



# IN CHAMBERS



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APRIL, 1975

## Criminal Justice Conference May 7-9

The Sixth Annual Criminal Justice Conference will be held May 7-9 at Sam Houston State University in Huntsville.

Open to judges with criminal jurisdiction, notice of registration must be received by the Texas Center for the Judiciary by April 25. Last year's meeting had 150 judges in attendance.

Conference headquarters is the TraveLodge Motel, with further accommodations provided by Holiday Inn.

After registration and a tour of the Texas Department of Correc-

tions (TDC) facilities Wednesday, Conference Chairman Carl E. F. Dally, Texas Court of Criminal Appeals commissioner, will preside over opening ceremonies Thursday morning. The conference will adjourn at noon Friday.

### CJC PROGRAM

The program will consist of seminar group meetings, as well as addresses by Presiding Judge John F. Onion Jr., Court of Criminal Appeals, and B. J. George Jr., acting

dean and professor of law at Wayne State University Law School, Detroit, Michigan.

Seminar groups and panelists include:

*Evidentiary Problems in the Trial of Criminal Cases:* Judge Leon Douglas, Court of Criminal Appeals in Austin, moderator; George E. Gilkerson, Lubbock attorney; Professor L. Wayne Scott, St. Mary's Law School in San Antonio; and State's Attorney Jim Vollers of Austin.

*Pre-Trial and Post Conviction Problems:* Judge Wendell A. Odom, Court of Criminal Appeals in Austin, moderator; and District Judges John Boyd of Plainview, Don Busby of Belton and Fred Hoey of Houston.

*Alternatives to Incarceration (Pre-sentence Reports, Probation and Revocation of Probation):* District Judge Thomas B. Thorpe of Dallas; J. C. Ledbetter, chief adult probation officer of Dallas; Kenneth Coleman, director of the Vernon Drug Treatment Center, Vernon; and Frank Lozito, chief adult probation officer of El Paso.

*Problems and Concerns of Incarceration Prior to the Exhaustion of Appeal:* Erwin Ernst, assistant director for general counsel of TDC, Huntsville, moderator; District Judge F. Lee Duggan of Houston; Lon Evans, Tarrant County sheriff, Fort Worth; and Harry Walsh, assistant attorney general, Huntsville.

### TDC TOUR

As in previous years, the conference will include basic and specialized tours of Texas Department of Corrections facilities. Specialized tour sites include the Ferguson, Wynne, Huntsville and Goree units.

A barbecue for conferees will be held at the Goree unit Thursday evening.

### SPONSORS

The conference is sponsored by the Texas Center for the Judiciary under the auspices of the Texas Court of Criminal Appeals and in cooperation with TDC and the Institute of Contemporary Corrections and the Behavioral Sciences, Sam Houston State University.



Present at an Austin planning session for the Criminal Justice Conference in Huntsville, May 7-9, were: front row, left to right, John T. Boyd, Plainview; Archie Brown, Austin; W. J. Estelle, Huntsville; Carl E. F. Dally, Austin; John Vance, Dallas; and Truman E. Roberts, Austin. Back row, left to right, are: Dr. Don Weisenhorn, Huntsville; Shack Nail, Austin; Dr. Don Kirkpatrick, Huntsville; Wendell A. Odom, Austin; Alfred Walker, Austin; Jack H. Dillard, Austin; and Jack Kyle, Huntsville.

man E. Roberts, Austin. Back row, left to right, are: Dr. Don Weisenhorn, Huntsville; Shack Nail, Austin; Dr. Don Kirkpatrick, Huntsville; Wendell A. Odom, Austin; Alfred Walker, Austin; Jack H. Dillard, Austin; and Jack Kyle, Huntsville.

## JUVENILE DATA BASE DISCUSSED

Some 40 Texas judges and probation officers met April 4 in the Texas Center for the Judiciary Assembly Room to discuss a statewide data base for juvenile justice.

