

Recommendations from City Staff regarding Judge Bull Report on the Corpus Christi Municipal Court (in blue)
Recommendations from Judge Bull Report on the Corpus Christi Municipal Court (in black)

City Staff Recommendations & Explanations transferred from Report:

- Those we recommend to do
- Those we will continue to review and conduct further study
- Those we will not do

Response	City Staff Explanation	Judge Bull Recommendations (transferred from Report)
Do	Agreed	1. Security staff should only be focused on building security and monitoring the security station and Court staff should be screening and directing citizens to the appropriate Courtroom.
Do	Resolved in slightly different form. Courtroom A is immediately adjacent to check-in area and adjacent to windows.	2. A general appearance court could be placed in a portion of the recess area where the 5 to 6 cashier stations are located, with a judge present there with a clerk and a separate cashier station.
Do	Agreed	4. Every effort should be made to resolve cases with minimal appearances and as quickly as possible.
Do	Resolved with dismissal of pre-Sept-2014 cases & order automatically dismissing future cases at 15 years.	5. If not already in existence, there should be a permanent process in place to purge cases over 10-15 years old where no substantive action has taken place to close the cases.
Do	Resolved with increased collaboration between clerks/judges	6. Judges should make every effort to move cases forward, clerks need to properly research and update cases to reflect any action taken or reflect a change of status.
Do	Agreed – Some cases without continuances are being jury-trialed within one month of citation	7. When individuals wish to exercise their constitutional right to contest a violation, they should have their opportunity to a trial within a reasonable time frame, with limited resets, once again recognizing multiple appearances delays final resolution.
Do	Agreed. Reports uncovered hidden pockets of cases & will continue.	8. There should be a daily/weekly/monthly report created using status codes to capture cases that have been overlooked.
Do	Agreed that we are achieving this in principle. We achieve productivity & consistency with automated processes; however, judge has authority over critical decisions at time of initiating an automated process.	9. Fees, cost, and fines should be <u>assessed</u> by judges, not added on by administrative staff through automated processes requiring the Judge to <u>waive</u> fees and costs.
Do	Agreed	11. Marshall Unit. There should be a re-evaluation of the budget line item. I see no value to the Court from this almost \$700,000 budget line item. Both the cost of this line item and potential liability far exceed any perceived value to the Court in achieving performance metrics. . . Marshals driving to people’s homes utilizing door hangers is not an effective use of personnel
Do	Agreed. The Presiding Judge will provide evaluation to the CFO.	13. The Presiding Judge should provide the evaluation of the Clerk.
Do	Agreed—Judge should see Admin SOP’s & have input into preparation. SOP’s that affect judicial processes should be OK’d by Judge.	14. The Presiding Judge should prepare a policies/procedures manual encompassing all of the business processes of the Court.
Do	Agreed	15. Mandatory training, (including customer service, ethics, and court specific classes) should be implemented. A designated court employee should also perform the role of training officer.

Response	City Staff Explanation	Judge Bull Recommendations (transferred from Report)
Do	Agreed as a goal. Unrealistic as a hiring expectation. In-house training needs to be intensified. "Court experience" hiring criteria incentivizes Incode experience.	18. The Court should acquire staff that are proficient in Tyler/Incode as it relates to Court operations.
Do	Agreed. We need to further engage a process to list, describe, and map effects of existing macros. Judge should be involved in macro creation and maintenance to ensure judicial control of all judicial decisions.	19. The number of automated processes, or macros, should be decreased.
Do	Agreed. JCM's should be reviewed. Additional duties being considered.	20. The Juvenile Case Managers (JCMs) should be trained and provide in-house programs at no cost to the Juveniles and their families.
Do	Disagree because Judge Chapa's statistical analysis is more appropriate for unified docket and has been successfully used in Judicial evaluations	21. Performance measures for judges should be based upon the performance criteria I outlined earlier, particularly clearance rates and time of disposition.
Do	See above successful statistical analysis from Judge Chapa.	22. All Judges should be made aware of the performance criteria relating to clearance rates and time of disposition.
Do	Agreed. Will require reappointment of Chief Judge in one year.	23. The Presiding Judge should be placed upon a staggered term from the associate judges to allow a process for meaningful evaluations during reappointment.
Do	Completed by City Council.	24. The Court Clerk's salary should not be higher than the Presiding Judge's salary.
Do	Completed by City Council.	25. Judges' terms of office should be moved to a term that does not intersect with City elections, to allow the Mayor and City Council to have time to familiarize themselves with Court operations when considering reappointments.
Do	In process. Evaluation will be provided to Municipal Court Director's supervisor, who will consider input in evaluation of Administrator. Court-specific criteria will be in addition to Department Director criteria.	26. A clear evaluation process should be established relating to the Clerk of the Municipal Court, with the Presiding Judge providing the evaluation and providing this to the City Manager. The evaluation should include Court specific criteria as opposed to standard "Department Director" criteria. For example, how is the Clerk performing in regards to: <ul style="list-style-type: none"> ▶ Maintaining a central docket records for all cases filed in the municipal courts record ▶ Maintaining an index of municipal court of record judgments in the same manner as county clerks are required by law to prepare for criminal cases arising in county courts ▶ Knowledge of legal provisions related to the operations of a Municipal Court ▶ Knowledge of the Case Management System
Do	Agreed	27. Tyler Technologies Incode Case Management System. A change order process should be established that allows for input on the submittal and prioritization for these requests.
Do	Agreed	28. Tyler Technologies Incode Case Management System. There should be regular meetings of the Court Management Team to direct this (Change Order) process.

