

# TEXAS JUSTICE COURT



## TRAINING CENTER

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### **FY2019 Program 16-Hour Court Personnel Seminar**

# **Master Clerk Certification: Exam Study Guide**

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## **2018-19 Master Clerk Exam Study Guide**

This guide is aimed at helping a clerk who is already a Certified Clerk study for, and pass, the Master Certification Exam. You will be directed to resources that will give you the information you will need to pass the exam. For the best chance of passing this admittedly difficult exam, we recommend that you:

- 1) Review all test-taking tips and information
- 2) Look up all materials recommended in this guide, reading them critically
- 3) Discuss any questions/concerns about what the materials may mean with another clerk or judge
- 4) Answer the practice exam questions at the end of this guide
- 5) Attack the test with confidence, knowing steps 1-4 have prepared you to succeed

**DO NOT** show up at school expecting to learn every piece of information that will be on the test. If you do this, **YOU WILL NOT PASS THE EXAM**. It is critical that you prepare in advance, learning the material you understand, and arriving with questions about the material you do not.

## What Does the Exam Look Like?

The exam consists of **59 multiple choice** questions and **21 fill-in-the-blank** questions. You need to get **56** total questions correct to earn your Master Certification. The questions are roughly half criminal and half civil, although some topics, such as tow hearings, ODL, and truancy don't fit neatly into either one of those categories.

The questions will not ask you which specific section of the law covers a topic, but may ask you which code something is in. So, for example, you will not see a question like:

1. Which section of the Code of Criminal Procedure covers Driving Safety Courses (DSC)?
  - a. 45.051
  - b. 45.0511
  - c. 45.049
  - d. 27.14

But may see:

1. Which code lays out the procedure for Driving Safety Course dismissals?
  - a. Transportation Code
  - b. Education Code
  - c. Penal Code
  - d. Code of Criminal Procedure

Also, be advised, some of the questions do address substantive law issues. The committee elected to have some questions of this type on the test, because clerks frequently have case screening responsibilities, research responsibilities, etc., that make it beneficial for a top-level clerk to have such knowledge.

For example, a master clerk should know what is needed in order to grant a default judgment, even though the clerk cannot grant a default judgment, only a judge can.

## Exam Schedule

The Master Clerk Exam at Court Personnel seminars begins at 8 AM on Day 3 of the seminar. From 8-845, there is a last-minute review session. You should arrive at this session fully prepared for the exam, with questions over sections of the material that you did not understand. This review session on its own is not enough for you to pass the exam.

Following a break, test materials will be distributed, and the test will begin around 9:05 AM. You will have 75 minutes to take the test, meaning it will end around 10:20 AM. Announcements will be made of the exact end time, and of time remaining. When you have completed and turned in your test, you are free to go until the post-test review begins.

TJCTC staff will grade the exams, and once they are graded, the post-test review will begin. The start time of this review will be announced before the exam begins. It will be somewhat based on the number of exams being taken, but will be around 10:45 AM. During this session, participants will see which questions they missed, see what the correct answers are, and have the opportunity to ask why the correct answers are correct. You **may not** take written notes during this process.

Following the post-test review, TJCTC staff will pick the exams back up. You will not be able to take your exam home with you. Certificates for those who pass will be provided at the registration desk. No announcements will be made in class indicating anyone's score or who passed.

If you do not pass, you can schedule a re-test at the TJCTC office in south Austin at least 30 days after your original exam date.

## Test-Taking Tips & Strategies

1. Do not “overthink” the questions. Although the questions may be tough, they are not designed to be trick questions. Any information you need to answer the question will be in the question. Don’t make random assumptions about facts that are not stated in the question.
2. Carefully read the question and **all** of the answers. “Skimming” the question may make you misunderstand what is being asked. And if you read answer A and think “yep!” and mark A and move on, you missed that B and C were also correct and D was “all of the above.”
3. Don’t waste too much time on a single question. The time limit isn’t overly restrictive, as long as you keep moving. Stopping to think for 5 minutes on one question will put you behind schedule. If you think you know an answer but can’t think of it at the moment, skip it and come back. If a question is asking about something that you have never heard of, make an educated guess and move on.
4. Don’t leave any questions blank. There is no penalty for guessing. If you can eliminate one or more choices on a multiple choice question, great, choose from the rest. Make your best guess on a fill in the blank question, you might guess correctly, but will never get it right if it is blank.
5. Don’t second-guess yourself. Of course, change an answer if lightning strikes and you remember **for sure** that something else is the answer. But if you put B first, and then think “welllll, I dunno, maaayyyybe it’s C?”, you are almost certainly better off leaving it as B.
6. RELAX. You will perform your best if you are relaxed. Prepare diligently, and then relax knowing you did all that you could. The worst-case scenario is that you get a timed run at the exam, including a full review of every question and answer, so you know what to study for next time. That’s not too bad!

