

# IN CHAMBERS

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## *Overview: Annual Section Conference*

### Judicial Section Elects Officers

New officers and Executive Committee members of the Judicial Section, State Bar of Texas, were elected during the annual business meeting held Friday, September 26, in Austin. The Honorable Noah Kennedy, Justice, 13th Court of Appeals, and outgoing Section Chairman, presided over the meeting.

Those elected were the following: Chairman—Judge Peter S. Solito, 164th District Court, Houston; Chairman-Elect—Justice Richard N. Countiss, 7th Court of Appeals, Amarillo; and new Executive Committee members Justice Charles Bleil, 6th Court of Appeals, Texarkana; and Judge Oliver S. Kitzman, 155th District Court, Hempstead. Judge W. Rachel Littlejohn, 156th District Court, Beeville, was re-elected as a member.

Immediately upon adjournment of the Judicial Section business meeting, the Annual Meeting of the Membership of the Texas Center for the Judiciary, Inc., began with the election of new board members. Elected were Judge Sam Bournias, 87th District Court, Fairfield; Judge Charles F. Campbell, Court of Criminal Appeals, Austin; and Judge Cynthia Stevens Kent,

County Court at Law #2, Tyler. Board members and Executive Committee will serve three-year terms.

Friday's meetings concluded a four-day conference attended by 887 judges and spouses from across the state. The educational portion of the conference covered various topics and satisfied 12 hours of continuing education for attending judges.



*Honorable Peter S. Solito presides over the General Session on Thursday, September 25, 1986*

### Membership Passes Resolutions

The following resolutions were passed by voice votes at the 1986 An-

nual Conference of the Judicial Section of the State Bar of Texas:

#### RESOLUTION 1

Whereas, the salaries of the Appellate Judges of Texas now rank fifth among the states of the United States while the salaries of the Trial Judges rank twenty second; and

Whereas, the state salary of a District Judge in Texas is now little more than that of some beginning Texas attorneys and the salaries of a majority of County Court at Law Judges are below this beginning salary; and

Whereas, although there are 503 District, Criminal District and County Court at Law Trial Judges in Texas comprising 82% of the total judiciary and 98 Appellate Judges comprising 18%:

1. The Judicial Budget Board of Texas appointed by the Chief Justice is composed of 9 Appellate Judges, 56% of the Board, drawn from 18% of the judiciary, and 7 Trial Judges, 44% of the Board, drawn from 82% of the judiciary; and

2. The Chairmanship and Executive Committee membership of the Judicial Section is 50% Appellate Judges drawn from 18% of the judiciary

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## **RESOLUTIONS** *from page 1*

and 50% Trial Judges drawn from 82% of the judiciary; and

Whereas, all the foregoing suggests that, absent substantial changes, the interests of the Trial Judges of Texas may best be served by an organization of Trial Judges solely, who, residing in every county of Texas, and the districts of every member of the Texas Legislature, may better present their needs and the solutions to the people and Legislature directly and separate to those of Appellate Judges:

BE IT RESOLVED by the Judicial Section of the State Bar of Texas, in meeting September 26, 1986, that the Chairman, Executive Committee and the Legislative Committee of this Section be instructed to take all action necessary to correct all inequities and imbalances presently existing, and here set out, prior to the next annual meeting of this Section; and

BE IT RESOLVED that the By-Laws of this Section be amended in 1987 upon vote duly had at the section meeting to provide: All committee memberships be composed proportionately according to membership of Appellate, District and County Court at Law Judges.

### **RESOLUTION 2**

BE IT RESOLVED that the Chairman of the Judicial Section appoint a committee to investigate the need and/or implementation of appropriate due process review of ethical sanctions imposed by the Texas Commission on Judicial Conduct.

### **RESOLUTION 3**

BE IT RESOLVED that the Legislative Committee of the Judicial Section be directed to make its priority effort at the 1987 Regular Session of the Legislature the passage of a Standard Judicial Salaries Act providing that the salaries of the Justice of the Court of Appeals shall be 95% of the salary of a Supreme Court Justice; that the salary of a District Judge shall be at least 90%

of the salary of a Supreme Court Justice; and that the minimum salary of a Judge of a County Court at Law being paid by the County shall be at least 85% of a Supreme Court Justice salary and permitting continued supplementation of the salary and retirement being presently paid by the Counties of the State for both District and County Court at Law Judges.

