

Challenging Cases in Justice Court

- Hon. Valencia Nash
- Dallas County Justice of the Peace, Pct. 1-2

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What does a challenging case mean to you?

You will get a chance to talk about your own experience later in the class

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How does this play out in justice court?

- Media sensitive cases
- 'Hot topic'
- Difficult parties
- Hard emotional call

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Heavy is the head
that wears the crown

'Things to Think About'
Used with permission of Mark Davis

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Politics are everywhere ...

Maybe the judiciary should be free of politics ...

Not gonna happen.

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- Should our decisions be able to be predicted by our political background?
- Should conflicts with other JPs ever enter the cases before us?
- When should a judge get possessory over cases pending in two different courts?

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When judicial ethics and knowledge of parties/facts/attorneys intersect

- Should I have recused myself as facts unfolded?
- If not, should I have disclosed the knowledge I had?

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- If you are in a small community, how can ANY trial take place in a rural county?

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- How great of an effort should a judge take to protect a case from letting their own knowledge impact the outcome?
- Or jurors' knowledge of a case?

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Emotional toll of tough cases

- Judges are human (some think they are not – “Black Robe Disease”)
- Humans have feelings
- How can we prevent the pressure of emotional cases affecting our lives outside the Courthouse?

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Balancing your role and emotions

- Does a judge's allegiance to the law mean that we must be free of emotion?
- Should we prevent shows of emotion by parties and attorneys?
- Should we/can we present our emotions from affecting our rulings?

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Never allow your personal biases to interfere with your judgment in any case. You can't go wrong if you apply the law to the facts.

You will see cases that touch on bias.

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Group Work

CHALLENGING CASES

Most difficult case you have had:

What is the best thing you did to handle the case:

What do you wish you'd done differently:



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Group work at your table

- Complete the sheets in the middle of your table
- 20 minutes to complete and discuss
- Choose top 2 scenarios for group discussion

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Share your answers

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- Remember the ethics class you just attended!
- Canon 2: A. & B.
 - A judge ...should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
 - A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not ...convey or permit others to convey the impression that they are in a special position to influence the judge.

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5 suggestions to consider when you have a challenging case:

1. Talk it Over with another Justice of the Peace
2. Take the case under advisement before making a hasty decision.
3. Look at TJCTC legal board to determine whether the issue could have been asked before
4. Remember that Judges have discretion
5. We are all Human

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Thank you!

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Optional scenarios

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Scenario 1:

- Your pastor is suing your next-door neighbor for a riding lawn mower in the amount of \$500. You know that the lawn mower has been in disrepair and to the shop more than 4 times and that the true value of the lawn mower is \$50.

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Scenario 2:

- The State files a case alleging that an 85 year old grandma has cruelly treated her sheepadoodle by tying him up to her tree as she sits on the porch. You remember when your grandmother used to tie her dog to the tree in East Texas back in the day. What do you do?

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Scenario 3:

- Your husband's ex-wife appears in your court and sues her landlord for a repair and remedy case. She does not have sufficient evidence to prove her case by a preponderance of the evidence. What do you do?

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Scenario 4

- You hire your good friend's daughter as a clerk in your office. You have received numerous complaints about her behavior and that she fails to send notices for hearings in a timely manner. You have been friends for more than 20 years, what do you do?

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Scenario 5

- A party enters your court for her case at 10:00am. She is wearing a shirt with the F word in bold, pink, large font. What do you do?

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