

# IN CHAMBERS

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## GREENHILL ADDRESSES LEGISLATURE

Delivering the first State of the Judiciary message in Texas history, Supreme Court Chief Justice Joe R. Greenhill told a joint session of the Texas legislature January 31 that the state's court system must be restructured and more administrative and clerical assistance provided in order to speed up the judicial process.

"It should be our function," Greenhill said, "to bring the accused to justice, with a finding of guilt or innocence, without delay; and to act with such dispatch that the judicial system acts not only to free the innocent, but to afford sure and speedy punishment to the guilty so that there is a deterrent to crime."

The chief justice added that there had been marked improvement at the trial court level toward achieving that goal, but generally "we are not succeeding."

One factor is the relatively insignificant amount of state appropriations to the judiciary, Greenhill said.

Noting that the judiciary—the third branch of government—receives only one-third of one percent of the total state appropriation, he said funds can be increased to the level needed for efficient operation of the judiciary without measurably affecting the state's overall budget.

In addition to budgetary matters, Greenhill offered several

recommendations for structural improvements in the state judicial system.

- **Administrative and clerical assistance, whether it be a court administrator, secretary or bailiff, should be available to district judges.**

District judges are state officials, Greenhill noted, and "should be the concern and responsibility of the state. They can do a better job in trying and disposing of more cases, criminal and civil, if they are given some assistance. The same is true of the county courts at law."

- **Judges of the nine regional administrative judicial districts of Texas should receive administrative assistants.**

The administrative judges "should be given the tools and the staff to do their jobs well," Greenhill said. Administrative assistants would "help the presiding judges keep informed on when courts in their district are in trial or not, when courtrooms are available and when judges should be brought in or moved."

- **The 14 Courts of Civil Appeals should be "empowered to hear both civil and criminal matters."**

He noted that the present judicial system was created in 1891, when there was "no need for more than one court of appeals for criminal cases." Today, he said, there "certainly is" a need because of the rapidly expanding caseload.

"It would be my view that you could, and should, make the appeal in many criminal cases—certainly including misdemeanors—final, in the court of appeals, with the Court of Criminal Appeals having power to resolve any conflicting holdings of the various courts, and a discretionary review of other holdings."

He called for a constitutional amendment to accomplish this recommendation.

- **Too much time is taken in the selection of criminal juries. Trial judges should be given greater discretion in regulating the time consumed in choosing jurors in criminal cases.**

- **The regulation, admission and discipline of attorneys has traditionally and inherently been a function of the judicial branch and the Supreme Court of the various states. This is a proper function of the Supreme Court in Texas.**

(Continued on Page 4)



Members of the Criminal Justice Conference planning committee met in December in the Texas Center to plan the annual conference set for May 2-4 in Huntsville. Left: H. F. Garcia, James K. Allen, Ron Taylor, John T. Boyd. Right: Shack Nail, Jerry Garrett, Alfred Walker, Miron Love.



## AG OPINIONS

Five Texas attorney general opinions released in December are of particular interest to Texas judges.

Opinion H-1266, dated December 1, addresses a request from Henderson County as to whether the salary of the county auditor may be raised before the beginning of the fiscal year. The two-page opinion contains the following summary:

### H-1266

"The salary of the county auditor of Henderson County may be increased at any time, so long as it does not exceed the salary of the tax assessor-collector of Henderson County."

Opinion H-1283, dated December 14, concerned the authority of the Adult Probation Commission to provide assistance for supervision of persons on pre-trial bond. The two-page opinion summarizes:

### H-1283

"The Texas Adult Probation Commission does not have authority under present law to provide financial assistance to pre-trial release programs."

Opinion H-1285, dated December 15, concerns article 6228b, V.T.C.S., the Judicial Retirement Act. The two-page opinion summarizes:

### H-1285

"A judge who retires prior to 64 under the provisions of section 2(d) of article 6228b, V.T.C.S., is eligible

for the additional 10 percent benefit provided by section 2(a) of that statute."

Opinion H-1296, dated December 19, gives the following summary of the two-page opinion:

### H-1296

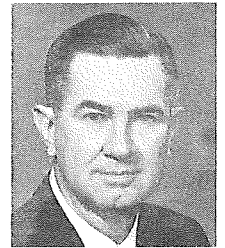
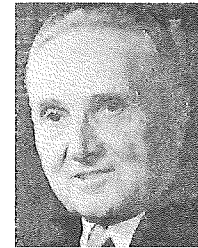
"The commissioners court is not required to approve a salary or budget recommended by a juvenile board under article 5142d, V.T.C.S."