Response	City Staff Explanation	Judge Bull Recommendations (transferred from Report)
Do	Agreed in most cases. We focus on what is best for Court system. Presiding Judge is heavily involved in software selection & management. However, software acquisition and management involves budgeting, IT, Purchasing, and court admin as well.	29. The Presiding Judge should make the final decision regarding Court IT priorities.
Do	Agreed	30. The whole process of accurate reporting of data to the Office of Court Administration (OCA) should be reevaluated.
Do	Agreed	32. Reports should be run daily or weekly utilizing only status codes.
Study Further	Not practical to staff initial appearance docket with prosecutors. Insufficient volume to keep prosecutors busy. However, prosecutors can be available via appointment or direct visit.	3. Ideally, if staffing permits, a city prosecutor should be available at the general appearance area in person or via video if, on new violations, people are contesting a violation so they can then speak to the prosecutor.
Study Further	Agreed in part. We have moved forwarding time for adjudicated cases from 3 months after warrant to 6 to 9 months after warrant to enhance opportunity for defendants to pay without additional collection fee. We are evaluating Linebarger's collections effectiveness.	33. Only old, adjudicated cases with monies owed pursuant to a judicial order should be referred to collection and this should only be done when all avenues have been exhausted.
Not Do	Impractical with our limited trial volume.	10. As relates to trial settings a process should be looked at to schedule trials in accordance with officer schedules.
Not Do	Changes outside of statute could be achieved cooperatively via delegation. Permanent authority changes would require change to Tex Gov't Code. 30.01903, which currently states: (a) The city manager shall appoint a municipal court director to serve as the clerk of the municipal courts of record.. . (c) The municipal court director may hire, direct, and remove the personnel authorized in the city's annual budget for the clerk's office.	12. The Presiding Judge, who is appointed by the Mayor and Council, should be recognized as the organizational head of the Court, with the Presiding Judge providing the "work rules for the administration of the court" and all administrative positions reporting to the Presiding Judge for direction in Court Operations.
Not Do	Changes outside of statute could be achieved cooperatively via delegation. Permanent authority changes would require change to Tex Gov't Code. 30.01903	16. The position of Director should be retitled to Clerk of the Court. The position of Deputy Director should be reclassified to Court Administrator who works under the direction of the Presiding Judge ensuring that Court Operations are running smoothly throughout the day.
Not Do	Partly agreed. We are achieving similar objectives via efficiency meetings.	17. A reorganization of the Court, as recommended earlier, should also include the Presiding Judge establishing a Court Management Team, meeting on a regular basis to discuss key issues facing the Court. All position titles at the court should relate to court specific functions.
Not Do	Disagree. We have a unified docket.	31. A clerk or clerks should be assigned to each judge to research their cases and ensure proper placement on dockets (queues) for judicial action.

Judge Bull Report on the Corpus Christi Municipal Court

Background

I was contacted by the City Manager of the City of Corpus Christi and Presiding Judge of the Corpus Christi Municipal Court and asked to perform an analysis of the Court as it related to:

Trial Process, Appellate Process, Case-flow and Calendaring, Court Management and Operations, structure, organizational chart, reporting relationships, Courtroom Technology (Incode/Odyssey), Courthouse and Space Planning, Adjudication, Judicial Ethics, Language Access, Governance structure, Performance Measurement (Judges and Staff), Process Simplification, utilizing technology to increase efficiency, Remote Hearings, Collections, Workloads for Judges and staff, Magistration Operations, Court Access and Fairness, Office of Court Administration Reporting, Traffic/non-traffic class C case flow processes.

I also reviewed the following documents in preparation of this report:

Monthly Office of Court Administration Reports from January 1, 2019 through December 31, 2023

Texas Government Code Ch. 30 Subsection ZZ Corpus Christi Municipal Court of Record

Corpus Christi City Charter Article II Section 26

Corpus Christi City Code Sec. 29-1

Corpus Christi Municipal Court Organizational Chart

Corpus Christi Municipal Court Annual Budget

Corpus Christi Municipal Court Job Descriptions

Standard Operating Procedures Corpus Christi Municipal Court (approximately 500):

Fine and Court Costs Biannual Review, Jury Services, Training Program, Financial Reports, OCA reports process, OCA Collection Improvement Report, Preparing Omnibase Quarterly Payment, Preparing State Comptroller Quarterly Report, Preparation of Incode Program Security, Incode User Access, Appeals: (14 documents), Refund Policy, Tracking Citations, Citation Books, Updated Violations, Fines and Court Costs Reviews, Arrest Reports, Citation Errors or Missing Data, Citation Numbers, Over Short Acknowledgement, Refund Acknowledgement, Case Resolution Services (13 documents), CCMC Rules of Court, CDC Policies (7 documents), Collections and Compliance (13 documents), Compliance Dismissals, Court Information Services (12 documents), Courtroom Services (18 documents), DPS (5 documents), Emergency Protective Orders, Expunctions (4 documents), Family Violence (20 documents), Payment Card Industry Compliance, Flow Charts: Judicial Magistrates, Animal Control Hearings, Basic Phone Tree, Bench Warrants, CDC Higher Charges, City Ordinance Process, Collections Plan, Community Service, Corporation Violations, Emergency Call Tree, Expunctions, Family Violence Cases, Family Violence Process, Issuing Violation of Promise to Appear, Jail Time Served Request, Judge Orders Def to Pay, Juvenile Now Adult, Mailed-e-mailed Payment Plan Request, Parking Appeals, PP FTC Overview, Pre Trial Webex Hearings, Proposed Bonding out of CDC, Prosecutor Offers, SB-6 Public Safety Report System, Scheduling 14-day FTA Process Overview, Scofflaw, Unadjudicated Cases, VConference, VPTA, Walk-In Payment Plan Requests, Warrant Resolution Month, Warrants Section FTA Process Overview, Webex Hearings Workflow, Court Divisions and External Stakeholders, Ticket Count Verification Process, Employee Hire-Termination Policy, Employee Separation Policy, Incode (7 documents), Instructions: (32 documents), Jail Time Served (4 documents), Amending Complaints, Legal (3 documents), Marshals (6 documents), Mini SOPs (36 documents), Municipal Court Procedures Manual (14 documents), Municipal Court Training Process (5 documents), Omnibase Reporting Procedures, Police Department Building Access, Procedure Information (DSC, Deferred, Providing Legal Advice), Procedures (67 documents), Proposals, Safety (10 documents), Supervisor Implementation Plan, Clerk Training, Employee Training Map, Refund Policy, Federal Poverty Guideline, AD Training Guide, Appeals, Bond Clerk Managing Bonds Training, Bond Refund Process, CMC Quick Reference Sheet Appeals, CCMC Rules, Citation Issued Training Sample, Combining Defendant Names, Community Service, Court B & C Dockets, Court Glossary, Credit Time Served, Customer Service, Deferred and DSC FTC, Determining the Court Aging Period, DSC Temp Policy, Entering a Warning with Other Violation, Incode Training Guide, JCM-Urinalysis Procedure, Mail Out Letter Disregard Notice, Mandatory Defensive Driving On-Line, MIP DL Suspensions, MIP FTC, Motions Chart, New Appeal Handout, Notice to SC FTA, Omnibase Reporting Procedures, Parking Appeals, Phone Quick Reference Guide, Policy Acknowledgement, Processes when Notice Required, Proof for Deceased Defendants, Quality Assurance Review and Stats, Required Standard Operating Procedures, Social Media Policy, Status Codes and Descriptions, Tickets with Multiple Violations, Training and Travel Policy, TX OCA Monthly Report. Disposition Macro Listings

