

IN CHAMBERS



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NOVEMBER, 1975



Texas juvenile judges met in Austin October 22-24 for the annual Texas Juvenile Court Judges Seminar.

JUVENILE JUDGES MEET IN AUSTIN

The annual Texas Juvenile Court Judges Seminar, sponsored by the Texas Center for the Judiciary, was held October 22-24 in Austin. Fifty-two juvenile judges attended the meeting, which included, in addition to noted speakers, a further development of the juvenile court judges organization.

Judicial Section Chairman Wendell A. Odom, in a meeting with committee members, assured the Juvenile Court Judges Committee of its authority to speak for the Judicial Section of the State Bar in any interaction with state agencies.

Also, officials of the Texas Youth Council, Department of Public Welfare, Texas Education Agency and the Criminal Justice Division of the Governor's office spoke at the seminar and expressed interest in working with the juvenile judges in policy formulation and implementation.

An outgrowth of the action was the creation of two liaison committees appointed by Judge Bill Logue of Waco, Juvenile Court Judges Committee chairman.

The committees are the Licensing Committee, chaired by Midland County Judge Barbara Culver, and the Criminal Justice and Texas Youth Council (TYC) Committee, chaired by Fort Worth Juvenile Court Judge Scott Moore.

"The Licensing Committee is charged with the responsibility of working with Randy Pendleton of the Department of Public Welfare, where applicable, regarding licensing," Logue explained.

The committee "will also work with the recently appointed Jail Commission, if requested by the commission," he added.

Licensing Committee members include the following judges: Tom

Kenyon, Domestic Relations Court, Angleton; Wallace Miller, Juvenile Court #2, Houston; Darrell Hester, 197th District Court, Brownsville; J. W. Summers, 2nd District Court, Rusk; Pat Boone Jr., 154th District Court, Littlefield; and Bill Logue, ex officio.

A second body, the Criminal Justice and TYC Committee, has "the responsibility of working with Larry Craddock of the Criminal Justice Division in developing guidelines for the deinstitutionalization of status offenders," Logue said.

The committee also will work with Ron Jackson, TYC executive director, and Dr. Stan Pinder, TYC Community Services director, in the development of community-based services for juveniles, he said.

Committee members include the following judges: Jerry J. Garrett, County Court-at-Law, Victoria; Carl Periman, Domestic Relations Court, Amarillo; E. W. Patteson, Second 25th District Court, Gonzales; John T. Boyd, 64th District Court, Plainview; William C. Martin, Domestic Relations Court, Longview; M. C. Ledbetter, 121st District Court, Morton; and Bill Logue, ex officio.

In other business, the name of the juvenile judges' committee was officially changed from Juvenile Court Judges' Continuing Legal Education Committee to Juvenile Court Judges Committee, Judicial Section, State Bar.

Also, a recommendation was made to hold a meeting of juvenile court judges during the annual Judicial Section meeting, similar to that done by the appellate court and trial court judges. It will be

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300 JUDGES ATTEND SECTION CONFERENCE

Some 300 judges attended the annual Judicial Section Conference, State Bar of Texas, held in Waco September 24-26.

The final day saw election of Section officers and Executive Committee members, selection of Tyler as the site of the 1976 conference, and adoption of a proposal to revise a section of the Code of

Judicial Conduct.

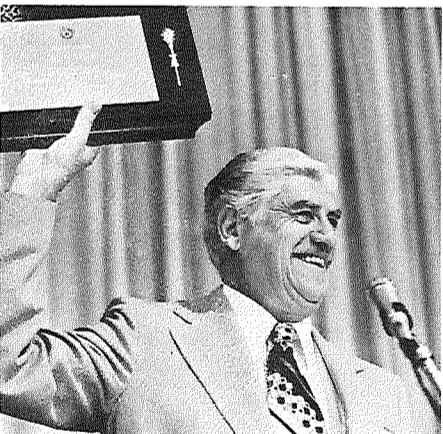
The following officers were elected: chairman—Wendell A. Odom, Court of Criminal Appeals judge, Austin; vice chairman—Warren P. Cunningham Jr., 164th District Court judge, Houston; and, secretary-treasurer—Paul W. Nye, 13th Court of Civil Appeals chief justice, Corpus Christi.

