

Building Bridges: Courts & The Community

Hon. Rick Hill
Justice of the Peace
Brazos County, Pct. 3

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Agenda

- Confidence in the Judiciary
- Our Place in the Community
- Public Perception and Your Role
- Four Guidelines for Success
- Building Bridges

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Confidence in the Judiciary

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Confidence in the Judiciary

- Why are we having this opening session with all of the judges together?
- APPC study shows that “Americans who express either “a great deal” or “a fair amount” of trust and confidence in the judicial branch has fallen from 75% in 2000 to under 50% in 2022.”
(University of Pennsylvania)

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But What's That to Us?

Doesn't this really apply to those highly publicized cases we see on the news from the Supreme Court, not courts on our level?

No! We are not in the headlines, but we are on the frontlines!

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NCSC Survey

- When asked “Does the following word or phrase describe [state] courts very well, well, not well, or not well at all?”
- For “provides equal justice to all” 62% said “very well” or “well” in 2014, but only 46% said “very well” or “well” in 2023.

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Impacts

- Does this lack of confidence only impact the public?
- Judges have faced increased verbal (and even in cases physical) attacks, as well as a negative impact on mental health.
- <https://www.judges.org/news-and-info/over-half-of-judges-report-threats-environment-affecting-mental-health/>

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Our Place in the Community

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Our Place in the Community

The vast majority of people who experience the judicial system will not be in front of the Supreme Court, or even in a high-profile case in district court.

They will be in a municipal or justice court. For our communities, we **are** the face of the judiciary.

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Double-Edged Sword



This role as the face of the judiciary creates a precarious balance!



Pillar of Community vs. Ex Parte & Advice



Board of the Nonprofit Foster Program in College Station

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Public Perception and Your Role

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Public Perception and Your Role

- What are proactive steps you can take to impact public perception of the judiciary?
- Take a few minutes to discuss at your table and brainstorm approaches to do your part with this issue, whether increasing positive perception or decreasing negative perception.
- Have a spokesperson ready to share ideas.

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Various Roles to Play

Elected Official

Leader

Servant

Subject Matter Expert

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Elected Official

- Duties and responsibilities to interact with other elected officials and those that are operating under them
- Fellow judges, commissioners, budget officers, support staff, legislators

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Leader

In the community and the court

Clerks will do what you do, not what you say to do

Emulate your speech and attitude to the public

Do all of my words and actions set a tone and standard acceptable for a leader?

Are the people that voted for me/against me getting the leader they expected?

Have I sought/accepted the truth about the way that I am leading?

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Servant

- Responding appropriately to the needs of the public we serve on an individual as well as collective basis
- *Do I see myself as a person that serves the public?*
- *Do others see me as a person that serves the public?*
- *If accused of being/not being a public servant, what does the evidence look like?*
- *Have I sought/accepted truth about the way I am serving?*

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Subject Matter Expert

Able to recognize the different roles within the statutory framework and as a resource to guide/correct those that are unfamiliar with statutory duties

Am I familiar with the governing statutes?

Do I have complete understanding of my duties/responsibilities, and those before/after mine in a process?

Am I confident/competent to shine a light on noncompliant situations, despite common practices, lacking years of service, or budget/cost justifications?

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Four Guidelines for Success

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What Are Our Guardrails?

- The Code of Judicial Conduct lays out many specific rules that judges are bound to follow.
- Download at <https://www.txcourts.gov/media/1457109/texas-code-of-judicial-conduct.pdf>
- But really boils down to 4 key concepts

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Four Guidelines for Success



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Know Your Job – Canon 3

- Canon 3: Performing the Duties of Judicial Office Impartially and Diligently
 - **A judge should be faithful to the law and shall maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.**
 - **A judge should ... maintain professional competence in judicial administration**
 - ***What does maintaining professional competence mean?***

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Know Your Job – Resources

- Texas Justice Court Training Center
 - Resource for Judges
 - Resource for the Commission
- State Bar of Texas
- Local Bar Associations
- Trusted Attorneys
- Judge-directed Training and Meetings
- Self-directed Education

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Know Your Job – Don'ts

- Rely on: “ it’s the way we’ve always done it”
- Ignore changes (or potential changes) in law
- Keep someone from educating you
 - attorneys
 - fellow judges
 - experts
- Fake it
- Justify mistakes without correcting them

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Do Your Job – Canon 3

- **The judicial duties of a judge take precedence over all the judge's other activities.**
- **A judge shall hear and decide matters assigned to the judge except those in which disqualification is required or recusal is appropriate.**
- **A judge should dispose of all judicial matters promptly, efficiently and fairly.**
- **A judge should diligently and promptly discharge the judge's administrative responsibilities**

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Do Your Job – Canon 4

- **A judge shall conduct all of the judge's extra-judicial activities so that they do not interfere with the proper performance of judicial duties.**
- ***What are examples of how that might happen?***

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Do Your Job – Don'ts

- Delegate judicial responsibilities to clerks
- “Over-schedule” or “Over-docket” cases
- Delay unnecessarily
- Cover for “insufficiencies in the system”
- Be afraid to make the call – that’s why the voters put you there!

