



# IN CHAMBERS

Official Publication of The Texas Center for the Judiciary, Inc., P.O. Box 12487, Capitol Station Austin, Texas 78711

Volume 16, Number 3

August 1989

## Judicial Section To Hold Annual Conference in Dallas

Judge George M. Thurmond, Chairman of the Judicial Section, has called for the Annual Conference of the Judicial Section of the State Bar of Texas to be held in Dallas at the Sheraton Park Central Hotel, September 19-22, 1989.

The conference will commence on Tuesday, September 19, with registration, golf, tennis and bridge. A welcome reception sponsored by the Dallas Bar Association, Dallas Area Young Lawyers and participating law firms will be held that evening from 6:30 until 8:00 p.m. at the hotel.

Once again, the Texas Bar Foundation will sponsor the judges' educational program on Wednesday. Focusing on the theme "Enhancing the Relationship Between the Bench and the Bar", the format of the day's program will be similar to that of last year's in that judges and attorneys will co-present and emphasize the dual perspectives of the topics addressed. The Retired and Former Judges Session will be held Wednesday afternoon and will address topics of interest to those judges.

On Wednesday, the spouses program will be conducted by Kaleidoscope Tours, Inc. of Dallas. The day-long activities will include a motor coach tour of Dallas' historical sites, the Farmer's Market, SMU and the Highland Park residential area. Lunch will be served at the Northwood Country Club, followed by shopping at the Galleria and Olla Podrida.

Wednesday evening will be "on your own" and should give everyone a chance to see Dallas at their leisure. The city has many attractions, not to mention some of the finest restaurants available anywhere, and a major league baseball team which might be in contention for a play-off berth at that time.

The educational program on Thursday morning will include an Update on the



Local Rules of Administration, a presentation on the Code of Judicial Conduct, and Reports from the Supreme Court of Texas and the Texas Court of Criminal Appeals. Thursday afternoon's program will take on a different format this year, and will provide judges with a choice of topics in civil law, criminal  
*(continued on page 5)*

### *Traveling to Dallas?*

#### *Travel Tips:*

For those interested in flying to Dallas for the Annual Conference, the following information may be helpful in getting to and from the Sheraton Park Central Hotel:

"*Super Shuttle*" service is available from either DFW or Love Field. In each airport there is a courtesy phone in the baggage claim area where parties may request pickup service to north Dallas hotels. Upon request, a "Super Shuttle" van will pick up individuals outside the baggage claim area and take them to the requested hotel. Average time to allow for pick-up service is approximately 15 minutes for DFW and approximately 20 minutes for Love Field. However, please note that if you request "Super Shuttle" service from Love Field during the hours of 11:15 a.m. until 2:45 p.m., the wait for the van could be as long as one hour. The cost for one-way "Super Shuttle" Service from DFW to the Sheraton Hotel is \$12.00 per person, and the cost for one-way service from Love Field to the hotel is \$10.00 per person.

For transportation after the conference, "Super Shuttle" should be pre-arranged by calling and making reservations at least one day in advance of departure.

*Taxicab* service is available and the cost from either DFW or Love field runs approximately \$22-25 one-way. For parties of two or more, this may be more convenient and less costly than the shuttle. ■

# Revision of Judicial Section By-Laws Proposed

A special committee appointed by Chairman George M. Thurmond to revise and bring up to date the by-laws of the Judicial Section has completed its work. Justice Charles R. Schulte, who recently retired from the 8th Court of Appeals in El Paso, was the chairman of the committee and he was ably assisted by Judge Lloyd W. Perkins of Sherman and Judge Hilda G. Tagle of Corpus Christi. The proposed revised by-laws, which will be voted on at the annual Conference in September, are printed here for your information.

## Proposed By-Laws of the Judicial Section of the State Bar of Texas

### Article I \_\_\_\_\_ *Name and Purpose*

#### *Section 1*

This section shall be known as the Judicial Section of the State Bar of Texas.

#### *Section 2*

The purpose of this Section shall be to promote the objectives of the State Bar of Texas within the particular field designated by the name of the Section, and to that end to take such action as may be appropriate thereto subject to the by-laws of this Section and the constitution and by-laws of the State Bar of Texas.