## **Study Materials**

Many of these topics are discussed in detail in non-legalese in our new Deskbook series. The topics you need to study are listed by the Deskbook they are covered in, with reference to the rule, statute, or opinion that guides the answer. This guide will refer you to discussions in those deskbooks with the following designations: CVD – Civil Deskbook; CRD – Criminal Procedure Deskbook; JD – Juvenile Deskbook; MD – Magistration Deskbook; OD – Officeholding Deskbook; AD – Administrative Proceedings Deskbook; ED – Evictions Deskbook.

Additional good resources are the Webinar and Newsletter Archives at [www.tjctc.org](http://www.tjctc.org) under the Resources tab, for further discussion of many of these issues. Also, it would be well worth your while to study the Legal Terms and Definitions handout, also downloadable from our website.

In this guide, TRCP means Texas Rules of Civil Procedure, CPRC means Civil Practice and Remedies Code, PC means Penal Code, CCP means Code of Criminal Procedure, FC is Family Code, Prop. Code is Property Code, HSC is Health & Safety Code, ABC is Alcoholic Beverage Code, and TC is Transportation Code. “Et seq.” means “a sequence of statutes in a row, starting with this one.” So if it says FC 65.001 et seq, that means start with Family Code 65.001 and keep reading. Statutes may be found at [www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us).

### **Civil Deskbook**

1. Identify and describe the four types of civil cases that can be filed in justice court. P. 1-2, TRCP 500.3.
2. Understand when and if the Rules of Civil Procedure and Evidence apply, and the court’s role in making them available. P. 2, TRCP 500.3.
3. Define jurisdiction, identify the two different types, and describe the justice court’s jurisdiction in civil cases. P. 3-4, Gov’t Code 27.031.
4. Describe what a court should do if it has no jurisdiction, and how someone can raise the issue of no personal jurisdiction. P. 3-4, TRCP 120a.
5. Understand the “mere passage of time” rule related to jurisdiction. P. 6
6. Identify what should be in a civil docket, and if it can be kept electronically. P. 9-10, TRCP 507.3.
7. Describe what plenary power is and how long it is in justice court. P. 10, 70-73, TRCP 507.1.
8. State whether courts can provide forms to parties or require a party to use the court’s form. P. 10, TRCP 507.2.
9. Identify and describe petitions, including special requirements in debt claim cases, and civil case information sheets. P. 11-13, TRCP 500.2, 502.1, 502.2, 508.2, 509.2, 510.3.
10. Identify and describe filing fees, service fees, and statements of inability to afford payment of court costs, including contests. P. 14-15, TRCP 502.3.

