

## FY 2012 Court Personnel Courses (descriptions found below)

Time	Experienced				New Clerk
<b>Day 1 Registration 11:00-12:00 – Orientation 12:15-12:45</b>					
<b>1-3 PM</b>	Enforcing Juvenile Orders	Jury Trial Procedures	Seatbelts/Alcohol Offenses	Pre-Trial Civil Procedure	Legal Advice & Ethics
<b>3-5PM</b>	Level I Review YOU MUST BRING A COPY OF THE STUDY GUIDE TO THIS CLASS	Level II Review YOU MUST BRING A COPY OF THE STUDY GUIDE TO THIS CLASS	Life and Death Behind the Wheel: Issues Involving Teenage Drivers (TXDOT)	Civil Writs & Remedies	Fundamentals of Evictions
<b>Day 2 Continental Breakfast 7-8</b>					
<b>8-10AM</b>	Evictions	Jury Trial Procedures	TBC vs. IBC	Commercial Motor Vehicle Offenses	Fundamentals of Civil
			FTA vs. VPTA		
<b>10-12PM</b>	Tenants Remedies	Legal Advice & Ethics	Life and Death Behind the Wheel: Issues Involving Teenage Drivers (TXDOT)	Family Violence	
<b>Lunch 12-1</b>					
<b>1-3PM</b>	Deferred Disposition/DSC	Evictions	Court Costs & Fines	Civil Round Table	Fundamentals of Criminal
<b>3-5PM</b>	Family Violence	Tenants Remedies	Miscellaneous Hearings	Criminal Round Table	
<b>Day 3 Full Breakfast 7-8</b>					
<b>8-10AM</b>	Level I Civil	Level I Criminal	Level II	Online Reporting	Managing Justice Court Records (Includes New Clerks)
<b>10-Noon</b>	<b>QUALIFICATIONS</b> 1. YOU MUST BRING A STUDY GUIDE TO THIS CLASS 2. YOU MUST TAKE THE TEST IF YOU ARE ENROLLED IN THIS CLASS 3. YOU MUST HAVE TAKEN THE DAY ONE REVIEW CLASS OR “Legal Advice & Ethics” CLASS TO TAKE THIS TEST		<b>QUALIFICATIONS</b> 1. YOU MUST BRING A STUDY GUIDE TO THIS CLASS 2. YOU MUST TAKE THE TEST IF YOU ARE ENROLLED IN THIS CLASS 3. YOU MUST HAVE TAKEN THE DAY ONE REVIEW CLASS OR “Legal Advice & Ethics” CLASS TO TAKE THIS TEST	Managing Justice Court Records	Online Reporting (Includes New Clerks)

## **Experienced Court Personnel Class Descriptions 2011-2012**

### **DAY ONE COURSES:**

#### **1:00 – 3:00 PM**

##### **Enforcing Juvenile Orders**

This class will discuss enforcement of the remedies available in juvenile cases in justice court.

The student will be able to:

1. Identify and understand dispositional orders including show cause orders, contempt proceedings including those under article 45.050, *capias pro fines*, and notices of continuing obligation;
2. Differentiate between the consequences of violating a deferral order versus a final disposition order;
3. Maintain and administer time periods for complying with conditions of deferral and court-ordered sanctions;
4. Utilize technology to enforce your orders, including online driver license suspensions.

##### **Jury Trial Procedures (This class is offered again on Day Two)**

This class will explain the clerk's role in procedures related to jury trials both criminal and civil.

The student will be able to:

1. Differentiate between timing requirements, fees, and right to a jury in a civil trial versus a criminal trial;
2. Apply procedures related to summoning the jury panel;
3. Manage the docket, forms, and paperwork from filing to trial;
4. Prepare a verdict form and judgment and entry into docket;
5. Understand rules relating to electronic records and utilize technology to maintain them.

##### **Seatbelt and Alcohol Offenses**

This class will include a comprehensive discussion of seatbelt requirements and the new child passenger safety seat system cases requirements and their penalties. The class will also explore laws for both juveniles and adults regarding alcohol related cases.

The student will be able to:

1. Understand the new requirements for seatbelt and child passenger safety seat system cases;
2. Apply the new fine and court costs to these cases;
3. Understand the affirmative defense available in child safety system cases.
4. Differentiate penalties and fines for adult and minor offenses;
5. Differentiate penalties and fines for first and subsequent offenses;
6. Understand the sanctions required by law for these offenses;
7. Utilize technology to enforce your orders, including online driver license suspensions.