Odom succeeds Joe E. Kelly, 24th District Court judge in Victoria, who presided over the Waco conference.

In a meeting of the appellate judges section, Carl E. F. Dally, Court of Criminal Appeals commissioner, was elected chairman. Bill J. Cornelius, Court of Civil Appeals justice in Texarkana, is the new vice chairman. New secretary-treasurer is Sam Johnson, Texas Supreme Court justice.

Members of the Executive Committee are: Charles J. Murray, 17th

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Departing Judicial Section Chairman Joe Kelly, Victoria, displays the plaque presented to him at the annual conference.

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JUDICIAL SECTION COMMITTEES

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

NON PROFIT ORGANIZATION

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JUDICIAL SECTION COMMITTEES

Members of the various Judicial Section committees, with appointments made by new Section Chairman Wendell A. Odom in italics, are:

EXECUTIVE COMMITTEE

Wendell A. Odom, Austin
(Chairman)
Warren P. Cunningham, Houston
(Vice Chairman)
Paul W. Nye, Corpus Christi
(Secretary-Treasurer)
Charles L. Reynolds, Amarillo
Tom Reavley, Austin
F. Harold Entz Jr., Dallas
James F. Clawson, Belton
Perry D. Pickett, Midland
George E. Miller, Houston
Joe E. Kelly, Victoria

CLE COMMITTEE

Charles W. Barrow, San Antonio
(Chairman)
James G. Denton, Austin
Noah Kennedy, Corpus Christi
Lewis Dickson, Houston
Perry D. Pickett, Midland
Thomas J. Stovall, Houston
Truman Roberts, Austin
Fred Hooley, Houston
David Walker, Lufkin

LEGISLATIVE COMMITTEE

Lee Duggan, Houston (Chairman)
Harry Hopkins, Weatherford
Galloway Calhoun Jr., Tyler
B. B. Schraub, Seguin
Bill Cornelius, Texarkana
John Boyd, Plainview
Carol R. Haberman, San Antonio
James F. McCarthy, Dallas

JUVENILE COURT JUDGES COMMITTEE

Bill Logue, Waco (Chairman)
William C. Martin, Longview
Jerry Garrett, Victoria
Barbara G. Culver, Midland
M. C. Ledbetter, Morton
J. W. Summers, Rusk
Tom Kenyon, Angleton
E. W. Patteson, Gonzales
Pat Boone, Littlefield
Wallace H. Miller, Houston
Scott Moore, Fort Worth

COMMITTEE ON JUDICIAL ETHICS

Quentin Keith, Beaumont
(Chairman)
Ralph Elliott, Sherman
Max Bennett, Corpus Christi
Jerome V. Chamberlain, Dallas
Donald Carroll, Tyler
William Shaver, Lubbock
Stephen F. Preslar, El Paso
Jack Smith, Houston
Donald Nicholson, Corsicana

DUES SET, SUBCOMMITTEES FORMED AT EXECUTIVE COMMITTEE MEETING

The newly-elected Executive Committee, Judicial Section, State Bar of Texas, held its first meeting October 23 in Austin in conjunction with the Juvenile Court Judges Seminar.

Committee members, elected during the recent Section conference in Waco, discussed annual Section dues and 1976 Judicial Conference registration fees at the meeting. Also, Chairman Wendell A. Odom appointed three three-member subcommittees to study a wide-range of subjects.

The following subcommittees were established:

- By-Laws Subcommittee composed of Judges Charles Reynolds, chairman, Harold Entz and James F. Clawson. The committee is to consider changing the Section by-laws, designating responsibility to the vice chairman (or chairman-elect) to serve as program chairman for the annual Section conference.

Also it is to study the feasibility of instituting a different method of electing officers and members

of the Executive Committee. A method to be considered is mail balloting—one or two candidates for each office with provision for write-in prior to annual Section conference—similar to State Bar elections. They also will decide whether Executive Committee membership should include a cross-section of court levels and geographical location.