### Article II \_\_\_\_\_ *Membership-Dues*

#### *Section 1*

Any member of the State Bar of Texas who is serving or who has served as a justice or judge of a federal court including federal magistrates, the Supreme Court, the Court of Criminal Appeals, a court of appeals, a district court, a constitutional county court, a statutory probate court, or a statutory court exercising any of the jurisdiction of a constitutional county court, sitting in the State of Texas, and whose right to so serve has not been formally suspended or terminated by State action, shall upon payment of the annual dues to the Secretary-Treasurer of this Section be enrolled as a member of this Section.

#### *Section 2*

Members of this Section shall pay annual dues in an amount and at the time to be fixed by the Executive Committee.

### Article III \_\_\_\_\_ *Officers and Executive Committee*

#### *Section 1*

The officers of this Section shall be a Chair, Vice-Chair, and Secretary-Treasurer.

#### *Section 2*

The Chair and Vice-Chair shall be nominated and elected at each annual meeting of the Section, as hereinafter provided in Article V, for a term beginning with the election and ending with the election of a successor. Beginning with the 1989 annual meeting of the Section, a county court or a statutory county court judge shall be elected Chair and every fourth year thereafter. A district judge shall be elected Chair at the 1990 annual meeting of the Judicial Section and every even-numbered year thereafter. An appellate judge shall be elected as Chair at the 1991 annual meeting of the Judicial Section and every fourth year thereafter.

#### *Section 3*

The Chair, with the advice and consent of the Executive Committee, shall appoint a Secretary-Treasurer, who shall serve during the term of the appointing Chair and until a successor shall be appointed.

#### *Section 4*

There shall be an Executive Committee charged with managing the affairs of the Section. This Committee shall consist of the Chair, the Vice-Chair, the Secretary-Treasurer and the Immediate Past Chair as ex-officio members, and ten other regular

members, each of whom shall be elected as provided in Article V for a term of three years. The ten regular members shall be elected according to the following places:

- A. Place 1-Justice of the Supreme Court or a judge of the Court of Criminal Appeals,
- B. Place 2-Justice of a court of appeals,
- C. Places 3 through 7-District judges,
- D. Places 8 and 9-Judges of a county court or a statutory county court,
- E. Place 10-Retired judge or justice.

Insofar as practicable, each geographical area of the State shall be represented by at least one member of the Executive Committee.

#### *Section 5 (REPEALED)*

### Article IV \_\_\_\_\_ *Committees*

#### *Section 1*

There shall be two legislative committees composed of six members each. The Chair of the Section, on or before November 1st, shall appoint each committee with two members of each committee appointed for one, two, and three year terms, respectively. Thereafter, each newly elected Chair shall appoint two members to each committee before November 1st for three year terms. The Chair of the Judicial Section shall appoint a chair of each committee. The committees to be appointed are as follows:

(a) An Appellate Legislative Committee which is representative of the appellate division and geographically apportioned.

(b) A Trial Judges Legislative Committee which is representative of the trial judges of the Section and geographically apportioned.

#### **Section 2**

There shall be a Nominating Committee of not less than three members appointed by the Chair, with the advice and consent of the Executive Committee, on or before January 1 of each year, to serve until the conclusion of the next annual meeting. The Nominating Committee shall solicit from the membership nominations for the offices of Chair and Vice-Chair and for members to serve on the Executive Committee. Such nominations shall be submitted to the Nominating Committee not later than June 1.

#### **Section 3**

There shall be an Ethics Committee composed of nine members. Each Chair of the Judicial Section shall appoint three members to serve for a term of three years. The Committee shall select one of its members to serve as Chair of this Committee for a term of one year.

#### **Section 4**

The Executive Committee, from time to time, may create other committees as necessary to carry on the work of the Section, and the membership of such a committee shall be appointed by the Chair of the Judicial Section.

#### **Section 5**

Any committee report which is to be voted on by the Section members present at the annual conference, shall be made available in writing to the members attending the conference at least 48 hours before the business session.