##### **Pre-Trial Civil Procedure**

This class will explain pretrial civil procedure, including motions and hearings.

The student will be able to:

1. Understand and apply procedures for pretrial motions including motions to transfer venue, motions for default judgment, motions for summary judgment, special appearances, motions in limine, motions to dismiss for failure to prosecute, and pleas to the jurisdiction;
2. Understand the use of pretrial hearings, mediation and other techniques to control the court's civil docket;
3. Utilize technology to streamline processing of civil cases.

#### **3:00 – 5:00 PM**

##### **Level I Certification Exam Review: YOU WILL NOT BE ADMITTED TO THIS CLASS WITHOUT A COPY OF THE STUDY GUIDE (Available on TJCTC website)**

This class will be a comprehensive general review (utilizing the study guide) of the Level I Certification Exam.

##### **Level II "Master Clerk" Certification Exam Review: YOU WILL NOT BE ADMITTED TO THIS CLASS WITHOUT A COPY OF THE STUDY GUIDE (Available on TJCTC website)**

This class will be a comprehensive general review (utilizing the study guide) of the Level II "Master Clerk" Certification Exam.

### **Life and Death Behind the Wheel: Issues Involving Teenage Drivers (TXDOT) (This class is offered again on Day Two)**

This course will discuss common behavior among teenage drivers, the statutes which seek to prohibit or regulate such behavior, and how justice courts can help teenage drivers to keep themselves and others safe on Texas highways.

The student will be able to:

1. Recognize current social norms among teenagers regarding speeding, seatbelt use, distracted driving, and impaired driving.
2. Advise justice courts on the proper application of Texas statutes applicable specifically to teenage drivers.
3. Advise justice courts on the proper application of Texas statutes applicable to common teenage driving behavior, such as laws regulating speeding, seatbelt use, racing on a highway, and reckless driving.
4. Implement programs in justice court to appropriately punish unsafe driving and help defendants make better choices behind the wheel in the future.

### **Civil Writs and Remedies**

This class will explore writs in civil cases and remedies available for parties, including appeals and enforcement of judgments.

The student will be able to:

1. Identify post-judgment remedies and applicable requirements, including motions for new trial, motion to vacate default judgment, appeals, writs of certiorari, bills of review, writs of garnishment, writs of execution, writs of sequestration and attachment, abstracts of judgment, judgments nunc pro tunc, dormant judgments, turnover orders, and post-judgment discovery;
2. Understand the procedure for payment of a judgment when the plaintiff can't be found;
3. Utilize technology to streamline processing of civil cases.

## **DAY TWO COURSES:**

**8:00 – 10:00 AM**

### **Residential Evictions (This class is offered again from 3-5 PM)**

This class will explain issues and procedures in residential eviction cases.

The student will be able to:

1. Understand and apply procedures for initiation of eviction cases, including service of citation, setting the hearing and procedures leading to judgment for possession;
2. Differentiate procedures for notice to vacate, including pursuant to the Protecting Tenants at Foreclosure Act;
3. Properly process cases where an immediate possession bond has been filed, including the timeline for issuance of a writ of possession;
4. Apply the requirements of the Servicemembers' Civil Relief Act to eviction cases;
5. Understand the procedures for filing and perfecting an appeal.

### **Jury Trial Procedures (This class is also offered on Day One)**

This class will explain the clerk's role in procedures related to jury trials both criminal and civil.

The student will be able to:

1. Differentiate between timing requirements, fees, and right to a jury in a civil trial versus a criminal trial;
2. Apply procedures related to summoning the jury panel;
3. Manage the docket, forms, and paperwork from filing to trial;
4. Prepare a verdict form and judgment and entry into docket;
5. Understand rules relating to electronic records and utilize technology to maintain them.

### **Commercial Motor Vehicle Offenses**

This class will discuss the requirements and special procedures that apply in cases involving commercial drivers.

The student will be able to:

1. Understand ineligibility of deferred disposition and Driver Safety Course for CDL holder whether driving commercial or personal vehicle;
2. Utilize a flow-chart handout to determine violations and fines including those related to weight violations;
3. Understand the legal and ethical implications of masking issues;
4. Understand procedures used by DPS in enforcing CMV regulations;
5. Locate offense information on the DPS and FMCSA websites;
6. Utilize technology to timely report convictions.

