



Introduction to the Justice Court and the Training Center

Presented by
Bronson Tucker, General Counsel, TJCTC
bt16@txstate.edu

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1

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

2

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.

3

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

4

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*

5

Program Administrators

- Organize education seminars
- Coordinate with Education Committees
- Jessica Foreman, *Education Manager*
- Ashley Maxfield, *Court Personnel*
- Jasmine Barker, *Judges*
- Jay Takach, *Constables*

6

What Does TJCTC Offer?

7

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)

8

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

What Does a Justice Court Actually Do?

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**

11

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.

12

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

13

What are civil cases?

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

Civil Cases

Two main categories in justice court:

- Small Claims Cases & Debt Claim Cases

14

- 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

15

Eviction Cases

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.

Technically civil cases, but have unique processes and procedures.

16

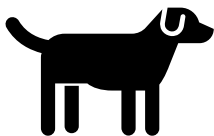
Truancy Cases

- 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!

17

Administrative Proceedings

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



18

Staying Out of Trouble

19

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!!

20

Legal Information vs. Legal Advice

21

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*



22

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.



23

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)



24

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.”

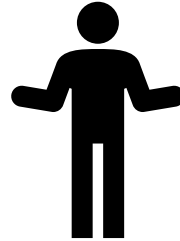
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When someone asks you why you can’t give legal advice or engage in ex parte communication, have a good, prepared answer to tell them.

- 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!

26

But how does this
really work in
practice?



27

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.

28

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.

29

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.”

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

30

Legal Advice or Legal Info? #1



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

31

Legal Advice or Legal Info? #2



Responding to: “Should I sue
my neighbor?”

32

Legal Advice or Legal Info? #3



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

33

Legal Advice or Legal Info? #4



Saying: “A writ of possession
is...”

34

Legal Advice or Legal Info? #5



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

35

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”

36

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

37

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

38

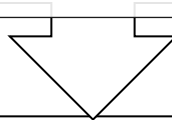
Step 2 – Find the Right Resources

39

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).

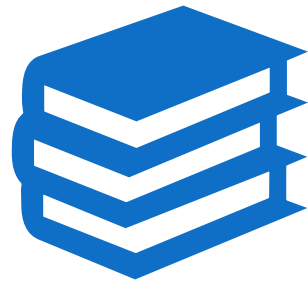
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What are your resources?

41

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



42

www.tjctc.org

43

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) – send people with questions here!

44

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

45

Website Resources

- Legal Resources Tab
 - Legal Department Overview
 - Legal Question Board
 - Deskbooks – your #1 resource!
 - Forms
 - Charts and Checklists – easy to read and use!
 - Additional Resources – Helpful Links and Legislative Update Materials

46

Website Resources

- Online Learning Tab
 - Overview of Online Learning
 - Virtual Program Info
 - Recorded Webinars
 - Self-Paced Modules

47

2. Your Class Materials & Notes

48

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.

49

3. TJCTC Deskbooks & Other Resources

50

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

51

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?

52

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

53

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

54

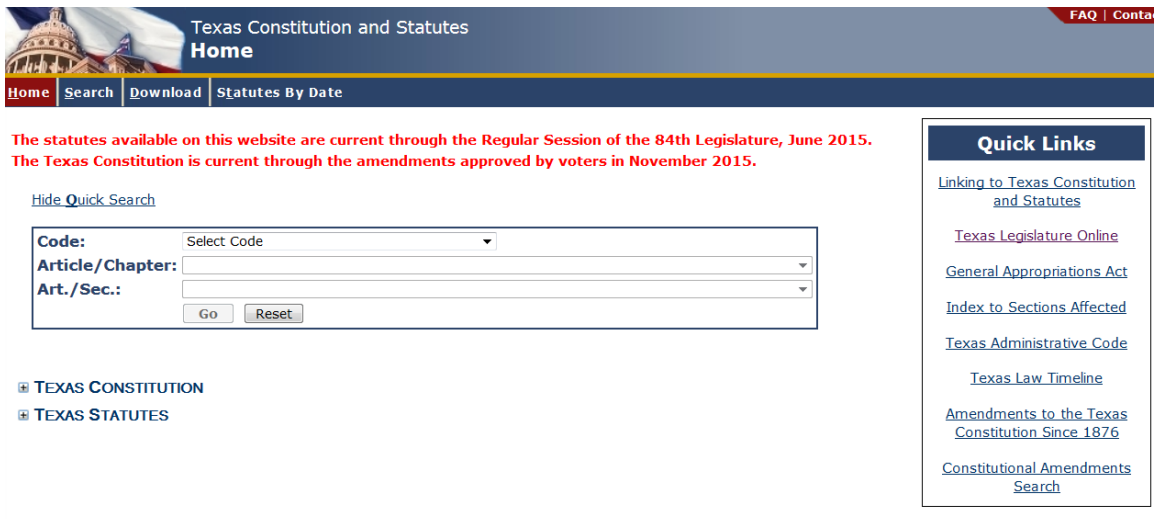
Legal Resources

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

Rules of Civil Procedure *Texas Courts*

- www.txcourts.gov
 - Also where you find the OCA webpage for your court reports

55



The screenshot shows the homepage of the Texas Constitution and Statutes website. At the top, there is a header with the text "Texas Constitution and Statutes" and "Home". Below this is a navigation bar with links: "Home", "Search", "Download", and "Statutes By Date". A red banner below the navigation bar states: "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." Below the banner is a search section with the text "Hide Quick Search" and a form with three dropdown menus: "Code:" (with "Select Code" as the selected option), "Article/Chapter:", and "Art./Sec.:". There are "Go" and "Reset" buttons below the form. To the right of the search section is a "Quick Links" box containing several 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", and "Constitutional Amendments Search". At the bottom left, there are two links: "TEXAS CONSTITUTION" and "TEXAS STATUTES".

56

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?

59

5. TJCTC Legal Question Board & Legal Questions via Phone

www.tjctc.org

(512) 347-9927, Ext. 1

60

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.

61

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.

62

Questions?