FINDINGS AND RECOMMENDATIONS:

I held pre-visit conferences with the Presiding Judge and the City Manager and traveled to Corpus Christi between the dates of January 30, 2023 and February 1, 2023 and returned on February 7, 2023 and conducted interviews with key staff and observed court operations. This report will contain only those areas where I found issues. The final findings and recommendations follow:

The National Center for State Courts provides 10 criteria for evaluating court performance, I will discuss each, where applicable coupled with my observations and recommendations:

PART I

Court performance metrics

The National Center for State Courts provides for a set of 10 balanced and realistic performance measures for Courts:

1) Access and Fairness

For my initial visit, prior to a meet and greet, I entered the Court without notifying staff of who I was, I waited in line, outside, until the doors were open and preceded into the court, my first contact was with the security staff who, in addition to doing security checks were reviewing individuals citations and using their radios to communicate with bailiffs in the respective courtrooms where the individual was to go. The citizen was then directed to a kiosk to enter their name and other identifying information. Immediately to the right was a small "reception area" and a recessed area with 5-6 cashier windows. Although fully staffed, during my visit I never saw all stations being utilized at one time.

Court A is on the first floor, courts B and C were on the second floor. From a security standpoint, once people pass through security screening they can wander throughout the building unmonitored. There is limited signage directing people. Building Security is a major concern. Security staff should only be focused on building security and monitoring the security station and Court staff should be screening and directing citizens to the appropriate Courtroom.

The building floorplan is problematic from an access standpoint and houses both the Police Department and the Court. The likelihood of finding a new location for the Court is not an immediately viable solution.

Through the process of working with the City of San Antonio Budget Department's Innovation and Reform office, the San Antonio Municipal Court went through an extensive process of evaluating proper use of space and increasing efficiency. It was determined that over 70% of those appearing at the Court were in/out traffic (non-trial or hearings). The floor plan was redesigned to reflect a process to have citizens with non-contested matters appear in a redesigned space in the front of the building to allow them to be in and out of the Court swiftly and eliminate a large amount of foot traffic throughout the entire building.

In reviewing the current floorplan, a general appearance court could be placed in a portion of the recess area where the 5 to 6 cashier stations are located, with a judge present there with a clerk and a separate cashier station. An additional door should be added to the front of the building for egress from the building. Ideally, if staffing permits, a city prosecutor should be available at the general appearance area in person or via video, if, on new violations, people are contesting a violation so they can then speak to the prosecutor. A large portion of cases are currently resolved off of the Pretrial Dockets, this process could occur sooner when the individual first appears. Every time an individual has to come back to the court the time to final resolution is extended. Additionally, opening the Court at 7:30 a.m. for General Appearance could address lines outside the front door.

Technology has increased opportunities in relation to remote access to Courts. In 2012 The San Antonio Municipal Court began utilizing an interactive Court Kiosk system, in partnership with Cisco and Tyler Technologies (INCODE), where individuals who were not contesting their tickets could use a Court Kiosk at three HEB stores in different locations throughout the City. The court kiosks allow the individual to contact the court and discuss their violation with a clerk and Judge. HEB did not charge rent for the space or require any type of convenience fee. The Judge enters an order and the individual pays by credit card and the orders are e-mailed to the individual. This allows people to talk to a judge and resolve the violation without physically appearing in court thus making the court more accessible to citizens. The process also allows the Court to provide services on weekends utilizing Part-time judges without the need for cashiers and bailiff's merely a clerk or in some instances just the Judge. In San Antonio the weekend part-time magistrate also handled kiosk calls. In meeting with the City of Corpus IT director this is a process he could easily implement. Increasing the public options for access to the court enhances the Court's ability to resolve cases timely.