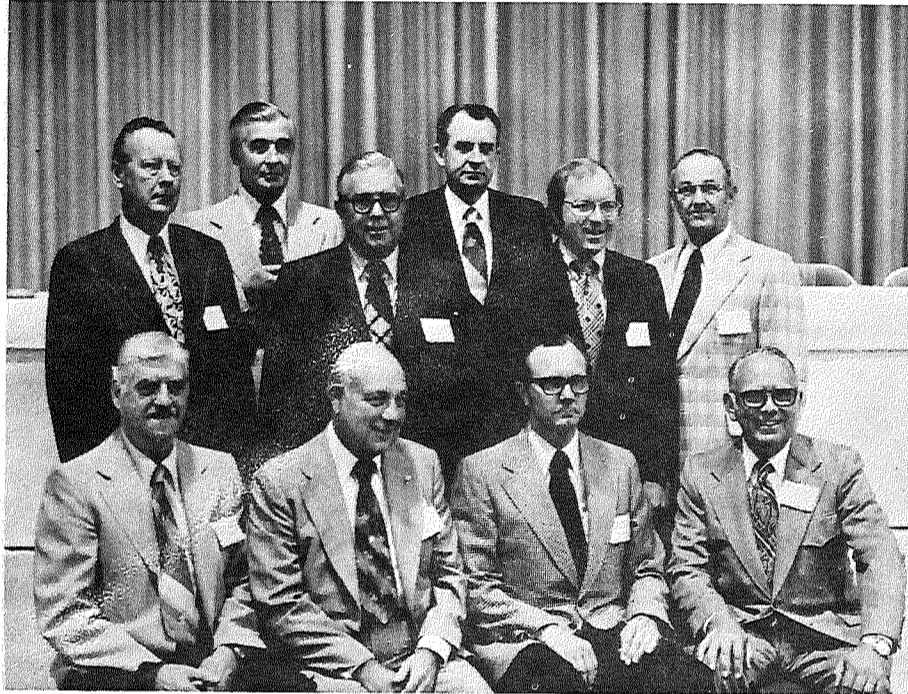
- Site Selection Committee for annual Judicial Conference composed of Judges George Miller, chairman, Don Busby and Wayne Lawrence. Presently, the future site of the annual conference is selected by vote of judges in attendance at the conference.

- A committee to study the feasibility of forming a Judicial Association, an agency separate from the State Bar. Committee members are Judges Tom Reavley, chairman, Charles J. Murray, Perry D. Pickett and Joe Kelly.

With regard to annual Section dues and Conference registration fees, the Committee voted to renew the present Section dues of \$25 for active judges and \$12.50 for retired judges. Section Conference registration fees for the 1976 Conference in Tyler September 21-24 were raised from \$30 to \$40 for judges. The fee for spouses was reduced from \$30 to \$20.

Committee members are Judges Wendell A. Odom, chairman, Warren P. Cunningham, vice chairman, Paul W. Nye, secretary-treasurer, Joe E. Kelly, James F. Clawson Jr., Harold Entz, George E. Miller, Perry D. Pickett, Thomas M. Reavley, Charles L. Reynolds and Charles J. Murray.

Next Executive Committee meeting is scheduled for early May in Huntsville.



Executive Committee members are: seated, left to right, Joe E. Kelly, Victoria; Warren P. Cunningham, Houston, vice chairman; Wendell A. Odom, Austin, chairman; and Paul W. Nye, Corpus Christi, secretary-treasurer. Standing, left to right, are: Charles L. Reynolds, Amarillo; Perry D. Pickett, Midland; George Miller, Houston; Tom Reavley, Austin; Harold Entz, Dallas; and James Clawson, Belton. Another committee member, Charles J. Murray of Fort Worth, is not pictured.

SECTION CONFERENCE

(Continued from Page 1)

District Court, Fort Worth; Charles L. Reynolds, 7th Court of Civil Appeals, Amarillo; Tom Reavley, Texas Supreme Court, Austin, F. Harold Entz Jr., County Criminal Court #4, Dallas; James F. Clawson, 169th District Court, Belton; Perry D. Pickett, 142nd District Court, Midland; George E. Miller, 113th District Court, Houston; and Joe E. Kelly, immediate past Section chairman.