### **RESOLUTION 4**

Whereas, the State Judiciary continues to rely heavily upon the State Senior Judges to assist the active Judges with their regular dockets, and;

Whereas, in some instances the Attorneys of this State have disqualified Senior Judges from hearing a case under the provisions of Section 4.013 of Article 200a-1 of the Revised Civil Statutes of Texas, and;

Whereas, the provisions of Section 4.013 of Article 200a-1 require no reason be given for such disqualification, and;

Whereas, this disqualification practice is demeaning and a mockery of the Judicial System of this State, and;

Whereas, the Senior Judges of this State have served and will continue to serve the Judiciary with unswerving devotion to the high prin-

ciples and moral standards appertaining to the Judicial System, and;

Whereas, the Supreme Court of Texas has recently adopted rules, mandated by the 1985 Court Administrative Act concerning the Court System, which will in all probability require even more assistance to the active Judges from the Senior Judges of Texas, and;

Whereas, the Supreme Court of Texas has further mandated that all Senior Judges are required to pursue thirty (30) hours of continuing legal education in civil, criminal and family law if the Senior Judges wish to remain active, and;

Whereas, Rule 18a of the Rules of Civil Procedure make ample provisions for recusal or disqualification of a Trial Judge as provided by Sec. 11, Article 5 of the State Constitution.

NOW, therefore, be it resolved by the Senior and Retired Judges of Texas that a request be made to the Judicial Section of the State Bar of Texas to make the repeal of Section 4.013 of Article 200a-1 a part of the Section's Legislative Agenda, being urged upon the Legislature of the State of Texas to be convened in January, 1987, to the end that Section 4.013 of Article 200a-1 shall cease to be a part of the Revised Civil Statutes of Texas.

### *Amendment to the Judicial Section By-Laws*

Article IV Section 1. of the by-laws was amended to read as follows:

There shall be two legislative committees composed of six members each. The chairman 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 chairman shall appoint two members to each committee before November 1st.\* The chairman shall appoint a chair-

man of each committee. The committees to be appointed are as follows:

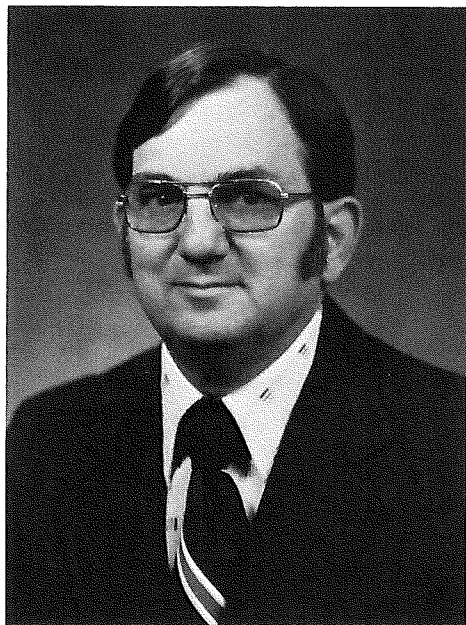
(a) An *Appellate Legislative Committee* which is representative of the appellate division and geographically apportioned.

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

*\*for three-year terms*

## District Judge Named Vice-Chairman

District Judge B. B. Schraub of Seguin has been named Vice-Chairman of the National Conference of State Trial Judges.



The Seguin jurist's election to the prestigious national office occurred at the recent meeting of state trial judges at the annual convention of the American Bar Association (ABA) in New York City.

The National Conference of State Trial Judges of the ABA is one of a number of sections, divisions, conferences, and associations within the ABA.

Schraub has served as judge of the 25th Judicial District (Guadalupe, Gonzales, Lavaca, and Colorado counties) since 1971. He has been a national and state leader in legal and judicial circles for many years. Offices and positions he has held include the following:

Chairman, Judicial Section, State Bar of Texas; faculty member, Texas College of the Judiciary; faculty advisor and faculty member, National Judicial College; chairman, Texas Center for the Judiciary, Inc.; member, Texas Adult Probation Commission (since 1983); and, member, Senate-House Select Committee on the Judiciary.