2) Clearance Rates

The linchpin in evaluating court efficiency is "clearance" rates, this means cases closed. Judges should not be evaluated merely on number of cases "touched" but cases closed. Issuing warrants and capias warrants do not close cases, final adjudications do. Reasonable judgements result in compliance and closure. I sat in court while one individual appearing

before the Judge had missed her trial date, her explanation was that she had a new job and was unable to make court. The Judge reset the case to a new trial date. The Judge did not inquire as to if the individual still wanted a trial or if they would like to meet with a prosecutor to discuss options. **Every effort should be made to resolve cases with minimal appearances and as quickly as possible.** I watched as another Judge was trying to work with an individual that owed over \$5,000 as a result of numerous fees attached to very old violations. It was unlikely that these cases could ever be resolved with the monies owed and to the Judges credit attempts were being made to remove as many excess fees as possible. Unreasonable orders containing extra fees automatically attached by Administrative Staff and adding additional charges for Violation of Promise to Appear only make cases harder to close and add to the number of open cases reported to OCA monthly.

If an individual is requesting a trial, trial dates should be set within a reasonable timeframe. By moving to the General Appearance concept in the front of the building, the 3 additional courtrooms will be available for contested matters, trials and hearings.

3) **Time to Disposition**

Akin to Clearance rates, the time it takes to resolve cases is a clear indication of how a court is performing. I was presented with numerous examples of cases that were in limbo with no disposition or status change. On April 19, 2022, there were 112,255 cases that were located that had no action taken on them dating as far back as 2007. That number was reduced to 104,133 by May 31, 2022. 1,010 cases were found in a General Appearance Docket where no action had been taken to move the cases forward and were simply in limbo. There are too many examples of “lost” cases to include in this report. This is a result of failure to properly research cases and utilize the Court Case Management System. Under the current structure the Director is to:

Maintain central docket records for all cases filed in the municipal courts record

1. Maintain an index of municipal court of record judgments in the same manner as a county clerks are required by law to prepare for criminal cases arising in county courts

This relates directly to some of the concerns I will discuss relating to effective use and understanding of the functionality of the Tyler/Incode case management system.

Additionally, **if not already in existence, there should be a permanent process in place to purge cases over 10-15 years old where no substantive action has taken place to close the cases.**

4) **Age of Active Pending Caseload**

Several years ago, the Office of Court Administration, OCA, made changes to the reporting requirements for courts indicating an understanding of performance guidelines. Each monthly report begins with the total number of open cases at the Court at the beginning of the month and ends with the total number of open cases at the end of the month. Guidelines should be established to ensure cases are being resolved swiftly. **Judges should make every effort to move cases forward, clerks need to properly research and update cases to reflect any action taken or reflect a change of status.** In relation to reporting to OCA, I have serious concerns about the accuracy of data being reported.

Again, Under the current structure the Director is to:

1. Maintain central docket records for all cases filed in the municipal courts record
2. Maintain an index of municipal court of record judgments in the same manner as county clerks are required by law to prepare for criminal cases arising in county courts

5) **Trial Date Certainty**

When individuals wish to exercise their constitutional right to contest a violation they should have their opportunity to a trial within a reasonable time frame, with limited resets, once again recognizing multiple appearances delays final resolution.

6) **Reliability and Integrity of Case Files**

A further discussion on Tyler/Incode will be included below but maintaining accurate data is key to a high functioning court. In keeping with the Director’s duties outlined in Numbers 3) and 4) above, I was presented with numerous examples of cases “lost” in the system. **There should be a daily/weekly/monthly report created using status codes to capture cases that have been overlooked.** I was presented with a number of examples of thousands of cases that had been lying dormant with no action. As mentioned, losing cases in the system goes directly to the reliability and integrity of case files as well as accurate reporting of Court Data to the Office of Court Administration. Case Management software is merely an electronic version of a paper filing system. Terms used in relation to the case management system such as “macros” and “queues” relate to “court actions” and “court dockets” respectively. The current problem is tantamount to a court working under a traditional paper, not electronic, system where court documents are being misfiled or paper files are lost or unaccounted for.

7) **Ensuring Fairness in Legal Financial Obligations, Management of Legal Financial Obligations Fair Practices for Legal Financial Obligations**

Judges assess fees once a case is adjudicated. In reviewing the current collections plan at the Court, there are some processes which could be perceived as lacking fundamental fairness as relates to the presumption of innocence. Particularly referral of cases to an outside collection agency within 60 days of the individual's failure to appear defeats the constitutional provision of innocent until proven guilty. Fine amounts are determined by the Judge or Jury. The recommended "window fine" for individuals who do not wish to appear and just want to resolve their violation is simply that, a recommendation, the total amount assessed is done through a court order. For a collection agency to be referred a case that has not had fines assessed in an order and then assess an additional 30% on money not yet owed is not a fair process.

As relates to payment plans on existing amounts ordered paid by a judge, there appears to be good process in place to determine individual's ability to pay. Due to the assessment of additional fees, collection company 30%, Scofflaw \$20, Omnibase \$30, \$50 warrant fees, \$35 Marshal summons fee, one violation with a recommended fine and court costs of \$200 becomes almost \$400 forcing the Judges to "waive" added fees to enable the citizen to resolve the outstanding violation. Fees, cost and fines should be assessed by judges, not added on by administrative staff through automated processes requiring the Judge to waive fees and costs. To the best of my knowledge the Presiding Judge has not been involved in the decisions made to add these additional fees or contract with outside agencies.

8) **Effective use of Jurors**

All jury trials are set on Friday, this appears to be an effective use of Jurors, summoning them only one day a week. As relates to trial settings a process should be looked at to schedule trials in accordance with officer schedules.

9) **Court Employee Satisfaction**

If not already doing so, the Court should work with the HR department to create employee satisfaction surveys annually.

10) **Cost Per Case**

Gauging efficiency through examining how courts can best use their personnel, procedures, and technology to achieve desired outcomes such as access, fairness and timeliness is a sound practice.