The seminar sought to answer some of the "many unanswered questions regarding the extent of the juvenile delinquency problem in Texas and the resources and services currently available to serve the juvenile justice system," Jack H. Dillard, TCJ executive director, said.

Juvenile judges and chief probation officers in 18 representative counties were selected to attend the meeting, sponsored by the Texas Center, Criminal Justice Division (CJD) of the Governor's Office, Texas Civil Judicial Council and the Texas Probation Association.

Chairman of the meeting was Willis Whately, general counsel of the CJD.

Distributed at the meeting were 19 data-gathering instruments in table form which provided detailed coverage of the state's juvenile justice problems and resources.

The data obtained from the 18 counties will be reviewed by CJD staff members, juvenile judges and probation officers at a second meeting in May, Jim Kester of the CJD, said.

At that meeting, he explained, the data forms will be critiqued to determine the difficulty of obtaining the data and whether any changes or modifications are necessary.

### OBJECTIVES

Gathering of the data was to accomplish the following objectives:

- to provide a standard, easy-to-use format to gather statewide data for the 1976 Criminal Justice Plan;

- to provide federal, state, regional, and local planners with an accurate measurement of the state's delinquency problems and an accurate description of the state's existing resources to deal with these problems;

- to provide a comprehensive,

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State Bar of Texas  
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# SOUTH TEXAS JUDGES MEET AT KERRVILLE CONFERENCE

Drawing numerous endorsements of attending judges as the best judicial conference ever, the annual Mid-Winter South Texas Judicial Conference was held March 13-16 at Kerrville's Inn of the Hills.

The meeting, attended by over 80 judges, included discussions of court procedure, with "nuts and bolts" questions answered by a panel of experienced judges, and a presentation of the judicial legislative programs of the State Bar, Judicial Section and the Governor.

Open to judges of the 4th and 13th Supreme Judicial Districts, the conference was sponsored by the Texas Center for the Judiciary.

Maurice Pipkin, executive director of the Judicial Qualifications Commission in Austin, discussed financial reporting under the Code of Judicial Conduct, while District Judge Warren Cunningham of Houston considered political and extra judicial activities as they per-

tain to the Code.

Jim Vollers, state's attorney of Austin, told of new developments in the new Penal Code.

Chief Justice Joe Greenhill, Supreme Court of Texas, and John F. Onion, Court of Criminal Appeals presiding judge, also spoke to the judges.

Chief Justices Charles W. Barrow, 4th Court of Civil Appeals in San Antonio, and Paul W. Nye, 13th Court of Civil Appeals in Corpus Christi, were program co-chairmen.

District Judge W. Ervin James of Houston, a speaker at the conference, commented: "This was the second Mid-Winter Conference which I have attended and I believe it would be advisable for the other Judicial Districts of Texas to hold similar conferences."

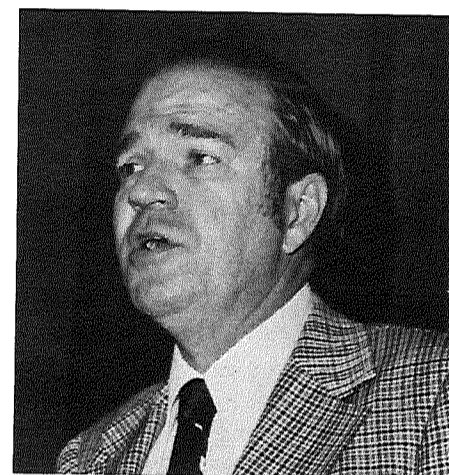
General chairman of the conference was John H. Miller, 36th Judicial District judge of Sinton.