## NEW JUDGES

**Marilyn Aboussie**  
3rd Court of Appeals, Austin  
*Succeeding Earl Smith*

**James E. Anderson**  
County Criminal Court #4, Houston  
*Succeeding Francis L. Williams*

**Frank Andrew**  
116th District Court, Dallas  
*Succeeding Fred S. Harless*

**Mark Atkinson**  
County Criminal Court #13, Houston  
*Succeeding Bonnie Fitch*

**James Baker**  
5th Court of Appeals, Dallas  
*Succeeding John L. McCraw*

**J. Manuel Banales**  
105th District Court, Corpus Christi  
*Succeeding Vernon D. Harville*

**James Neal Barkley**  
County Criminal Court #14, Houston  
*Succeeding Angel Z. Fraga*

**Keefe Barry**  
County Court at Law #3, McKinney  
*Newly Created Court*

**Ogden Bass**  
300th District Court, Angleton  
*Succeeding Tom Kenyon*

**Bill Bedard**  
Probate Court #3, Dallas  
*Succeeding Joseph E. Ashmore*

**Robert M. Blackmon**  
117th District Court, Corpus Christi  
*Succeeding Jack R. Blackmon*

**David Brooks**  
191st District Court, Dallas  
*Succeeding B. F. Coker*

**Jay W. Burnett**  
183rd District Court, Houston  
*Succeeding Joseph M. Guarino*

**Adolph Canales**  
298th District Court, Dallas  
*Succeeding Will Pryor*

**David C. Cave**  
110th District Court, Spur  
*Succeeding George W. Miller*

**Alfonso Chapa**  
4th Court of Appeals, San Antonio  
*Succeeding Pete Tijerina*

**Martin Chiuminatto**  
County Court at Law, Kingsville  
*Succeeding Leo Villarreal*

**Hannah Chow**  
County Criminal Court #5, Houston  
*Succeeding Neil McKay*

**W. E. Coats**  
7th District Court, Tyler  
*Succeeding Larry W. Jones*

**Melton D. Cude**  
County Court at Law, Decatur  
*Succeeding William H. Turner*

**Keith T. Dean**  
County Criminal Court #5, Dallas  
*Succeeding Tom Price*

**Hector DePena, Jr.**  
County Court at Law #2, Corpus Christi  
*Succeeding Hector DePena*

**A. LeRue Dixon, III**  
County Court at Law, Rusk  
*Newly Created Court*

**Will Dodson**  
County Court at Law #1, Lubbock  
*Succeeding Cecil Puryear*

**Rusty Duncan**  
Court of Criminal Appeals, Austin  
*Succeeding Tom Davis*

**Roy Engelke**  
212th District Court, Dickinson  
*Succeeding Don Morgan*

**David F. Farris**  
2nd Court of Appeals, Ft. Worth  
*Succeeding Clyde Ashworth*

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## **New Judges**

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### **Manuel Flores**

49th District Court, Laredo  
*Succeeding Ruben Garcia*

### **Michael Fricke**

County Court at Law, Port Lavaca  
*Newly Created Court*

### **Larry Fuller**

8th Court of Appeals, El Paso  
*Succeeding Max Osborn*

### **Harold C. Gaither**

304th District Court, Dallas  
*Succeeding Craig Penfold*

### **Finos L. Garrison**

115th District Court, Gilmer  
*Succeeding Virgil E. Mulanax*

### **Sarah E. Garrahan**

County Court at Law #4,  
San Antonio  
*Succeeding Jay R. Miller*

### **David Gleason**

47th District Court, Amarillo  
*Succeeding Bryan Poff*

### **Nathan Hecht**

5th Court of Appeals, Dallas  
*Succeeding Lawrence Mitchell*

### **Carolyn Day Hobson**

County Civil Court at Law #3,  
Houston  
*Succeeding Jon Allen Hughes*

### **Jack E. Hunter**

94th District Court, Corpus Christi  
*Succeeding Rene Haas*

### **John A. Hutchison**

Probate Court #1, Houston  
*Succeeding William Bear*

### **Edward S. Johnson**

County Court at Law #1, Belton  
*Succeeding James H. Russell*

### **Joe Johnson**

170th District Court, Waco  
*Succeeding Raymond R. Mormino*

### **Timothy F. Johnson**

County Court at Law #5,  
San Antonio  
*Succeeding Benjamin N. Samples*

### **David Keltner**

2nd Court of Appeals, Fort Worth  
*Succeeding Walter E. Jordan*

### **Joe Kendall**

195th District Court, Dallas  
*Succeeding Fred Tinsley*

### **Gene Knize**

40th District Court, Waxahachie  
*Succeeding Milton A. Hartsfield*

### **Sue Lagarde**

5th Court of Appeals, Dallas  
*Succeeding R. T. Scales*

