

Dallas City Boards and Commissions Agenda

Meeting Minutes

The Judicial Nominating Commission meetings are recorded. Agenda materials are available online at www.dallascityhall.com. Recordings may be reviewed/copied by contacting the Judicial Nominating Commission - Coordinator at 214-670-1858.

Meeting Date: August 15, 2018 **Convened:** 6:14p.m. **Adjourned:** 7:46.p.m.

Boardmembers Present:

Joseph William Moore
Andre Turner
Gregory Demus
William Cox III
Siren Singh
Jennifer Balido
Mark A Melton, **Chair**
Judge Preston Robinson - **Ex Officio**
Chris Caso – **Ex Officio**

Boardmembers Absent:

Stephanie Champion
Andres Correa
Nicole Williams
Monica Purdy
William Weinberg

Staff Present:

Maxime Faye (Coordinator)
Carmel Fritz (Compensation Manager, City of Dallas)

AGENDA:

Call to Order:

Committee Chair Melton called an open session of the Judicial Nominating Commission (JNC) Meeting to order at 6:14 p.m., Wednesday, August 15, 2018 at Dallas City Hall, 1500 Marilla, 4DN-Team Room, Dallas, TX, 75201. A quorum was present, and attendance documented with each member signing the attendance sheet.

Opening Remarks:

All members also introduced themselves to the committee. Mr. Caso introduced two guests that he invited to attend the meeting: Mr. Rodney Patten, Municipal Prosecutor at the City Attorney's Office, and Ms. Rocky Jones who will become the Criminal Court Judge for the 203rd District as of January 1st, 2019. Mr. Jon Fortune, Assistant City Manager for Public Safety, and Ms. Carmel Fritz, Compensation Manager attended the meeting as well.

1. Approval of Meeting Minutes:

February 6, 2018 – March 27, 2018 – April 4, 2018 – April 5, 2018 – April 10, 2018 – April 11, 2018 – April 16, 2018.

Motion by: Chris Caso

Motion seconded by: Joseph William Moore

✓ Motion Passed

2. Recommending a Full Time Municipal Judge candidate to replace Yolanda Jurado-Gesswein:

- Chair Melton addressed the Committee to explain that Ms. Yolanda Jurado-Gesswein rescinded her acceptance of the Full Time Municipal Judge position, and that the JNC is charged with selecting the replacement for the vacant seat. In preparation for the meeting, Chair Melton contacted Ms. Marcia Tillman, Ms. Dalerie Moore and Ms. Stefanee Davis who were the runners-up from JNC's original recommendation to the Ad Hoc Committee and confirmed that all three would accept a position if selected by the JNC. Mr. Caso suggested that the best approach might be to just use that original list of recommendations to the Ad Hoc Committee and select the runner-up since it was already approved by council.
- Motion to recommend Marcia Tillman as a Full Time Municipal Judge

Motion by: Joseph William Moore

Seconded by: William Cox III

✓ Motion Passed

- Judge Robison stated that Ms. Marcia Tillman is currently an Associate Judge and promoting her would create an additional vacancy. Therefore, the JNC should consider making another recommendation to replace Judge Tillman.
- Chair Melton and Mr. Caso stated that the JNC could not take action on the associate judge position because that item was not posted on the agenda for the meeting and agreed that the proper process would be to post it in the agenda for the next meeting and take action at that time.

3. Discussions on Court Reform and Warrant Forgiveness Program:

- Mr. Patten stated that from the prosecution perspective, there have been efforts to make the process more effective and efficient for citizens at the pre-trial phase so that they would not have to return to court as often as in the past. They are looking at various things such as mailing in a plea requesting a trial date. By pushing the case to the pre-trial docket, citizens do not have to come to court two or three more times. However, if the pre-trial is reset, then they would have to appear again. If represented by Counsel, the client's appearance could be waived. Also, "evening courts" have been implemented to provide flexibility in the schedule.
- Chair Melton asked Mr. Patten to explain the pre-trial process and how citizens end up taking two or three trips to court.
- According to Mr. Patten, citizens have 21 days to appear in court to handle their ticket. If they show up within that timeframe, they would go to "plea court" (Trip 1). Then if a citizen requests a jury trial, then the case would go to a "pre-trial docket" (Trip 2). At the pre-trial docket, if the citizen reaffirms his request for a jury trial, then the case will go to a trial docket. Trial dockets can have up to 55 cases for one prosecutor to handle. There might be resets, which could lead to trip 4 or even trip 5 at times. Also, it must be noted that each jury trial could take an entire day in court.
- Judge Robinson stated that the evening court that Mr. Patten mentioned is the extension of regular court (which ends at 3:00pm) to 7:00pm on Tuesdays. There is also a Downtown Community Court taking cases on Thursdays for both Community cases and all other cases (walk-ins). Citizens can pay window fines, but they can also see a Judge. Within the 21-day period, citizens also have the option to handle tickets online. They will, however, be required to post the bond past the 21-day period. Judge Robinson also stated that Associate Judges are currently training and should be ready by September 2018.
- Mr. Caso suggested that more efforts should be directed towards informing the public about the wide array of options that they have, especially the options available online.
- Mr. Fortune stated that he is interested in looking into the current number of outstanding warrants (going back to 1998), and the challenges in prosecuting them given the high turnover rate with DPD; which make it seem less feasible. The current discussions in finding a solution don't necessary lean towards a warrant forgiveness program, but more about

alternative ways of disposing of those cases except for family violence and violent cases in general.

