



## **Ability to Pay Hearings: A Primer for Judicial Officers Case List and Additional Resources**

### **Fourteenth Amendment Due Process & Equal Protection Cases**

- ❖ *Griffin v. Illinois*, 351 U.S. 12 (1956)
- ❖ *Williams v. Illinois*, 399 U.S. 235 (1970)
- ❖ *Tate v. Short*, 401 U.S. 305 (1971)
- ❖ *Bearden v. Georgia*, 461 U.S. 660 (1983)
- ❖ *Turner v. Rogers*, 564 U.S. 431 (2011)
- ❖ *Tumey v. Ohio*, 273 U.S. 510, 524 (1927)
- ❖ *Ward v. City of Monroeville*, 409 U.S. 57 (1972)

### **Eighth Amendment**

- ❖ *Stack v. Boyle*, 342 U.S. 1, 5 (1951)
- ❖ *McDonald v. City of Chicago*, 561 U.S. 742, 765 n.12 (2010)
- ❖ *Timbs v. Indiana*, 139 S. Ct. 682 (2019)

### **Right to Counsel**

- ❖ *Alabama v. Shelton*, 535 U.S. 654 (2002)

### **Additional Resources**

Model Code of Judicial Conduct R. 1.1-1.2, 2.1, 2.6 (ABA 2010)

Bangalore Principles of Judicial Conduct 1.1-1.6 (2002)

[\*Principles on Fines, Fees, and Bail Practices\*](#), National Task Force on Fines Fees, and Bail Practices (2019)

[\*Lawful Collection of Legal Financial Obligations: A Bench Card for Judges\*](#), National Task Force on Fines, Fees, and Bail Practices (2017)

[\*Guidance on the Right to Counsel in Legal Financial Obligation Cases\*](#), National Task Force on Fines, Fees, and Bail Practices (2017)

[\*Model Policy Statements to Ensure the Appearance of Fairness and Impartiality and Avoidance of Conflicts of Interest\*](#), National Task Force on Fines, Fees, and Bail Practices (2017)

[\*Model Operating Standards for Courts of Limited Jurisdiction\*](#), National Task Force on Fines, Fees, and Bail Practices (2017)