### **Hal M. Lattimore**

2nd Court of Appeals, Fort Worth  
*Succeeding Harry Hopkins*

### **John Leigh**

282nd District Court, Dallas  
*Succeeding Kelly Wayne Loving*

### **David G. Lewis**

County Court at Law, Dumas  
*Newly Created Court*

### **Jerry Lewis**

County Court at Law #2, McKinney  
*Succeeding Robert Harkins*

### **Oscar H. Mauzy**

Supreme Court of Texas, Austin  
*Succeeding Sears McGee*

### **Lamar McCorkle**

133rd District Court, Houston  
*Succeeding Matthew W. Plummer,  
Sr.*

### **Walter S. McMeans**

County Court at Law #2, Stafford  
*Newly Created Court*

### **David Mendoza, Jr.**

County Criminal Court #11,  
Houston  
*Succeeding Jack I. Pickren*

### **John D. Montgomery**

309th District Court, Houston  
*Succeeding Herman Gordon*

### **Max Osborn, Chief Justice**

8th Court of Appeals, El Paso  
*Succeeding Stephen F. Preslar*

### **Morris Overstreet**

County Court at Law #1, Amarillo  
*Succeeding David Gleason*

### **Anne Ashby Packer**

County Court at Law #3, Dallas  
*Succeeding Mark Whittington*

### **Quay F. Parker**

259th District Court, Albany  
*Succeeding H. G. Andrews*

### **Bob Parks**

143rd District Court, Monahans  
*Succeeding Larry Fuller*

### **Juan Partida**

County Court at Law #1, Edinburg  
*Succeeding Manuel Trigo, Jr.*

### **Stephen Phillips**

County Court at Law, Livingston  
*Newly Created Court*

### **Harold Plessala**

County Court at Law #2,  
Port Arthur  
*Succeeding Thomas E. Maness*

### **Matthew Plummer, Sr.**

133rd District Court, Houston  
*Succeeding David Hittner*

### **Robert E. Price**

Probate Court #2, Dallas  
*Succeeding David D. Jackson*

### **Tom Price**

282nd District Court, Dallas  
*Succeeding John Leigh*

### **Ronald Prichard**

County Court at Law,  
New Braunfels  
*Succeeding Charles E. Blackley*

### **Cecil G. Puryear**

137th District Court, Lubbock  
*Succeeding Madison Sowder*

### **John D. Rainey**

149th District Court, Angleton  
*Succeeding Paul F. Ferguson*

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## 1986-1987 Committees of the Judicial Section and Texas Center

### EXECUTIVE COMMITTEE

**Peter S. Solito**, *Chairman*  
164th District Court  
615 Civil Courts Building  
Houston, Texas 77002  
(713) 221-6316

**Richard N. Countiss**,  
*Chairman-Elect*  
7th Court of Appeals  
P.O. Box 9540  
Amarillo, Texas 79105  
(806) 379-2477

**Clarence A. Guittard**,  
*Secretary-Treasurer*  
5th Court of Appeals  
Dallas County Courthouse  
Dallas, Texas 75202  
(214) 749-6920

**Noah Kennedy**,  
*Immediate Past Chairman*  
13th Court of Appeals  
Nueces County Courthouse  
Corpus Christi, Texas 78401  
(512) 888-0416

**Charles Bleil** (1989)  
6th Court of Appeals  
100 N. State Line Avenue  
Texarkana, Texas 75501  
(214) 798-3046

**Vann Culp** (1987)  
238th District Court  
P.O. Box 1922  
Midland, Texas 79702  
(915) 682-9481, ext. 429

**Hector DePena** (1988)  
County Court at Law #2  
P.O. Box 1152  
Corpus Christi, TX 78403  
(512) 888-0596

**Temple Driver** (1987)  
89th District Court  
Wichita County Courthouse  
Wichita Falls, Texas 76301  
(817) 766-8184

**Joe B. Evins** (1988)  
206th District Court  
P.O. Box 215  
Edinburg, Texas 78539  
(?) 383-2751, ext. 285

**William K. Kilgarlin** (1988)  
Supreme Court of Texas  
P.O. Box 12248  
Austin, Texas 78711  
(512) 463-1348

**Oliver S. Kitzman** (1989)  
155th District Court  
836 Austin St., Suite 307  
Hempstead, Texas 77445  
(409) 826-3357, ext. 131

**W. Rachel Littlejohn** (1989)  
156th District Court  
P.O. Box 82  
Beeville, Texas 78104  
(512) 358-1839

**Thomas B. Thorpe** (1987)  
203rd District Court  
Dallas County Courthouse  
Dallas, Texas 75202  
(214) 749-8561

### TRIAL JUDGES LEGISLATIVE COMMITTEE

**Solomon Casseb, Jr.**,  
*Chairman* (1989)  
Senior District Judge  
127 East Travis Street  
San Antonio, Texas 78205  
(512) 223-4381