- Ms. Balido stated that some citizens have concerns walking in the court to resolve issues because of active warrants they have.
- Judge Robinson stated that they are working on the message to tell citizens that the court is a safe place, and that they will not be arrested if they show up to take care of business. Regarding old warrants, they are closely looking at the reliability of the information.
- Chair Melton stated that the JNC will be reviewing the current processes so that evidence-based solutions could be found. There are currently 718,000 outstanding warrants in the City of Dallas. The outstanding balance due is \$ 82.5 million. It is therefore a high-volume issue with certain cases that could be dismissed because the officer might not remember the fact, but there are also legitimate cases that should be pursued. Maybe the solution could be a warrant forgiveness program like in St-Louis and Fort-Worth. A solution could be – as an example – to give citizens a deadline of 30 days to come settle their cases for the original fine and waive fees and jail time.
- Ms. Balido stated that when she was a Judge, there was a common issue she encountered while overseeing a program for people who got out of jail and went to treatment. They used to come back with city tickets. It appeared that the City was holding them, and still expected them to pay the fines after they were released without credit for “time served”.
- Mr. Fortune stated that is was an issue they were aware of, and it is being reviewed to find solutions.
- Chair Melton stated that given the diversity of commissioners present at the meeting (prosecutors, judges, defense lawyers and city administrators), it should be possible to develop objective solutions. It seems that citizens who are aware that they might have to visit four times the court for an \$80 speeding ticket will most likely do a cost-analysis and feel as though they are better-off writing a check. Such situation does not reflect justice. Therefore, he suggests that the JNC should take a divide and conquer approach and split all these issues into silos for members who can volunteer to work on those specific issues which would lower the work load for the Commission: (1) There is the warrant issue which involves making a decision as to whether the method to resolve it should be dismissals or a different approach. (2) Then, there is a need to review of local rules, which entails review them and interview local Judges, defense lawyers and a wide range of stakeholders to assess what is working and what’s not.(3) The third category is the pre-trial process and how to

streamline it. There seem to be competing notions of people dragging cases for years versus possible miscarriages of justice by making themselves sole owners of said cases. (4) The fourth category involves intergovernmental communications issues with figuring out who we are talking to and who we are giving information to; and whether there is a better process to handle it. Along with the fourth category, also comes the deferred adjudication issue and talking to ourselves when we have a violation of probation. (5) Finally, the fifth category entails a study of how to use technology to improve processes specifically with resolving cases online. For instance, Farmers Branch implemented a brand-new system where you can litigate your case on the internet with prosecutors who receive your documents, make recommendations to the judge who can write back to citizens who do not have to be present in court. We are not sure that if this method would be realistic based on Dallas; scale, but this is an approach worth exploring.

- Judge Robinson stated that Dallas has already a similar method through the mail docket which is not necessarily as futuristic as in Farmers Branch. If a citizen sends a request with deferred by mail, it's put on the mail docket resulting in prosecution making a recommendation. Then a notification is sent back to the citizen. Even people currently incarcerated can write to obtain credit for "time served" and possibly receive judgement via this method. The City also has the online option where a citizen can request a pre-trial or defer.
- Chair Melton stated that once all categories are reviewed and solutions found, it will be critical to notify the public and inform people about the wide-range of options they have.

4. Forming Recommendations for Judicial Compensation:

- Chair Melton stated that one of JNC charges in the ordinance is to form recommendations to council for Judicial salaries. Currently, Administrative Judges make \$ 109,242 per year, Associate Judges make \$ 101,198 per year with a reduction for Judges in their first and second year at \$ 90,043. There are also hourly rates for certain Associate Judges that Ms. Fritz will discuss later in her presentation. The number of judges was reduced from 12 to 10 which gives \$ 202,000 available in the budget; which makes the conversation budget neutral.
- Ms. Fritz stated that HR conducted a survey on salaries for Municipal and Administrative Judges locally in cities around Dallas and in Houston, Houston and El Paso. Ms. Fritz provided copies of her findings to JNC members. The average salary for Municipal Court Judges in Dallas is 26%

below the market. Dallas is paying \$ 109,000 but the average in other cities is \$ 131,000 for Municipal Judges. Associate Judges in Dallas make close to \$ 101,000 but the average in other cities is \$ 127,000.

- Chair Melton stated the purpose of discussing this item was not to make a vote right away, but to present the information.
- Ms. Fritz stated that the study did not take benefits into consideration because it would not make a substantial difference.
- Mr. Caso suggested that the Commission should keep in mind the major complaint his office receives is regarding the workload. Basically, some Judges take-on additional dockets but all have the same salary.
- Ms. Balido asked whether the Judges' performance evaluation would be incorporated in the hiring process in the next go around.
- Chair Melton stated that the latest evaluations received were not very useful. However, the Commission could use performance evaluations in the hiring process if they are adequate. The entire court might also need to be restructured. For instance, the Clerk does not work for the Judge and this creates a problem. Therefore, the Commission has a great deal of work to do in improving the Courts.

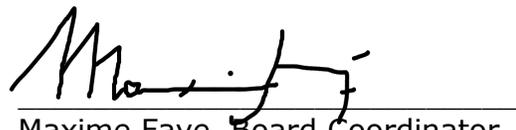
The meeting was adjourned at 7:10 p.m.

APPROVED BY:



Mark Melton, Chair
Judicial Nominating Commission
Dallas City Boards and Commissions

ATTEST:



Maxime Faye, Board Coordinator
Judicial Nominating Commission
Dallas City Boards and Commissions