Opinion H-1301, dated December 21, is in answer to three questions relating to whether or not it is mandatory that a magistrate who conducts a detention hearing in accordance with section 51.04, Family Code, V.T.C.S., be a licensed attorney. The three-page opinion summarizes:

### H-1301

"A magistrate who conducts a detention hearing in accordance with section 51.04, Family Code, need not be a licensed attorney. Section 51.04d of the Family Code requires the designation of an alternate court when the judge of the juvenile court designated pursuant to subsection (b) or (c) is not an attorney."

Complete copies of the above opinions can be obtained by writing: The Attorney General of Texas, Supreme Court Building, P.O. Box 12548, Austin 78711. Phone number: (512) 475-3744.



## Rogers, Denton Head CLE Committee

Judges Max M. Rogers and James G. Denton are the new officers of the Judicial Section's Continuing Legal Education Committee.

Judge Rogers, presiding judge of the Second Administrative Judicial District in Huntsville, is chairman of the CLE Committee, succeeding District Judge David Walker of Lufkin.

Judge Denton, Texas Supreme Court justice, succeeds Judge Rogers as vice chairman.

The CLE Committee is the governing body of the Texas Center for the Judiciary.

Committee members, in addition to Judges Rogers and Denton, are John T. Boyd, 64th District Court, Plainview; Barbara Culver, 318th District Court, Midland; F. Harold Entz, County Court at Law #4, Dallas; Sam D. Johnson, Supreme Court of Texas, Austin; Noah Kennedy, 148th District Court, Corpus Christi; Charles L. Reynolds, Seventh Court of Civil Appeals, Amarillo; Truman E. Roberts, Court of Criminal Appeals, Austin; Thomas J. Stovall Jr., 129th District Court, Houston; and Robert C. Wright, 137th District Court, Lubbock. Ex-officio members are Charles W. Barrow, Supreme Court of Texas, Austin; Tom G. Davis, Court of Criminal Appeals, Austin; David Walker, 159th District Court, Lufkin; Larry Craddock, Director of Court Service, Criminal Justice Division, Office of the Governor, Austin; and Willis Whatley, General Counsel, CJD, Austin.

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## GREENHILL ADDRESS

(Continued from Page 1)

Other matters discussed in the address included juvenile probation, the Speedy Trial Act, legal education, and court administration.

Attending the State of the Judiciary address in the House chambers were Governor Clements, Lieutenant Governor Hobby, House Speaker Clayton, House and Senate members, members of the Supreme Court and Court of Criminal Appeals, members of the Third Court of Civil Appeals, and numerous other members of the state judiciary.

The chief justice of the Texas Supreme Court was invited to address each regular session of the Texas legislature by a law passed in 1977.

## BILL STATUS

For information on the status of bills in the Texas Legislature, please call 1-800-252-9693. For calls originating in Austin, call (512) 475-3026.

## JUDICIAL CALENDAR

### April 3-5

County Judges Seminar  
Austin

### May 2-4

Criminal Justice Conference  
Huntsville

### June 26-30

State Bar Convention  
San Antonio

### September 25-28

Judicial Section Conference  
Abilene

## "SWIFT JUSTICE" GOAL OF PLAN

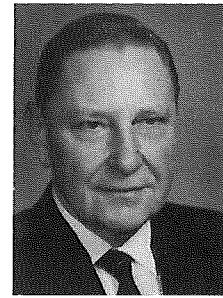
A plan to aid Texas courts in disposing of "mounting caseloads without sacrificing the quality of justice" has been completed by the Judicial Planning Committee, a 21-member organization chaired by Texas Supreme Court Chief Justice Joe R. Greenhill.

Elements of the plan are contained in a 60-page report entitled, "Swift Justice in Texas Courts: A Plan for Improving the Administration of Justice," which was distributed to the Governor, state legislators, Texas judiciary members, and county commissioners, by the Committee.

Committee membership includes representatives from all Texas court levels, attorneys, clerks, administrators, and law professors, with Texas Supreme Court Justice Charles W. Barrow supervising staff operations.

Information about the plan may be obtained by writing:

David B. West  
P.O. Box 13071  
Austin, Texas 78711



Quentin Keith

## KEITH PREPARING BENCHBOOK REVISION

Quentin Keith, Beaumont Court of Civil Appeals justice, is currently preparing a revision of the Benchbook for Texas Trial Judges Part II, which deals with civil matters.

A revision of Part I of the Benchbook, concerning criminal matters, was recently completed by Judge Keith, with assistance from Court of Criminal Appeals Judges Carl Dally and Tom Davis. It was mailed to every member of the Judicial Section by the Texas Center for the Judiciary in December, 1978.

The Part II revision will be published and distributed in the spring by the Texas Center.

Judge Keith, in addition to his work on the Benchbook, serves as chairman of the Judicial Section's Committee on Judicial Ethics.

### In Chambers

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State Bar of Texas  
P.O. Box 12487, Capitol Station  
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