You Recall?

26

## Compare & Contrast

- Can you explain the difference between a bail bond and a personal bond and when to use one rather than the other.

27

## Bond Considerations

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What does a magistrate have to review and consider before setting bail and bond conditions?

- 
- A. A Pre-Trial Risk Assessment
  - B. A Public Safety Report
  - C. Defendant's financial situation

28

## What Bond Conditions?

A defendant is arrested for DWI with child passenger. She does not have any prior DWI arrests.

- What bond conditions would you impose?
- What if she says she doesn't own a car?
- How do you make sure she is complying with the conditions you order?
- What should you do if you become aware that she is not complying with the bond conditions?
- *Feel free to review Magstration Bench Cards 9 and 15*

29

## Family Violence

A defendant is arrested on a charge of family violence where the defendant slapped their spouse in the face causing a black eye.

- Is an EPO required?
- If not, would you issue one?
- What bond conditions would you impose?

30

## What Would You Do?

- At magistration you ask a defendant if he understands his rights as you have read them.
- He responds by saying he couldn't hear you because of the voices in his head.
- What is the best procedure to follow and what are the next steps?

31

## Inquests

32



What are the  
4 categories  
that a  
manner of  
death will fall  
into?

33

## Manner of Death – 4 Categories

### Natural

- Deaths due to illnesses or conditions (such as heart attacks or cancer) rather than external causes
- Only types of deaths that a physician will certify

### Accident

- Fall off a ladder
- Traffic accident

### Homicide

- One person kills another person
- Does not have to be criminal (i.e. self-defense shooting is still homicide)

### Suicide

### Indeterminate

- Only use when it is IMPOSSIBLE to determine the manner of death

34

You are out at a death scene. The on-call ADA is also on scene. They say they have talked to their boss, and they are requesting that you order an autopsy.

Do you have to order an autopsy on this case?

1. Yes
2. No

35

How many days do you have to complete a death certificate?

1. 12
2. 7
3. 10
4. unlimited

36

You have found boxes of inquest records in a closet in your office, and you'd like to get rid of them to have more space. The most recent record is from 20 years ago. **Can you destroy the records?**



Yes



No

37

## Open Records

A JP may NOT withhold an autopsy report from public inspection even if a prosecutor determines that its release could hinder a murder investigation.

*All inquests records are open, including autopsy reports*

Op. Tex. Att'y Gen. JC-0542 (2002)

38

## Criminal

39

## How Would You Rule?

A defendant is charged with a second offense of operating a vehicle without insurance. The fine for this offense is not less than \$350 or more than \$1,000. Since the fine may be more than \$500, you do not have jurisdiction to hear this case:

1. True
2. False

40

## Sovereign Citizen?

Jesse James is given a citation charging him with going 85 mph in a 70-mph zone. He calls the court and says he's a sovereign citizen and the court has no authority over him so he's just going to ignore this so-called ticket. You should:

1. Find him guilty and impose a fine.
2. Hold him in contempt.
3. Enter a plea of not guilty and set the case for a bench trial.
4. Enter a plea of not guilty and set the case for a jury trial.

41

## Discussion Time!

Jane Smith pleads guilty to speeding and you impose a fine of \$150 plus court costs of \$105. Sixty days later she has still not paid the fine. What options do you have to enforce your judgment and what, if anything, do you have to do before using a particular option?

42

## True or False?

Jane is arrested on a *capias pro fine*. You have a hearing and determine that she is indigent. For that reason you may not order her committed to jail to lay out her fine and court costs:

- True
- False

43



## True or False?

A judge may dismiss a case if any of these circumstances apply:

- The judge holds a pretrial conference and realizes that the officer made a mistake.
  - The officer asks the judge to dismiss the charges.
  - A statute applies that authorizes the judge to dismiss the case.
  - A prosecutor files a motion to dismiss.
- True
  - False

44

## DSC Quiz!

A defendant is charged with going 35 mph in a school zone. Are they eligible for DSC?

1. Yes
2. No

What if they were going 40 mph and the speed limit in the school zone was 15 mph?

1. Eligible for DSC
2. Not eligible for DSC

45

## DSC New Offense

Adam completed DSC to dismiss a previous offense on April 15, 2021. He was charged with a new offense on April 1, 2022. Is he eligible for DSC for the new offense?

1. Yes
2. No

46

## A Real Nuisance?

Tom Trasher is charged with causing a public nuisance by allowing surface discharge from a septic system. The nuisance remains unabated 30 days after he received an order from the county health official to abate it. If he is convicted, he is subject to a fine of \$50 to \$200 per day for each day of a violation and the court must order Tom to abate the nuisance.

- What procedure could the court use to give Tom an incentive to abate the nuisance?

47

## Juvenile Cases

48



## What are your options if a juvenile never shows up to court to enter a plea?

1. Summon the parent & order them to bring the child
2. Issue a capias/arrest warrant
3. Place the juvenile in OMNI (if they have a DL)
4. Issue a Notice of Continuing Obligation to Appear (if they are now 17)
5. All of the above!

49

## Disruption of Class

A 15-year-old student is charged with Disruption of Class under Ed. Code 37.124. He fails to show up to enter a plea after the prosecutor has filed a complaint & the court has sent a notice. Can you issue a warrant?

1. Yes
2. No

50

A juvenile calls the court and tells the clerk that they need to change their payment plan on their case.

**What should the court do?**

1. Tell them that's what they chose, so they need to do it.
2. Reconsider and enter an order allowing them to do community service, a new payment plan, or tutoring.
3. Waive the fine/fees/costs.
4. 2 or 3.

