



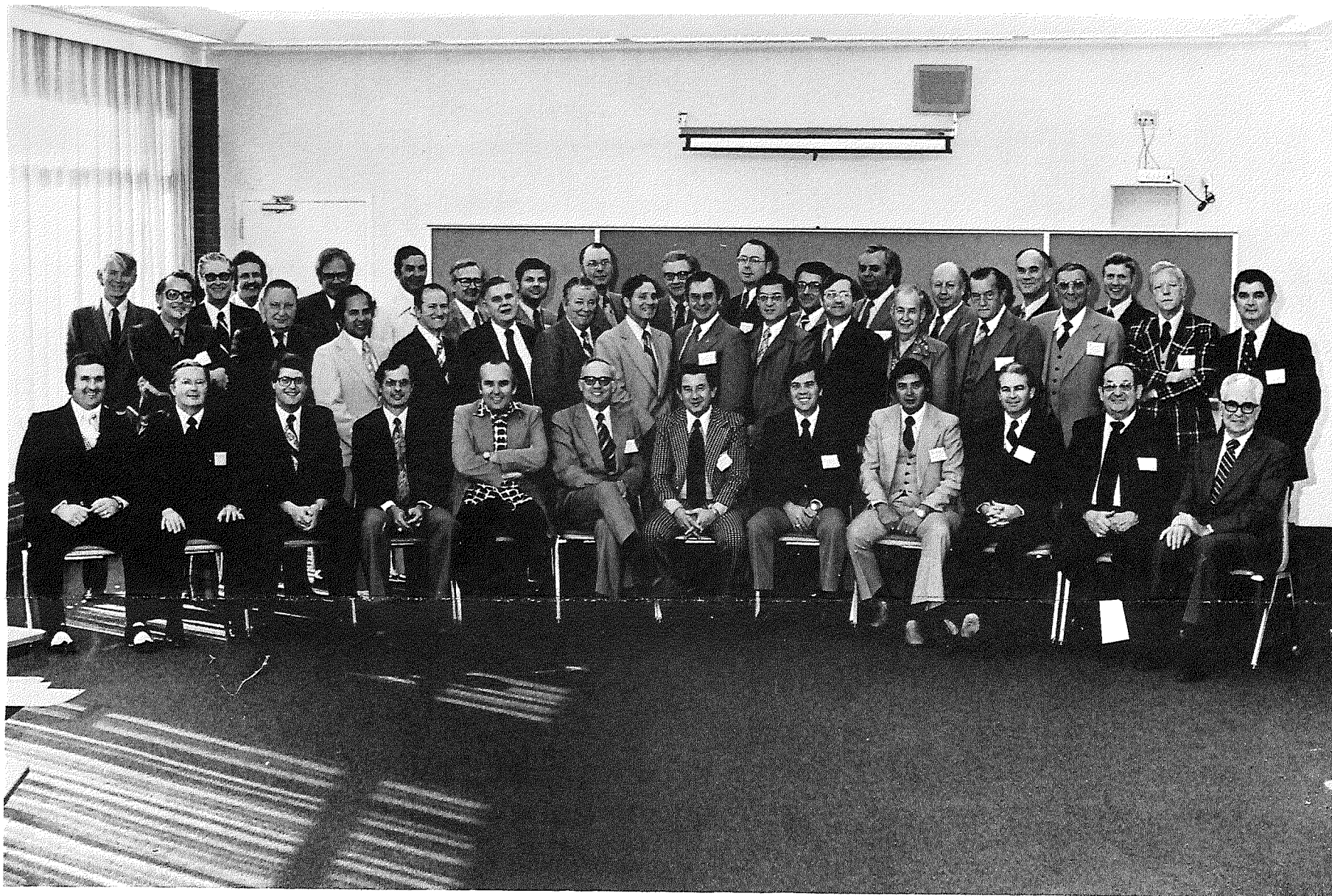
IN CHAMBERS



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VOL. 5, NO. 1

FEBRUARY, 1977



TEXAS COLLEGE OF THE JUDICIARY CLASS OF '76

Front Row, Seated I-r: Larry Sullivant, Gainesville; Lloyd Perkins, Sherman; Craig Penfold, Dallas; Neil Caldwell, Angleton; Charles Coussons, Houston; Tom G. Davis, Austin, College Director; Larry Fuller, Monahans; Bill Bachus, Belton; Arturo Guerra, McAllen; Lanny Ramsay, Mt. Vernon; Curt Steib, San Angelo; and Leon Douglas, Austin, faculty.