By vote of the conferees, Tyler was chosen over Beaumont as the site of next year's conference.

Also brought before the conference in the final day's business meeting were proposals affecting the Committee on Judicial Ethics and the Code of Judicial Conduct.

The nine-member ethics committee, previously a special committee of the Judicial Section, was raised to a standing committee to enable it to function continuously. The committee consists of nine members, with three members drawing one-year terms, three members drawing two-year terms, and three drawing three-year terms.

The conferees also approved a proposal to request the Texas Supreme Court to amend the Code

of Judicial Conduct. (See page 3—Ethics Committee.)



Some 300 judges gathered in Waco in September to attend the annual Judicial Section Conference.



New officers of the Appellate Judges Section are, left to right, Bill Cornelius, Texarkana, vice chairman; Carl E. F. Dally, Austin, chairman; and Sam Johnson, Austin, secretary-treasurer.

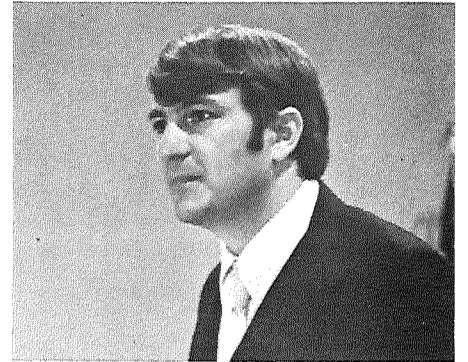


Members of the Juvenile Court Judges Committee are: seated, left to right, Jim Farris, Houston; E. W. Patteson, Gonzales; Barbara Culver, Midland; and J. W. Summers, Rusk. Standing, left to right, are: Bill Logue, Waco, chairman; Wallace Miller, Houston; Scott

Moore, Fort Worth; Tom Kenyon, Angleton; Jerry Garrett, Victoria; and William C. Martin III, Longview. Committee members M. C. Ledbetter of Morton and Pat Boone of Littlefield are not pictured.



John Hill



Ron Jackson

JUVENILE JUDGES CONFER

(Continued from Page 1)

presented to the Judicial Section's Executive Committee, Logue said.

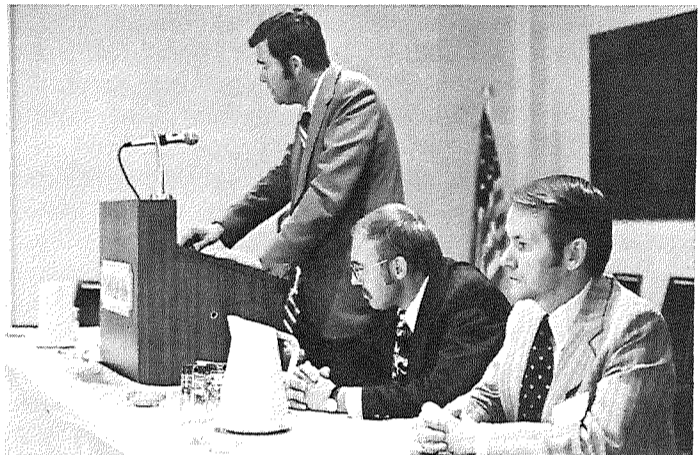
The conferees adopted resolutions honoring Lewis F. Russell, deceased juvenile judge in Dallas, and Jim Farris, Beaumont County Court-at-Law #2 judge and retiring Juvenile Court Judges Committee member.

The seminar drew an array of notable speakers including Texas Atty. Gen. John Hill; Ron Jackson, executive director of the Texas Youth Council; Joe R. Greenhill, Texas Supreme Court chief justice; District Judge Charles O. Betts of Austin; Randy Pendleton, executive assistant in the Department of Public Welfare; and C. Raymond Justice, executive director of the Texas Judicial Council.

Also, Don L. Partridge, assistant commissioner in the Texas Education Agency; Dr. Harold Levy, a Shreveport, Louisiana pediatrician and noted expert on the relationship of learning disabilities

and juvenile delinquency; Robert Dawson, UT Law School professor, Dr. Stan Pinder, TYC; Bob Barron, McLennan County chief juvenile probation officer; and Louis A. Stewart, superintendent of Austin's Gardner House.