#### **Section 6**

There shall be a Resolutions Committee of no less than three members appointed by the Chair of the Judicial Section. Any member of the Judicial Section desiring a resolution to be voted on at the annual conference shall have such resolution in the hands of the Chair of the Resolutions Committee no later than twenty (20) days prior to the date set for the annual meeting. The

Chair of the Resolutions Committee will have all such resolutions posted on the bulletin board at the annual conference

48 hours prior to the business session of the annual meeting. No resolution shall be entertained at the business session unless presented in the manner and within the time indicated. Courtesy resolutions and those dictated by dire emergency as determined by the Chair of the Judicial Section shall be the only exceptions.

### **Article V** **Nominations and Elections**

#### **Section 1**

On or before July 1, the Nominating Committee shall meet to consider the nominations received from the members of the Section and from its own members, and to nominate one member for the office of Chair, one member for the office of Vice-Chair, and regular members for the places for which terms are to expire at the annual meeting and for vacant places with unexpired terms on the Executive Committee. In considering nominees for membership on the Executive Committee, attention shall be given to maintaining the court level balance and geographical representation. Immediately following the meeting, the list of nominees made shall be furnished to the Chair of the Section.

#### **Section 2**

The list of nominees shall be furnished to the members of the Section at the time of the call of the annual meeting, together with the information that additional nominations may be made from the floor of the annual meeting.

#### **Section 3**

At the annual meeting of the Section, there shall be placed in nomination those nominees selected by the Nominating Committee and those members nominated from the floor.

#### **Section 4**

The Chair and Vice-Chair shall be elected by a majority vote of those members present and voting. The nominee for a place who receives a majority vote shall be elected to serve for a term of three years on the Executive Committee. The nominee for a vacant place with an unexpired term who receives a

majority vote shall be elected to serve the balance of the unexpired term.

#### **Section 5**

A vacancy on the Executive Committee will be declared upon the death, resignation, suspension, termination, or change in judicial status which is the basis for election to the Executive Committee.

### **Article VI** **Duties of the Officers**

#### **Section 1**

##### **Chair**

The Chair shall preside at all meetings of the Section and of the Executive Committee. The Chair shall formulate and present at each annual meeting of the State Bar Association a report of the work of the Section for the year then ending. The Chair shall perform such other duties and acts as usually pertain to the office.

#### **Section 2**

##### **Vice-Chair**

Upon the death, resignation, suspension or termination, or during the disability of the Chair, or upon the Chair's refusal to act, the Vice-Chair shall perform the duties of the Chair for the remainder of the Chair's term except in the case of the Chair's disability and then only during so much of the term as the disability continues. The Vice-Chair shall be the Chair of the Program Committee appointed by the Chair of the Judicial Section for the annual meeting held during the term of office.

#### **Section 3**

##### **Secretary-Treasurer**

The Secretary-Treasurer shall be the custodian of all books, papers, documents, and other property of the Section, including money. A true record shall be kept of the proceedings of all meetings of the Section and of the Executive Committee while assembled or acting under submission. With the Chair, the Secretary-Treasurer shall prepare a summary or digest of the proceedings of the Section at its annual

*(continued on page 4)*

(continued from page 3)

meeting for publication in the annual report of the State Bar of Texas. The Secretary-Treasurer, in conjunction with the Chair, as authorized by the Executive Committee, shall attend generally to the business of the Section. A true record of all moneys appropriated to and expended for the use of the Section shall be kept. The officers shall be allowed to expend for clerical assistance, the sums set by the Executive Committee.

## Article VII \_\_\_\_\_ *Duties and Powers of the Executive Committee*

### *Section 1*

The Executive Committee shall have general supervision and control of the affairs of the Section subject to the provisions of the constitution and by-laws of the State Bar of Texas and the bylaws of this Section. It shall especially authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditure of all moneys available for the use or benefit of the Section.

### *Section 2*

The Executive Committee may authorize the Chair to appoint committees from Section members to perform such duties and exercise such powers as the Committee may direct, subject to the limitations of these by-laws.

### *Section 3*

The Executive Committee, during the interim between annual meetings of the Section, shall fill vacancies in its own membership, in the office of the Secretary-Treasurer, and in the office of Chair and Vice-Chair. Members of the Executive Committee and officers so selected shall serve until the close of the next annual meeting of the Section. If any judge is suspended or terminated by the State Commission on Judicial Conduct, the office held by such suspended or terminated judge is automatically vacated, and the remaining members of the Executive Committee shall fill such vacancy in accordance with this Section and these by-laws.