11. Identify when a citation must be issued, what must be in the citation, how it should be served, and what should be served with it. P. 16-21, TRCP 501.1-501.4.
12. Understand what must be in a return of service, and how it is different if the service is by constable or by process server. P. 19-21, TRCP 501.3.
13. Be able to calculate timeframes and deadlines under the rules. P. 21-23, TRCP 500.5.
14. Identify who can identify parties in civil suits. P. 23-24, TRCP 500.4.
15. Identify types of discovery and the pretrial discovery process. P. 24-27, TRCP 500.9
16. Describe how documents other than the citation must be served on parties. P. 27-29, TRCP 501.4.
17. Describe venue, and what happens when a case is filed in an improper venue, and the procedure for a motion to transfer venue. P. 29-33, TRCP 502.4.
18. Describe an answer, and when it is due. P. 33-34, TRCP 502.5.
19. Describe counterclaims, cross-claims, and third-party claims. P. 34-37, TRCP 502.6.
20. Identify when parties can amend pleadings and challenge insufficient pleadings. P. 37-38, TRCP 502.7.
21. Understand default judgment procedures, including what is required to be on file, when a hearing is required, procedures for the hearing, and differences in debt claim cases. P. 38-45, TRCP 503.1, 508.3.
22. Define summary disposition and describe the procedure. P. 45-47, TRCP 503.2.
23. Identify how much notice a party must get for a trial setting, and the process for postponement of the trial. P. 49, TRCP 503.3.
24. Describe the process and limitations of a subpoena. P. 51-53, TRCP 500.8.
25. Describe what happens if the plaintiff or defendant doesn't appear for trial. P. 54, TRCP 503.6.
26. Describe when a party must request a jury trial, and how much the jury fee is. P. 54-55, TRCP 504.1.
27. Define peremptory challenges and know how many a party gets. P. 58, TRCP 504.2.
28. Understand what "invoking the rule" means. P. 60, TRCP 500.7.
29. Describe how interpreters get paid in civil cases. P. 60, TRCP 183.
30. Know whether or not the jury should be charged (explained the law) in civil cases. P. 65, TRCP 504.3.
31. Know how many jurors are on the jury and how many must agree. P. 65, TRCP 292.
32. Know what must be in a civil judgment. P. 66, TRCP 505.1.
33. Know the filing requirements, court action, and timing requirements of the following post-judgment procedures:
  - a. Motions to Reinstate, Set Aside Default Judgment or for New Trial. P. 67-68, TRCP 505.3.
  - b. Judgment Nunc Pro Tunc. P. 68-69, TRCP 316.
  - c. Appeal. P. 70-78, TRCP 506.1, 506.2.
  - d. Writ of Certiorari. P. 79-80, TRCP 506.4, CPRC 51.002.
  - e. Bill of Review. P. 80-82, TRCP 329b(f).
  - f. Writ of Attachment. P. 96-99. CPRC 61.001, TRCP 593-4, 598, 637.
  - g. Writ of Sequestration. P. 94-96, CPRC Chapter 62, TRCP 696 et seq.

- h. Abstract of Judgment. P. 83-84, Prop. Code 52.001 et seq.
  - i. Writ of Execution. P. 85-87, 100-101, CPRC Chapter 34, TRCP 621 et seq, TRCP 635.
  - j. Writ of Garnishment. P. 87-90, CPRC 63.001, TRCP 657 et seq.
  - k. Revival of Dormant Judgment. P. 101-102, CPRC 34.001, 31.006.
  - l. Turnover Order and Application for Receiver. P. 90-94, CPRC 31.002, TJCTC Summer 2016 Newsletter, P. 4 et seq.
34. Know what a writ of procedendo is and whether it is appropriate. P. 77.
  35. Describe the procedure for post-judgment discovery. P. 83, TRCP 500.9.
  36. Understand how a judgment for personal property is enforced. P. 83, TRCP 505.2.
  37. Know the procedure for payment of unclaimed judgment. P. 99-100, CPRC 31.008.
  38. Identify when the Judicial and Court Personnel Training Fee is assessed, and how much it is. P. 14, Gov't Code 51.971.
  39. Apply the requirements and procedures for a foreign judgment filing. CPRC 35.004.

## **Evictions Deskbook**

1. Define an eviction case, and what is at issue in that case. P. 1, TRCP 500.3, 510.3, Prop. Code 24.0051.
2. Know what rules apply to eviction cases. P. 1.
3. Identify the jurisdiction for eviction cases, and what happens if a case is filed in the wrong court. P. 2-3, TRCP 510.3, Prop. Code 24.004, Gov't Code 27.031.
4. Understand when an eviction case can be filed with no "landlord-tenant relationship." P. 4, Prop. Code 24.001, 24.002.
5. Distinguish between tenants for a fixed term, tenants at will, tenants by sufferance, and lodgers. P. 5-7, Prop. Code 92.001.
6. Understand the Protecting Tenants at Foreclosure Act, and how it impacts what notice to vacate is necessary. TJCTC Summer 2018 Newsletter.
7. Understand procedures in eviction suits including:
  - a. Grounds for eviction. P. 12
  - b. Notice to vacate, including the difference between termination notices and notices to vacate. P. 5, 12-15, Prop. Code 24.005, 91.001.
  - c. Representation in eviction suits. P. 15, TRCP 500.4.
  - d. Filing and contents of the petition. P. 15-17, TRCP 502.2, 510.3, 507.2.
  - e. Difference between tenants and occupants. P. 16.
  - f. Issuance, contents, and service of the citation, including return and alternative service. P. 19-23, TRCP 510.4.
  - g. Calculate the appropriate trial date for eviction suits. P. 20-21.
  - h. Immediate possession bonds. P. 23-24, TRCP 510.5.
  - i. Default judgments. P. 25-27, TRCP 510.6.
  - j. Trial date issues, including days after service and postponements. P. 27-28, TRCP 510.7.
  - k. Effects of bankruptcy. P. 29
  - l. Retaliation and rent deduction defenses. P. 30-31, Prop. Code 92.331, et seq.