William L. Willis, director of Court Services for the Criminal Justice Division of the Governor's office, Larry Caddock, Corrections Section director, and Jim Kester, program coordinator of the Corrections Section, also spoke.



Three members of the Criminal Justice Division of the Governor's office spoke to the juvenile seminar. Standing is Larry Craddock. Seated are Jim Kester, left, and Bill Willis.

ETHICS COMMITTEE ACTION

At a meeting of the Committee on Judicial Ethics held during the annual Section conference in Waco, the following question was discussed and opinion delivered:

QUESTION: *Where a County Court-at-Law judge is appointed by the commissioners court of his county with the distinct understanding and agreement that, because of the light docket of the County Court-at-Law and the fact that all of the judicial business of that court can be accomplished in approximately one-half of the working hours of the judge, the County Court-at-Law position is to be considered a part-time position and insofar as the commissioners court is concerned, the County Court-at-Law judge would be permitted to continue his law practice so long as it did not interfere with his judicial duties as judge of the County Court-at-Law, is such County Court-at-Law judge prohibited from practicing law by Canon 5F of the Code of Judicial Conduct?*

OPINION: The committee is of the opinion that Canon 5F of the Code of Judicial Conduct clearly prohibits such County Court-at-Law judge from practicing law regardless of any agreement with his commissioners court at the time of his appointment.

In further action, the committee discussed "the effect of the Code of Judicial Conduct on part-time

judges and concluded that, in order to obtain the best talent possible on County Courts-at-Law in Texas, (an) amendment to the Code should be recommended by the Committee to the Judicial Section," Chairman Warren Cunningham, Houston, reported.

The proposed amendment reads: Amend the Code of Judicial Conduct, "Compliance with the Code of Judicial Conduct," page 18 of the Code, in the following particulars:

1. Paragraph A, line seven, to read: "Judges of county courts-at-law who are not part-time judges as defined in Paragraph B of the "Compliance Section."
2. Immediately thereafter add "Statutory Probate Judges."
3. Add a new paragraph to be designated "B," to read: B. "Part-Time Judge." A part-time judge is a judge who serves on a continuing or periodic basis but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full time judge. A part-time judge:

- (1) is not required to comply with Canon 5C(2), D., E., F., and G.;
- (2) should not practice law in the court on which he serves or in any court subject to the appellate jurisdiction of the court on which he serves, or act as a lawyer in a proceed-

ing related thereto.

4. Re-designate the present paragraphs of said "Compliance" section, B—relating to judge *pro tempore* and C—relating to retired judges, as paragraphs C and D, respectively.

The amendment was endorsed by vote of the judges in attendance at the annual conference. It will be recommended to the Supreme Court of Texas, the body which promulgated the Code.

Other motions discussed in the ethics committee meeting, but not approved, were:

- a motion to delete the last two paragraphs of Canon 5C(2), which prohibits a judge from being an officer, director or manager of a publicly owned business; and
- a motion to delete Section A under "Effective Date of Compliance," which allows a person holding judicial office on the date the Code became effective (Sept. 1, 1974) to continue to act as an officer or director of a publicly owned business for a period not to exceed four years.

In addition to Chairman Cunningham, committee members present included Judges Quentin Keith, Austin McCloud, Jerome Chamberlain, Donald Carroll, William Shaver and Stephen F. Preslar.

Ethics questions may be submitted to: Texas Center for the Judiciary, P. O. Box 12487 Capitol Station, Austin, Texas 78711, Attn: Committee on Judicial Ethics.