CITY OF COLLEGE STATION  
Municipal Court

PAYMENT EXTENSION APPLICATION

COMPLETE ALL SECTIONS AND RETURN THIS FORM WITHIN 10 DAYS FROM **TODAY'S DATE:** - -

**SECTION 1 – PERSONAL INFORMATION:**

FIRST NAME MIDDLE NAME LAST NAME DATE OF BIRTH

HOME ADDRESS APT # CITY STATE ZIP CODE

**DRIVER LICENSE/ID #** SOCIAL SECURITY # **MARITAL STATUS**  
SINGLE MARRIED DIVORCED WIDOWED

( ) - ( ) - ( ) -  
AREA CODE HOME PHONE AREA CODE CELL PHONE AREA CODE WORK PHONE

SPOUSE'S NAME FIRST NAME MIDDLE NAME LAST NAME DATE OF BIRTH

**REFERENCES: LIST 3 REFERENCES – FAMILY OR FRIEND (NOT LIVING WITH YOU)**

CONTACT #1 FIRST NAME MIDDLE NAME LAST NAME AREA CODE PHONE #

CONTACT #2 FIRST NAME MIDDLE NAME LAST NAME AREA CODE PHONE #

CONTACT #3 FIRST NAME MIDDLE NAME LAST NAME AREA CODE PHONE #

**SECTION 2 – EMPLOYMENT AND INCOME:**

**EMPLOYER**

NAME OF COMPANY OR BUSINESS LENGTH OF EMPLOYMENT

BUSINESS STREET ADDRESS CITY STATE ZIP CODE AREA CODE BUSINESS PHONE #

CONTACT (SUPERVISOR) NAME AREA CODE PHONE # EXT

SALARY (TAKE HOME) RECEIVED: WEEKLY \$ BI-WEEKLY \$ MONTHLY \$

**SPOUSE'S EMPLOYER**

NAME OF COMPANY OR BUSINESS LENGTH OF EMPLOYMENT

BUSINESS STREET ADDRESS CITY STATE ZIP CODE AREA CODE BUSINESS PHONE #

CONTACT (SUPERVISOR) NAME AREA CODE PHONE # EXT

SALARY (TAKE HOME) RECEIVED: WEEKLY \$ BI-WEEKLY \$ MONTHLY \$

**INDICATE ALL OTHER SOURCES OF INCOME AND HOW OFTEN RECEIVED:**

UNEMPLOYMENT \$ RECEIVED: WEEKLY BI-WEEKLY MONTHLY  
WELFARE/TANF \$ RECEIVED: WEEKLY BI-WEEKLY MONTHLY  
RETIREMENT \$ RECEIVED: WEEKLY BI-WEEKLY MONTHLY  
SOCIAL SECURITY \$ RECEIVED: WEEKLY BI-WEEKLY MONTHLY  
DISABILITY \$ RECEIVED: WEEKLY BI-WEEKLY MONTHLY  
CHILD SUPPORT \$ RECEIVED: WEEKLY BI-WEEKLY MONTHLY  
HUD HOUSING \$ RECEIVED: WEEKLY BI-WEEKLY MONTHLY  
FOOD STAMPS \$ RECEIVED: WEEKLY BI-WEEKLY MONTHLY  
FAMILY \$ RECEIVED: WEEKLY BI-WEEKLY MONTHLY  
OTHER \$ RECEIVED: WEEKLY BI-WEEKLY MONTHLY  
MEDICAID/CHIPS RECEIVES: YES/NO

**SECTION 3 – PERSONAL ASSETS:**



CITY OF COLLEGE STATION  
Municipal Court

HOUSE/APARTMENT: RENT \_\_\_\_\_ OWN \_\_\_\_\_

LANDLORD/MORTGAGE COMPANY \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

AUTOMOBILE MAKE/MODEL _____	NAME _____	AREA CODE _____	PHONE # _____
BALANCE OWED \$ _____			
AUTOMOBILE MAKE/MODEL _____	BALANCE OWED \$ _____		
CHECKING ACCOUNT: BANK _____	AVG MONTHLY BAL \$ _____		
SAVINGS ACCOUNT: BANK _____	AVG MONTHLY BAL \$ _____		
OTHER: _____			

**SECTION 4 – EXPENSES (MONTHLY AMOUNTS)**

RENT/MORTGAGE \$ _____	UTILITIES \$ _____	FOOD \$ _____
CHILD SUPPORT \$ _____	CHILD CARE \$ _____	PHONE \$ _____

**OTHER MONTHLY EXPENSES: (CREDIT CARD, LOANS, MISC)**

NAME _____	\$ _____	PAYMENT \$ _____
	BALANCE	
NAME _____	\$ _____	PAYMENT \$ _____
	BALANCE	
NAME _____	\$ _____	PAYMENT \$ _____
	BALANCE	
NAME _____	\$ _____	PAYMENT \$ _____
	BALANCE	

All applicants for payment extension must be interviewed; terms for payment will be established; all questions about the payment of fine and costs will be answered at that time.

**I SWEAR** that the above information is true, correct, and complete to the best of my knowledge and belief. I attest that I CANNOT MAKE FULL PAYMENT of the fine and costs levied against me by the court.

**I UNDERSTAND** that the court will verify the information in my presence, and that falsifying any information on this document will result in my immediate exclusion from the program, and that all fine and costs must be paid in full to prevent the issuance of a warrant.

**I UNDERSTAND** that failure to make scheduled payments as agreed upon will result in the issuance of a warrant for my arrest and a \$50 warrant fee assessed.