Middle Row, Standing I-r: John Boyd, Plainview, faculty; Quentin Keith, Beaumont, faculty; Pete Perez, Fort Worth; Billy Mills, Fort Worth; Ed. Harris, Galveston; Donald Hammond, Burnet; Paul Colley, Henderson; Pat McClung, Dallas; Joe Cisneros, McAllen; Jack Yarbrough, Nacogdoches; Ellis Oualline, Houston; Jack Woodley, Uvalde; Harry Lewis, Brownsville; Jack Dillard, Austin, Texas Center for the Judiciary, executive director; and A. D. Azios, Houston.

Back Row, Standing I-r: W. D. Julian, Crockett; Tom Clinton, Lubbock; Bradley Smith, Bryan; Don Humble, Cameron; Kenneth "Buck" Douglas, Corsicana; William Lott, Georgetown; Reagan Clark, Richmond; George W. Miller, Floydada; B. D. Moye, Mt. Pleasant; Jerry Shackelford, Amarillo; Antonio Zardenetta, Laredo; Billy Coats, Tyler; Ralph Elliot, Sherman; Presley Werlein, Houston; and Bob Barton, Kerrville.

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TEXAS CENTER
FOR THE JUDICIARY
State Bar of Texas
P.O. Box 12487, Capitol Station
Austin, Texas 78711

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JUDICIAL BILLS PROPOSED IN TEXAS LEGISLATURE

On Jan. 11, 1977, the 65th Texas Legislature was called to order by Secretary of State Mark White.

As of January 26, the following bills and resolutions, which may be of interest to the Texas judiciary, were scheduled to be introduced.

Copies of any of the bills listed below may be obtained by writing the Texas Center for the Judiciary, P. O. Box 12487 Capitol Station, Austin 78711, Attn: Don Holmstrom.

SENATE

- SB 8 By Schwartz. Amending Art. 199A, R.C.S. Providing for certain chief judges and commissioners for district courts.
- SB 12 By Brooks. Amending Art. 6228B, V.C.S. Relating to service requirements for retirement benefits under the judicial retirement system.
- SB 39 By Schwartz. Amending Art. 42.121 and Art. 32.12, C.C.P. Creating the Adult Probation Commission.
- SB 65 By Schwartz. Amending Art. 200A, V.C.S. Relating to active duty, assignment and compensation of former district judges.
- SB 79 By Farabee. Amending Sect. 11, Art. 200A, V.C.S. Relating to the compensation of certain retired district judges.
- SB 155 By Meier. Amending Art. 40.09, C.C.P. Relating to control by the Court of Criminal Appeals of extensions of time for appeals of criminal cases.
- SB 195 By Meier. Amending Art. 6228B, V.C.S. Relating to the inclusion of judges of certain courts in the state judicial retirement system.
- SB 243 By Mengden. Amending Arts. 37 and 42, C.C.P. Relating to assessment of sentence by the judge in criminal cases.
- SB 249 By Hance. Amending Sec. 51.04 and Chap. 51, Family Code. Relating to the designation of an alternative juvenile court and providing for its jurisdiction in certain cases.
- SB 266 By Mauzy and Parker. Same as HB 516.
- SB 330 By Lombardino, et al. Amending Art. 199A, V.C.S. and Art. 199 R.C.S. Relating to the creation of certain new judicial districts and the reorganization of certain existing districts. (Same as HB 762)
- SB 365 By Ogg. Amending Art. 5966A, V.C.S. Relating to changing the name of the State Judicial Qualifications Commission to the State Commission on Judicial Conduct.
- SB 368 By Ogg. Amending Art. 199A, V.C.S. Relating to the creation of several judicial districts, each composed of Harris County.
- SB 387 By Jones of Harris. Same as HB 389. Relating to continuing legal education of municipal court judges who are either elected or appointed.
- SB 397 By Brooks. Amending Art. 5143D, V.C.S. and Secs. 51.03 and 54.04, Family Code. Relating to the authority of a juvenile court to commit children in need of supervision to the Texas Youth Council.

