

# OVERVIEW OF DALLAS MUNICIPAL COURTS

## **I. COURT STRUCTURE**

Pursuant to Chapter 8 of the Dallas City Charter, the City of Dallas has ten municipal courts of record and a hearing officer's court. Every two years, the City Council appoints 10 municipal judges who work full-time and 18 associate judges who work as needed. The Council also selects an Administrative Judge from among the 10 full-time judges.

Nine of the ten municipal courts are trial courts with approximately 70 cases on the morning jury trial docket, and approximately 50 non-jury cases scheduled on the afternoon docket. The tenth court is a magistrate court which has a daily maximum of 90 pre-trial cases on a first-come, first-served basis. Each court is staffed with one full-time municipal court judge. Most of the cases that come before the municipal courts are criminal. However, the courts have limited civil jurisdiction over housing code violation and civil red light and parking appeals.

## **II. DUTIES OF MUNICIPAL COURT JUDGES**

Dallas Municipal Court judges have jurisdiction to hear all criminal cases that occur within the territorial limits of the City of Dallas and are punishable by fine only, unless otherwise provided by statute. Municipal court judges preside most frequently over cases arising under the Texas Transportation Code (speeding, running red light, seat belt violations, etc.), the Texas Penal Code (assault by contact, theft under \$50, public intoxication, etc.), and violations of the Dallas City Code.

The role of the judge during trial is to maintain order in the court room, make decisions regarding the admission of evidence, rule on various objections, swear-in witnesses and members of the jury, provide instructions to the jury panel prior to deliberation, decide guilt or innocence in bench trial, and determine the fine amount in bench trials if the defendant is guilty.

Most of the nine trial courts have a traffic docket on Monday, Tuesday, Thursday and Friday. However, Court 9 has a traffic docket on Monday and Thursday only. Court 9 is the primary civil court at the municipal court building hearing housing code violations, red light appeals and parking appeals. Court 1 has a juvenile docket each day and an occasional adult traffic docket. Wednesdays are reserved for trial settings regarding Dallas City Code violations. The following is a list of Wednesday court assignments for Dallas City Code violations:

Court 1	Juvenile
Court 2	Housing
Court 3	Traffic/Housing
Court 4	Cash Bond/Surety (Attorney) Bonds
Court 5	Animal/Health/Storm Water
Court 6	Transportation/Consumer
Court 7	Fire Code/Miscellaneous Code Provisions
Court 8	Fire Code/Miscellaneous Code Provisions
Court 9	Civil Housing

Court 10 is Magistrate Court. The Magistrate Court judge presides over pre-trial matters that have not been assigned to one of the nine trial courts such as scheduling a case for trial or entering a guilty plea to pay a fine or sign up for defensive driving.

Each municipal court judge is also a “magistrate” as defined under Article 2.09 of the Texas Code of Criminal Procedure and is authorized to review and issue search and seizure warrants for law enforcement officers, code enforcement officers, health officers and fire marshals.

The hearing officer is not a municipal court judge and is not appointed by Dallas City Council. Instead, the Administrative Judge appoints the hearing officer. The Hearing Officer’s Court is administrative in nature and the formal rules of evidence do not apply. All cases presented to the hearing officer are the product of civil citations issued by code enforcement officers. The hearing officers may find the defendant financially liable or not liable. If the hearing officer finds the defendant financially liable, administrative penalties, fees and court costs should be assessed. If the hearing officer finds that the defendant does not have the ability to pay, the hearing officer should refer the defendant to potential sources of funding assistance. A defendant determined to be financially liable may appeal that finding to court 9 (civil property court).

A municipal judge’s salary ranges from \$99,214 to \$101,198, and they work an average of 40 hours per week.

### **III. DUTIES OF ASSOCIATE JUDGES**

The 18 associate judges serve in the absence of the full-time judges and conduct the arraignment of defendants arrested for Class C offenses at the jail dockets at Lou Sterrett County Jail. Associate judges are paid on an hourly basis at the rate of \$43.29 to \$49.52 per hour. The hours worked per week varies, but the associate judges are only paid when they work.

### **IV. DUTIES OF THE ADMINISTRATIVE JUDGE**

The Administrative Judge is responsible for administration of the courts, including court dockets, case assignments, coordinating vacation schedules of the judiciary and other administrative duties. The Administrative Judge appoints the hearing officer who hears code cases in the civil adjudication court. The Administrative Judge’s salary is \$109,242 and the judge works approximately 40 hours per week.

### **V. JUDGE SELECTION PROCESS**

The Judicial Nominating Commission (appointed by the City Council) is responsible for recommending nominees to serve as full-time and associate municipal court judges, as well as the Administrative Judge. The Commission also makes recommendations regarding compensation of the judiciary.

The Director of Human Resources advertises for the positions and receives the applicant information. This year, over 100 applications were received. The Judicial Nomination Commission reviewed the applications and selected 55 applicants for interviews.

City law requires the Commission to recommend 150% of the number of full-time or associate judges to be appointed. Therefore, the Commission recommended **15** applicants for the **10** full-time positions, and **27** applicants for the **18** associate positions, ranked in order of preference, with number 1 being the highest ranking.

The Judicial Nominating Commission is also responsible for recommending to the City Council three (3) candidates for Administrative Judge, ranked in order of preference. The Commission's recommendations are forwarded to the Ad Hoc Judicial Nominating Committee.

## **VI. APPOINTMENT TIMETABLE**

The Charter provides that the judges are appointed in May of each even-numbered year, and hold office for two years.

Under state law, if the City Council fails to appoint municipal judges by the 91<sup>st</sup> day following the end of their term (in our case, by August 31, 2008), the judges automatically serve another two-year term.

The goal is to complete the reappointment process in August, within the 91-day time frame.

The Ad Hoc Judicial Nominating Committee will receive a briefing from City Attorney Tom Perkins on Tuesday, June 24 from 11:00 a.m. to noon in the L1 Conference Room. Mr. Perkins will provide us with an overview of our municipal court system and we will discuss some of the critical issues facing our courts. All Councilmembers and the Mayor are invited and encouraged to attend and participate.

The first week of August, the Ad Hoc Committee will meet to interview the 15 candidates for municipal judge, and will further interview the 3 candidates seeking the position of Administrative Judge. (Typically, the Ad Hoc Committee does not interview the candidates for associates judge, but makes a decision based on the applications alone.)

The Ad Hoc Committee will provide the full Council with recommendations for the 10 municipal judges, the 18 associate judges, and the Administrative Judge. It is anticipated that the Council will vote on the appointments on Wednesday, August 13, 2008. Each Councilmember will be provided with a ballot listing the 15 nominees for full-time judge, the 27 nominees for associate judge, and the 3 nominees for Administrative Judge.