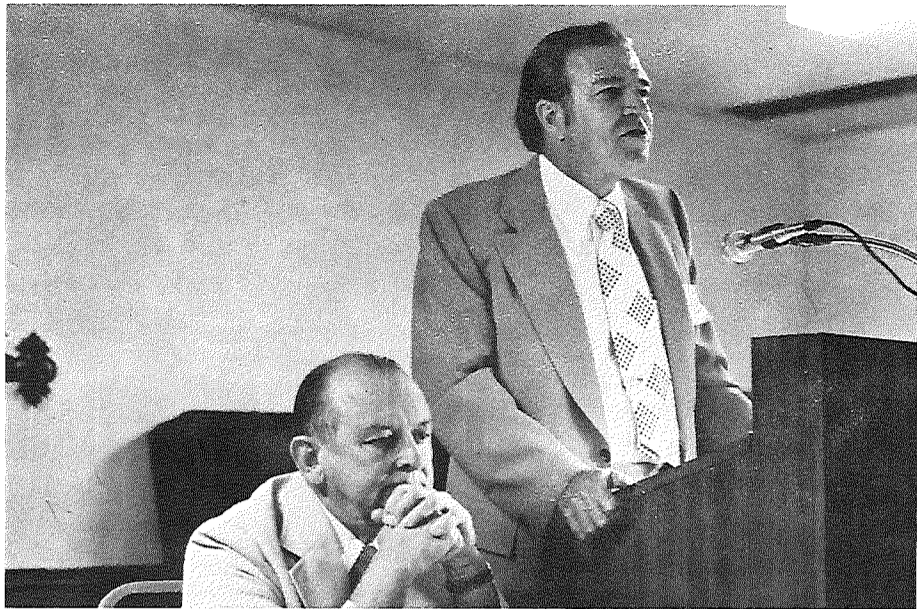
IN MEMORIAM

Dice. Wesley Dice, Court of Criminal Appeals judge from 1967 to 1969, died in an automobile accident near Temple October 26. A resident of Austin, he was 67.

Nelson. E. C. Nelson, 108th District Court judge in Amarillo from 1962 to 1960, died June 26 in Floydada. Judge Nelson also served as judge of the 47th District Court in Amarillo, 1935-42, and Potter County Court-at-Law, 1931-33. He was 84.

Phillips. Hawthorne Phillips, Supreme Court justice in 1973 and district judge in Brownsville from 1955 to 1964, died October 23 in Houston's M. D. Anderson Hospital. A resident of Austin, he was 60.

Williams. Leslie D. Williams, 21st District Court judge from 1953 to 1968, died November 8 in Brenham. He was 82.



Texas Supreme Court Chief Justice Joe R. Greenhill, left, and Presiding Judge John F. Onion Jr., Court of Criminal Appeals, were speakers at the first Briefing Attorneys Institute. The Institute, held at Austin's Ramada Inn September 7-8, attracted over 50 participants.

Dillard New SJEA Officer

Jack H. Dillard, executive director of the Texas Center for the Judiciary, has been elected vice-president of the State Judicial Educators Association (SJEA), a newly organized association of persons engaged in judicial education.

Sofron B. Nedilsky, director of judicial education in Wisconsin, is the first president.

Dillard's election came at the first annual meeting of the organization in late August in Chicago. W. S. (Shack) Nail, associate director of the Center, also attended the Chicago meeting.

SJEA seeks to improve the quality of judicial education, Dillard said, through the development of professional standards, promotion of research and development in the judicial education field, and cooperation between organizations involved with judicial and criminal jus-

tice education.

Other SJEA objectives include providing a forum for the development of progressive theories of judicial education, increasing the awareness and utilization of the latest adult education techniques, and establishing a mechanism for the exchange of judicial education information.

SJEA selected Texas as the site of the 1976 meeting upon the invitation of Dillard and Nail. It is tentatively set for late March or early April in San Antonio.



Jack H. Dillard
... State Judicial
Educators Association
Vice-President

NEW JUDGES TAKE OFFICE

Judges who have assumed the bench recently (with the judges they replaced in italics) include:

Court of Civil Appeals

George E. Cire, 14th, Houston (*Bert H. Tunks*)—effective Jan. 1, 1976 (Associate Justice Curtiss Brown was named chief justice, effective Jan. 1, 1976)

District Court

K. Baker, 123rd, Center (*Wardlow Lane*)

John L. Placke, 21st, Giddings (*C. B. Maynard*)

Peter S. Solito, 208th, Houston (*Andrew Jefferson*)

Presley E. Werlein Jr., 165th, Houston (*George E. Cire*)