**Ray D. Anderson** (1987)  
121st District Court  
Terry County Courthouse  
Brownfield, Texas 79316  
(806) 637-7742

**David Hodges** (1988)  
County Court at Law  
McLennan County Courthouse  
Waco, Texas 76701  
(817) 757-5030

**W. T. McDonald, Jr.** (1987)  
85th District Court  
Brazos County Courthouse  
Bryan, Texas 77801  
(409) 361-4312

**Thomas J. Stovall, Jr.** (1988)  
Regional Presiding Judge  
P.O. Box 40  
Seabrook, Texas 77586  
(713) 471-3911

**Doyle Willis, Jr.** (1989)  
County Court at Law  
Tarrant County Courthouse  
Fort Worth, Texas 76102  
(817) 334-1813

### APPELLATE JUDGES LEGISLATIVE COMMITTEE

**Ben Z. Grant**, *Chairman* (1989)  
6th Court of Appeals  
100 N. State Line Ave.  
Texarkana, Texas 75501  
(214) 798-3046

**Lee Duggan** (1988)  
1st Court of Appeals  
1307 San Jacinto, 10th Floor  
Houston, Texas 77002  
(713) 655-2709

**Robert J. Seerden** (1987)  
13th Court of Appeals  
Nueces County Courthouse  
Corpus Christi, Texas 78401  
(512) 888-0416

**Bob Shannon** (1989)  
3rd Court of Appeals  
P.O. Box 12547, Capitol Sta.  
Austin, Texas 78711  
(512) 463-1733

**Linda B. Thomas** (1987)  
5th Court of Appeals  
Dallas County Courthouse  
Dallas, Texas 75202  
(214) 749-8382

**James P. Wallace** (1988)  
Supreme Court of Texas  
P.O. Box 12248  
Austin, Texas 78711  
(512) 463-1340

### ETHICS COMMITTEE

**Jackson B. Smith**, *Chairman*  
(1988)  
1st Court of Appeals  
1307 San Jacinto, 10th Floor  
Houston, Texas 77002  
(713) 655-2723

**A. D. Azios** (1987)  
232nd District Court  
301 San Jacinto  
Houston, Texas 77002  
(713) 221-6778

**Hume Cofer** (1988)  
98th District Court  
P.O. Box 1748  
Austin, Texas 78767  
(512) 473-9307

**Morris W. Hassell** (1989)  
2nd District Court  
P.O. Box 196  
Rusk, Texas 75785  
(214) 683-2236

**Harry Hopkins** (1987)  
2nd Court of Appeals  
100 West Weatherford  
Fort Worth, Texas 76196  
(817) 334-1900

**W. Rachel Littlejohn** (1989)  
156th District Court  
P.O. Box 82  
Beeville, Texas 78104  
(512) 358-1839

**Max N. Osborn** (1989)  
8th Court of Appeals  
500 City-County Building  
El Paso, Texas 79901  
(915) 546-2242

**Sherman Ross** (1987)  
County Criminal  
Court at Law #10  
1115 Congress  
Houston, Texas 77002  
(713) 221-6208

**Norman Utter** (1988)  
13th Court of Appeals  
Nueces County Courthouse  
Corpus Christi, Texas 78401  
(512) 888-0416

### JUVENILE JUSTICE COMMITTEE

**Robert L. Lowry**, *Chairman*  
313th District Court  
1115 Congress, 4th Floor  
Houston, Texas 77002  
(713) 221-6474

## **Committees (continued)**

**Mary Bacon**  
338th District Court  
301 San Jacinto, 8th Floor  
Houston, Texas 77002  
(713) 221-7772

**Joe B. Evins**  
206th District Court  
P.O. Box 215  
Edinburg, Texas 78539  
(512) 383-2751, ext. 285

**James M. Farris**  
317th District Court  
Jefferson County Courthouse  
Beaumont, Texas 77704  
(409) 835-8588

**Bill Logue**  
19th District Court  
McLennan County Courthouse  
Waco, Texas 76701  
(817) 757-5081

**William C. Martin, III**  
307th District Court  
P.O. Box 8  
Longview, Texas 75606  
(214) 758-6181

**David Walker**  
159th District Court  
P.O. Box 908  
Lufkin, Texas 75901  
(409) 639-3913

### **RETIREMENT AND BENEFITS COMMITTEE**

**B. B. Schraub, Chairman**  
25th District Court  
Guadalupe County Courthouse  
Seguin, Texas 78155  
(512) 379-1204

**Robert M. Campbell**  
Supreme Court of Texas  
P.O. Box 12248  
Austin, Texas 78711  
(512) 463-1328

**J. Neil Daniel**  
Senior District Judge  
P.O. Box 1440  
Abilene, Texas 79604  
(915) 692-4951

**Patricia R. Lykos**  
180th District Court  
301 San Jacinto  
Houston, Texas 77002  
(713) 221-6344

**Paul W. Nye**  
13th Court of Appeals  
Nueces County Courthouse  
Corpus Christi, Texas 78401  
(512) 888-0416

**Robert T. Pfeuffer**  
207th District Court  
Comal County Courthouse  
New Braunfels, Texas 78130  
(512) 625-0881

### **LIABILITY INSURANCE COMMITTEE**

**John T. Boyd, Chairman**  
7th Court of Appeals  
P.O. Box 9540  
Amarillo, Texas 79105  
(806) 376-5323

**James F. Clawson, Jr.,  
Vice-Chairman**  
Regional Presiding Judge  
P.O. Box 747  
Belton, Texas 76513  
(817) 939-3521