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It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better.

The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows the great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat.

-- Theodore Roosevelt

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Do *Only* Your Job – Canon 3

- **A judge shall not initiate, permit, or consider ex parte communications or other communications made to the judge outside the presence of the parties ... concerning the merits of a pending or impending judicial proceeding.**
- **A judge shall require compliance with this subsection by court personnel subject to the judge's direction and control.**

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Do *Only* Your Job – Canon 3 cont.

- **A judge shall abstain from public comment about a pending or impending proceeding which may come before the judge's court in a manner which suggests to a reasonable person the judge's probable decision on any particular case.**

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Do *Only* Your Job

- ***Don't***

- Act as a “collection agency”
- Act as a “mediator”
- Act as an advocate for one side or the other
- Draft agreements or pleadings for parties
- Judge another judge’s actions or rulings

- ***Do***

- Let cops be cops
- Let lawyers be lawyers
- Let jurors be jurors
- Let clerks be clerks
- Be the judge -- first, last, and ***always***

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The “Golden Rule”

- *What does this mean to you in the context of being a judge? How do you or other judges succeed or fail in living up to this rule?*

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The “Golden Rule” – Canon 1

- **A judge should participate in establishing, maintaining and enforcing high standards of conduct, and should personally observe those standards so that the integrity and independence of the judiciary is preserved.**

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The “Golden Rule” – Canon 2

- **A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.**
- **A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others.**

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The “Golden Rule” – Canon 3

- **A judge shall require order and decorum in proceedings.**
- **A judge shall be patient, dignified and courteous, and should require similar conduct of lawyers, and of [those]subject to the judge's direction and control.**
- **A judge shall perform judicial duties without bias or prejudice.**
- **A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, ... and shall not knowingly permit staff, court officials and others subject to the judge's direction and control to do so.**

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The “Golden Rule” – Canon 3 cont.

- **A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.**
- **A judge should ... cooperate with other judges and court officials in the administration of court business.**
- **A judge who receives information clearly establishing that [another judge or a lawyer] has committed a violation ... should take appropriate action.**

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The “Golden Rule” – Canon 4

- A judge shall conduct all of the judge's extra- judicial activities so that they do not cast reasonable doubt on the judge's capacity to act impartially as a judge.

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The “Golden Rule” – Demeanor

- *What demeanor promotes public confidence in the judiciary?*
- *What are some obstacles to maintaining that demeanor on a consistent basis?*
- *What are ways to help overcome those obstacles?*

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The “Golden Rule” – Rule of Thumb

- A judge should:
 - **Hear** Courteously
 - **Answer** Wisely
 - **Consider** Soberly
 - **Decide** Impartially
- *American Judicial Society, HANDBOOK FOR JUDGES (1961)*

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Building Bridges

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Health & Wellness Guide for Courts

- NCSC has published a guide with a 4-step process for courts to help restore public confidence in the judiciary.
- https://www.ncsc.org/_data/assets/pdf_file/0014/103361/ncsc-beyond-civics-education.pdf

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Outreach in the Community

TJCTC has developed a presentation for judges to use to share the role of a justice of the peace with their community.

Feel free to edit it to remove any role that you don't perform, such as inquest duties.

We are more than weddings and tickets!

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Outreach Powerpoint

- Visit the Corpus handout page to download a copy of the powerpoint template.
- The template is a powerpoint file and is yours to edit.
- www.tjctc.org/handouts/jp-corpus-conference.html

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What is a Justice of the Peace?

Hon. YOUR NAME, YOUR COUNTY PRECINCT X
Contact Information if Preferred

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History of Justices of the Peace

- Over 800 years of history!
- King Richard I (“The Lionheart”) commissioned knights to preserve the peace in unruly areas beginning in 1195.
- Act of 1327 appointed “good and lawful men” to “guard the peace” in every county.
- In the colonies, volunteer justices resolved local conflicts and kept the peace.

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Famous Justices of the Peace

- George Washington served as a justice of the peace early on in his career.
- Many have heard of Judge Roy Bean, the “Law West of the Pecos.” Bean was a saloon-keeper and justice of the peace in Val Verde County.