In reviewing the Municipal Court Budget and organizational chart there appear to be some positions that play a minimal role in resolving cases, the primary purpose of the Court. The City Marshal Budget line item totals \$687,822. When asked for performance measures, I was told by the Director that the only "performance measures" were to increase arrests and contacts by 15%. I was not given any clear indication as to how this in any way contributed to resolution of cases in such a way to justify this section of the Court. They do add an additional fee of \$35 for the Marshal Unit "issuing summons" on Violation of Promise to Appear. Summons can be issued by Clerks. In some instances the marshals utilize door hangers additionally it was mentioned that they have on occasion appeared at individual's homes giving them the option of being handcuffed and taken downtown or paying the ticket on-line, this would appear to be coercive. A lack of performance measures leads to a lack of accountability.

In my review it was unclear as to how many warrants the marshal unit actually clears. In fact, only Judges can "clear" warrants. I am unaware of any specific training that the Director has in overseeing peace officers which could be problematic from a liability standpoint. I see no value to the Court from this almost \$700,000 budget line item. Both the cost of this line item and potential liability far exceed any perceived value to the Court in achieving performance metrics.

Staff mentioned that the text messages received through Incode beginning sometime after April 2022, appears to have a positive effect on getting people to appear on cases. This is a prime example of technology improving systems and efficiency. Although the text option through INCODE has been available for a very long time it was not utilized by the Court until after April of 2022. Technological advances can assist in better allocation of staff time. Marshals driving to people's homes utilizing door hangers is not an effective use of personnel if notices can be sent automatically via text using available technology.

As mentioned earlier, implementation of a Court Kiosk system or a derivative of that concept allows for the processing of cases with a clerk and a Judge or just a judge and creates a virtual court setting or satellite Court without the need for bailiffs or cashiers.

Another major area of concern in this area is the operational and budgetary responsibility of the Court for the City Detention Facility. Detention facilities are more properly an executive (enforcement) branch responsibility most commonly operated by a police department or other enforcement agency. I was extremely impressed with the operations of the facility and the Detention Center Manager though not so much with the appearance of the physical building. Although the volume is substantially less than the San Antonio Detention Center, the CDC in Corpus is very proactive in limiting the City's liability by ensuring individuals are in the facility no longer than 4 hours, as opposed to 8-12 hours in San Antonio. Additionally, CDC employees multi-task by putting the files together for judicial review and do not accept individuals into the facility until Law Enforcement Personnel have completed all reports and booking information. Regardless, to the best of my knowledge, the current Director, who oversees this operation has no training in jail management which should be of concern from a liability standpoint.

PART II

(1) The Existing Organizational Structure Infringes on the Constitutional Concept of the Judiciary as an Independent Branch of Government.

The Texas State Constitution, Article 2, Section 1, creates three separate departments of government, Legislative, Executive and Judicial branches. It further provides that "no...department shall exercise any power properly attached to either of the others..." Further,

Thompson vs. City of Austin, 979 S.W. 2d 676 (Tex. App. 1998), determined that the separation of powers doctrine applies to Municipal Courts. "Article II of the Texas Constitution divides the sovereign functions of government, creating a legislative branch, an executive branch and a judicial branch, each with its own exclusive powers. The judiciary has been privileged with a sacred independence necessary to maintain impartiality required to determine the law."

- (a) For years, the appointment of administrative staff for the court has been made under the appointing authority of the executive branch of government, with the Court "Director" being appointed and having a direct reporting relationship with an assistant city manager. The Court Director, not the Presiding Judge, who is a direct appointee of the City Council, has been viewed as a Department Head in the Corpus Christi organizational chart and currently has no direct reporting relationship to the Presiding Judge of the Court. This has led to several instances of policies and procedures being implemented, without communication or consultation with the judiciary, that have resulted in an infringement on the judicial branch's ability to maintain its independence. I was shocked to learn that the Presiding Judge was not given full access to the Incode operating system and often has to ask for permission to review court cases. This is inappropriate.

Checks and balances provides that the City Council, through its appointment power, selects the Presiding Judge to a term of office. The Corpus Christi Judges are required to be attorneys and are required to complete mandatory Judicial Education annually. The Canons of Judicial Conduct provide:

Canon 1: Upholding the Integrity and Independence of Judiciary, "An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing high standards of conduct, and should personally observe those standards so that the integrity and independence of the judiciary is preserved. The provisions of this Code are to be construed and applied to further that objective.

Further Canon 3 C. provides that "A Judge should require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge..." and "A Judge with supervisory authority for the judicial performance of other judges should take reasonable measures to assure the prompt disposition of matters before them and the proper performance of their official duties.

Violations of the Canons of Judicial Conduct can result in removal from office. Actions by Administrative Support Staff can impact a Judge.

The Presiding Judge, who is appointed by the Mayor and Council, should be recognized as the organizational head of the Court, with the Presiding Judge providing the "work rules for the administration of the court" and all administrative positions reporting to the Presiding Judge for direction in Court Operations. The Court and the City of Corpus Christi would be better served by having one budget, Municipal Court, as opposed to two separate budgets, Judicial and Administrative, with the Presiding Judge Administering the budget under the standard City Budget process overseen by the City Manager and City Council. The Presiding Judge should provide the evaluation of the Clerk.

Further, Courts only function with Judges, virtually every action at the Court is a direct result of a Judicial order. Administrative support staff, provide clerical functions to further the actions of the judiciary. The law recognizes the position of Clerk of the Court, but there is no traditionally, legally recognized position of "Director of the Court". Currently, the Director acts as the Department head and the Presiding Judge has little, if any, input into the day to day

operations of the Court, overseeing the processing of cases and directing work flow relative to the Court's case management system.

