



# Introduction to the Justice Court and the Training Center

Presented by

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## POLL

- How long have you been a clerk?
  - Less than a month
  - 1 – 3 months
  - 3 – 6 months
  - 6 – 9 months
  - 9 – 12 months
  - More than 12 months

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## What is the Texas Justice Court Training Center?

- Judicial education group overseen by the Court of Criminal Appeals.
- Provides education to justices of the peace, constables, and court/constable office personnel.

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## TJCTC Staff

- Thea Whalen – Executive Director
  - Responsible for herding all the cats (ask her about her cat Midnight!)
- Sonya Rahrovi – Associate Director
  - The glue of the office and our grants guru
- Laura Villarreal – Accountant
  - Makes sure the money is always right!
- Francisco Paredes – Office Manager
  - Contact him for registration issues
- Jeff Grajek – Web & IT
  - Contact him for technical issues with the website or publications

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## Legal Department

- Present education at seminars
- Answer legal questions (for judges, clerks, and constables, *not* the public!)
- Prepare resources
- Bronson Tucker, *General Counsel*
- Rebecca Glisan, *Director of Curriculum*
- Amber Myers, *Director of Outreach*
- John Lackey, *Staff Attorney*
- Mark Zuniga, *Staff Attorney*

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## Program Administrators

- Organize education seminars
- Coordinate with Education Committees
- Jessica Foreman, *Education Manager*
- Darby Swoboda, *Court Personnel*
- Jasmine Savage, *Judges*
- Jay Takach, *Constables*

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# What Does TJCTC Offer?

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## **Education Seminars**

- 16-hour court personnel seminars
- Specialty Workshops
  - Multiple hours on one topic
- Webinars
  - Multiple times a year
  - Archived on TJCTC.org
- Legislative Updates (in odd years)

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# Resource Materials

*Electronic and written materials*

*More on these later!*

- Website
- Charts and Checklists
- Forms
  - Available for court and public use; available in Spanish
- Deskbooks
  - Complete overview of legal topics
- Legal Question Board & Phone Calls
  - Timely responses to legal questions

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## What Does a Justice Court Actually Do?

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## The Justice Court – The People's Court

- 800+ statewide, each county at least 1!
- Most citizens will only ever interact with a justice court (or municipal court)
- Mostly self-represented litigants (SRLs), fewer attorneys
- **TJCTC has info packets that courts may provide to SRLs**

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Jurisdiction

Although crime shows make most people think of jurisdiction as meaning “location” it actually means “power to act.”

Justice courts have power to act (jurisdiction) over many different types of cases.

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### ***Types of Justice Court Cases***

Criminal – Fine-only  
misdemeanors

Civil – cases up to \$20,000

Evictions – must start in justice  
court

Truancy – mostly in justice court

Administrative Proceedings

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### **Civil Cases**

#### **What are civil cases?**

- A disagreement between  
people or entities  
(businesses/companies)

#### **Two main categories in justice court:**

- Small Claims Cases &  
Debt Claim Cases

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- Justice courts hear criminal cases that are punishable by only a fine, or by a fine and specific sanctions that are not jail (such as an alcohol awareness class).
- Code of Criminal Procedure Art. 4.01 & Art. 4.11.

## Criminal Cases

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## Eviction Cases

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Evictions are cases where someone is trying to get real property (house, apartment, land, etc.) back from someone else. The person can also be seeking to recover back rent.

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Technically civil cases, but have unique processes and procedures.

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## Truancy Cases

- These used to be handled criminally, but now have their own rules and procedures that aren't quite criminal and aren't quite civil.
- Many courts don't deal with these, but if you do, we have a webpage, webinars, forms, and other materials to help you!

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## Administrative Proceedings

- Occupational Drivers Licenses
- Tow hearings
- Animal seizure and cruelly treated animals
- Concealed Handgun Licenses
- Drivers License hearings

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# Staying Out of Trouble

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## Ethics Difficulties

- The 3 main areas to worry about with judicial ethics are:
  - Giving legal advice
  - Having ex parte communication
    - What is that??
  - Being or appearing to be biased or partial
    - Watch out for social media!!

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# Legal Information vs. Legal Advice

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## **What is Legal Advice? – Courts *Cannot* Give**

- What lawyers give to clients
- Generally involves advising a client about a particular matter
- Recommends or advises a certain action
- Applies the law to an individual factual circumstance
- Interprets an aspect of the law
- *Texas Government Code, Sec. 81.101*

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## **What is Legal Information? – Courts *Should Always Give***

- Public information that is a general and factual
- Information about court rules, procedures, administrative practices, and how the court generally functions.