**Charles M. Mathews**  
Senior District Judge  
7611 Rustling Road  
Austin, Texas 78731  
(512) 345-0333

**Earl B. Stover**  
88th District Court  
P.O. Box 607  
Kountze, Texas 77625  
(409) 246-3281

**Albert Lee White, Jr.**  
236th District Court  
Civil Courts Building  
Fort Worth, Texas 76196  
(817) 334-1798

### **JUDICIAL SECTION AUDIT COMMITTEE**

**John Ovard, Chairman**  
265th District Court  
Dallas County Courthouse  
Dallas, Texas 75202  
(214) 749-8505

**Gerry Meier**  
291st District Court  
Dallas County Courthouse  
Dallas, Texas 75202  
(214) 749-6146

**Thomas B. Thorpe**  
203rd District Court  
Dallas County Courthouse  
Dallas, Texas 75202  
(214) 749-8561

### **SITE SELECTION COMMITTEE**

**Ray D. Anderson, Chairman**  
121st District Court  
Terry County Courthouse  
Brownfield, Texas 79316  
(806) 637-7742

**Paul R. Davis**  
200th District Court  
P.O. Box 1748  
Austin, Texas 78767  
(512) 473-9306

**Thomas R. Phillips**  
280th District Court  
301 Fannin Street, Room 309  
Houston, Texas 77002  
(713) 221-5518

### **JUDICIAL SECTION AND TEXAS CENTER NOMINATING COMMITTEE**

**Weldon Kirk, Chairman**  
32nd District Court  
P.O. Box 528  
Sweetwater, Texas 79556  
(915) 235-3133

**Shelly B. Hancock**  
County Criminal  
Court at Law, No. 7  
301 San Jacinto, 7th Floor  
Houston, Texas 77002  
(713) 221-6204