### **Theft By Check vs. Issuance of Bad Check AND Failure to Appear vs. Violation of Promise to Appear**

Theft By Check vs. Issuance of Bad Check: This class will discuss the issues surrounding the offenses of theft by check and issuance of bad check and what differentiates them.

The student will be able to:

1. Understand in what situation a defendant may be charged with theft by check;
2. Understand in what situation a defendant may be charged with issuance of bad check;
3. Understand jurisdictional limits relating to these offenses;
4. Discuss how these cases are initiated and processed after final disposition.

Failure to Appear vs. Violation of Promise to Appear: This class will differentiate between the appropriate actions a court may take when a defendant fails to appear for court.

The student will be able to:

1. Identify the elements of each offense and where the statutes are located;
2. Differentiate the fines and court costs associated with each offense;
3. Generate a complaint for FTA or VPTA in appropriate circumstances;
4. Utilize technology to report convictions of FTA and VPTA.

### **10:00 AM – NOON**

#### **Tenants Remedies (This class offered again from 3-5 PM)**

This class will discuss remedies available to tenants, including writs of restoration, writs of re-entry and the prerequisites and procedures for issuance of direct orders for remedy and repair of conditions of premises.

The student will be able to:

1. Summarize the procedures for writs of restoration;
2. Summarize the procedures for writs of re-entry;
3. Understand tenants' rights regarding security deposit disputes;
4. Identify the rights and remedies related to a landlord's duty to repair conditions of habitability;
5. Apply Rules 737.1-13 of the Texas Rules of Civil Procedure to a tenant's application for judicial remedy.

#### **Legal Advice & Ethics**

This class will explore ethics issues affecting justice court judges and clerks. The class will also present common scenarios experienced by justice court clerks and explain the distinction between procedural and "legal" advice.

The student will be able to:

1. Apply techniques to avoid giving legal advice;
2. Identify and understand legal terminology used in this field;
3. Respond to citizen inquiries in a way that will avoid confrontation
4. Understand proper procedure, decorum, and conduct;
5. Properly communicate with parties;
6. Avoid ethical violations involving technology, including social media.

#### **Life and Death Behind the Wheel: Issues Involving Teenage Drivers (TXDOT) (This class is also offered on Day One)**

This course will discuss common behavior among teenage drivers, the statutes which seek to prohibit or regulate such behavior, and how justice courts can help teenage drivers to keep themselves and others safe on Texas highways.

The student will be able to:

1. Recognize current social norms among teenagers regarding speeding, seatbelt use, distracted driving, and impaired driving.
2. Advise justice courts on the proper application of Texas statutes applicable specifically to teenage drivers.
3. Advise justice courts on the proper application of Texas statutes applicable to common teenage driving behavior, such as laws regulating speeding, seatbelt use, racing on a highway, and reckless driving.
4. Implement programs in justice court to appropriately punish unsafe driving and help defendants make better choices behind the wheel in the future.

**Family Violence (This class is offered again from 3-5 PM)**

This class will familiarize students with the clerk's role in the issuance and preparation of EPO's, bond conditions and peace bonds.

The student will be able to:

1. Identify procedures relevant for each situation in relation to the victim, including request for modifications;
2. Differentiate between mandatory and permissive EPO's;
3. Utilize technology to facilitate entry into TCIC system.

**1:00 – 3:00 PM****Deferred Disposition/DSC**

This class will explore step by step procedures for ordering and enforcing a deferred disposition and Driver Safety Course.

The student will be able to:

1. Identify eligibility of a defendant for a deferred disposition and Driver's Safety Course;
2. Understand what is mandatory and what is prohibited;
3. Correctly apply the fees and costs for deferred and for Driver's Safety Courses (whether under Art. 45.051 or 45.0511);
4. Differentiate between applicability of Art. 45.051 and Art. 45.0511;
5. Apply deferral requirements under the Health and Safety Code to tobacco cases;
6. Understand the procedure for the court to request driver records through TexasOnline.

**Residential Evictions (This class was also offered from 8-10 AM)**

This class will explain issues and procedures in residential eviction cases.

The student will be able to:

1. Understand and apply procedures for initiation of eviction cases, including service of citation, setting the hearing and procedures leading to judgment for possession;
2. Differentiate procedures for notice to vacate, including pursuant to the Protecting Tenants at Foreclosure Act;
3. Properly process cases where an immediate possession bond has been filed, including the timeline for issuance of a writ of possession;
4. Apply the requirements of the Servicemembers' Civil Relief Act to eviction cases;
5. Understand the procedures for filing and perfecting an appeal.

