

# Building Bridges: Courts & The Community

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**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 and the Texas Department of Transportation.**

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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 the clerks 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)
- Clerks are the front line – often clerks interact with litigant, attorneys, and the public more than the judge does.

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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 and court staff 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

Most 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

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## **Public Perception and Your Role**

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## What do people think?



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## What can you do to improve public perception?

- 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

Employee

Leader

Servant

Subject Matter Expert

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## Employee of Elected Official

- Duties and responsibilities to interact with other elected officials and those that are operating under them
- Fellow county employees
- Remember, everything you do is reflected on your boss.

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# Leader

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In the community and the court

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Other clerks will do what you do, not what you say to do

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

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*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

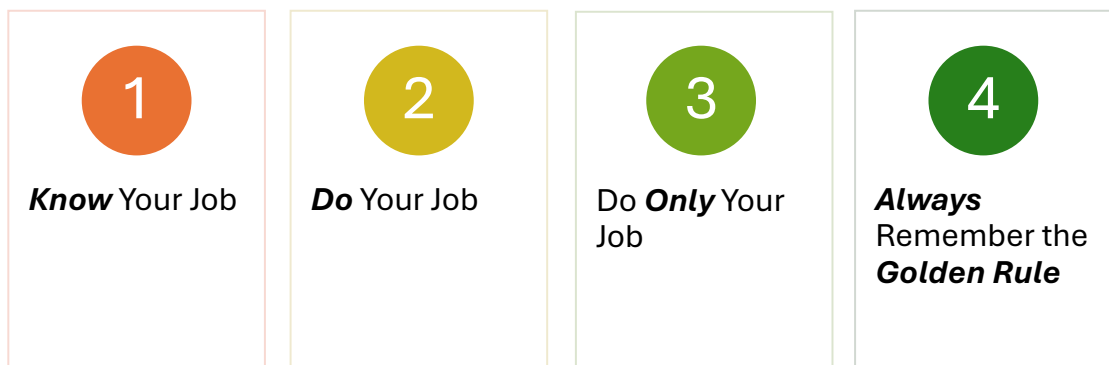
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## What Are Our Guardrails?

- The Code of Judicial Conduct lays out many specific rules that judges are bound to follow. Court staff must also follow these rules.
- 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 for court staff?***

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## Know Your Job – Resources

- Texas Justice Court Training Center
- State Bar of Texas Materials
- Trusted Attorneys
- Judge-directed Training and Meetings
- Self-directed Education
- State Law Library

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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 court staff
  - 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
- ***What does this mean for court staff?***

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## Do Your Job – Canon 4

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

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## Do Your Job – Don'ts

- Take on judicial responsibilities for the judge
- “Over-schedule” or “Over-docket” cases
- Delay unnecessarily
- Cover for “insufficiencies in the system”
- Be afraid to ask the judge to make the call – ***That's why the voters put them 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.*
- ***What can you do to ensure you don't engage in ex-parte communications?***

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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.
- **Keep work to yourself!**

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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 court's actions or rulings

### ***Do***

- Let cops be cops
- Let lawyers be lawyers
- Let jurors be jurors
- Let judges be judges
- **Always** act only as the clerk!

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## The “Golden Rule”

- *What does this mean to you in the context of being a clerk? How do you or other court personnel 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.
- *How can you support the judge in this role?*

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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.
- *How can you ensure that your actions reflect the court's impartiality?*

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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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## 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](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 your court doesn't perform, such as inquest duties.

We are more than weddings and tickets!

Go with the judge to present – explain what your role is!

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## Outreach Powerpoint

- Scan the QR code to download a copy!  
Or visit [www.tjctc.org](http://www.tjctc.org) for instructions.



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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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