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## **What is Legal Information?**

- Referring litigants to law libraries, state statutes, rules, or forms
- Explaining the meaning of terms used in the court process
- Answering questions concerning due dates and deadlines (without calculating specific dates)

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## Legal Information vs. Legal Advice

**“I cannot give legal advice”**

*...is an excuse, not a reason to not assist a customer.*

**“Because that’s the way we’ve always done it.”**

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When someone asks you why you can’t give legal advice or engage in ex parte communication, have a good, prepared answer to tell them.

- What is a way you can tell them you can’t provide this information in a way that doesn’t sound like you are being unhelpful?
- Please share examples in the chat!

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But how does this  
really work in  
practice?

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## Legal Advice vs. Legal Information Tips

Often, there is a very fine line between legal advice and legal information.

You can't provide advice, but can provide information that ends up helping them make a decision.

Whether you can answer a question or not, and what you can say sometimes comes down to how it is phrased.

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## Legal Advice vs. Legal Information Tips

If they say “I’ve been locked out, what should I do?”, you can’t advise them, because there are several possible options (writ of re-entry; sue the landlord for money; terminate the lease).

*You could instead direct them to the Property Code, and TJCTC has a SRL packet on Tenant Rights available.*

If they say “I’ve been locked out and need to get back in”, you can explain what a writ of re-entry is and provide an application. They told you what they are trying to do, even if they don’t know the words.

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## Legal Advice vs. Legal Information Tips

If someone says “I don’t think they should be able to sue me in this county.”

It’s OK to say “We can only transfer the case if a motion to transfer venue is filed. You can take a look at Rule 502.4 and decide if you want to file one. If you still aren’t sure, you could discuss with a lawyer, there is lawyer referral info at [tjctc.org/SRL](http://tjctc.org/SRL).”

It’s not OK to say “You need to file a motion to transfer venue.”

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## Legal Advice or Legal Info? #1

Responding to: “May I see  
the docket for today’s  
court?”

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## Legal Advice or Legal Info? #2

Responding to: “Should I sue  
my neighbor?”

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## Legal Advice or Legal Info? #3

Saying: “Seems like you will win  
[or lose]!”

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## Legal Advice or Legal Info? #4

Saying: “A writ of possession  
is...”

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## Legal Advice or Legal Info? #5

**Saying “I think you should change the wording here on your petition.”**

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## Legal Advice or Legal Info? #6

**Saying “The cost to file this case is \$54 plus service. If you can’t afford it, here is a form to fill out”**

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# So What to Do When You Don't Know What to Do?

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**Step 1 –  
Ask the right  
questions:  
What do you  
need to figure  
out?**

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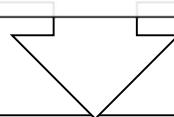
## Step 2 – Find the Right Resources

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### But I already googled it and found out...

**Do not rely** on information **not** found in statutes, rules, opinions, cases, or the constitution.

*-Such as: Google (or another search engine), Wikipedia, FindLaw, Google Scholar, online news articles, etc.*



You can sometimes use this as a jumping off point to figure out where to find something, but always find your answer in official sources of law (class materials and deskbooks will cite these).

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# What are your resources?

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## ***Main Resources:***

1. TJCTC Website
2. TJCTC Deskbooks & Other Resources
3. Your Class Materials/Notes
4. Texas Statutes & Texas Rules of Civil Procedure
5. TJCTC Legal Question Board & Legal Questions via Phone

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[www.tjctc.org](http://www.tjctc.org)

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## Website Resources

- Front Page – ***Visit at least weekly!***
  - The Carousel – Latest Updates
  - Announcements
  - Useful Materials tab on the right has several links
  - Link to our SRL resource page ([www.tjctc.org/SRL](http://www.tjctc.org/SRL)) – send people with questions here!