**Court Costs and Fines**

This class will discuss how to determine proper charges in civil and criminal cases in justice court.

The student will be able to:

1. Determine court costs and fees in both civil and criminal cases;
2. Understand how to allocate monies collected as costs, fees, and fines;
3. Determine fine ranges and identify where they're found;
4. Utilize technology to properly assess court costs and fines.

**Civil Round Table- PLEASE BRING QUESTIONS TO THIS DISCUSSION CLASS**

This class will provide an opportunity for interactive discussion, critical thinking and use of case scenarios to explain civil procedure and credit card cases in justice court.

The student will be able to:

1. Determine best practices in credit card cases;
2. Understand and properly apply procedure in civil cases;
3. Apply information received to current practices;
4. Exchange views and experiences in civil cases.

## 3:00 – 5:00 PM

### **Family Violence (This class was also offered from 10 AM - Noon)**

This class will familiarize students with the clerk's role in the issuance and preparation of EPO's, bond conditions and peace bonds.

The student will be able to:

1. Identify procedures relevant for each situation in relation to the victim, including request for modifications;
2. Differentiate between mandatory and permissive EPO's;
3. Utilize technology to facilitate entry into TCIC system.

### **Tenants Remedies (This class was also offered from 10 AM - Noon)**

This class will discuss remedies available to tenants, including writs of restoration, writs of re-entry and the prerequisites and procedures for issuance of direct orders for remedy and repair of conditions of premises.

The student will be able to:

1. Summarize the procedures for writs of restoration;
2. Summarize the procedures for writs of re-entry;
3. Understand tenants' rights regarding security deposit disputes;
4. Identify the rights and remedies related to a landlord's duty to repair conditions of habitability;
5. Apply Rules 737.1-13 of the Texas Rules of Civil Procedure to a tenant's application for judicial remedy.

### **Miscellaneous Hearings**

This class will provide an overview of the procedure and laws pertaining to various hearings in justice court.

The student will be able to:

1. Differentiate between the procedural steps necessary for tow hearings, driver license hearings, animal seizures, dangerous dogs, concealed handgun permits, disposition of stolen property, and mental health commitments;
2. Identify the relevant timing requirements applicable to these hearings;
3. Utilize technology to locate statutes applicable to these hearings.

### **Criminal Round Table- PLEASE BRING QUESTIONS TO THIS DISCUSSION CLASS**

This class will provide an opportunity for interactive discussion, critical thinking and use of case scenarios to explain criminal law issues in justice court.

The student will be able to:

1. Determine best practices and procedures in criminal cases;
2. Apply information received to current practices;
3. Exchange views and experiences in criminal cases.

## **DAY THREE COURSES:**

## 8:00 AM – NOON

### **Managing Justice Court Records (General Session)**

The course will address proper responses by justice courts to requests for records that are held by or for the courts. The applicability of the Public Information Act (PIA), Rule 12 of the Texas Rules of Judicial Administration, and the common law will be discussed. The distinction between judicial records and court case records will be explained. The course will also address proper procedures in regard to expunctions and petitions for non-disclosure. Finally, the course will detail the relevant records retention schedules promulgated by the Texas State Library and Archives Commission for justice courts.

### **Online Reporting (General Session)**

This class will explain online reporting requirements to the Office of Court Administration.

The student will be able to:

1. Identify and understand the periodic reporting requirements;
2. Understand the extensive changes in the new OCA reporting;
3. Prepare accurate and timely reports;
4. Utilize OCA website to retrieve data pertinent to the court;
5. Use online reporting and avoid common problems.

### **Level I Certification Exam Review/Exam/Post-Exam Review**

#### **Qualifications:**

- 1. YOU MUST TAKE THE TEST IF YOU ENROLL IN THIS CLASS**
- 2. YOU MUST BRING A STUDY GUIDE TO THIS CLASS (You will not be admitted without one, they are available for download on the TJCTC website)**
- 3. YOU MUST HAVE TAKEN THE DAY ONE REVIEW CLASS OR THE “Legal Advice & Ethics Class” TO TAKE THE TEST**

This class will be a comprehensive general review, testing and post-test review of Level I Certification Exam.

The student will be able to:

1. Prepare for the Level I Certification Exam;
2. Take the Level I Certification Exam;
3. Attend a post-exam review of answers.

