

Municipal Court

2018 Riley Fletcher Basic
Municipal Law Seminar
Friday, February 9, 2018
Dallas City Hall

Presenters:

George E. Hyde, Partner

Caroline A. Kelley, Partner

Russell Rodriguez Hyde Bullock, LLP, Attorneys & Counselors at Law
Georgetown, Texas

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Gone in less than 30 minutes!

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- We already have less than 30 minutes to discuss all there is to know about municipal court, so here is the plan:
 - Introductions (George for ~3-5 mins.).
 - Discuss highlights of municipal court operations (Caroline for ~8 to 12 mins.).
 - Review resources available to you for real life situations (George for ~5 mins.).
 - Conduct Municipal Court quiz for Valentine-acious prizes! (Both ~5 minutes).
 - Question & Answers (Both - any time remaining and after presentation).

Introductions - The Presenters

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- Caroline Kelley - ckelley@txlocalgovlaw.com
 - A 25 year attorney maintaining a local government general counsel, special counsel and litigation support practice serving local government. She earned her Bachelor of Arts degree at Baylor University in 1988 and her Juris Doctor at New York University School of Law in 1992.
 - Possesses 15 years of in-house legal counsel experience from the City of Missouri City, Texas, beginning as its Municipal Prosecutor and leaving after serving eight (8) years as its City Council appointed City Attorney.
 - Served the Texas Workforce Commission as a Hearing Officer for five years presiding over complex hearings related to fraud and misapplication of wage credits, exercising state-wide jurisdiction.
 - Former Briefing Attorney for the Third Court of Appeals - Austin, assigned to Justice Mack Kidd (deceased).

Introductions - The Presenters

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- George Hyde - ghyde@txlocalgovlaw.com
 - Maintains a multi-disciplinary comprehensive statewide law practice serving local government and volunteers as a regular local government continuing education speaker. He earned his Bachelor of Science - Criminal Justice (Law Enforcement) at Texas State University in 1988 and his Juris Doctorate, *cum laude*, from St. Mary's University School of Law in 1998.
 - As a attorney - litigator, he possesses almost three decades of experience from all levels of the Texas and Federal court systems and has appeared for clients in both California Federal District Court and Virginia Federal Bankruptcy Court. He has represented clients in seven (7) of the 14 Texas courts of appeals, the Texas Supreme Court and in the Fifth Circuit Court of Appeals. He is also admitted to the United States Supreme Court. Some of his courtroom experience is documented in the roughly 50 court-issued opinions available on Westlaw from various cases in which he has been involved.
 - As a counselor - over 18 years of general and special legal counsel experience serving multiple cities as City Attorney and in support of in-house City Attorneys as Special Legal Counsel.

Highlights of Municipal Court Operations

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- Two types of Municipal Courts:
 - Court of Record
 - Judge must be licensed attorney.
 - Appeal is based on what happened (“the record”) in Municipal Court.
 - Non-Court of Record (more common)
 - Judge does not have to be an attorney.
 - Appeal is “de novo” or “new”, so the parties get to try the case over.

Highlights of Municipal Court Operations

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- Four types of cases?
 - Traffic Offenses.
 - No mental state required.
 - Video Important.
 - Municipal Code Offenses.
 - Local crimes.
 - Class C State law Offenses.
 - Administrative proceedings.

Highlights of Municipal Court Operations

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- Who is involved and what are their roles?
 - Judge Decides questions of law (and fact if no Jury).
 - Prosecutor Represents the State of Texas with the duty “not to convict, but to see justice done”.
 - Defense Attorney Represents the Defendant in an effort to obtain dismissal or reduced penalty.
 - Court Clerk Administers over case processing, fees & fines.

Highlights of Municipal Court Operations

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- Who is involved and what are their roles?
 - Bailiff Assists with conducting an orderly proceeding and keeps the peace.
 - Defendants/Respondents Appear to respond to criminal/civil complaints.
 - Witnesses Testify as to the facts of a case.
 - Jurors Decide fact questions and punishment at trial.

Highlights of Municipal Court Operations

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- Special Issues/Defendants:
 - Brady/Morton Act Duties and Obligations.
 - Commercial Driver License Holders.
 - Video for unrepresented Defendants CCP 39.14 inspection only rule.
 - Republic of Texas / UCC, etc.