SENATE RESOLUTIONS

- SJR 9 By Farabee. Amending Art. V, Constitution. Relating to the appointment of appellate judges from a list of candidates submitted by a judicial nominating commission and to elections on retaining the appellate judges in office.
- SJR 17 By Meier. Amending Art. V, Constitution. Relating to retirement and compensation for judges of certain statutory courts, for their reassignment to active duty when needed, and for automatic retirement at a certain age.
- SJR 34 By Parker. Amending Sec. 1-A, Art. V, Constitution. Relating to the suspension, censure, removal, or involuntary retirement of a justice, judge, or justice of the peace under certain circumstances.

HOUSE OF REPRESENTATIVES

- HB 152 By Jones. Amending Art. 6228B, V.C.S. Relating to credit as a judge of a court of domestic relations for judicial retirement purposes.
- HB 269 By Hudson. Amending Art. 30.01, C.C.P., and Title I, R.C.S. Relating to the disqualification of a trial judge because of political endorsement by a party or an attorney representing a party in a case.
- HB 290 By Semos. Amending Art. 6228B, V.C.S. Relating to the inclusion of judges of statutory county courts in the state judicial retirement system and credit for prior service as a judge of these courts.
- HB 303 By Wright. Amending Arts. 6 and 13, Election Code. Relating to the nonpartisan nomination and election of certain judicial officers and the procedures for their nomination and election.
- HB 355 By Hudson. Amending Chap. 3, Title 40, R.C.S. Relating to jurisdiction of district courts regarding certain election contests.
- HB 389 By Henderson. Relating to continuing legal education of municipal court judges who are either elected or appointed.
- HB 433 By Hollowell. Amending Art. 2326A, V.C.S. Relating to expenses of court reporters in judicial districts of more than one county.
- HB 439 By Nowlin. Amending Arts. 42.12 and 42.13, C.C.P. Relating to restitution as a condition of probation or parole.
- HB 456 By Grant. Relating to the duties of the office of Court Administration of the Texas Judicial System.
- HB 457 By Grant. Amending Art. 200A, V.C.S. Relating to duties of presiding judges of the Administrative Districts and District Judges.
- HB 515 By Evans. Relating to changing of the names of the criminal judicial districts of Dallas, Tarrant, and Jefferson Counties to regular numbered judicial districts and changing the names of the courts in district courts.
- HB 516 By Evans. Relating to providing for the administration of family law through domestic relations courts, district courts of general jurisdiction and family district courts in certain counties.
- HB 523 By Hudson. Relating to requiring trial courts to send a copy of certain judgments and orders to the parties and attorneys in the suit.
- HB 551 By Evans. Amending Secs. 11, 51, and 54, Family Code. Relating to the creation of the Department of Child and Family Resources and abolishing the Texas Youth Council.
- HB 562 By Cates. Same as SB 153. Amending Subsec. (B), Sec. 3, Art. 37.07, C.C.P. Relating to a court's instructions to the jury on the laws of parole and commutation of sentence for good behavior.
- HB 568 By Hernandez. Amending Art. 37.071, C.C.P. Relating to reformation of the penalty in a capital case when the Court of Criminal Appeals is divided.
- HB 569 By Close. Amending Arts. 38.21 and 38.22 C.C.P. Relating to the admission in evidence of statements of an accused in a criminal proceedings.
- HB 609 By Benedict. Amending Art. 200A, V.C.S. Relating to active duty, assignment, and compensation of former district judges.
- HB 642 By Olson. Amending Art. 42.12, C.C.P. Creating the Adult Probation Commission and providing for its powers and duties.
- HB 648 By Polumbo. Relating to continuing legal education of municipal court judges.

HOUSE RESOLUTIONS

- HJR 19 By Semos. Amending Art. V, Constitution. Relating to providing retirement and compensation paid by the state for judges of statutory county courts and for automatic retirement at a certain age.
- HJR 26 By Hendricks and Heatly. Amending Sec. 1, Art. V, Constitution. Providing for a Supreme Court of Criminal Appeals with nine justices and to permit the court to sit in panels of three justices.
- HJR 30 By Washington. Amending Art. V, Constitution. Relating to creation of the Supreme Court of Criminal Appeals and to provide for intermediate courts.
- HJR 31 By Washington. Relating to an increase in the membership of the Court of Criminal Appeals.

