

-----Original Message-----

> From: Judge Benjamin N. Smith
> Sent: Friday, December 20, 2019 1:59 PM
> To: Bill Bilyeu ; Lynne Finley ; Judge Lisa Bronchetti
> Subject: RE: Hearings Personnel
>

> The district judges were informed once by the auditor or HR that temps can be provided without impact to a department's budget. Is this a potential short-term solution? Could the magistrate request temps to help with the work not being performed by the district clerk for an interim period during which we could try to find a long-term solution?

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> -----Original Message-----

> From: Bill Bilyeu
> Sent: Friday, December 20, 2019 8:13 AM
> To: Lynne Finley ; Judge Lisa Bronchetti ; Judge Benjamin N. Smith
> Subject: RE: Hearings Personnel
>

> Judge Smith,

>

> I want to make you aware of the a situation with the District Clerk. Ms. Finley has determined that she does not have to staff the court operations of the new magistrate position. Sec. 54.2210 of the Government Code provides that the local administrative judge shall insure that duties required by local rules and the statute are performed. I ask that you review the email below and make a determination upon the requirements of the district clerk.

>

> For background information, the Commissioner Court transferred all 3 positions that supported the arraignment process from the Judge Raleeh's court to the District Clerk. In addition, the Commissioners Court added 1/2 position in staffing to assist with the support of any mandated court operations (examining trials, protective order and bond modifications).

>

> Thanks,

> Bill

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> -----Original Message-----

> From: Lynne Finley
> Sent: Friday, December 20, 2019 6:53 AM
> To: Judge Lisa Bronchetti
> Cc: Bill Bilyeu ; Cindy Watson >; Tammy Mueller
> Subject: Re: Hearings Personnel
>

> Judge,

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> There is no staff budgeted at the courthouse and the magistrate clerks do not have time to be present. You are

aware of this problem. I cannot provide staff that I don't have. If you have any solutions, I'm happy to discuss with you. We have worked on the procedures for you but cannot devote any more unbudgeted staff to the detriment of our core functions to the district courts. It's not ideal, but it's the situation that we are in. There is nothing unreasonable in having you prepare your own orders for the modifications. Please call if you need to discuss further.

Thank you for your understanding.

>

> Lynne Finley

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> Sent from my iPhone

>

> On Dec 19, 2019, at 2:43 PM, Judge Lisa Bronchetti wrote:

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> I do not believe this is a reasonable option and request the clerk to be present for all hearings.

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> Tomorrow the examining trials will probably all go away but I will be making docket entries on Odyssey for

each case and there are inmates who will be ordered released due to no PC. I'm sure the jail will need to be sent

those orders. It is not acceptable for an inmate to be held after a finding of no probable cause because they are

waiting for an order at the leisure of the district clerk, who may or may not get around it. This would constitute an

unlawful detention.

>>

> As for the Tuesday motion docket, the district clerk needs to be present to prepare orders. The parties need to be

able to obtain copies of their modified orders before leaving the courthouse, and the orders need to be distributed to

relevant parties in a timely fashion. This is the only way to avoid a defendant from being unlawfully arrested for an

emergency protective order violation that was modified to allow contact. Not only do parties need their copies but a

copy has to be distributed to the police and sheriff of the agency where the protected address is located. It is also not

reasonable to require an attorney, witness or defendant to run over to the jail and wait in the lobby to receive a copy

of their order.

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> Lisa Bronchetti

> Collin County Magistrate

> 4300 Community Ave., Suite B 1107

> McKinney, TX 75071

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> -----Original Message-----

> From: Lynne Finley

> Sent: Wednesday, December 18, 2019 5:09 PM

> To: Judge Lisa Bronchetti

> Subject: RE: Hearings Personnel

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>> The part time clerk is not going to work out for the hearings. We are going to have a basket with forms on the third floor for individuals to take and fill out for hearing requests for amendments. They will be instructed to email them to the magistrate clerks to handle after arraignment duties are complete if time permits. We will show you where we print the orders for examining trials and how to get to the copier so you can handle those for now. The deputies will keep the docket list for the hearings and check in as people come in. You can docket as usual, but the magistrate clerks will pull them from the computer system if they are not available to leave the jail, they will prepare and print for your signature when possible. Those wanting the orders the same day, will need to wait in the jail waiting area, if the clerks have time to get to them that day. I may seek a legal opinion as to this legislation. I'm unclear from the language where the clerks are responsible for these duties. Bill Bilyeu said you might have some thoughts on interpretation of the legislation. You can call my cell phone anytime if you want to discuss.
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> I'm meeting with TMPA tonight. I'll let you know how it goes.

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> Lynne

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> -----Original Message-----

> From: Judge Lisa Bronchetti

> Sent: Wednesday, December 18, 2019 3:59 PM

> To: Browse Lynne Finley Files...

> Subject: RE: Hearings Personnel

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> Hope the meeting went well today. I'm busy right now reviewing cases for arraignment. Please email your suggestions and I will let you know of any concerns I might have.

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> Lisa Bronchetti

> Collin County Magistrate

> 4300 Community Ave., Suite B 1107

> McKinney, TX 75071

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> -----Original Message-----

> From: Lynne Finley

> Sent: Wednesday, December 18, 2019 3:09 PM

> To: Judge Lisa Bronchetti

> Subject: Hearings Personnel

>>

> Lisa,

>>

> Please call me when you have time. We have run into a problem with our attempt to staff your hearings. We

have another way to provide a band aid for the insufficient staffing but we will need to work with you on some of the things you will need to do for the hearings.

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>> Lynne Finley