- m. Procedure, including the fee, for requesting a jury trial. P. 32, TRCP 510.7.
  - n. Contents of the judgment, including possession, rent, costs, and attorney's fees. P. 32-34, TRCP 510.8, 510.11, Prop. Code 24.006, 24.00511, 25.0053.
  - o. Procedure for motion for new trial. P. 34, TRCP 510.8.
  - p. Writ of possession procedures and timeframes. P. 35-39. TRCP 510.8, 500.5, Prop. Code 24.0061.
  - q. Appeal, including timeframes and payment of rent into the registry of the court. P. 40-50, TRCP 510.9, 510.10, 510.11, Prop. Code 24.00511, 24.00512, 24.0053, 24.0054.
8. Understand rules and procedures in Manufactured Home Evictions. P. 51-55, Prop. Code Ch. 94.
  9. Understand rules and procedures in Commercial Evictions. P. 56-57, Prop. Code Ch. 93.
  10. Define a "contract for deed" and when it can be an eviction case. P. 61, Prop. Code 5.064.
  11. Describe the rules and procedures for writs of retrieval. P. 65-69, Prop. Code Ch. 24A.
  12. Describe the rules and procedures for writs of re-entry. P. 70-76, Prop. Code 92.0081, 92.009, 93.002.
  13. Describe the rules and procedures for writs of restoration. P. 77-81, Prop. Code 92.008, 92.0091.
  14. Describe the rules and procedures for repair & remedy cases. P. 82, 90-97, TRCP 509. Prop. Code 92.052.
  15. Describe procedures in security deposit cases, including whether they can be filed with an eviction suit. P. 99-102, Prop. Code 92.101 et seq.

## **Administrative Proceedings Deskbook**

1. Describe the four types of dangerous dog hearings. P. 2-3, HSC 822.002.
2. Identify when a warrant of seizure of a dangerous dog is issued, when a hearing must be held, what may be ordered, and what the appeal process is. P. 6-18. HSC Ch. 822.
3. Identify the process in cruelly treated animal hearings, including the warrant, hearing, order, and appeal. P. 25-30, HSC Ch. 821.
4. Describe the process in disposition of stolen property hearings, including what property they apply to, orders, and appeals. P. 31-37, Code of Criminal Procedure Ch. 47.
5. Describe the procedure for hearings to appeal DPS administrative license suspensions, including when the hearing must be requested, what fee can be charged, the order, reporting requirements, and appeal. P. 45, 47-50. TC 521.300, 521.298, 521.295, 521.299-303, 521.308, 521.309, 521.311.
6. Describe the procedure for hearings to appeal DPS denial or revocation of handgun licenses. P. 66-69. Gov't Code 411.180.
7. State whether filing fees are charged for an ODL application. P. 70, Attorney General Opinion GA-1044.
8. Understand chart of ODL eligibility and where the application must be filed on P. 72.

9. Understand the ODL requirements of essential need and financial responsibility. P. 75, TC 521.241, 521.244.
10. Identify the travel limits that may be placed in an ODL order. P. 76, TC 521.248.
11. Identify the process after an ODL order issues, including if an appeal is allowed, and the requirements for the court. P. 81, 83-84. TC 521.245, 521.248, 521.249, 521.250, 521.251, 521.253, 521.421.
12. Identify which court a tow hearing may be held in. P. 93, Occupations Code 2308.453.
13. Identify when a person must request a tow hearing and when it must be held. P. 93-94, Occupations Code 2308.456, 2308.458.
14. Identify what issues can be decided in a tow hearing and what the order may contain. P. 95-96, Occupations Code 2308.451, 2308.458.
15. Describe the tow hearing appeal process. P. 96. TRCP 506.1, Occupations Code 2308.459.