Resources for Municipal Court Operation

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✓ Must Haves:

- ✓ Access to State laws: Traffic Code, Penal Code, Health & Safety Code, CCP,
 - ✓ Chapter 45 of the CCP is Key
- ✓ Access to up-to-date City Code
 - ✓ MuniCode/Franklin may only be updated periodically, so keep organized with the City Secretary/Clerk's Office on notices and postings of new crimes created by City Council.

Resources for Municipal Court Operation

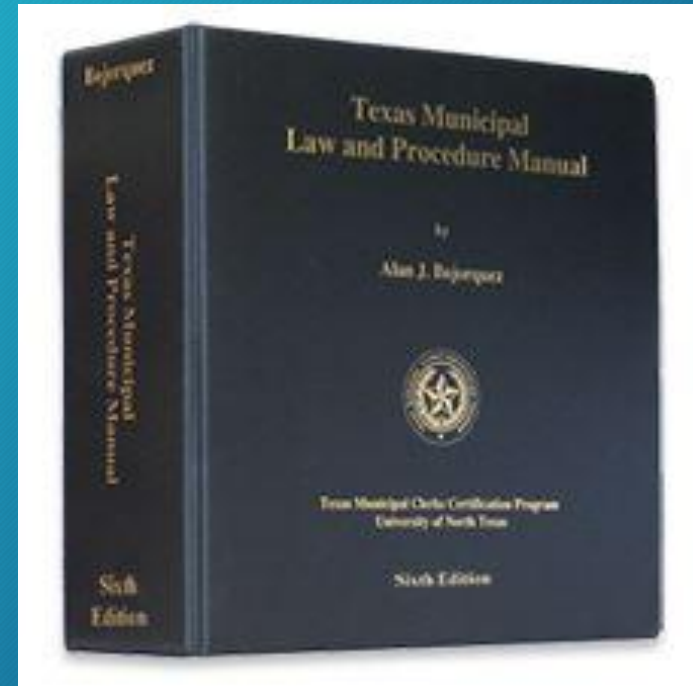
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- ✓ Must Haves:
 - ✓ Prepare and keep good forms.
 - ✓ Deferred Disposition Forms.
 - ✓ Dismissals (Compliance/Statutory/Justice).
 - ✓ Motions (based on Judge's requests).
 - ✓ Build/Maintain a Municipal Court Practice Kit.
 - ✓ Information on any pre-trial issues.
 - ✓ Voir Dire questions.
 - ✓ Opening statement points.
 - ✓ Closing statement points.
 - ✓ Direct Examination to meet proof requirements.

Resources for Municipal Court Operation

- ✓ Excerpts Used as Handout for past programs.
- ✓ Explains Creation, Jurisdiction, Authority, Operations, Procedure, Fines, Costs, etc.
- ✓ Periodically Updated.
- ✓ Good research and practice “Primer”.

Municipal Court related excerpts available free at:
<https://texascityattorneys.org/wp-content/uploads/2016/02/Municipal-Courts-AB.-Revised-TCAA-Riley-Fletcher-Seminar-2016.pdf>



Resources for Municipal Court Operation

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- ✓ Networking, collaboration

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- ✓ Justice of the Peace Courts are similar to Municipal Court
- ✓ Keeps up on evidence and prosecutor duties
- ✓ Seminars and Education
- ✓ Networking, Collaboration

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Case of the Week

Davy v. State

The State is not required under the Michael Morton Act (CCP Art. 39.14) to turn over a defendant's pen packet without the defendant's specific discovery request for it. Read opinion.

Announcements

- TV show "Criminal Confessions" is looking for Texas cases
- New NDAA course, The Digital Prosecutor, in February in San Antonio
- Correction to p 117 of Criminal Laws of Texas (2017-2019)

News Twitter Feed

- Prosecutor makes lasting impact for young crime victims
<https://t.co/8y5CccC5fQ>
- 'Don't cry. Don't scream': Child molester's words to victim tossed back at him before sentencing
<https://t.co/2aZjKovzmX>

Upcoming Training

- Rolling Stoned: Investigating & Prosecuting the Drugged Driver
League City Police Department, 555 W. Walker St., in League City
- Rolling Stoned: Investigating & Prosecuting the Drugged Driver

Municipal Court Quiz!

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- Multiple Choice Questions
- Don't blurt out answers!
- Have fun!

Thank you and Happy Valentine's Day!

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