51

## Contempt

Sally, a 16-year-old in your court, refuses to follow your orders. You hold a contempt hearing, and she says, "You can't make me do anything. I don't have to listen to you!"

**What can you order?**

1. A fine of \$200
2. A fine of \$600
3. A 6-month DL suspension
4. A weekend in jail

52

## Expunction

Sally complies with your orders finally! You are so proud, now she is 21. She had 3 cases in your court when she was a juvenile. One Education Code offense, one tobacco case, and one alcohol offense. She was convicted of all 3.

**Can she get an expunction on the alcohol case now?**

1. Yes
2. No

53

## Does court have a juvenile diversion plan?

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Last year, the legislature required that justice courts implement new juvenile diversion programs.

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***Don't worry, this only applies to cases where the offense occurs after January 1, 2025!***

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However, the law went into effect 1/1/2024, so you can get prepared.

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***Does anyone know where to find training on this?***

54

## Civil Procedure

55

## Time Waits for No One!

A debt claim case is filed in your court seeking \$19,500, including interest and attorney's fees. By the time the case gets to trial, the plaintiff's claim has increased due to additional interest to \$20,200. Can you hear this case?

- Yes
- No

56

## Checklist for Default!

Which of the following does NOT have to be on file before proceeding with a default judgment:

- Proof that the defendant was properly served;
- A return of service on file for 3 days before a hearing;
- An affidavit stating that the defendant has non-exempt property that may be used to satisfy any judgment;
- A statement of the defendant's last known address;
- A Servicemember's Civil Relief Act affidavit.

57

Hearing or  
No Hearing?

A small claims case is filed in your court for personal injuries the plaintiff claims he suffered when the defendant ran into him while driving an electric scooter. The defendant fails to file an answer to the petition.

**Do you have to have a hearing before granting a default judgment?**

- Yes
- No

58

## Hearing or No Hearing?

A debt claim case is filed in your court and the plaintiff attaches documentation showing that the defendant had a credit card account, breached the terms of payment, the amount due on the account and that the plaintiff owns the account and how they acquired it. The defendant fails to file an answer to the petition.

**Do you have to have a hearing before granting a default judgment?**

- Yes
- No

59

## Hearing or No Hearing?

The court sets a hearing on a default judgment and sends notice to both parties. Five minutes before the hearing you receive a phone call from the defendant saying they never even heard of this plaintiff, and this is the first they've heard of this case.

**Should the court proceed with the default judgment hearing?**

- Yes
- No

60

## What if They No Show?

On the day of trial, the plaintiff contacts the court half an hour before the trial is scheduled to begin and says they have a family medical emergency and can't make it to court. The court resets the case for 30 days later. On the new trial date, the plaintiff fails to show up or call in. **The court should:**

1. Dismiss the case for want of prosecution.
2. Reschedule the trial again.
3. Issue an order stating the case will be dismissed unless the plaintiff shows good cause why it should not be.

61

## Discussion Scenarios

- Consider each of these scenarios:
  - Scenario A:** Jim sues Bob claiming he loaned him \$1,000 and Bob signed a promissory note stating he would pay it all back by December 31. Bob admits he got the money and that he failed to pay it back; his only defense is that he needs a little more time.
  - Scenario B:** Same facts but now Bob claims he sent Jim a text message on December 30 saying he needed a little more time to pay back the loan and Jim responded with a text saying "No problem. And happy new year."
- How should the court consider a motion for summary disposition in each situation?

62

Still Good?

A judgment is entered on May 1, 2008. On April 30, 2018, the plaintiff requests a writ of execution which the court issues. Is the judgment still valid and enforceable today?

1. Yes
2. No

63

Trial Skills & Judicial Demeanor

64



How many jurors sit on a jury in justice court?

10

6

12

The parties get to choose.

65

## When can the court release a prospective juror from service on the jury?

The prospective juror:

1. is **unqualified for jury service**.
2. has an **exemption** from jury service.
3. has an **excuse that the judge finds sufficient**.
4. **all of the above**.

*Bonus if you know where to find the qualifications & exemptions!*

66

Do the Rules of Evidence apply  
in justice court?

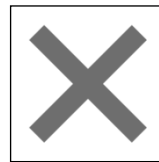
1. Yes
2. No
3. Sometimes

67

It is okay to dismiss a ticket if a judge  
from another county calls and tells you  
the defendant is their son.



True



False

68

Judge Sally posted the following on her Facebook page, is she violating the judicial canons?

*“Proud to vote to re-elect Sheriff John Wayne! #TexansforJW”*

Yes, that is a violation.

No, that is okay.

69

## Ex-Parte Communications

Remember, you can't usually engage in ex-parte communications and cannot give legal advice.

Have you developed a script or come up with a standard response you give people to explain this to them?

Please share!



70

# Confidentiality Policy



Does your office have a confidentiality policy signed by all your staff?

71

## You need a confidentiality policy!

- Earlier this year, the Texas Supreme Court published their final updates to the Rules of Judicial Administration regarding confidentiality policies.
- The new Rule 7.1 requires all courts (including justice courts) to develop a confidentiality policy and rules for training and distributing the policy to court staff by **May 1, 2024**.
- You can find a sample policy on the TJCTC website.

72

## Who can you call about ethics questions?

- Call a Judicial Conduct Commission attorney. They can provide information and guidance about ethics and the canons.
- (512) 463-5533 – Main Number

73

## QUESTIONS?

74