### **Level II “Master Clerk” Certification Exam Review/Exam/Post-Exam Review**

#### **Qualifications:**

- 1. YOU MUST TAKE THE TEST IF YOU ENROLL IN THIS CLASS**
- 2. YOU MUST BRING A STUDY GUIDE TO THIS CLASS (You will not be admitted without one, they are available for download on the TJCTC website)**
- 3. YOU MUST HAVE TAKEN THE DAY ONE REVIEW CLASS OR THE “Legal Advice & Ethics Class” TO TAKE THE TEST**

This class will be a comprehensive general review, testing and post-test review of Level II Certification Exam.

The student will be able to:

1. Prepare for the Level II Certification Exam;
2. Take the Level II Certification Exam;
3. Attend a post-exam review of answers.

## **New Court Personnel Class Descriptions 2011-2012**

### **DAY ONE COURSES:**

#### **Legal Advice & Ethics**

This class will explore ethics issues affecting justice court judges and clerks. The class will also present common scenarios experienced by justice court clerks and explain the distinction between procedural and “legal” advice.

The student will be able to:

1. Apply techniques to avoid giving legal advice;
2. Respond to citizen inquiries in a way that will avoid confrontation
3. Understand proper procedure, decorum, and conduct;
4. Properly communicate with parties;
5. Avoid ethical violations involving technology, including social media.

#### **Fundamentals of Evictions**

This class will describe basic eviction procedures from citation to appeal or writ of possession.

The student will be able to:

1. Identify the timing requirements, and properly compute them utilizing Rule 4;
2. Identify and understand legal terminology used in this field;
3. Describe the requirements at filing, at default hearings and at contested trials;
4. Properly process appeals, including pauper’s affidavits;
5. Identify differences in procedures when a bond for immediate possession is filed;
6. Ensure that citations and judgments comply with all legal requirements.

## **DAY TWO COURSES:**

### **Fundamentals of Civil Cases**

This class will discuss proper procedure of processing a civil case from filing through appeal.

The student will be able to:

1. Differentiate between justice court and small claims court;
2. Identify and understand legal terminology used in this field;
3. Identify and apply basic timing requirements;
4. Properly issue citations, writs, and other court documents;
5. Understand procedures for appeal of civil cases;
6. Understand via an online tutorial how to utilize the TJCTC website and how to locate various statutes, codes and other reference material online.

### **Fundamentals of Criminal Cases**

This class will discuss proper procedure of processing a criminal case from citation or complaint through appeal.

The student will be able to:

1. Determine proper court costs, fees, and fines for criminal cases;
2. Identify and understand legal terminology used in this field;
3. Understand and differentiate between deferred disposition, Drivers Safety Course, and convictions;
4. Understand and apply procedures applicable to defendants under the age of 17;
5. Understand the procedures for perfecting an appeal;
6. Utilize technology to report information related to criminal cases to various agencies.

## **DAY THREE COURSES:**

### **Managing Justice Court Records (General Session)**

The course will address proper responses by justice courts to requests for records that are held by or for the courts. The applicability of the Public Information Act (PIA), Rule 12 of the Texas Rules of Judicial Administration, and the common law will be discussed. The distinction between judicial records and court case records will be explained. The course will also address proper procedures in regard to expunctions and petitions for non-disclosure. Finally, the course will detail the relevant records retention schedules promulgated by the Texas State Library and Archives Commission for justice courts.

### **Online Reporting (General Session)**

This class will explain online reporting requirements to the Office of Court Administration.

The student will be able to:

6. Identify and understand the periodic reporting requirements;
7. Understand the extensive changes in the new OCA reporting;
8. Prepare accurate and timely reports;
9. Utilize OCA website to retrieve data pertinent to the court;
10. Use online reporting and avoid common problems.

**As a new clerk you may take the Level I Certification Exam instead of attending the General Session Classes on Day Three:**

### **Level I Certification Exam Review/Exam/Post-Exam Review**

#### **Qualifications:**

4. **YOU MUST TAKE THE TEST IF YOU ENROLL IN THIS CLASS**
5. **YOU MUST BRING A STUDY GUIDE TO THIS CLASS (You will not be admitted without one, they are available for download on the TJCTC website)**
6. **YOU MUST HAVE TAKEN THE DAY ONE REVIEW CLASS OR THE "Legal Advice & Ethics Class" TO TAKE THE TEST**

This class will be a comprehensive general review, testing and post-test review of Level I Certification Exam.

The student will be able to:

4. Prepare for the Level I Certification Exam;
5. Take the Level I Certification Exam;
6. Attend a post-exam review of answers.