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## Website Resources

- Court Personnel Tab
  - Registration for events
  - Check your current registration and get handouts – must be logged in
  - Add a new employee
  - Clerk Certification Exam information
  - Directory of judges and constables

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## Website Resources

- Legal Resources Tab
  - Legal Department Overview
  - Legal Question Board
  - Deskbooks – your #1 resource!
  - Forms
  - Charts and Checklists – easy to read and use!
  - Resources for your Constable
  - Traffic Safety Initiative
  - Additional Resources – Helpful Links, Specialty Pages, and Legislative Update Materials

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## Website Resources

- Online Learning Tab
  - Overview of Online Learning
  - Virtual Program Info
  - Recordings for Credit
  - Self-Paced Modules
  - Tech Tools
  - Outside Online Learning Resources

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## 2. Your Class Materials & Notes

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## Tools for you to use

- Helpful organization tips:
  - Don't just listen – take notes!
- TJCTC Handouts
  - Extra information and research opportunities are available in addition to the main materials/resources.
- Tip:
  - Take notes each day, then spend a few minutes reviewing your notes and summing them up.

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## 3. TJCTC Deskbooks & Other Resources

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Deskbooks are split up by category – will explain how things work and will refer to the applicable laws and rules

*To see the topics that fit under these categories, take a look at the tables of contents in the Deskbooks.*

- Fines, Fees, and Costs Deskbook
- Administrative Proceedings Deskbook
- Civil Deskbook
- Criminal Deskbook
- Evictions Deskbook
- Inquests Deskbook
- Officeholding Deskbook
- Magistration Deskbook
- Juvenile Deskbook
- Trial Notebook
- Recordkeeping & Reporting Deskbook
- Civil Process Field Guide
- Executions Manual

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## Practice Finding the Right Deskbook

Dangerous Dog Hearing  
*What deskbook?*

Serving a defendant with a citation in a civil case  
*What deskbook?*

Procedures for Driving Safety Course  
*What deskbook?*

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## Search Terms

This is a tool that can be used for figuring out which resource you need and can also be used to find info in the text when you already have your resource

Figure out good search terms and:

- Look for them in tables of contents/headings
- Search using Control + F
- Plug into search bar

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## 4. Texas Statutes & Texas Rules of Civil Procedure (TRCP)

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- All the codes (free!)
- *Texas Constitution and Statutes*
  - [www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us)
  - Plus, use our Where is the Code Chart!

## Legal Resources

### Rules of Civil Procedure Texas Courts

- [www.txcourts.gov](http://www.txcourts.gov)
  - Also where you find the OCA webpage for your court reports

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The statutes available on this website are current through the Regular Session of the 84th Legislature, June 2015. The Texas Constitution is current through the amendments approved by voters in November 2015.

[Hide Quick Search](#)

<b>Code:</b>	Select Code
<b>Article/Chapter:</b>	
<b>Art./Sec.:</b>	
<input type="button" value="Go"/> <input type="button" value="Reset"/>	

**TEXAS CONSTITUTION**  
 **TEXAS STATUTES**

**Quick Links**

[Linking to Texas Constitution and Statutes](#)  
[Texas Legislature Online](#)  
[General Appropriations Act](#)  
[Index to Sections Affected](#)  
[Texas Administrative Code](#)  
[Texas Law Timeline](#)  
[Amendments to the Texas Constitution Since 1876](#)  
[Constitutional Amendments Search](#)

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## “Justice Court Rules”

Where are the Justice Court rules?

- For the most part, you will only use Part V (Rules 500-510), which were written specifically for Justice Court, and Part VI (rules for enforcing judgments).
- The other Rules of Civil Procedure do not apply unless:
  - (1) the judge hearing the case decides another rule needs to be followed in the interest of fairness; or
  - (2) a law or rule specifically says to follow another rule.

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## Discussion Scenarios:

- You have an eviction case coming up. You look at your chart and see that evictions are covered in Chapter 24 of the Property Code. Do the Rules of Civil Procedure also apply?
- What if you have a speeding case coming up? Do the Rules of Civil Procedure apply to that?

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## 5. TJCTC Legal Question Board & Legal Questions via Phone

[www.tjctc.org](http://www.tjctc.org)

(512) 347-9927, Ext. 1

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Legal Question Board (only TJCTC staff can see who has posted):

- First search for questions that have already been answered, someone else has likely had the same issue
- If all else fails – post the question
- Questions typically answered within **five** business days.

When contacting us, either post a board question or call – please do not do both and please do not e-mail legal questions to attorneys.

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#### Legal Questions via Phone:

- Only available when we are not traveling
- When we're in the office, we're on the phone all day – leave a message!
- Please only call ext. 1. If you call an attorney who is not on calls that day, it will be forwarded.
- Calls are taken from 9a-noon and from 130-3p, but you might receive a callback at different times.

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# Questions?