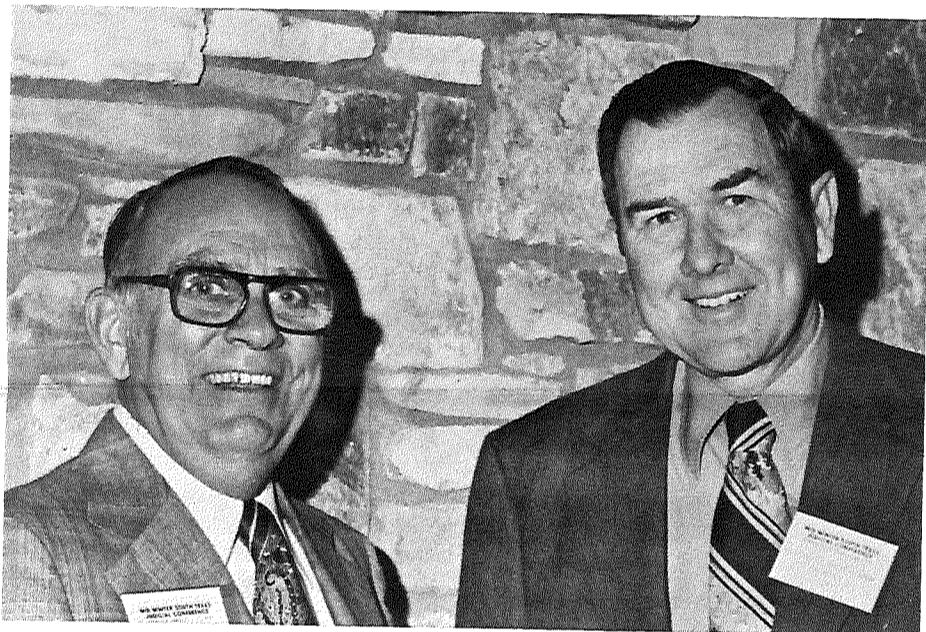
Host Chairman A. P. Allison, Kerrville district judge, greets Attorney-General John Hill, a speaker at the Mid-Winter Conference.



Joe Greenhill



John F. Onion



Program Co-Chairmen of the Mid-Winter meeting were Chief Justices Paul W. Nye of Corpus Christi, left, and Charles W. Barrow of San Antonio.

## DATA BASE CONSIDERED

(Continued from Page 1)  
statewide data base which can be updated each year to measure progress in meeting the state's juvenile justice needs;

- to provide local juvenile justice administrators and judges with systematic, up-to-date information which can be used in identifying gaps in services, in setting priorities, in preparing budgets, in pre-

paring grant applications, and in measuring the impact of programs; and,

- to meet the requirements of the new Juvenile Justice and Delinquency Prevention Act of 1974.

Future plans include continued study to determine if implementation of a statewide data base for juvenile justice is feasible, Kester said.



Judges of the Third Administrative Judicial District met in Austin February 14-15. Chaired by Austin District Judge Herman Jones (seated third from left), presiding judge of the district, the conference included discussion of such topics as *Plea Bargaining—Problems and Solutions* by University of Texas Law Professor Albert W. Alschuler, *Electronic Jury Selection* by George Singleton of Western Data Services, *Waxahachie, and Jury Charge—Revised Penal Code* by Austin District Judge Tom Blackwell. Also, *Disparities*

*in Sentencing and Conditions of Probation* by Belton District Judge Donald Busby, *Criminal Pre-trials—Judicial Responsibilities* by Austin District Judge Mace Thurman, *Voir Dire of the Jury Judicial Function* by Court of Criminal Appeals Commissioner Tom Davis, *Model for Local Rules* by Court of Criminal Appeals Judge Tom Reavley and *Civil Charge—Revised Rule 277* by Austin District Judge James R. Meyers.



# BARROW, KENNEDY ELECTED CLE OFFICERS

New officers and sub-committee members were selected, and a revised policy statement dealing with financial assistance to judges was adopted at January and March meetings of the Continuing Legal Education (CLE) Committee.

New officers of the CLE Committee, Judicial Section, State Bar of Texas, were elected at a January meeting in Austin.

Charles W. Barrow, chief justice of the San Antonio Court of Civil Appeals, was elected chairman. Noah O. Kennedy Jr., Corpus Christi district judge, was elected vice chairman.