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What Does It Take to Be a Justice of the Peace?

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Requirements

Live in Texas for at least 12 months and your precinct for at least 6 months

Be a United States citizen

Be at least 18 years old on the first day of the term

Be mentally competent

Cannot be a convicted felon

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Training Requirements

80 hours of training your first year

20 hours each additional year

Specific requirements

- Juvenile diversion issues
- Civil law
- Setting bail

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Texas Justice Court Training Center

- Funded by grant from the Texas Court of Criminal Appeals under the supervision of the Justices of the Peace and Constables Association of Texas (JPCA)
- Provides training and other educational materials.

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Don't Y'all Just Do Weddings?

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No! So What Do We Do?

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Small Claims Cases

- If someone is suing for up to \$20,000, they can do it in justice court
- What types of cases can that be?
 - Car accidents
 - Debt claim cases (like credit cards)
 - Damage to property

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Evictions

- Cases where a person is trying to get back possession of a residence or business
 - Often because rent hasn't been paid
 - Other lease violations like criminal activity or disallowed pets
 - Squatters

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Criminal Cases

- Justices of the Peace hear criminal cases where the person can't go to jail as punishment for the crime
- Examples
 - Traffic violations
 - Public intoxication
 - Minor alcohol offenses
 - Disorderly conduct

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Truancy Hearings

- Discover why a child is not attending school
- Resolve the issue in a non-adversarial, non-criminal process
- Nothing more relevant to quality of life measures down the line than getting a diploma or GED

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Administrative Hearings

Cruelly-Treated Animals

Tow Hearings

Occupational Driver's Licenses

Dangerous Dogs

Public Nuisance

Handgun License

Driver License Suspension

And more!!

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Magistrate Duties

- When someone is arrested...
 - Provide them their rights under state law and the U.S. Constitution
 - Appoint an attorney if necessary
 - Set bail in order to secure the release of the accused while ensure their appearance and the safety of the community and any victim

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Inquests

- In most counties, a Justice of the Peace must determine the cause and manner of death and fill out the death certificate for any death where there is not an attending physician

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How To Be a Good Judge

- 4 Guiding Principles
 - Know Your Job
 - Do Your Job
 - Do **Only** Your Job
 - The Golden Rule

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Wrap Up

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Lasting Impact

- *Share some ways that you have made a lasting impact in your community or ways that individuals have shared with you the impact you made in their lives.*



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- “The Texas Judiciary is committed to upholding the rule of law. It is committed to a court system that is fair, efficient, and just, interpreting and applying the law guided by fixed principles. And it is committed to a justice system that is accessible to all, regardless of means.”
 - Texas Supreme Court Chief Justice Nathan Hecht

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Direct Message from Chief Justice Hecht (ret.)

- Good morning to my judicial colleagues. Thanks to my friend, Judge Rick Hill, for allowing me to say a few words to you on behalf of the Texas Judiciary.
- We face a challenge: public trust and confidence in the courts, state and federal, from the U.S. Supreme Court on down, is at an all-time low.
- But it’s part of a general disillusionment with all our institutions, and the good news is: the perception of courts is improving.
- Like everyone, we struggled through COVID, but courts mostly stayed open, providing a forum for communities seeking justice. I was in contact with the Justice Court Training Center throughout, learning together how to function in the pandemic, to conduct proceedings remotely when appropriate, to adjust dockets and procedures to accommodate needs. I was President of the national Conference of Chief Justices at the time and saw first-hand court operations in every state. I’ll tell you this:
the Texas Justices of the Peace performed spectacularly.

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Direct Message from Chief Justice Hecht (ret.)

And here's why. The Training Center here is one of the best in the nation. It is a clearinghouse of experiences from 800 Justices of the Peace in the field, who handled 1.3 million cases in 2023, and an invaluable resource for you and your colleagues.

Our Justices of the Peace are dedicated to providing equal justice under law to everyone seeking it. For most Texans, you are the face of justice, the person they see when they go to court.

When you are fair, constant, listening to all sides, and adapting procedures to meet participants' work and family pressures, you fulfill the promise of justice for all that Texans are counting on.

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Direct Message from Chief Justice Hecht (ret.)

I retired at the end of 2024 after more than 43 years' judicial service. Every moment has been an honor for me, as I hope your service will be for you. There is no better state court system in the country than ours. And each of you is a key part of it. God bless you, and God bless Texas.

-- Nathan L. Hecht, Chief Justice (ret.), The Supreme Court of Texas

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JUSTICE FOR TEXANS...

Each life...Each day...Each hour