### **Officeholding Deskbook**

1. Identify the duties of the clerk, including when a signature stamp can be used. P. 17-18, Gov't Code 27.056, Attorney General Opinion JM-373.
2. Describe the different types of contempt and the punishments for each. P. 25-32, Gov't Code 21.002, Code of Criminal Procedure 45.050, Prop. Code 92.009, 92.0091.
3. Recordkeeping and reporting duties. P. 44-47; 52-55; 58-61.
4. Identify the costs that can be charged for copies. P. 64, Local Gov't Code 118.121.
5. Distinguish between case records and judicial records, and describe the rules for public access to each. P. 121-129.
6. Identify the requirements of a clerk to post self-help resources for self-represented litigants. Gov't Code 51.808.

### **Criminal Deskbook**

1. Describe the criminal jurisdiction of justice courts, including Class C misdemeanors, and fine-only misdemeanors. P. 2-3, CCP 4.11, PC 12.23.
2. Describe the proper venue for criminal cases in justice court and what happens if cases are filed in an improper venue. P. 3-4, CCP 4.12.
3. Distinguish between citations ("tickets") and complaints, and the requirements for each. P. 4-7, CCP 14.06, 27.14, 45.018, 45.019.
4. Identify the statute of limitations for misdemeanor cases. P. 7-8, CCP 12.02, 12.04.
5. Describe what must be in the docket, when it must be posted in a public place, and if it can be maintained electronically. P. 8, CCP 17.085, 45.017.
6. Identify the procedure that must be followed before an arrest warrant can issue in a criminal case, including warrants based on the defendant not appearing. P. 10-11, CCP 45.014.
7. Distinguish between FTA and VPTA, and when each (or neither) is appropriate. P. 11-15, PC 38.10, TC 543.009.
8. Identify what "Rules of the Road" offenses are. P. 12.
9. Understand how someone gets reported to Omni, how they get out, what the Omni fee is, and when it is assessed. P. 15-17, 61-63, TC 706.004-.005.

10. Understand when someone may be reported to collections, what the collection fee is, when it is collected. P. 17-18, 61, CCP 103.0031.
11. Identify the procedure and timeframe for reporting a defendant under the NRVC. P. 18-19, TC Ch. 703.
12. Understand the bond forfeiture process. P. 19-21, CCP Ch. 22.
13. Identify the types of pleas a defendant may enter, and how they may enter them. P. 24-26, CCP 45.020, 45.024, 27.14.
14. Describe an appearance bond, and the requirements of them. P. 26-27, CCP 45.016.
15. Describe the procedure for deferred disposition, including eligibility, timeframes, fees, show cause hearings, and consequences for noncompliance. P. 28-34, CCP 45.051.
16. Describe the procedure for DSC dismissal, including eligibility, timeframes, fees, show cause hearings, and consequences for noncompliance. P. 35-42, CCP 45.0511.
17. Understand if a defendant has to “pick” jury or bench trial, and what happens if they remain silent, and whether there is a fee for a jury trial. P. 45, 52, CCP 45.024, 45.025.
18. Understand when an interpreter is required, and who pays for the interpreter. P. 48-50, CCP 38.30, 38.31.
19. Know how many jurors are on a criminal jury, and how many must agree on the verdict. P. 52-53, CCP 33.01, 45.036.
20. Know how the jury is charged in a criminal case. P. 53, CCP 45.033.
21. Identify the burden of proof in a criminal case. P. 53.
22. Identify the standard for when a court may and when a court must grant a continuance. P. 55, CCP 29.035.
23. Describe the options for when a prosecutor doesn’t appear. P. 55, CCP 45.101.
24. Distinguish between judgments of acquittal, dismissal, and conviction, when each is appropriate, and the contents of each. P. 56-57, CCP 45.041.
25. Describe a bill of costs. P. 57, CCP 103.001.
26. Understand “debtor’s prison”, “indigence”, “inability to immediately pay”, and “alternative satisfaction of fine and costs.” P. 58-61, CCP 45.041.
27. Describe the Time Payment Fee and when it applies. P. 59, Local Gov’t Code 133.103.
28. Describe the requirements for community service, including the need for a written order, and the minimum credit that a defendant must receive. P. 60. CCP 45.049.
29. Explain when fines and costs may be waived. P. 61, CCP 45.0491.
30. Define capias pro fines and the process that must be followed to issue one. P. 63-65, CCP 45.045.
31. Describe an order of commitment and when it may be issued. P. 66, CCP 45.046.
32. Identify the timeframe and standard for requesting and granting a motion for new trial, including when a plea was entered in jail. P. 68, CCP 45.038, 45.023, 45.039, 45.040.
33. Describe the appeal process, including timeframe and bond amount, as well as the special process when a written plea is entered and appeal bond requested. P. 68-70, CCP 45.042, 45.0426, 45.0425, 27.14(b).
34. Identify whether a defendant can appeal once they pay the judgment. P. 69, *Fouke v. State*.