TEXAS COLLEGE OF THE JUDICIARY

The second Texas College of the Judiciary was held Dec. 5-10, 1976 in Huntsville.

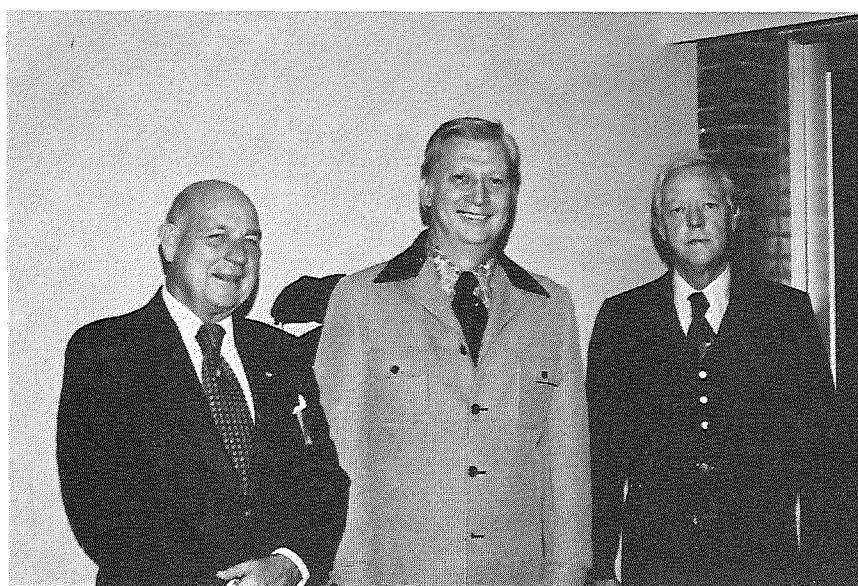
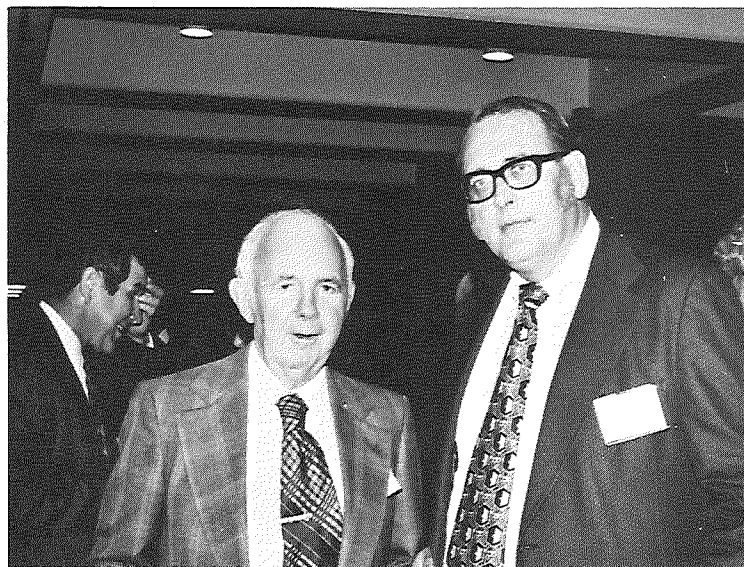
Forty new Texas judges attended the school sponsored by the Texas Center for the Judiciary.

College Director Tom G. Davis, Texas Court of Criminal Appeals commissioner, presided over a faculty composed of 26 experienced Texas judges.

RIGHT-TOP: New CLE Committee Chairman Lewis Dickson, left, meets with outgoing chairman Noah Kennedy.

BOTTOM-L-R: Judicial Section Chairman Warren Cunningham; Banquet speaker Ernst J. Watts, dean of the National College of the State Judiciary; and Jack Dillard, executive director of the Texas Center for the Judiciary.