## COLLEGE REPORT

Judge Tom G. Davis, Court of Criminal Appeals commissioner and director of the first Texas College of the Judiciary, reported to the committee, suggesting a similar college for new judges be held every two years.

Noting the only complaints he had received came from judges who had wanted to attend but had been on the bench too long to be eligible, Judge Davis requested that the committee consider some type of seminar to serve as a review course for these judges.

In other business, Don Holmstrom was named Publications Director of the Center. Holmstrom, a 1974 graduate of the University of Texas School of Journalism, served as editor of the recently completed 1975 Judicial Yearbook.

## NEW POLICY STATEMENT

At a March 15 meeting in Kerrville, the committee adopted a new policy statement concerning financial assistance to the judiciary and supportive personnel for participation in educational seminars and conferences.

Prepared by Willis Whatley, director of Judicial Processes and Law Reform, Texas Criminal Justice Division of the Governor's Office, and the Texas Center for the Judiciary staff, the revised statement includes four additions. Added were the following paragraphs:

- All judges who are eligible must be members in good standing of the Judicial Section, State Bar of Texas, before financial assistance will be provided;

- Financial assistance is limited to one out-of-state seminar in a calendar year;

- If a National organization is sponsoring a series of seminars of a similar nature, the amount of travel expense is limited to that required to reach the site nearest the applicant's residence; and,

- No approval for funding will be granted for attendance at seminars outside the Continental United States.

Over 60 district judges received financial assistance to attend out-of-state seminars in 1974.

In other business, the committee adopted a set of by-laws drafted by the Personnel Sub-committee and Center staff, and approved a list of sub-committee members submitted by Chairman Barrow.

## SUB-COMMITTEES

Sub-committees and members are:

**Executive Committee:** Charles W. Barrow, James G. Denton, Noah O. Kennedy Jr. and Truman Roberts;

**Seminars & Institutes:** Thomas J. Stovall Jr., Joe E. Kelly and James F. McCarthy;

**Personnel:** Pickett, chairman, Kennedy and Roberts;

**Funding:** Roberts, chairman, Kennedy, Stovall and Willis J. Whatley, ex-officio;

**Publications:** Perry D. Pickett, chairman, Lewis Dickson and Charles Sherrill;

**Texas College of the Judiciary:** McCarthy, chairman, Dickson, Barrow and Thomas G. Davis, ex-officio;

**Briefing Attorney's Seminar:** Barrow, chairman, Denton and Roberts; and,

**Non-Lawyer Judges:** Roberts, chairman, and Sherrill.

Next meeting of the CLE Committee is tentatively scheduled for May 7. It will be held in conjunction with the Sixth Annual Criminal Justice Conference in Huntsville.



Attending the January CLE Committee meeting in Austin were: seated, left to right, Joe E. Kelly, Victoria; Noah O. Kennedy, Jr., Corpus Christi; Charles W. Barrow, San Antonio; and Truman Roberts, Austin. Standing, left to right, are: Shack Nail, Austin; Charles Sherrill, Fort Stockton; Willis Whatley, Austin; Lewis Dickson, Houston; James G. Denton, Austin; Tom G. Davis, Austin; Perry D. Pickett, Midland; and Jack H. Dillard, Austin.

## JUDICIAL CALENDAR

May 7-9

Sixth Annual Criminal Justice Conference  
Huntsville, Texas

May 7

CLE Committee, Judicial Section, Meeting  
Huntsville, Texas

May 7

Executive Committee, Judicial Section, Meeting  
Huntsville, Texas

July 1-3

Annual State Bar Convention  
Dallas, Texas

July 3

Judicial Section Luncheon  
State Bar Convention  
Dallas, Texas

## NEW JUDGES TAKE OFFICE

Judges who have taken office since January (with the judges they replaced in italics) include the following:

### Appellate Judges

Ted Akin, 5th Court of Civil Appeals, Dallas (*Harold A. Bateman*)  
Joe Spurlock, 2nd Court of Civil Appeals, Fort Worth (*Jack Langdon*)

### District Judges

John Denzil Bevers, 72nd, Lubbock (*Pat S. Moore*)  
Wm. Ralph Elliott, 59th, Sherman (*David H. Brown*)  
Joe Bailey Humphreys, 44th, Dallas (*Joe B. Burnett*)  
Ted Robertson, 95th, Dallas (*Ted Akin*)  
T. Gilbert Sharpe, 138th, Brownsville (*H. A. Garcia*)  
Jim Noble Thompson, 62nd, Paris (*Frank Wear Sr.*)  
Norman L. Utter, 214th, Corpus Christi (*New Court*)

### County Court-at-Law

Tom Price, County Criminal Court No. 5, Dallas (*Carl W. Friedlander*)  
Hal M. Rawlins, Sherman (*Lester C. Newman*)

### Domestic Relations

Lloyd G. Rust Jr., Wharton (*New Court*)  
Annette Stewart, Dallas (*Beth Wright*)

### Juvenile Court

Pat McClung, #2, Dallas (*Ted Robertson*)

### Mark Your Calendar

September 24-26

Judicial Section  
Conference in Waco

## IN MEMORIAM

**Davis.** Sam W. Davis Sr., retired criminal district judge, died September 2, 1974 at his home in Houston. He was 76.

**Garcia.** H. A. Garcia, 138th District Court judge, died March 19, 1975 in Brownsville. He was 65.

**Henenberg.** Hattie L. Henenberg, former special associate justice of the Texas Supreme Court in the 1920s, died Nov. 28, 1974 in Dallas. She was 81.

**Hustmyre.** Frank Hustmyre, former Orange County and 138th District Judge, died April. He was 64.

**Moore.** Mrs. Pat S. Moore, 72nd District Court judge, died January 11, 1975 in Lubbock at age 49.

## JUDICIAL NOTICES

### • Reavley, Dies Elected •

Associate Justice Thomas M. Reavley of the Texas Supreme Court was reelected president and Chief Justice Martin Dies Jr., Ninth Court of Civil Appeals in Beaumont, was elected vice-president of the Texas Civil Judicial Council in a February meeting. Bill Ward of Weatherford was elected secretary.

At the meeting, the Council set salaries of the presiding judges of the administrative judicial districts, recommended passage of a bill establishing court administration for the Texas judicial system, and recommended to the legislature that it provide a substantial increase in the salary of state judges.

### • Yearbook Revision Underway •

A revision of the 1975 Judicial Yearbook is underway and any changes in biographical data should be sent to the Center.

The Yearbook was mailed to over 500 Texas judges in March.

Preparation of the Yearbook was begun under the supervision of Chief Justice Charles W. Barrow, San Antonio Court of Civil Appeals, with the joint project being completed by Texas Center for the Judiciary staff. TCJ editors working on the project were Barbara Matetich and Don Holmstrom.

### • Section Dues •

Members of the Texas judiciary—county court-at-law level and above as well as constitutional county judges who are lawyers—are eligible for membership in the Judicial Section, State Bar of Texas.