35. Identify which records are confidential, and who confidential records can be released to. P. 72, CCP 45.0218.
36. Describe the process, including eligibility, petition requirements, and filing fees for expunction of arrest records. P. 72-79, CCP 55.01, 55.02.
37. Identify fine ranges for:
  - a. Class C Misdemeanors. PC 12.23.
  - b. General Transportation Code Provisions. TC 542.401.
  - c. Other Transportation Code Provisions
    - i. DWLI. TC 521.457.
    - ii. Seat Belt. TC 545.413.
    - iii. Child Passenger Safety Seat. TC 545.412.
    - iv. FMFR. TC 601.191.
    - v. Passing a School Bus. TC 545.066.
    - vi. Overweight Offenses. TC 621.506 & 623.019.
    - vii. Texting and other Electronic Communication Offenses. TC 545.424, 545.425, 545.4251.
  - d. Tobacco Offenses. Health & Safety Code Ch. 161
  - e. Parent Contributing to Nonattendance. Education Code 25.093.
38. Identify how the fine is distributed in Parks & Wildlife cases. P. 80, PWC 12.107.
39. Describe when traffic offenses are reported to DPS. P. 87, TC 543.203.
40. Identify the three offenses that must be given a ticket instead of being taken to jail. P. 89, TC 543.004.
41. Describe the offense of Parent Contributing to Nonattendance. P. 90, Education Code 25.093.
42. Identify when the offenses of Theft and Issuance of Bad Check are Class C misdemeanors. P. 91, PC 31.03, 32.41.

## **Magistration Deskbook**

1. Know how long the record of a magistration must be kept. P. 7, CCP 15.17.
2. Understand the requirements related to EPOs, including reporting handgun license suspensions, modifications, and sending a copy to the victim. P. 27-29, CCP 17.292.
3. Identify when a warrant is available for public inspection. P. 45, CCP 15.26.

## **Juvenile Deskbook**

1. Describe the process in truant conduct cases, including the referral, petition, summons, adjudication hearing, court cost, remedial order, and appeal. P. 1-25, 36-38, FC Ch. 65.
2. Describe the consequences when a remedial order in a truancy case is disobeyed. P. 25-29, FC 65.251, 65.253, 65.255.
3. Describe the confidentiality of truancy records and to whom they may be released. P. 33, FC 65.202.
4. Describe sealing truancy records, when it may happen, and what it means. P. 34-35, FC 65.201.
5. Define a "child" in criminal cases, and when a justice court has jurisdiction over criminal cases involving children. P. 46, FC 51.02, CCP 45.058.