One simple change to the City Code Section 29 relating to the operation of Municipal Court would entail including the following language in reference to the duties of the Presiding Judge. "The Presiding Judge shall be the operational head of the Municipal Court and shall establish work rules for the administration of the Court." **The Presiding Judge should then prepare a policies/procedures manual encompassing all of the business processes of the Court.**

(2) There is a Need to Enhance the Level of Professionalism for all Employees of the Court

- (1) As discussed, the "Director" is also the de-facto clerk, there appears to be both a Deputy Director and Chief Deputy Court Clerk which appear to be redundant positions. **The position of Director should be retitled to Clerk of the Court. The position of Deputy Director should be reclassified to Court Administrator who works under the direction of the Presiding Judge ensuring that Court Operations are running smoothly throughout the day.** I will provide a job description for Court Administrator.
- (2) Mandatory training, (including customer service, ethics and court specific classes) should be implemented. A designated court employee should also perform the role of training officer. Clerks appear to be trained only in the use of macros as opposed to understanding the fundamental processes relating to Court operations. Understanding why things are done a certain way to comply with legal mandates should replace understanding what macro should be used. This is also applicable to accurately reporting data to OCA. Too much dependence on the case management system is problematic if that system crashes. San Antonio always had a manual back up system which required staff to understand all of the Court processes and procedures should technology fail. Further, all clerks must understand the legal ramifications for failing to properly update cases in the case management system.
- (3) Equalization of employee job titles, grade levels and compensation for those with similar job responsibilities. Rather than designating clerks as II, III, and IV all clerks should be cross trained in all clerical functions related to work within the courtroom, data entry, research, cash handling, etc.
- (4) Communication issues are a significant detriment to effective operation of the court. The lack of regular communication between the judiciary and administrative support staff contributes to a dysfunctional organization. **Requiring Judges to request access to their documents is not appropriate. A reorganization of the Court, as recommended earlier, should also include the Presiding Judge establishing a Court Management Team, meeting on a regular basis to discuss key issues facing the Court. All position titles at the court should relate to court specific functions.** In reviewing approximately 500 SOPs, this Management Team should begin reviewing SOPs, utilizing only those currently necessary for day to day Court operations.
- (5) **The Court needs to acquire staff that are proficient in Tyler/Incode as it relates to Court operations.** When the City of San Antonio implemented Incode, as Presiding Judge, I assembled a team consisting of an Associate Judge, 3 frontline clerks, and myself to work on the business plan for customizing the out of the box Incode application to reflect the San Antonio Municipal Court's business plan. A prosecutor was later included, and it was determined that Officer dash cam video and body cam video could be uploaded into Incode. This assists in resolving contested cases when the prosecutor is able to show the defendant footage from the stop.
- (6) Senior administrative staff do not appear to have a full understanding of the functionality of the current case management system as it relates to accepted Court Operations practices. All staff will need to be retrained, **the number of automated processes, or macros, needs to be decreased.** A discussion arose about the possibility of issuing a new RFP for a case management system. Incode is moving to version 10. The better practice would be to fully understand the current system. Court case management systems are not one size fits all. Tyler/Incode, at its inception was geared towards Texas Municipal Courts operations and practices but the Court can customize the system to meet its business needs.
- (7) I did not see a position in the organizational chart for a Court Accountant. I will provide a job description for Court Accountant.
- (8) The Juvenile Case Managers currently receive direction from the Chief Deputy Court Clerk. These two positions should only work under the direction of the Presiding Judge. Though extremely enthusiastic they appear to be grossly under utilized at the Court. One inquired about wanting to establish a Teen Court in accordance with Art. 45.052 Texas Code of Criminal Procedure. **The JCMs should be trained and provide in-house programs at no cost to the Juveniles and their families.** Almost all Juvenile programming at the San Antonio Municipal Court was provided by the JCMs. Article 45.056 Texas Code of Criminal Procedure provides that the Juvenile Case Managers shall, "assist the court in

administering the court's juvenile docket and in supervising the Court's juvenile cases", which indicates that this position should not be receiving direction from a Chief Deputy Court Clerk, but from the Presiding Judge.

- (9) Performance measures for judges should be based upon the performance criteria I outlined earlier, particularly clearance rates and time of disposition. Rotating schedules with different judges taking different actions on cases makes it harder to track performance. Once a Judge "touches" a case it should remain with that Judge to better gauge how each Judge is handling their cases. Each Judge should have their own Show Cause dockets to track compliance on orders and trial cases should remain with one Judge. All Judges should be made aware of the performance criteria relating to clearance rates and time of disposition.
- (10) The Presiding Judge should be placed upon a staggered term from the associate judges to allow a process for meaningful evaluations during reappointment.
- (11) The Court Clerk's salary should not be higher than the Presiding Judge's salary. The Judges are licensed attorneys the Court Clerk is not.
- (12) Judges' terms of office should be moved to a term that does not intersect with City elections, to allow the Mayor and City Council to have time to familiarize themselves with Court operations when considering reappointments.
- (13) A clear evaluation process should be established relating to the Clerk of the Municipal Court, with the Presiding Judge providing the evaluation and providing this to the City Manager. The evaluation should include Court specific criteria as opposed to standard "Department Director" criteria. For example how is the Clerk performing in regards to:
 1. Maintaining a central docket records for all cases filed in the municipal courts record
 2. Maintaining an index of municipal court of record judgments in the same manner as a county clerks are required by law to prepare for criminal cases arising in county courts
 3. Knowledge of legal provisions related to the operations of a Municipal Court
 4. Knowledge of the Case Management System

Technology Issues in the Court Must be Addressed

Tyler Technologies/Incode:

The Court uses Tyler Technologies Incode as its case management system. There is currently no defined change management process in place for the Court. IT priorities are established by the Court Director, with minimal input from the Presiding Judge. A change order process should be established that allows for input on the submittal and prioritization for these requests. There should be regular meetings of the Court Management Team to direct this process. The Presiding Judge should make the final decision regarding Court IT priorities.