**J. W. Summers**  
12th Court of Appeals  
306 Smith County  
Courthouse  
Tyler, Texas 75702  
(214) 593-8471

### **TEXAS CENTER APPELLATE JUDGES EDUCATION FUND COMMITTEE**

**Richard N. Countiss,  
Chairman**  
7th Court of Appeals  
P.O. Box 9540  
Amarillo, Texas 79105  
(806) 379-2477

**Charles F. Campbell, Jr.**  
Court of Criminal Appeals  
P.O. Box 12308  
Austin, Texas 78711  
(512) 463-1590

**Bob Dickenson**  
11th Court of Appeals  
P.O. Box 228  
Eastland, Texas 76448  
(817) 629-2638

**Noah Kennedy**  
13th Court of Appeals  
Nueces County Courthouse  
Corpus Christi, Texas 78401  
(512) 888-0416

**Arnette Stewart**  
5th Court of Appeals  
Dallas County Courthouse  
Dallas, Texas 75202  
(214) 749-6457

**New Judges** from page 4

**San D. Reed**  
144th District Court, San Antonio  
*Succeeding Roy R. Barrera*

**Noe Robles**  
County Court at Law #1,  
Brownsville  
*Succeeding Rogelio Valdez*

**Gordon Rowe**  
5th Court of Appeals, Dallas  
*Succeeding Cynthia Hollingsworth*

**Glenn R. Snyder**  
County Court at Law #2, De Soto  
*Succeeding Candace G. Tyson*

**Larry Starr**  
188th District Court, Longview  
*Succeeding Marcus Vasocu*

**Catherine J. Stayman**  
305th District Court, Dallas  
*Succeeding Bob Moss*

**Wesley H. Stewart**  
County Court at Law #1, Denton  
*Succeeding Martin J. Ray*

**Randol L. Stout**  
340th District Court, San Angelo  
*Succeeding Marilyn Aboussie*

**Suzanne Stovall**  
County Court at Law #1,  
The Woodlands  
*Succeeding Ellis A. Oualline, Jr.*

**Louis E. Sturns**  
Criminal District Court #1,  
Fort Worth  
*Succeeding E. L. Goldsmith*

**Linda B. Thomas**  
5th Court of Appeals, Dallas  
*Succeeding Ted M. Akin*

**Alice Oliver Trevathan**  
151st District Court, Houston  
*Succeeding Anthony J. P. Farris*

**Candace B. Tyson**  
44th District Court, Dallas  
*Succeeding Jim Jordan*

**Brad Underwood**  
County Court at Law #2, Lubbock  
*Succeeding Mackey Hancock*

**Robert J. Vargas**  
County Court at Law #1,  
Corpus Christi  
*Succeeding Robert Blackmon*

**Raul Vasquez**  
County Court at Law, Laredo  
*Succeeding Manuel Flores*

**Phillip Vick**  
158th District Court, Denton  
*Succeeding Jack W. Gray*

**Hector J. Villarreal**  
275th District Court, Edinburg  
*Succeeding Arturo E. Guerra*

**Carl J. Walker**  
185th District Court, Houston  
*Succeeding George L. Walker*

**Harland Weaver**  
233rd District Court, Grapevine  
*Succeeding Harold L. Valderas*

**Jerry Woodard**  
8th Court of Appeals, El Paso  
*Succeeding Albert Armendariz*

**Carolyn Wright**  
256th District Court, Dallas  
*Succeeding Linda B. Thomas* ☒

**Judicial Calendar**

**Constitutional County Judges Seminar**  
February 2-6, 1987  
Plaza Hotel, Lubbock

**Southeast Texas Judicial Conference**  
February 11-13, 1987  
University Hotel, Huntsville

**Central Texas Judicial Conference**  
February 25-27, 1987  
Hilton, Wichita Falls

**South Texas Judicial Conference**  
March 18-20, 1987  
Holiday Inn, Laredo

**West Texas Judicial Conference**  
April 1-3, 1987  
Plaza Hotel, Lubbock

**Northeast Texas Judicial Conference**  
April 22-24, 1987  
Holiday Inn, Longview

**Criminal Justice Conference**  
May 6-8, 1987  
University Hotel, Huntsville

**Court Management Seminar**  
June 15-19, 1987  
University Hotel, Huntsville

**Judicial Section Annual Conference**  
September 29-October 2, 1987  
Hershey Hotel, Corpus Christi

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# ETHICS OPINIONS

## No. 83

*Would a judge violate the Code of Judicial Conduct by appointing an attorney to represent indigents, if the attorney is an employee of a law firm consisting of the judge's father's brother, and the attorney receiving the appointment? All fees paid to the attorney for the judicial appointments would benefit the law firm.*

Canon 3B(4) states in pertinent part as follows: [A judge] should exercise his power of appointment only on the basis of merit, avoiding nepotism and favoritism. He should not approve compensation of appointees beyond the fair value of services rendered.

Although the appointment of a father's or brother's employee would not be nepotism, such action would indirectly accomplish that which cannot be done directly. It violates the spirit of Canon 3B(4) and could be considered favoritism.

Canon 2 states that a judge should avoid impropriety and the appearance of impropriety in all of his activities.

Your committee is of the opinion that judicial appointments made under the factual situation posed would violate the Code of Judicial Conduct.

## No. 84

*Prior to becoming a district judge, an attorney served as a trustee for many years in a trust created by a law associate for the benefit of the law associate's wife's grandchildren. May the judge ethically continue to serve as a trustee after he has taken his oath of office?*

No. Canon 5D of the Code of Judicial Conduct states, "A judge should not serve as...[A] trustee... except for the...Trust...of a member of his family; and then only if ser-

vice will not interfere with the proper performance of his duties."

Although the judge and the beneficiaries of the trust obviously enjoy a warm and cordial relationship, the beneficiaries are not members of the judge's family. Canon 5D is quite clear, and to continue as trustee would be a violation of the Code of Judicial Conduct, Canon 5D.

## No. 85

*May a judge serve on a charitable educational trust (consisting of 5 trustees) created for the sole purpose of funding student summer educational internships to study in a specific United States Congressman's District office during the summer? The trust will bear the name of a former Congressman of the district who is now deceased. The trustees will not be involved in fund raising and their names will not be used in solicitation attempts.*

Canon 5 admonishes judges to regulate their extra-judicial activities to minimize the risk of conflict with their judicial duties. However, Canon 5B expressly states that judges may serve as trustees of an educational or charitable organization not conducted for economic or political advantage of its members, subject to the following limitations enumerated in Canons 5B(1), B(2) and B(3). Judges should not serve: (1) if the organization would regularly appear in any court in adversary proceedings; and (2) they should not solicit funds, or use or permit the use of the prestige of their offices for that purpose, or be a speaker or guest of honor at an organizations fund raising events; and (3) they may not give investment advice to such organization even though they may serve on a board which is responsible for approving investment decisions.