BELOW-L-R: Shack Nail, associate director of the Texas Center; Tom G. Davis, College director; Max M. Rogers, 2nd Administrative District presiding judge, Huntsville; and Jack Dillard.



COMMITTEES OF THE JUDICIAL SECTION

The following are complete lists of the 1977 committees of the Judicial Section of the State Bar of Texas. The year listed in italics after each name is the year in which that person's term expires.

EXECUTIVE COMMITTEE

Warren P. Cunningham, Jr., Houston, Chairman
 Paul W. Nye, Corpus Christi, Chairman-Elect
 George E. Miller, Houston, Secretary-Treasurer
 Wendell A. Odom, Austin, Immediate Past Chairman
 James F. Clawson, Belton (1979)
 Peter Michael Curry, San Antonio (1978)
 Ross Doughty, Uvalde (1980)
 F. Harold Entz, Dallas (1978)
 James H. Moore, Tyler (1978)
 Charles L. Reynolds, Amarillo (1979)
 Henry J. Strauss, Abilene (1980)
 George M. Thurmond, Del Rio (1979)
 Mary Pearl Williams, Austin (1980)

CLE COMMITTEE

Lewis Dickson, Houston, Chairman (1977)
 David Walker, Lufkin, Vice Chairman (1978)
 Charles W. Barrow, San Antonio (1979)
 Warren Cunningham, Houston
 James G. Denton, Austin (1977)
 Fred Hooey, Houston (1978)
 Noah Kennedy, Corpus Christi (1977)

Truman E. Roberts, Austin (1978)
 Max Rogers, Huntsville (1979)
 Thomas J. Stovall, Jr., Houston (1979)

Ex Officio

Paul W. Nye, Corpus Christi
 Willis Whatley, Austin
 Bill Willis, Austin

LEGISLATIVE COMMITTEE

F. Lee Duggan, Houston, Chairman (1978)
 John T. Boyd, Plainview (1977)
 Neil Caldwell, Angleton (1978)
 Galloway Calhoun, Tyler (1978)
 Bill J. Cornelius, Texarkana (1977)
 Carol R. Haberman, San Antonio (1977)
 James F. McCarthy, Dallas (1977)
 B. B. Schraub, Seguin (1978)

COMMITTEE ON JUDICIAL ETHICS

Quentin Keith, Beaumont, Chairman (1977)
 Max Bennett, Corpus Christi (1977)
 Jack Brookshire, Beaumont (1979)
 Donald Carroll, Tyler (1978)
 Ralph Elliott, Sherman (1978)
 Harry Hopkins, Weatherford (1979)
 Stephen F. Preslar, El Paso (1979)
 William Shaver, Lubbock (1977)
 Jack Smith, Houston (1978)

JUVENILE COURT JUDGES COMMITTEE

Bill Logue, Waco, Chairman (1977)

Pat Boone, Littlefield (1978)
 Jerry Garrett, Victoria (1977)
 Tom Kenyon, Angleton (1978)
 William C. Martin, Longview (1977)
 Wallace Miller, Houston (1979)
 Scott Moore, Fort Worth (1979)
 E. W. Patteson, Gonzales (1978)
 J. W. Summers, Rusk (1979)
 Harold Thomas, Corpus Christi (1979)

NOMINATIONS COMMITTEE

Stanley Kirk, Wichita Falls, Chairman
 J. W. Summers, Rusk
 G. P. Hardy, Jr., Bay City
 Stephen F. Preslar, El Paso
 James A. Ellis, Amarillo

PROGRAM COMMITTEE FOR SECTION CONFERENCE

Paul W. Nye, Corpus Christi, Chairman
 Joe Kelly, Victoria
 Phil Peden, Houston

1977 CRIMINAL JUSTICE CONFERENCE PLANNING COMMITTEE

Carl Dally, Austin, Chairman
 Dr. George Beto, Huntsville
 John T. Boyd, Plainview
 Archie S. Brown, Austin
 Jack H. Dillard, Austin
 W. J. Estelle, Jr., Huntsville
 Jerry Garrett, Victoria
 George Killinger, Huntsville
 Jack Kyle, Huntsville
 Miron Love, Houston