Incode is being under-utilized in some areas and overutilized in others. As mentioned, I have serious concerns regarding the accurate reporting of data to OCA. In addition to "lost" cases or cases in limbo, I was advised that credit for time served on violations was being reported in the community service ordered category, data is not properly captured and accurately reported. OCA also requires reporting conditions of release of bond, which Municipal Judges order fairly consistently. The report shows 0. The entire process needs to be reevaluated. Using the zero-based budget concept, the Presiding Judge should establish the business processes of the court and only have macros, court actions, that reflect those processes and to ensure prompt location and reporting of relevant data. A clerk or clerks should be assigned to each judge to research their cases and ensure proper placement on dockets (queues) for judicial action. Reports should be run daily or weekly utilizing only status codes. At any given time, it should be a simple task to run reports on number of cases, types of cases, cases by Judge, cases by Judicial action, case status, clerk activity, etc.

In meeting with the IT director for the City of Corpus Christi, it appears there is a level of frustration in requiring IT personnel to contact Tyler/Incode regarding problems with the system which are, in fact, user errors resulting from a lack of fundamental understanding of the operating system as applied to court processes.

If the decision were made to issue a new RFP for a Court Operating System or moving forward with Incode version 10, it would be a perfect opportunity to reevaluate business processes.

Non-Compliance, Collections

In reviewing the current non-compliance process at the court, I found the process to be overly cumbersome and not cost-effective. Cases fall into two categories, unadjudicated and adjudicated. Unadjudicated cases relate to violations pending at the court where the individual cited has not pled guilty or no contest and the individual has failed to appear to resolve their case. Adjudicated cases are cases where the individual has been found liable and is required to resolve the court's order, through fines, costs, community service and/or other requirements.

Currently, on unadjudicated cases, if the individual has not appeared in court within 14 days of the date of citation, the case is referred to the Marshal Unit which then files a new charge of Violation of Promise to Appear, a promise which was made when they signed the citation. Following that, if the individual still does not resolve the issue, a warrant issues, a \$50 warrant fee is added and the case is referred to private collections, omnibase and the Scofflaw program, all resulting in added fees making cases harder to resolve. How can an individual be referred to a collection agency on a case they have not entered a plea on and no money has been ordered paid by a judge? There is still a presumption of innocence. I was also surprised to learn that during COVID, in lieu of warrants, cases were automatically referred to private collections.

I specifically asked the Director what he understood the \$50 warrant fee to be, his initial reply was that it was an additional fee for failure to appear assessed by the Judge. When I sought clarification it became clear that there was an automated process that attached the fee upon issuing the warrant, the Judge does not assess that fee. A \$50 warrant fee should be assessed after the warrant has been processed by an outside agency (not City of Corpus) requesting to be reimbursed for processing the Municipalities warrant through arrest and transport. As mentioned earlier, only Judges can assess fees.

The San Antonio Municipal Court negotiated with Omnibase to enhance the process to seek compliance. Under the Omnibase program, the case is referred to Omnibase at or around the same period of time the Corpus Court files a Violation of Promise to Appear. Omnibase locates the individual and sends a notice that they have failed to appear, and they will not be able to renew their license until they have appeared in court and resolved their violation. The fee for this service attached to the violation is \$30, with the municipality keeping \$4. Why this is effective is that an outside agency is bearing the cost of locating the individual and mailing them a letter saving the court the cost and time of mailing a notice. If the case is subsequently resolved the \$30 fee is nominal, there is no new charge filed, no warrant and warrant fee and no collection fees attached. Only after Omnibase has been ineffective in getting them to appear do you move to the next step of Violation of Promise to Appear charge and/or warrant. The San Antonio Municipal Court did not pursue Violation of Promise to Appear charges, it added more cases into the system that added to the totals reported as open cases to OCA and made resolution more difficult. **Only old, adjudicated cases with monies owed pursuant to a judicial order should be referred to collection and this should only be done when all avenues have been exhausted.**

While this report has stressed problem areas identified in my Court analysis, it is important to stress that these problems are common and, in some instances, worse in larger Courts throughout the state, the higher the volume of cases amplifies the problems. The Court is headed in the right direction under Judge Chapa's leadership. Based upon the decision by the City Manager and Presiding Judge, both direct appointees of the Mayor and City Council, to request an outside consultant, I am certain the Court will continue to improve. The San Antonio Municipal Court was successful as a result of the City Manager and Presiding Judge working together in the areas of commonality, budget, HR, etc. with a common goal of providing the best services to the Citizens of the City of San Antonio.

Texas Gov't Code provisions applying to Corpus Christi Municipal Court of Record:

SUBCHAPTER ZZ. CORPUS CHRISTI

Added by Acts 2007, 80th Leg., R.S., Ch. 441 (S.B. 2009), Sec. 1, eff. June 15, 2007.

Texas Gov't Code § 30.01901. APPLICATION; DEFINITIONS.

- (a) This subchapter applies to the city of Corpus Christi.
- (b) In this subchapter:
 - (1) "Appellate courts" means the county courts at law of Nueces County that have criminal appellate jurisdiction.
 - (2) "Municipal court director" means the clerk of the municipal courts of record.

Texas Gov't Code § 30.01902. JUDGE. Sections 30.00007(b)(1), (2), (3), and (5) do not apply to this subchapter.

Texas Gov't Code § 30.01903. MUNICIPAL COURT DIRECTOR; OTHER PERSONNEL.

- (a) The city manager shall appoint a municipal court director to serve as the clerk of the municipal courts of record.
- (b) The municipal court director shall perform, as applicable, the duties prescribed by law for the county clerk of a county court at law. In addition, the municipal court director shall:
 - (1) maintain central docket records for all cases filed in the municipal courts of record;
 - (2) maintain an index of all municipal court of record judgments in the same manner as county clerks are required by law to prepare for criminal cases arising in county courts; and
 - (3) request the jurors needed for cases that are set for trial by jury.
- (c) The municipal court director may hire, direct, and remove the personnel authorized in the city's annual budget for the clerk's office.
- (d) Sections 30.00009(c) and (d) do not apply to this subchapter.

