

# TJCTC's Justice Court Clerks Do's & Don'ts

This list is not exhaustive – there may be other do's & don'ts that are not included here.

## Do's

(Not all clerks will do all of these, but all are possible things that could be assigned.)

- 👍 Maintain the records of the court.
  - ✓ Maintain filing and/or software system.
  - ✓ Make sure all required records are kept accurately and completely.
  - ✓ Follow retention schedules: <https://www.tsl.texas.gov/slr/localretention>
  - ✓ Respond to records requests (could require judge input).
  - ✓ Maintain confidentiality of all records not subject to public disclosure.
  - ✓ Make sure expunged records are destroyed and treat them as though they never existed.
- 👍 Follow reporting requirements: <https://www.tjctc.org/tjctc-resources/publications.html>
- 👍 Keep court calendar and handle scheduling (hearings, trials, weddings, etc.).
- 👍 Interact with the public.
  - ✓ Provide information without giving legal advice.
    - <https://www.txcourts.gov/media/1220087/legalinformationvslegaladviceguidelines.pdf>
  - ✓ Answer phones and take messages as needed.
    - Write down complete message, be accurate with details (date, time, name spelling, phone number, etc.), note urgency or time sensitivity, deliver message ASAP.
  - ✓ Process mail.
  - ✓ Provide information about cases and any fees/fines that are due.
  - ✓ Be the gatekeeper for the judge.
  - ✓ Provide quality customer service and use proper terminology.
- 👍 Process case paperwork.
  - ✓ Accept and file-stamp filings.
  - ✓ Have complaints/affidavits/etc. sworn before you.
  - ✓ Provide statement of inability form in civil cases without charge or request.
  - ✓ Issue citation in civil cases.
  - ✓ Send service by mail in civil cases if requested.
  - ✓ Send out hearing notices and summons.
  - ✓ Draft court orders/documents.
  - ✓ Send out default judgment notices in civil cases.
  - ✓ Process payments.
- 👍 Assist with other paperwork as needed.
- 👍 May use the judge's signature stamp, but only at the judge's specific direction.
- 👍 Hold down the fort when the judge is away.
  - ✓ Comply with standing orders (ex: order allowing payment plans to be approved at the window in certain situations).
  - ✓ Have plan in place beforehand for how things should be done in judge's absence and for notifying judge of urgent matters that clerk is not authorized to handle.
  - ✓ Flag anything that needs to be presented to the judge when they return.
  - ✓ Take any messages for the judge and make sure they get them when they return.
- 👍 Be professional.
- 👍 Follow ethical standards – you have to follow the same canons as the judge.
  - ✓ Canons can be found here: <https://www.txcourts.gov/rules-forms/rules-standards/>

## TJCTC's Justice Court Clerks Do's & Don'ts

This list is not exhaustive – there may be other do's & don'ts that are not included here.

### Don'ts:

- 🗨️ Provide legal advice.
- 🗨️ Engage in ex parte communication about the merits of a case except where expressly allowed by law.
  - *Note:* This does not prohibit certain communications as described in Canon 6C(2).
- 🗨️ Engage in duties reserved for the judge.
  - ✘ Hold hearings.
  - ✘ Enter rulings.
  - ✘ Conduct inquests.
  - ✘ Conduct magistrations.
  - ✘ Conduct weddings.
- 🗨️ Use judge's signature stamp **other than** at the judge's specific direction.
- 🗨️ Engage in unethical or improper behavior.
  - ✘ Exhibit favoritism (allowing any relationship, partisan interest, etc. to influence conduct or behavior).
  - ✘ Allow conflicts of interest (using the prestige or authority of the court to advance the private interests of yourself or others).
  - ✘ Engage in improper use of the court's resources, records, or access to information (using these things for personal use or as a favor to someone instead of only for official court business).
  - ✘ Exhibit bias or prejudice.
  - ✘ Allow the appearance that the court is not neutral and impartial in all cases.
  - ✘ Accept "gifts" (something given to you in your role as a clerk that could appear improper or be intended to gain favor with the court; any gift that violates any canons or county rules).
  - ✘ Allow the appearance of impropriety (conveying the impression that you or any group you are affiliated with are in a special position to influence the judge).
  - ✘ Violate any canon, law, or rule.
- 🗨️ Comment (including on social media) about cases which are in or may come before the court.
- 🗨️ Act as law enforcement or engage in any action that benefits the prosecution and is not independent and neutral.
  - Ex: issuing subpoenas for the state's witnesses without request and not doing the same for the defense.

### Not Expressly Prohibited, But TJCTC Recommends That You Don't:

- 🗨️ Generate complaints for offenses, including FTAs and VPTAs (should be an officer or prosecutor).
- 🗨️ Serve as an interpreter for your court.