

San Marcos
March 22-24, 2017
Embassy Suites

Addison
June 26-28, 2017
Crowne Plaza

Texas Municipal Courts Education Center

2017



Funded by a grant of the Texas Court of Criminal Appeals

2017 TMCEC Prosecutors Conference

All Times, Titles, and Topics are Tentative and Pending MCLE Approval

DAY 1

- 12:00 – 5:00 p.m. Registration
- 2:00 - 5:00 p.m. Pre-Conference Session:
A Glimpse at the Horizon: Legislation of Interest in the 85th Texas Legislature*
Procedural and Substantive Issues
Local Government and Administration
Juvenile Justice
Substance Abuse and Impaired Driving

DAY 2

- 6:45 – 7:50 a.m. Registration and Breakfast
- 8:00 – 8:10 a.m. Announcements
- 8:10 – 9:20 a.m. The Walking Dead: Pedestrians, Vehicles, and Impairment*
- 9:20 – 9:30 a.m. Break
- 9:30 – 10:30 a.m. Reel Legal Ethics 2+ (1.0 hour Ethics)
- 10:30 – 10:45 a.m. Break
- 10:45 – 12:00 p.m. Case Law and Attorney General Update*+ (0.25 hour Ethics)
- 12:00 – 12:55 p.m. Lunch

	Track A: Prove It!	Track B: Potpourri
1:00 – 1:55 p.m.	The Admission of Records	Sign Ordinances and Beyond: <i>Reed v. Town of Gilbert</i>
2:05 – 3:00 p.m.	Speed Measurement	Horse Meat and Other Delicacies: A Discussion of Weird Laws and Ordinances in Texas
3:10 – 4:00 p.m.	Financial Responsibility	What Goes Up: Dealing with Appeals

- 4:10 – 5:00 p.m. Class C Misdemeanor Family Violence: Yes, It Exists! + (0.25 hour Ethics)
- 5:05 – 6:00 p.m. Optional Debriefing Session

DAY 3

- 6:45 – 7:50 a.m. Breakfast
- 8:00 – 9:15 a.m. Panel Discussion: Impact Litigation and Texas Municipal Courts
- 9:15 – 9:30 a.m. Break
- 9:30 – 10:30 a.m. Community Service and Alternative Means + (0.25 hour Ethics)
- 10:30 – 10:45 a.m. Break
- 10:45 – 12:00 p.m. Capias Pro Fine: Dos and Don'ts + (0.25 hour Ethics)
- 12:00 p.m. Adjourn

* Denotes Municipal Traffic Safety Initiatives (MTSI) curriculum funded by a grant from the Texas Department of Transportation.

+ Denotes course that shall be submitted for ethics MCLE credit.

Credit:

Up to 14.0 CLE

Up to 2.0 Ethics

Funded by a grant from the Texas Court of Criminal Appeals

Register Now, Space is Limited!

TEXAS MUNICIPAL COURTS EDUCATION CENTER
FY17 REGISTRATION FORM: PROSECUTORS CONFERENCES

Conference Date: _____

Conference Site: _____

Check one:

- | | |
|---|---|
| <input type="checkbox"/> Prosecutor not seeking CLE/no room (\$150) | <input type="checkbox"/> Prosecutor seeking CLE/with room (\$400) |
| <input type="checkbox"/> Prosecutor not seeking CLE/with room (\$300) | <input type="checkbox"/> Non-municipal prosecutor seeking CLE/with room (\$450) |
| <input type="checkbox"/> Prosecutor seeking CLE/no room (\$250) | <input type="checkbox"/> Non-municipal prosecutor not seeking CLE/with room (\$350) |

By choosing TMCEC as your MCLE provider, prosecutors help TMCA pay for expenses not covered by the Court of Criminal Appeals grant. Your voluntary support is appreciated. The CLE fee will be deposited into the grantee's private fund account to cover expenses unallowable under grant guidelines, such as staff compensation, membership services, and building fund.

Name (*please print legibly*): Last Name: _____ First Name: _____ MI: _____

Name you prefer to be called (if different): _____ Female/Male: _____

Position held: _____

Date appointed/hired/elected: _____ Years experience: _____

Emergency contact: _____

HOUSING INFORMATION

TMCEC will make all hotel reservations from the information you provide on this form. **TMCEC will pay for a single occupancy room for two nights at the prosecutors conference (if selected).** To share with another seminar participant, you must indicate that person's name on this form.

- I need a private, single-occupancy room.
 I need a room shared with a seminar participant. TMCEC will assign you a roommate or you may request a roommate. [Please indicate roommate by entering seminar participant's name: _____ (Room will have 2 double beds.)]
 I need a private double-occupancy room, sharing with a non-participating guest. [I will pay additional cost, if any, per night]
I will require: 1 king bed 2 double beds
 I do not need a room at the seminar.

Hotel Arrival Date (this **must** be filled out to reserve a room): _____ Smoker Non-Smoker

Municipal Court of: _____ Email Address: _____

Court Mailing Address: _____ City: _____ Zip: _____

Office Telephone #: _____ Court #: _____ Fax: _____

Primary City Served: _____ Other Cities Served: _____

STATUS (*Check all that apply*):

- Full Time Part Time Judge Prosecutor Other _____

I have read and accepted the cancellation policy, which is outlined in full on page 10-11 of the Academic Catalog and under the Registration section of the website, www.tmcec.com. **Full payment is due with the registration form. Registration shall be confirmed only upon receipt of the registration form (with all applicable information completed) and full payment of fees.**

Participant Signature (May only be signed by participant)

Date

PAYMENT INFORMATION: Payment **will not** be processed until all pertinent information on this form is complete.