### *Section 4*

All binding action of the Executive Committee shall be by a majority vote of the Executive Committee members present.

### *Section 5*

The Chair of the Judicial Section may, and upon the request of any member of the Executive Committee shall, submit or cause to be submitted in writing, to each of the members of the Executive Committee any proposition upon which the Executive Committee may be authorized to act, and the members thereof may vote upon such proposition so submitted, by communicating their vote thereon, in writing over their respective signatures, to the Secretary-Treasurer who shall record upon the minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of the Executive Committee. The votes of a majority of the members of the Executive Committee so recorded shall constitute the binding action of the Executive Committee.

## Article VIII \_\_\_\_\_

### *Meetings*

#### *Section 1*

The annual meeting of the Section shall be held at a time and place to be determined by the members of the Executive Committee, with such program as may be arranged by the Program Committee and such order of business as may be formulated by the Chair of the Section, with the advice and consent of the Executive Committee.

#### *Section 2*

Special meetings of the Section may be called by the Chair at such time and place as the Executive Committee may determine.

#### *Section 3*

The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

#### *Section 4*

All binding action of the Section shall be by a majority vote of the members present.

## Article IX \_\_\_\_\_ *Miscellaneous Provisions*

### *Section 1*

No salary or compensation shall be paid to any officer, Executive Committee member, or member of any committee.

### *Section 2*

In the event it is deemed expedient and necessary, the Executive Committee may authorize the payment of actual and necessary expenses incurred by members of the Section in carrying on any particular work of the Section.

### *Section 3*

These by-laws shall become effective upon the approval thereof by the Section at its annual meeting.

### *Section 4*

#### *Fiscal Year*

The fiscal year of the Section shall commence on October 1 of each calendar year and terminate on September 30 of the following year.

## Article X \_\_\_\_\_

### *Amendments*

#### *Section 1*

These by-laws may be amended at any meeting of the Section by a majority vote of the members of the Section present and voting.

#### *Section 2*

No amendment shall be presented or entertained unless the contents thereof are made available to the members present at the annual meeting at least 48 hours prior to the business session of the annual meeting. ■

#### *Texas Center*

#### *Personnel Changes*

Vicki Karaffa has replaced Mary-Jo Prine as our Records Supervisor and Linda Gary has replaced Brenda Boff as our Receptionist/ Administrative Assistant.

## Contributions to the Texas Center

Since the May 1989 Issue of *In Chambers*

Jack Hampton	E. James Kazen
Fred Darst, Esq. Memorial Wm. Ralph Elliott	Judge Eugene Jordan Memorial Wm. Ralph Elliott
Jack H. Dillard, Esq. Memorial Wm. Ralph Elliott	Justice Atwood McDonald Memorial Clyde R. Ashworth
Judge Leon Douglas Memorial Wm. Ralph Elliott	Judge Milton G. Mell Memorial Wm. Ralph Elliott
Mrs. Wm. Ralph (Celia Jo) Elliott Memorial R. C. Vaughan	Justice Joe Spurlock Memorial R. Temple Driver Keith Nelson
Judge Jack W. Gray Memorial Wm. Ralph Elliott	Judge Jack Treadway Memorial Wm. Ralph Elliott
Justice W. A. Hughes, Jr. Memorial Wm. Ralph Elliott	

### *Annual Conference* (continued from page 1)

law and family/juvenile law. A separate program will be held Thursday afternoon for Appellate Judges.

The conference will continue Friday morning with reports from the National Judicial College and the American Bar Association, and will conclude with the annual business meetings of the Texas Center and the Judicial Section.