6. Describe when a court may and when a court must transfer a case to juvenile court. P. 46-47, FC 51.08.
7. Describe when a child must enter their plea in open court and when a parent must be present in regular criminal cases and in alcohol cases. P. 48-49, 75, CCP 45.0215, ABC 106.10.
8. Explain the court's responsibility in explaining expunction rights. P. 49-50, CCP 45.0216.
9. Know what can be done if a child doesn't appear as directed for a criminal case and describe the process for a notice of continuing obligation. P. 51-54, CCP 45.057, 45.060.
10. Identify what is different about deferred disposition for people under 25 on traffic offenses. P. 58-59, CCP 45.051.
11. Describe the procedure when a child fails to comply with an order issued upon conviction. P. 64-65, CCP 45.050.
12. Know if and when a capias pro fine can issue for an offense occurring before the defendant's 17<sup>th</sup> birthday. P. 70-71, CCP 45.045.
13. Define a "minor" under the Alcoholic Beverage Code. P. 72, ABC 106.01.
14. Identify the 7 offenses that justice courts get under the Alcoholic Beverage Code. P. 72-73, ABC Ch. 106, PC 49.02.
15. Identify the penalties and sanctions for convictions of those 7 offenses, including when there is a prior conviction. P. 79-87. ABC 106.071, 106.041, 106.115.
16. Describe expunction rights related to alcohol cases. P. 88-89, ABC 106.12.
17. Identify DPS reporting requirements related to alcohol cases. P. 89-90, ABC 106.117.
18. Identify what a tobacco offense is and the penalty, procedure, and expunction rights. P. 92-96, HSC 161.252-.255.
19. Define a "school offense" and know when or if citations can be filed on them, and what the proper age range is. P. 97, 99-100, Education Code 37.141, 37.143, CCP 45.058.
20. Identify distracted driving offenses related to minors, including the fine amounts. P. 101, TC 545.424.
21. Describe which records involving juveniles are confidential, and who those records can be released to. P. 103-104, CCP 45.0217.
22. Describe which records involving juveniles may be expunged, and the procedure for doing so. P. 104-106, CCP 45.0216,

## **Inquests Deskbook**

1. Identify which records related to inquests are kept, for how long, and to whom they can be released. P. 21-23, Gov't Code 27.004, Attorney General Opinion JC-0542, CCP 49.15.

## Practice Questions

1. **When asked about a defendant's Truant Conduct case records which have been sealed, the proper response from a clerk is:**
  - a. Those records are sealed and unavailable for public disclosure
  - b. If you wish to view those records, you must fill out a written request and the judge will determine if you have a legitimate interest
  - c. We have no records related to that individual
  - d. If you wish to view those records, you must obtain a written order from a juvenile court
  
2. **Klumsy Karl slips and falls at Franklin Barbecue. He sues Franklin. Franklin feels like the responsible party is their janitorial service, ABC Janitorial, who left soapy water on the floor. To make a claim against ABC, Franklin must file a:**
  - a. Counterclaim
  - b. Cross-claim
  - c. Third party action
  - d. Interpleader
  
3. **Passing a school bus while loading/unloading children carries a maximum fine of \$1250. Which of the following is true:**
  - a. Justice courts don't have jurisdiction over this offense since the maximum fine is over \$500
  - b. Justice courts have jurisdiction but may not assess a fine over \$500
  - c. Justice courts have jurisdiction and may assess a fine up to \$1250
  - d. Justice courts have jurisdiction only if the driver is under 18 years of age
  
4. **Jeff lives in Travis County, Pct. 2. He gets his license suspended as a result of being pulled over, arrested for DWI, and refusing to provide a breath or blood sample. The stop occurred in Travis County, Pct. 5. Which JP court may he apply for an ODL in?**
  - a. Travis County, Pct. 2 only
  - b. Travis County, Pct. 5 only
  - c. Any Justice Court in Travis County
  - d. No Justice Court has jurisdiction, may only apply to the court that hears his DWI trial
  
5. **A judgment is rendered in a small claims case on Wednesday, April 2. A Motion for New Trial is filed on Monday, April 8, and is denied by the judge on Thursday, April 18. What is the last day that an appeal may be filed?**
  - a. Wednesday, April 23
  - b. Tuesday, April 29
  - c. Thursday, May 2
  - d. Thursday, May 9

6. Tom has a CDL license. He receives a citation for disorderly conduct. Can Tom be placed on deferred disposition for this offense?
  - a. Yes
  - b. No
  
7. Effective September 1<sup>st</sup>, an additional fee for the Court Personnel Security Fund must be collected on all civil filings. The amount of the additional fee is \$\_\_\_\_\_.
  
8. Any filing period must be extended to the next business day if the court closes before \_\_\_\_\_.

**PRACTICE KEY: 1.C 2.C 3.C 4.C 5.D 6.A 7.\$5 8. 5:00 PM**