Juvenile Court

Ellis Oualline Jr., Montgomery County, Conroe (*New Court*)

County Criminal Court-at-Law

Charles M. Coussons Jr., Houston (*New Court*)—effective Jan. 1, 1976

Joe Powell, #9, Houston (*New Court*)

County Judge

C. C. "Kit" Cooke III, Johnson County, Cleburne (*Thomas E. Ball*)

Domestic Relations Court

William M. Elliott, #4, Houston (*Peter S. Solito*)

Probate Court

Joseph E. Ashmore Jr., #3, Dallas (*New Court*)

JUDICIAL CALENDAR

December 2

CLE Committee Meeting
Austin

December 2-5

County Judges Seminar
Austin

May

Criminal Justice Conference
Huntsville

July 1-3

State Bar Convention
Austin

July 4

Texas Law Center Dedication
Austin

September 21-24

Annual Judicial Section
Conference
Tyler

JUDICIAL NOTICES

• Judicial Support Praised •

As fund raising for the new Texas Law Center moves into its final stages, the support of the Texas judiciary has been "outstanding," H. C. Pittman, executive director of the State Bar, said.

"On behalf of the Officers and Directors of the State Bar of Texas, we express our sincere appreciation to the members of the Judicial Section for outstanding support of the Texas Law Center Project," Pittman said.

More than \$50,000 has been pledged by Texas judges and, he added, "good potential remains."

"We're confident that additional pledges will be forthcoming," he said.

The \$6 million Texas Law Center is presently under construction at 15th and Colorado in Austin, within easy walking distance of the Supreme Court Building and the Capitol.

Barring unforeseen delays, construction of the six-story Center should be substantially complete by the dedication date of July 4, 1976, Pittman said.

Pledges can be mailed to: Campaign Office/Texas Law Center, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711.

• Love and Guarino Elected •

Two Texas judges were elected officials of the International Academy of Trial Judges at the Academy's October Conference held in Gleneagles, Scotland.

Judge Miron A. Love, 177th District Court in Houston, was elected secretary-treasurer of the Academy. Judge Joseph M. Guarino, 183rd District Court in Houston, was elected to the seven-member Board of Regents.

• County Judges Seminar Dec. 2-5 •

A seminar for Texas county judges will be held December 2-5 in Austin.

Judge Archie S. Brown, Court of Criminal Appeals commissioner, is director of the seminar, sponsored by the Texas Center for the Judiciary.

The four-day meeting is limited to 125 county judges and will be held at the Quality Inn-South.

The curriculum, geared largely to non-lawyer county judges, will consider practical problems involving both substantive and procedural law in the handling of criminal and civil cases, including probate, at the county court level.

Experienced county judges and former county judges will serve as faculty members.

• CJC Planners to Meet •

The planning committee of the 1976 Criminal Justice Conference will meet December 12 in Austin, chairman Carl E. F. Dally announced.

The annual conference will be held in early May in Huntsville.

The 20-member CJC planning committee includes: Judge Carl E. F. Dally, Austin, chairman; Dr. George Beto, Huntsville; Judge John Boyd, Plainview; Judge Archie Brown, Austin; Jack H. Dillard, Austin; W. J. Estelle, Huntsville; Judge Jerry Garrett, Victoria; Dr. George Killinger, Huntsville; Jack Kyle, Huntsville, Judge Miron Love, Houston; William S. Nail, Austin; Judge Wendell A. Odom, Austin; and Judge Truman Roberts, Austin.

Also, Judge Max M. Rogers, Huntsville; Judge John Vance, Dallas; Alfred Walker, Austin; Willis Whatley, Austin; Bill Willis, Austin; Judge Thomas J. Stovall, Houston; and Ron Taylor, Huntsville.

• In Chambers Column •

We would like your suggestions on instituting in *In Chambers* a guest column to be written by Texas judges.

The column would discuss specific concerns of the Texas judiciary today and could function as an educational tool, a forum for editorial views, or both.

If you have comments concerning the column, or would like to offer topics for consideration as column material, please write to: Texas Center for the Judiciary, *In Chambers*, P. O. Box 12487 Capitol Station, Austin, Texas 78711.