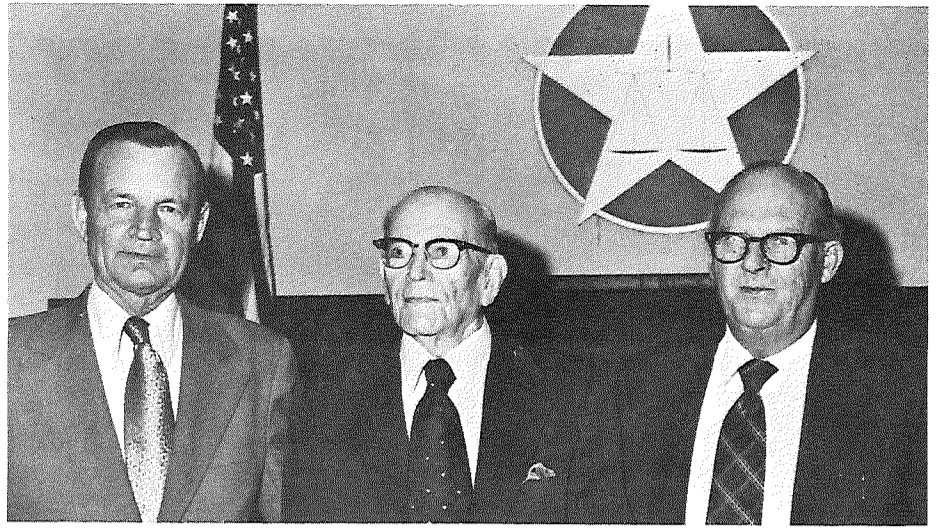
Dues are \$25 a year for active judges and \$12.50 for retired and former judges and should be sent to: Chief Justice Paul W. Nye, 13th Court of Civil Appeals, P. O. Box 2390, Corpus Christi, Texas 78403.

### • TCJ Offers Publications •

Publications of the Texas Center for the Judiciary currently available free of charge to Judicial Section members are:

- Benchbook for Texas Trial Judges, Parts I and II;
- 1975 Judicial Yearbook; and,
- Code of Judicial Conduct.

Requests should be sent to the Texas Center for the Judiciary, P. O. Box 12487, Capitol Station, Austin, Texas 78711.



Judge Truman Roberts, left, stands with his predecessor, R. B. Cross, center, and Byron McClellan, right, his successor as judge of the 52nd Judicial District.

## DISTRICT SALUTES ROBERTS

Judge Truman Roberts was honored with a portrait-hanging ceremony in the district courtroom of the Hamilton County Courthouse February 7.

The portrait of Roberts, Texas Court of Criminal Appeals judge, was hung alongside portraits of five of his predecessor judges of the 52nd Judicial District. He

served as judge of that district from 1961 through 1970, and was succeeded by Byron L. McClellan.

Sponsored by the 52nd District Bar Association, the ceremony was attended by members of the Court of Criminal Appeals and other prominent members of the Texas judiciary.

## ALABAMA CHIEF JUSTICE JULY 3 LUNCHEON SPEAKER

The chief justice of Alabama's Supreme Court will be guest speaker at the State Bar Convention's Judicial Section luncheon July 3 in Dallas.

Chief Justice Howell T. Heflin will speak at the noon luncheon in the Dallas Convention Center, Room S411, Judge Wendell Odom, vice chairman of the Section and program chairman, announced.

Justice Heflin, who has served as chief justice since 1971, was voted Alabama Citizen of the Year in 1973.

A graduate of the University of Alabama with a JD degree, he received the outstanding alumnus award from the University in 1973. He is a former president of the Alabama Plaintiff's Association.