Texas Gov't Code § 30.01904. COURT REPORTER. The municipal court director shall appoint the court reporter under Section 30.00010.

Other Provisions:

Texas Gov't Code § 30.00005. JURISDICTION.

- (a) A municipal court of record has the jurisdiction provided by general law for municipal courts.
- (b) The court has jurisdiction over criminal cases arising under ordinances authorized by Sections 215.072, 217.042, 341.903, and 551.002, Local Government Code.
- (c) The governing body may by ordinance provide that the court has concurrent jurisdiction with a justice court in any precinct in which the municipality is located in criminal cases that arise within the territorial limits of the municipality and are punishable only by fine.
- (d) The governing body of a municipality by ordinance may provide that the court has:
 - (1) civil jurisdiction for the purpose of enforcing municipal ordinances enacted under Subchapter A, Chapter 214, Local Government Code, or Subchapter E, Chapter 683, Transportation Code;
 - (2) concurrent jurisdiction with a district court or a county court at law under Subchapter B, Chapter 54, Local Government Code, within the municipality's territorial limits and property owned by the municipality located in the municipality's extraterritorial jurisdiction for the purpose of enforcing health and safety and nuisance abatement ordinances; and
 - (3) authority to issue:
 - (A) search warrants for the purpose of investigating a health and safety or nuisance abatement ordinance violation; and
 - (B) seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises.
- (e) The court has concurrent jurisdiction with a district court and a justice court over expunction proceedings relating to the arrest of a person for an offense punishable by fine only.

Texas Gov't Code § 30.00006. JUDGE.

- (a) A municipal court of record is presided over by one or more municipal judges.
- (b) The governing body shall by ordinance appoint its municipal judges.
- (c) A municipal judge must:
 - (1) be a resident of this state;
 - (2) be a citizen of the United States;
 - (3) be a licensed attorney in good standing; and
 - (4) have two or more years of experience in the practice of law in this state.

(d) The governing body shall provide by ordinance for the term of office of its municipal judges. The term must be for a definite term of two or four years.

(e) The municipal judge shall take judicial notice of state law and the ordinances and corporate limits of the municipality. The judge may grant writs of mandamus, attachment, and other writs necessary to the enforcement of the jurisdiction of the court and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court. A municipal judge is a magistrate and may issue administrative search warrants.

(f) The municipal judges within a municipality may exchange benches and act for each other in any proceeding pending in the courts. An act performed by any of the judges is binding on all parties to the proceeding.

(g) A person may not serve as a municipal judge if the person is employed by the same municipality. A municipal judge who accepts employment with the municipality vacates the judicial office.

(h) The governing body shall determine the salary of a municipal judge. The amount of a judge's salary may not be diminished during the judge's term of office. The salary may not be based directly or indirectly on fines, fees, or costs collected by the court.

Texas Gov't Code § 30.00007. PRESIDING JUDGE.

(a) If there is more than one municipal judge in the municipality, the governing body of the municipality shall appoint one of the judges as the presiding judge.

(b) The presiding judge shall:

~~(1) maintain a central docket for cases filed within the territorial limits of the municipality over which the municipal courts of record have jurisdiction;~~

~~(2) provide for the distribution of cases from the central docket to the individual municipal judges to equalize the distribution of business in the courts;~~

~~(3) request the jurors needed for cases that are set for trial by jury;~~

(4) temporarily assign judges or substitute judges to exchange benches and to act for each other in a proceeding pending in a court if necessary for the expeditious disposition of business in the courts;

~~(5) supervise and control the operation and clerical functions of the administrative department of each court, including the court's personnel, during the proceedings of the court; and~~

(6) establish a court security committee to adopt security policies and procedures for the courts served by the presiding judge that is composed of:

(A) the presiding judge, or the presiding judge's designee, who serves as presiding officer of the committee;

(B) a representative of the law enforcement agency or other entity that provides the primary security for the court;

(C) a representative of the municipality; and

(D) any other person the committee determines necessary to assist the committee.

(c) A court security committee may recommend to the governing body the uses of resources and expenditures of money for courthouse security, but may not direct the assignment of those resources or the expenditure of those funds.

Texas Gov't Code § 30.00008. VACANCIES: TEMPORARY REPLACEMENT.

(a) If a vacancy occurs in the office of municipal judge of a court of record, the governing body shall by ordinance or charter provide for the appointment of a qualified person to fill the office for the remainder of the unexpired term.

(b) The governing body may appoint one or more qualified persons to be available to serve for a municipal judge who is temporarily absent due to illness, family death, continuing legal or judicial education programs, or any other reason. The presiding judge, or the municipal judge if there is no presiding judge, shall select one of the qualified persons appointed by the governing body to serve during the absence of a municipal judge. The substitute judge, while serving as a municipal judge, has all the powers and shall discharge all the duties of a municipal judge. A substitute judge must meet the qualifications prescribed for the municipal judge.

Texas Gov't Code § 30.00009. CLERK; OTHER PERSONNEL.

(a) The governing body shall by ordinance provide for the appointment of a clerk of the municipal courts of record. The municipal clerk shall keep the records of the municipal courts of record, issue process, and generally perform the duties that a clerk of a county court at law exercising criminal jurisdiction performs for that court. In addition, the clerk shall maintain an index of all court judgments in the same manner as county clerks are required by law to prepare for criminal cases arising in county courts.

(b) The governing body may provide deputy clerks, warrant officers, and other personnel as needed for the proper operation of the courts.

~~(c) The clerk and other court personnel perform their duties under the direction and control of the presiding judge.~~

~~(d) The governing body shall by ordinance provide for the hiring, direction, supervision, and removal of the personnel authorized in the annual budget for the clerk's office.~~