



# Working Together: The Role of the Clerk and the Constable

Texas Justice Court Training Center

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- “The way a team plays as a whole determines its success. You may have the greatest bunch of individual stars in the world, but if they don’t play together, the club won’t be worth a dime.”
- – Babe Ruth



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# The Justice Court Clerk



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## A day in the life....

- How many clerks do each of you have in your office?



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# Authorities and duties of a clerk

- What can a clerk do and not do
- Common duties
  - Records
  - Reporting
  - Scheduling
  - Interaction with the public
  - Processing
- See handout



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# And what can't they do?

- Perform the judge's inquest duties or investigations.
- Perform the judge's magistration duties.
- Make determinations in cases, including whether or not to grant a defendant deferred disposition.
  - The clerk **can** grant DSC, since there is no discretion involved if the defendant qualifies (more info in Stage II!)



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# Creating Office Processes with Your Court Clerks

Payment processes – clerks can provide a financial buffer

Interacting with the public – clerks can provide a buffer



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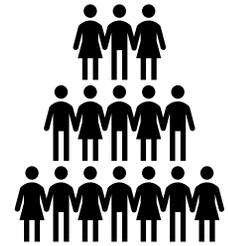
## Training Court Staff

- TJCTC Court Personnel seminars
- Creating procedure manuals for staff hiring and training
- Training sessions on Legal Advice vs. Legal Information and Ex Parte communication
  - Give your clerks a standardized way to handle this
- Brown bag lunches: Invite other organizations from the county to have a sit down with staff to discuss connections and issues. (Auditors, Constables, etc.)



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# Teambuilding & Morale



- Ways to improve morale
  - Education for staff
  - Making your staff feel like a team
- How to make your office an enjoyable, supportive place to work
  - Treat employees with respect
  - Deliver praise and recognition often
  - Emphasize how important the work is you all are doing
  - Give staff a say in things



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## What are some specific ideas you have on how to build morale in your office?



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# Communication

- Set clear expectations
- Have an open, inviting environment where people feel comfortable asking questions
- Build trust
- Set aside specific times to talk about issues
  - “My new Judge starts the week off by coming into my office and asking if I have any questions or concerns for the week. It’s a great way to troubleshoot before the week starts.”



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# “My judge won’t listen”

- What happens if a clerk says a process is incorrect in your office?
- Do you automatically dismiss this?
- We often hear from clerks that say they are undervalued and not listened to by their judge.



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# Troubleshooting

- What are some issues or concerns you have about effectively managing staff?



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# But I don't have a clerk!

- What happens if you are clerkless? Or you have 1 clerk and they go on vacation?
- Best practices for being both Judge and Clerk:
  - 1. Attend TJCTC's clerk training and watch our webinars
  - 2. Be organized
  - 3. Seek out help from mentors



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## Your Constable



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## A day in the life....

- How do you interact with your Constable? Do they serve civil process in your county? Do court security for your court?



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# What Constables Do

Constables can:

- Serve civil and criminal process throughout the constable's county in which the constable's precinct is located
  - Including citations, notices, warrants, subpoenas, or writs
- Bailiff in the justice court

86.021 Local Government Code



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# What is Civil Process

After a judgment is issued in a civil case, there are several ways a plaintiff can collect on their judgment.

- Serving citations
- Evictions: Writ of Possession
- Small Claims & Debt Claim: Execution, Garnishment, Turnover Orders
  1. These will be covered in detail in Stage II and III



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# Courtroom Security

- What happens if there is a disturbance in the JP office?
  - Security for the staff during day-to-day business
- Bailiff at the JP court (and in rural areas, sometimes other courts)



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# Other Constable Duties

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**Handle with caution!**  
**What if: You don't get along with your Constable or your constable is hard to get a hold of?**

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## **Respectful relationships!**

- Keep in mind that each office has their own duties and responsibilities.
- Focus should be on how we best work **together** to serve our community
- Each is an independent elected office.
  - No one works for the other and no one tells the other what to do or how to do it.

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Remember:

**Three most important things to build a successful partnership**

Understand your role and the role of other offices and positions

Good communication

**Plan ahead!**



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**Leadership is practiced not so much in words as in attitude and in actions.**

**-Harold S. Green**



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