The deadline to register for the conference is August 25, 1989. Make plans to attend what should prove to be an enjoyable and educational event. ■

### NEW JUDGES

**Tonita Lindsay**  
280th District Court  
Houston  
*Succeeding Melinda F. Harmon*

**Tom B. Ramey, Jr.**  
Chief Justice, 12th Court of  
Appeals, Tyler  
*Succeeding J. W. Summers*

## In Memoriam

### *Chief Justice Atwood McDonald*

Chief Justice Atwood McDonald of Fort Worth died July 29, 1989. He was 90 years old. Justice McDonald attended Southwestern University and received his LL.B. from the University of Texas in 1924. McDonald served as Chief Justice of the Court of Civil Appeals in Fort Worth from 1941 until 1951. In 1948, he served as Chairman of the Judicial Section of the State Bar. Until his death, Justice McDonald was of counsel with the Fort Worth law firm, McDonald, Sanders, Ginsburg, Newkirk, Gibson & Webb.

### *Justice T. Gilbert Sharpe*

Justice T. Gilbert Sharpe of Brownsville died February 1, 1989. He was 78 years old. Justice Sharpe attended Weber Law School in San Antonio, received his law degree in 1937, and was admitted to the Bar that same year. He was Assistant U.S. Attorney for the Western District of Texas from 1943 until 1946 and Special Assistant to U.S. Attorney General on particular assignments in 1946, 1951, and 1952. In 1963, he was appointed by then Governor John Connally to serve as an associate justice on the Thirteenth Court of Civil Appeals in Corpus Christi. Justice Sharpe remained on the bench until 1972, at which time he became of counsel to the law firm of Hardy, Sharpe & Rodriguez. Justice Sharpe served as Director of the State Bar of Texas from 1963 until 1966.

### *Chief Justice W. Hamblen, Jr.*

Justice W. Hamblen, Jr. of Houston died February 24, 1989. He was 79 years old. Justice Hamblen received his undergraduate degree from the University of Texas and his law degree from the South Texas College of Law. He was admitted to the Bar in 1930. From 1930 until 1951, Hamblen practiced law in Houston. In 1951, he became Judge of the 125th District Court. In 1953, he became Chief Justice of the First Court of Appeals. He served on the appellate bench until 1957, at which time he resumed the practice of law until 1987. ■

---

# Judicial Calendar

**Briefing Attorneys Institute**

September 6-8, 1989  
Driskill Hotel, Austin

**Judicial Section Annual Conference**

September 19-22, 1989  
Sheraton Park Central, Dallas

**Texas Association for Court Administration Annual Conference**

October 17-20, 1989  
Driskill Hotel, Austin

**Juvenile Justice Seminar**

November 1-3, 1989  
Driskill Hotel, Austin

**Constitutional County Judges Conference**

November 14-17, 1989  
Driskill Hotel, Austin

**Texas College for New Judges**

December 3-8, 1989  
University Hotel, Huntsville

**Southeast Texas Judicial Conference**

February 14-16, 1990  
University Hotel, Huntsville

**South Texas Judicial Conference**

March 7-9, 1990  
Marriott Hotel, Corpus Christi

**Central Texas Judicial Conference**

March 21-23, 1990  
Sheraton Plaza Hotel, Killeen

**Northeast Texas Judicial Conference**

April 4-6, 1990  
Sheraton Hotel, Texarkana

**West Texas Judicial Conference**

April 25-27, 1990  
Sheraton Hotel & Towers, Amarillo

**Constitutional County Judges Conference**

Date & Location to be announced

**Criminal Justice Conference**

May 9-11, 1990  
University Hotel, Huntsville

**Trial Court Management Seminar**

June 11-15, 1990  
University Hotel, Huntsville

**Judicial Section Annual Conference**

September 24-27, 1990  
Marriott Riverwalk, San Antonio

**Texas Association for Court Administration Annual Conference**

October 16-19, 1990  
Hotel to be announced, Austin

**Juvenile Justice Seminar**

November 7-9, 1990  
Hotel to be announced, Austin

**Texas College for New Judges**

December 2-7, 1990  
University Hotel, Huntsville

---

*(Clip & Save)*

**In  
Chambers**

**TEXAS CENTER  
FOR THE  
JUDICIARY, INC.**

**Roy J. Rawls**  
*Executive Director*

**Tricia Stringer**  
*Editor*

Texas Center for the Judiciary, Inc.  
P.O. Box 12487  
Austin, Texas 78711

Non-Profit Organization  
U.S. Postage  
PAID  
Permit No. 1390  
Austin, Texas