**I UNDERSTAND** that a \$15.00 time payment fee will be assessed per case, in addition to my fine and costs for each case not paid with 30 days. (Government Code Section 51.921)

**I UNDERSTAND** THAT IT IS A CRIME TO INTENTIONALLY OR KNOWINGLY FILE A FRAUDULENT COURT DOCUMENT OR INSTRUMENT. (Government Code Section 51.904)

**IF ALL CONDITIONS ARE NOT TIMELY SATISFIED AND ARE NOT ABLE TO BE SATISFIED BY THE DUE DATE, THE DEFENDANT MUST APPEAR ON OR BEFORE THE DUE DATE TO SHOW CAUSE WHY A CAPIAS PRO-FINE WARRANT SHOULD NOT BE ISSUED. If a defendant fails to appear on said date or otherwise fails to provide sufficient cause why a Capias Pro Fine Warrant should not be issued, a Capias Pro-Fine Warrant may be issued AND ADDITIONAL fees by law may result.**

**ACKNOWLEDGEMENT AND DECLARATION:**

**UNDER PENALTY OF PERJURY, I HEREBY CERTIFY THE AFOREGOING AS BEING A COMPLETE AND ACCURATE STATEMENT OF MY CURRENT FINANCIAL CONDITION. I AUTHORIZE THE CITY OF COLLEGE STATION AND THE MUNICIPAL COURT PAYMENT COMPLIANCE OFFICER TO CONDUCT A THOROUGH INVESTIGATION OF MY STATEMENT. I UNDERSTAND THIS INVESTIGATION COULD INCLUDE VERIFICATION OF ALL INFORMATION GIVEN. IT IS WITH THIS UNDERSTANDING AND ACKNOWLEDGEMENT THAT I FORMALLY REQUEST AN EXTENSION OF TIME FOR PAYMENT OF FINE AND COSTS NOW DUE AND PAYABLE TO THE CITY OF COLLEGE STATION.**

\_\_\_\_\_  
**DEFENDANT'S SIGNATURE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**DEFENDANT'S EMAIL ADDRESS**

\_\_\_\_\_  
**DEFENDANT'S CONTACT PHONE NUMBER**

INTERVIEWED AND INFORMATION VERIFIED BY \_\_\_\_\_



## **Court Class – Ability to Pay Presenter Biographies**

### **Hon. Edward J. Spillane Presiding Judge, College Station Municipal Court**



Ed Spillane is currently the Presiding Municipal Court Judge of College Station, Texas. He received his undergraduate degree in English from Harvard University and law degree from the University of Chicago. After law school he worked as an associate for the law firm of Fulbright and Jaworski in Houston, Texas and then eight years as an assistant district attorney in Brazos County, Texas. Since 2002 he has been the Presiding Judge of the College Station Municipal Court. Currently he teaches Municipal Court Judges across Texas for the Texas Municipal Courts Education Center and represents Municipal Courts on the Texas Judicial Council. Judge Spillane was a member of the National Task Force on Fines, Fees, and Bail Practices and is the Past President of the Texas Municipal Courts Association. He also serves on the National Research

Advisory Board for the Misdemeanor Justice Project and the Research Network on Misdemeanor Justice at the John Jay College of Criminal Justice. Judge Spillane served a six-year term as a Commissioner on the Texas Judicial Conduct Commission. He has written several articles on the plight of indigent defendants and also the benefits of mindfulness in the courtroom.

### **Keith R. Fisher Principal Consultant & Senior Counsel for Domestic & International Court Initiatives National Center for State Courts**



An honors graduate of Princeton University and Georgetown University Law Center, Keith Fisher joined the National Center for State Courts in 2015 as Principal Court Consultant and Senior Counsel for Domestic and International Court Initiatives. He is an experienced lawyer and law professor and is a nationally known expert on domestic and international financial services regulation and legal and judicial ethics. Professor Fisher has authored many law review and other articles and two legal treatises. He regularly conducts judicial ethics training sessions both in the United States and overseas. Keith has served as a member of the American Bar Association Standing Committee on Ethics and Professional Responsibility and chaired the Business Law Section's Professional Responsibility Committee. He was staff counsel to the National Task Force on Fines, Fees, and Bail Practices.

He speaks several languages and has a degree in music theory and composition.