William S. Nail, Austin
 Wendell A. Odom, Austin
 Truman E. Roberts, Austin
 Max M. Rogers, Huntsville
 Thomas J. Stovall, Jr., Houston
 Ron Taylor, Huntsville
 John Vance, Dallas
 Alfred Walker, Austin
 Willis Whatley, Austin
 Bill Willis, Austin

ADULT CORRECTIONS MASTER PLAN FOR PROBATION ADVISORY COMMITTEE

Judges
 Fred Hooey, Houston, Chairman
 Perry D. Pickett, Midland
 Charles E. Sherrill, Fort Stockton
 George M. Thurmond, Del Rio
 John C. Vance, Dallas
Probation Officers
 Dale Brown, Brownfield
 Giles Garmon, Austin
 J. C. Ledbetter, Dallas
 Charles W. Nail, San Antonio

BAR-PRESS COMMITTEE

Peter Michael Curry, San Antonio, Chairman
 Carl Anderson, Waco
 Tom Cave, Fort Worth
 J. Neil Daniel, Abilene
 Charles Lindsey, Fort Worth
 Miron Love, Houston
 R. T. Scales, Dallas
 George Thurmond, Del Rio

COMMITTEE ON JUDICIAL RETIREMENT

Herman Jones, Chairman
 (Other committee members to be named later)

JUDICIAL NOTICES

CODE AMENDED

The Supreme Court of Texas promulgated amendments and additions to the Code of Judicial Conduct in an order entered Nov. 9, 1976, Associate Justice Jack Pope announced.

Portions of the Code affected by the action include Canon 3A (7), Canon 5B(2), Canon 7 and "Compliance with the Code of Judicial Conduct" section.

Major changes include substitution of a new Canon for the present Canon 7, and the addition of "part-time judges" to the compliance section.

The complete changes appear in the February 1977 issue of the Texas Bar Journal.

Copies of the new Code of Judicial Conduct incorporating all changes will be printed by the Texas Center for the Judiciary and distributed as soon as possible, Executive Director Jack H. Dillard said.

CJC MAY 4-6

The eighth annual Criminal Justice Conference will be held May 4-6 in Huntsville.

Site of the conference is the Criminal Justice Center on the campus of Sam Houston State University.

The annual conference is sponsored by the Texas Center for the Judiciary, Texas Department of Corrections, the Institute of Contemporary Corrections and the Behavioral Sciences of Sam Houston State University, and the Texas Court of Criminal Appeals.

MID-WINTER CONFERENCE SET

The annual Mid-Winter South Texas Judicial Conference will be held March 24-27 in Victoria.

Chief Justice Paul W. Nye, of the Corpus Christi Court of Civil Appeals, Chief Justice Charles W. Barrow, of the San Antonio Court of Civil Appeals, and Victoria District Judge Joe Kelly are planning the program.

Judges of the 4th and 13th Supreme Administrative Judicial Districts are eligible to attend the conference.

Headquarters for the conference is Totah's Motel, 2911 Houston Highway.

The tentative schedule begins with registration Thursday afternoon, March 24. Conference sessions will be held all day Friday and Saturday morning, with social events, including "Las Vegas Night," "Night in Old Goliad," Conference Banquet and John Miller Traditional Breakfast, completing the schedule.

The conference adjourns Sunday morning, March 27.

TEXAS CENTER MOVES

The Texas Center for the Judiciary is now housed in the Texas Law Center, Suite 519.

The Law Center, at the corner of 15th and Colorado Streets in Austin, is one block northwest of the Capitol and across the street from the Supreme Court Building.

Mailing address of the Texas Center for the Judiciary has remained the same: P. O. Box 12487 Capitol Station, Austin 78711.

The new phone number of the Texas Center is (512) 475-7087. The Inward WATS line is 1-800-252-9232.