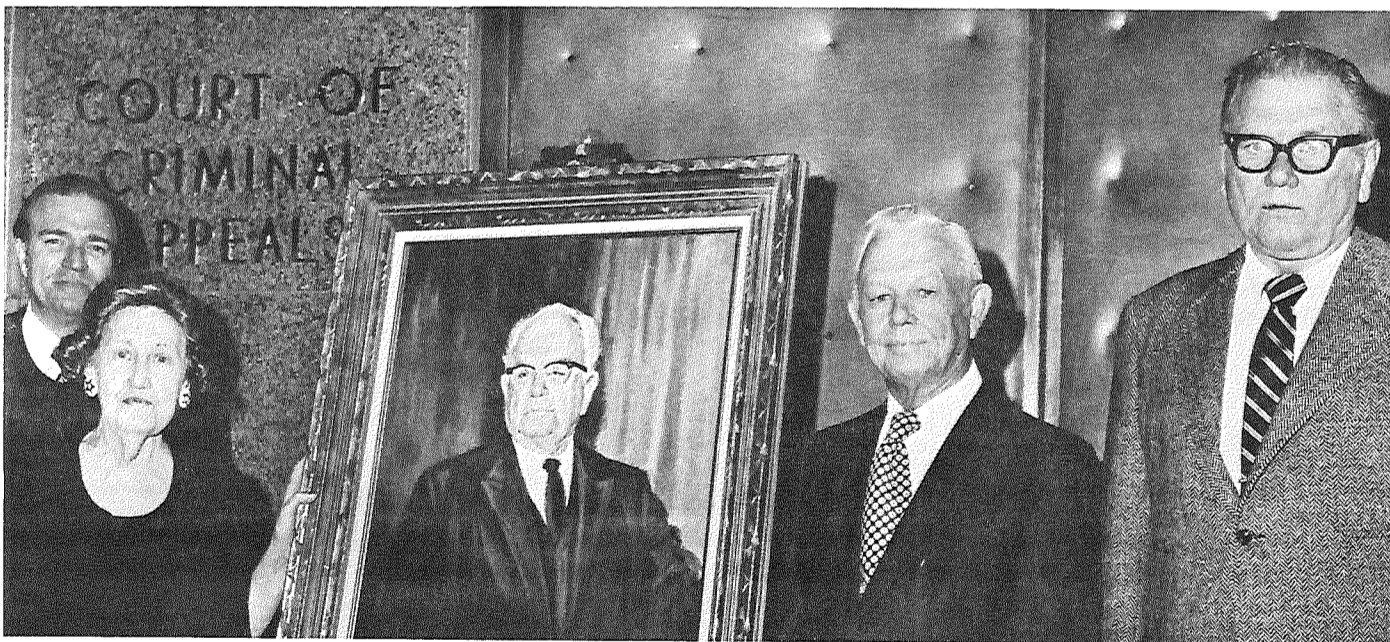
## Hester Replaces Dean On Executive Committee

District Judge Darrell Hester of Brownsville was named by the Executive Committee of the Judicial Section to fill a vacancy on the committee.

He replaces Don Dean, who resigned as 181st District Court judge in Amarillo in December, 1974.

Judge Hester has served as judge of the 197th Judicial District since January 1, 1971. He was city prosecutor in Harlingen, 1950-51, and assistant criminal district attorney of Cameron County, 1951-57.

Other Executive Committee members are: District Judges James F. Clawson, Belton, Andrew L. Jefferson, Houston, and R. Wayne Lawrence, Palestine; Hector DePena, Corpus Christi County Court-at-Law judge; and Appellate Judges Mary Lou Robinson, Amarillo, Claude Williams, Dallas, and James G. Denton, Austin.



Mrs. Lloyd W. Davidson presents her husband's portrait to Judge John F. Onion, left, who accepted for the Court of Criminal Appeals. Participating in the presentation were Judge Davidson's sons, Lloyd W. Davidson Jr., second from right, and Robert C. Davidson, far right.

## Criminal Appeals Court Honors Davidson

A memorial service honoring the late Judge Lloyd W. Davidson was held March 25 at the Texas Court of Criminal Appeals in Austin.

Judge Davidson, involved with the high court 30 years as state's attorney, commissioner and judge, retired in 1961. He died in Austin Nov. 10, 1974 at age 84.

At a special session of the Court, tributes to Judge Davidson were given by Dallas attorney Phil Burleson, former State Senator Dorsey B. Hardeman, and Court of Criminal Appeals Judge Leon Douglas.

Judge Davidson's portrait was presented to the Court of Criminal Appeals by his widow and two sons,

Lloyd W. Davidson Jr. of Santa Fe, New Mexico, and Robert C. Davidson of Mexico City.

A native of Greenville, Judge Davidson studied law at Cumberland University, Lebanon, Tenn., and graduated with an LL.B. degree in 1909. He was admitted to the bar the same year.



Darrell Hester