

THE BRIEF



Information for Texas Municipalities about Texas Municipal Courts (March 2019)

How Things Look from City Hall

When it comes to municipal court, sometimes looks can be deceiving.

Past issues of *The Brief* have focused on perception. The [August 2018](#) issue focused on the role of city hall in promoting public confidence in municipal court hinged on public perception. The [October 2018](#) issue examined recent surveys that provide insight into public perception of Texas courts.

Sometimes things are not as they appear. This month we examine two misperceptions relating to municipal court.

Misperception: Decreased case filings justify budgetary cutbacks.

Reality: Under recent changes to Texas law, more resources are required per case.

In the last five years, misdemeanor filings have decreased statewide in all criminal courts. A decrease in case filings could be construed to mean that there is less work to be done in court. Fewer cases does not mean that courts are spending less time on cases filed.

Changes to the law governing the imposition of fines and court costs require more time and resources. More notices are required. More hearings are required. More individuals are being considered for alternative sentencing options. Throughout the state, many municipal courts report that even though case filings are down, the workload has increased significantly.

The good news is that those changes in the law are having positive results. The number of warrants for Class C misdemeanors has decreased by 300,000. More people are discharging their fines via community service. To the surprise of many, the amount of money being collected by state and local government per case has increased.

Misperception: The presiding municipal judge is responsible for the judicial actions of other municipal judges.

Reality: All municipal judges are legally and ethically obligated to perform their duties independently.

Does your city have more than one municipal judge? If so, is one designated the presiding judge? While presiding judges are sometimes perceived by city officials as supervisors (and many are supervisors), it is important to understand that state law does not make a presiding judge responsible for the decision-making of other judges (regardless whether the judge is acting as a trial court judge or a county magistrate).

The primary legal distinction between a presiding judge and other municipal judges is that a presiding judge has additional administrative duties. The duties of presiding judges in municipal court are contained in state law. Presiding judges in municipal courts of record maintain the central docket, provide for the distribution of cases to individual judges, request jurors, temporarily assign judges for expeditious disposition of the business of the courts, supervise the operation and clerical functions of the court (including the court's personnel), and establish a court security committee.

FINES & FEES

EXPOSITION AND SHOWCASE

AUSTIN

MAY 28-30, 2019

Recent changes in law have caused municipal courts and city governments throughout Texas to reexamine local practices pertaining to fines and court costs in criminal cases.

Part retrospective, part preview, an examination of both big ideas and best practices, the TMCEC Fines & Costs Exposition and Showcase will feature a unique blend of new presentations and topics with some of TMCEC's highest rated presentations from recent years.

Do not miss this one-time opportunity to bridge the information gap. The deadline to register is April 26, 2019. Registration is only \$50 with no single room fee! Participants are eligible for reimbursement of travel and per diem within state and federal limits.

Changes in the law affecting the courthouse are not always understood at city hall. Registration is also open to mayors, city council members, and other city officials and employees who attend with a judge, clerk, court administrator, city attorney/prosecutor, or bailiff/warrant officer/marshal (\$400, not eligible for reimbursement).

For more information, visit: www.tmcec.com/expo&showcase2019.

The Brief is a periodic briefing for Texas mayors, city council members, and other local officials highlighting issues and increasing awareness and understanding of municipal courts in the Lone Star State. *The Brief* is part of TMCEC's public information and education campaign, *Councils, Courts, and Cities* (C3). To receive additional information, including future issues of *The Brief*, send an e-mail to tmcec@tmcec.com with C3 in the subject line. For more information about TMCEC, visit: www.tmcec.com.