

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Special Meeting

May 9, 1974

11:00 A.M.

Electric Building Conference Room
301 West Avenue

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann,
Mayor Butler, Mayor Pro Tem Love

Absent: None

The Mayor stated that this was a Special Called Meeting for the purpose of a conference with Presiding Judge John Brady and Municipal Court Clerk Richard Hill for the purpose of discussing the Municipal Court; and to announce that the Council would go into executive session.

Judge Brady reported that since he had been appointed Judge of the Municipal Court, changes had been made in procedure, and law had been the basis for each change. He stated that the Court was administered for every citizen and not for any group that wanted a special favor and added that he had never received or given special favors. He reviewed the number of matters filed in the Court each year, stating that there were 2,500 on the docket as a backlog when he was appointed; and now there was no backlog. He discussed the granting of contingencies in that each case was considered by the Judge and not the Clerk on its own for a valid reason, and there was no blanket granting of delay of cases. He discussed the cash bond requirement and the requirement of the defendant, not the attorney, to sign the bond. He discussed jury cases, requiring the lawyer to appear on Tuesday before the case was to be heard on Wednesday if they wanted a postponement. He added that the appeal bond could not be filed after ten days.

He stated that he would not continue to sit as a Judge if subjected to periodic examinations by the Bar Association or the City Council, and he would not be subjected to an investigation by the Bar Association in that they had no legal right to do so. He interjected that they must not run the Court and that the Council should choose wisely in selecting the presiding judge and then place the burden on him.

In response to Mayor Pro Tem Love's question, Mr. Laird Palmer, Austin attorney and Chairman of the Bar Association Committee, stated that his Committee was looking into the operation of the Court for a period of time. Members of the Council brought out that this meeting was not an investigation. Councilman Binder inquired if it would be feasible that there be a judge on Friday and Saturday nights to permit the posting of bail, and it was noted that the judge was available until 12:00 midnight. Councilman Binder asked if another judge could be available after this time and discussion was held. Mr. Richard Hill, Municipal Court Clerk, stated that in 1966 a night court had been established; and it had not been economically feasible to have a clerk and judge there; and it was abandoned. He did not know how the growth factor would effect that now, and Mayor Butler asked Mr. Hill to check this and let the Council know.

Judge Brady asked the Council to affirm the Court as being an individual body responsible to the people of Austin. Mayor Butler stated that the Council's position was that the Court was operated for the people. Each Councilman affirmed the fact that they had no complaint against Judge Brady.

At 12:20 p.m. Mayor Butler announced that the Council would go into Executive Session.

APPROVED: _____


Mayor

ATTEST:



City Clerk