- Check Enclosed (*Make checks payable to TMCEC.*) Credit Card

Credit Card Payment:

Amount to Charge: _____ *Credit Card Number* _____ *Expiration Date* _____
\$ _____

Credit card type:

- MasterCard *Name as it appears on card (print clearly):* _____
 Visa *Authorized signature:* _____

Receipts are automatically sent to registrant upon payment. To have an additional receipt emailed to your finance department list email address here: _____

Please return completed form with payment to TMCEC at 2210 Hancock Drive, Austin, TX 78756, or fax to 512.435.6118.

Texas Municipal Courts Education Center
2210 Hancock Drive
Austin, TX 78756
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“It is the primary duty of a municipal prosecutor not to convict, but to see that justice is done.” Article 45.201(d), Texas Code of Criminal Procedure

The Texas Municipal Courts Education Center (TMCEC) is a premier provider of legal and technical information relating to prosecution in Texas local trial courts of limited jurisdiction (municipal and justice courts). Since 1992, TMCEC has sponsored an annual prosecutors conference that is attended by governmental attorneys from across the state. Currently, more than 700 attorneys licensed in Texas prosecute in municipal court.

Who can prosecute in Municipal Court?

Though many lawyers across the state exclusively prosecute, for the most part, Texas law does not acknowledge “prosecutor” as a category of governmental attorney. Rather, prosecution is generally a duty of certain attorneys who represent the State of Texas in criminal proceedings. In criminal law, the State of Texas includes government at the state and local level. Pursuant to the Texas Constitution, such attorneys include district and county attorneys. The authority of other governmental attorneys to represent the State is created by statute. Such attorneys include the State Prosecuting Attorney, and attorneys who prosecute in municipal court. Attorneys who are authorized to represent the State of Texas in municipal court are generally limited to the following:

- City Attorneys (Article 45.201, Code of Criminal Procedure - in non-record municipal courts) and (Section 30.490, Government Code - in municipal courts of record)
- Deputy City Attorneys (Article 45.201, Code of Criminal Procedure)
- Assistant City Attorneys (in municipal courts of record) (Section 30.490, Government Code)
- County Attorneys (without compensation) (Article 45.201, Code of Criminal Procedure)
- Criminal District Attorneys (without compensation) (Art. V. Sec. 21, Texas Constitution)
- Attorneys Pro Tem (Article 2.01, Code of Criminal Procedure)

The Unique Role of City Attorneys

While state law imposes no duties on city attorneys as it relates to civil matters, that is not true when it comes to criminal cases in municipal court. As the Court of Criminal Appeals stated in *Aguirre v. State*, 22 S.W.3d 463, 469

(Tex. Crim. App. 1999), “[t]he responsibility and authority in municipal prosecutions is clear: In the municipal court, the city attorney has the right and duty to prosecute, and the county attorney has the right, but not a duty, to prosecute.”

Unlike in county and state government, a municipality depending on its population and rules of local governance (by charter and/or ordinance), may have one, two or more, or no city attorney(s). Cities may, but are not required to, have an elected or appointed city attorney, but cities that opt to have a municipal court are required by state law to have an attorney who is legally authorized to prosecute. Such attorneys, depending on the municipality, may be “in-house,” solo practitioners, or employed by a law firm. Depending on the volume of complaints filed in a municipal court, prosecution may entail some or all of an attorney’s time.

Bearing the moniker “city attorney” (in its various forms) entails the duty to prosecute in municipal court. This duty is a noted exception to the general rule that state law does not impose such “civil duties” on city attorneys. Because municipal law involves a very broad cross-section of the law, and because a municipal attorney’s practice may focus on other specific areas of law that do not entail criminal law, not all municipal attorneys are familiar with the specific procedural and substantive law issues that are essential to prosecuting in municipal court.

To this end, TMCEC seeks to assist all attorneys who prosecute in municipal court the opportunity to increase their proficiency and maintain professionalism through specialized continuing legal education.

County and District Attorneys

As the Court of Criminal Appeals explained in *Aguirre*, county attorneys have the authority, but not a duty, to prosecute in municipal court. In counties without a county attorney, such authority belongs to the criminal district attorney. In some counties, by statute, the authority belongs to district attorneys. Because municipal and justice courts in Texas have concurrent jurisdiction of fine-only offenses created by state law, much of what is taught at the TMCEC Prosecutors Conference is pertinent to the offices of county attorneys, criminal district attorneys, and certain district attorneys whose responsibilities involve prosecuting Class C misdemeanors. Accordingly,

registration is open to such prosecutors seeking specialized continuing legal education.

About This Conference

Funded by a grant from the Texas Court of Criminal Appeals, TMCEC is pleased to offer this special conference for prosecutors. The purpose of this conference is to provide each participant the necessary legal tools, tempered with the tenets of professional conduct, to effectively and competently prosecute fine-only misdemeanors in Texas. Presentations and materials cover both theory and practice with special emphasis on municipal courts. Additionally, presentations address recent developments in law and contemporary issues impacting local courts and local governments.

This conference will be submitted for approval for up to 14.0 hours of MCLE credit – including up to 2.0 hours of ethics, and counting attendance at an optional pre-conference and optional debriefing session – from the State Bar of Texas and the Texas Board of Legal Specialization (credit towards the continuing legal education requirements for certification and re-certification in Criminal Law).

To register for the conference, please complete the registration form and return it to the TMCEC office. The registration fee must be submitted with registration. We will e-mail each registrant a confirmation letter prior to the conference.

The TMCEC grant will provide the course materials, breakfast and lunch on Day 2, breakfast on Day 3, and a single-occupancy room for nights of Day 1 and Day 2, if selected.

Cancellations must be received at least 10 working days before the conference date by calling TMCEC at 800.252.3718. Costs for meals, course materials, and housing will be charged to late cancellations.