NEW JUDGES TAKE OFFICE

New Texas judges (with the judges they replaced in italics) include:

Appellate

Clarence Guittard, 5th Court of Civil Appeals chief justice, Dallas (*Claude Williams*)

W. A. Hughes, 2nd Court of Civil Appeals, Fort Worth (*Harris J. Brewster*)

W. T. Phillips, Court of Criminal Appeals, Austin (*W. A. Morrison*)

Ted Robertson, 5th Court of Civil Appeals associate justice, Dallas (*Clarence Guittard*)

Don Yarbrough, Supreme Court of Texas, Austin (*Ross Doughty*)

District Court

Robert Barton, 216th, Kerrville (*Marvin Blackburn*)

J. Taylor Brite, 81st, Jourdanton (*John May*)

Neil Caldwell, 23rd Angleton (*O. G. Wellborn Jr.*)

Joe A. Cisneros, 93rd, Edinburg (*Magus Smith*)

Hume Cofer, 98th, Austin (*Chas. O. Betts*)

Paul S. Colley, 4th, Henderson (*Joseph Gladney*)

Kenneth A. "Buck" Douglas, 13th, Corsicana (*Don Nicholson*)

David A. Dunn, 163rd, Orange (*Frederic B. Trimble*)

Larry Fuller, 143rd, Pecos (*J. H. Starley*)

Ricardo H. Garcia, 229th, San Diego (*O. P. Carrillo*)

Donald Hammond, 33rd, San Saba (*Jack Miller*)

Ed. J. Harris, 10th, Galveston (*Donald Markle*)

Don Humble, 20th, Cameron (*W. C. Wallace*)

Harry D. Lewis, 138th, Brownsville (*T. Gilbert Sharpe*)

William S. Lott, 26th, Georgetown (*Kirby Vance*)

Don B. Morgan, 212th, Galveston (*Jules V. Damiani*)

B. D. Moye, 76th, Mt. Pleasant (*Morris Rolston*)

Lanny Ramsay, 8th, Sulphur Springs (*J. Kearney Brim*)

Charles H. Storey, 95th, Dallas (*Ted Robertson*)

Larry Sullivant, 235th, Gainesville (*W. A. Hughes*)

County Court at Law

W. E. Coats Jr., Tyler (*New Court*)

Arturo Guerra Jr., McAllen (*J. M. Ramirez*)

Grover Halliburton, Orange (*David A. Dunn*)

Frank P. Hernandez, #3, Dallas (*Charles H. Storey*)

W. D. Julian Jr., Crockett (*New Court*)

Nathan Newman, Abilene (*Lynn Ingalsbe*)

J. Bradley Smith, Bryan (*New Court*)

J. Q. Warnick Jr., #2, Lubbock (*Dudley K. Brummett*)

Domestic Relations

Allen Daggett, #3, Houston (*Benjamin Woodall*)

Jerry Shackelford, Amarillo (*Carl Periman*)

Juvenile Court

Craig Penfold, #1, Dallas (*Theo Bedard*)

County Criminal Court at Law

Billy D. Mills, #3, Fort Worth (*Don E. Burdette*)

Pete Perez, #4, Fort Worth (*New Court*)

COMMITTEE POSTS FILLED

Judicial Section Chairman Warren P. Cunningham has made appointments to the Section's Nominating and Program Committees.

Nomination Committee chairman is Stanley Kirk of Wichita Falls. Members are James W. Summers, Rusk; G. P. Hardy Jr., Bay City; Stephen Preslar, El Paso; and James A. Ellis, Amarillo.

Paul W. Nye, Judicial Section chairman-elect, is Program Committee chairman. Members are Joe

Kelly of Victoria and Phil Peden of Houston. The committee is responsible for planning the schedule and speakers for the annual Judicial Section Conference.

The Nominating Committee, according to the Section's by-laws, shall "solicit from the membership nominations for the office of Chairman-Elect and for members to serve on the Executive Committee to be received not later than April 30."



Judge Perry D. Pickett, right, was sworn in as presiding judge of the Seventh Administrative Judicial District in January by Texas Supreme Court Chief Justice Joe Greenhill in the Supreme Court Building in Austin.

DOUGHTY, PICKETT NAMED NEW ADMINISTRATIVE JUDGES

Gov. Dolph Briscoe appointed new presiding judges of two administrative districts in January.

Ross E. Doughty of Uvalde is the new presiding judge of the 6th Administrative District and Perry D. Pickett of Midland was named presiding judge of the 7th Ad-

ministrative District.

Judge Doughty, former Texas Supreme Court justice and district judge, replaces Marvin Blackburn of Junction, while Judge Pickett, 142nd District Court judge, replaces C. V. Milburn of Odessa.