Subject to the limitation set forth in Canons 5B(1), B(2), and B(3),

the committee is of the opinion that it would not be a violation of the Code of Judicial Conduct to serve as a trustee in the described organization.

## No. 86

*May judges service in an advisory capacity to a public board or task force, where in all probability they will later preside over cases arising out of the crisis or problem for which the board or task force was created to solve?*

Judges should regulate their activities to minimize the risk of conflict with the proper performance of their judicial duties. Canon 4 applies this admonition to judges activities to improve the law, the legal system, and the administration of justice. Canons 5A, 5B, 5C, and 5D apply this same admonition to judges extra-judicial activities. Canon 3 states, "The judicial duties of a judge take precedence over all his other activities."

A majority of the committee is of the opinion that it would be a violation of the Code of Judicial Conduct for judges knowingly to agree to serve on or to continue to serve on such a board or task force, if in serving, a conflict with the proper performance of their judicial duties probably would arise or does arise. One judge dissented.

## No. 87

*May retired or former judges who have elected to accept judicial assignments under former Art. 200a §5a, V.T.C.S. (now Art. 200a-1, §4.014(3) V.T.C.S.) ethically permit the use of their names on a law firm's stationery without the phrase "of counsel" or a similar phrase?*

The question submitted requires legal construction of Sec. 44.005,  
Continued on page 9



## IN MEMORIAM

### *Judge Anthony J. P. Farris*

Judge Anthony J. P. Farris of Houston died September 29, 1986. He was 66 years old. Judge Farris received his undergraduate and law degree from the University of Houston. He served as U. S. Attorney for the Southern District from 1969-1974, and in 1980 he was elected to the 151st District Court where he presided until his death. He was very active in the University of Houston and South Texas College of Law Civil Trial Advocacy courses as attorney advisor and judge.



*Judge Anthony J. P. Farris*

### *Judge John Spencer Holleman*

Former District Judge J. S. Holleman died October 2, 1985. He was 70 years old. After transferring from the Dallas School of Law, Holleman received his LL.B. from South Texas College of Law. He was elected Polk County Attorney, then District Attorney for the 9th Judicial District. After ten years of private practice, he was elected Judge of the Second 9th District Court. Judge Holleman retired from the bench in 1980.

### *Justice Frank A. Massey*

Former Chief Justice Frank Aubrey Massey of Fort Worth died April 17, 1986. He was 75 years old. Justice Massey attended Texas Christian University and studied law on his own before being admitted to the Bar in 1937. After engaging in private practice in Abilene and Fort Worth, Justice Massey was elected to the 2nd Court of Civil Appeals, assuming the bench in 1953. He retired from the bench in 1982.



*Justice Frank A. Massey*

### *Justice Ernest O. Northcutt*

Justice Ernest O. Northcutt of Amarillo died August 6, 1986. He was 95 years old. After receiving his LL.B. degree from Oklahoma University in 1919, Judge Northcutt began the practice of law in Amarillo in 1920. He was County Judge of Potter County from 1941-1949. In 1952, Judge Northcutt was elected Associate Justice of the 7th Court of Appeals and retired from the bench in December, 1970.

### *Judge R. L. Smith*

District Judge R. L. (Bob) Smith of

Houston died March 18, 1986. He was 64 years old. He attended the University of Houston and received his LL.B. in 1951. After serving as City Attorney, Assistant District Attorney for 6-1/2 years, and Justice of Peace for 7-1/2 years, Judge Smith spent 15 years in private practice. He was elected Judge of the 165th District Court in 1981 and held that office until his death.

### *Judge Beth Wright*

Former District Judge Beth Wright of Dallas died September 4, 1986. She was 78 years old. After receiving her B.A. from Wellesley College and M.A. from Radcliffe College, she attended Columbia University School of Law for two years and received her LL.B. from Southern Methodist University. She served as Assistant District Attorney and was in private practice in Dallas from 1941-1957. Appointed to the bench in 1957, Judge Wright presided over Dallas County Court of Domestic Relations. ☒

## **ETHICS** *from page 8*

of Title 110B, Public Retirement Systems, which is entitled "Ineligibility to Practice Law." Your judicial ethics committee is not authorized to give legal opinions. However, the committee would observe that if a construction of §44.005 should hold that retired or former judges, who have elected to subject themselves to judicial assignments, are ineligible to practice law; then, to permit the use of their names on a law firm's stationary without proper qualifying language would be a violation of the code of judicial conduct, *Canon 2A*. The essence of *Canon 2A* is that a judge should respect and comply with the law, thereby avoiding improprieties and the appearance of improprieties. ☒

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