

IN CHAMBERS

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

Vol. 9, No. 1

January, 1982

TEXAS CENTER DEVELOPMENT COMMITTEE FORMED

Six Texas judges have been named to a special and permanent Development Committee for the Texas Center for the Judiciary, Inc. by Tom G. Davis, Judicial Section Chairman and Chairman of the Texas Center's Board of Directors.

The committee was formed as part of an ongoing effort to obtain funding from private sources for the operation of the Texas Center.

Chaired by Judge B. B. Schraub of Seguin, the committee is composed of Judges William N. Blanton, Jr., Houston; Spencer Carver, Dallas; Perry Pickett, Midland; Charles Smith, Galveston; and Thomas J. Stovall, Jr., Houston (Judge Davis, *ex-officio*).

At the committee's first meeting, held in Huntsville during the Texas College of the Judiciary, Chairman B. B. Schraub told members the development committee was "designed and created for the purpose of hopefully, over a period of time, seeing to it that the Texas Center for the Judiciary, Inc. becomes financially independent."

Judge Schraub outlined four major tasks for the committee's consideration: 1) establishing a monetary goal 2) gathering materials and information for an audiovisual presentation 3) deciding

what private sources should be contacted and 4) soliciting funds.

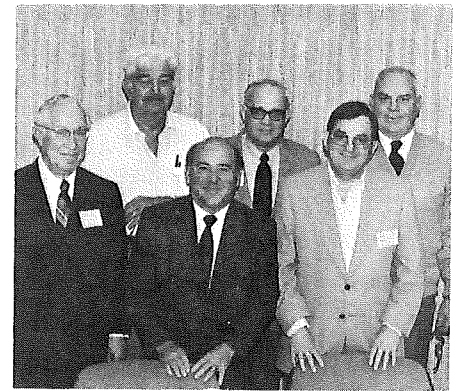
In order to use the funds obtained from private sources most effectively, committee members decided all contributions will be placed in a permanent endowment. The investment received from the endowment each year would allow the Texas Center to operate independently of government funds.

During the meeting, Judge Spencer Carver told co-members that "an endowment will insure this segment of our government (judiciary) is brought to a level and continued at a level that makes a third co-equal branch of government both independent and skilled and not reliant on another level of the government."

Jack Dillard, Executive Director of the Texas Center for the Judiciary, Inc., observed that "this endeavor will accrue to the benefit of the judges of Texas, assure an even more effective program within the judiciary, and will enable the Center to add new and varied programs and seminars."

"Maintaining an informed judiciary," Dillard said, "in turn benefits all citizens of Texas."

In June, 1981, the 67th Texas Legislature passed Senate Bill 127, which has enabled the Center to be funded for 1982 by the



Texas Center for the Judiciary, Inc. Development Committee members are: front row, l-r, William N. Blanton, Jr., Houston; Charles Smith, Galveston; and B. B. Schraub, Seguin. Back row, l-r, Thomas J. Stovall, Jr., Houston; Tom G. Davis, Austin; and Spencer Carver, Dallas. Perry Pickett of Midland is not pictured.

Criminal Justice Division, Office of the Governor, though not in the amount requested and really needed for an expanded Texas Judiciary.

While the passage of S.B. 127 means funding for the present, there is no definite assurance of future appropriations beyond 1983.

JUVENILE JUSTICE SEMINAR HELD IN AUSTIN

Some 50 judges with juvenile jurisdiction met Nov. 4-6, 1981, in Austin to discuss current issues and changes in the juvenile justice system of Texas. The seminar was sponsored by the Texas Center for the Judiciary, Inc.

During the three-day seminar, the juvenile judges present were involved in a variety of activities, including participation in a mock trial, lead by Houston attorneys Frank Panzica and Kris Moore. Several of the judges also took part in a guided tour of the Texas Youth Council Giddings State Home.

Judges in attendance heard updated reports from representatives of the main state agencies with whom juvenile judges work. Participating in this part of the program were officials from the Texas Youth Council, the Texas Department of Human Resources, the Texas Department of Mental Health and Mental Retardation, the Juvenile Probation Commission, and the Criminal Justice



Judges Craig Penfold, Dallas; Roy L. McClellan, Spearman; William C. Martin, III, Longview; George Thurmond, Del Rio; Sid Williams, III, Pearsall; Ben Martinez, Eagle Pass; and Jerry Shackelford, Amarillo, l-r, traveled to Giddings to tour the TYC Giddings State Home.

Division of the Governor's Office.

Additional speakers were Charles Hawkes, President, Texas Probation Association, Beaumont; Dr. Curtis Wills, Forensic Psychologist, Beaumont; Professors John

J. Sampson and Robert O. Dawson, University of Texas School of Law, Austin; Judges Scott Moore, 323rd District Court, Fort Worth; Rachel Littlejohn, 156th District Court, Beeville; and Gerald A. Alfveby, Ramsey County District Court, St. Paul, Minnesota.

At a November 5th luncheon, conferees honored State Representative Neal T. "Buddy" Jones of Hillsboro for his efforts on behalf of juvenile justice during the 67th legislative session. Also honored was Judge Craig Penfold, 304th District Court, Dallas, who made significant contributions to the 1980-81 Juvenile Justice Manual.

The seminar was planned by a thirteen-member committee of judges with juvenile jurisdiction, chaired by District Court Judge Jerry Shackelford of Amarillo.

The 1981-82 Juvenile Justice Committee, chaired by Judge Rachel Littlejohn of Beeville, has scheduled the dates of Nov. 10-12, 1982 for the next Juvenile Justice Seminar. Site of the seminar will be the Quality Inn in Austin.

JUVENILE PROBATION COMMISSION HIRES DIRECTOR

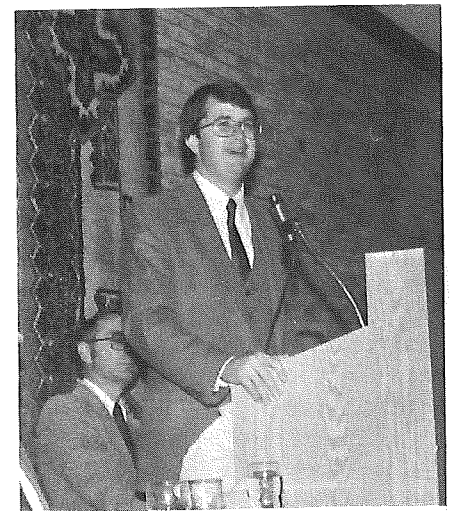
William F. (Bill) Anderson, former Chief Juvenile Probation Officer for Travis County, has been named Executive Director for the Texas Juvenile Probation Commission.

For the thirty years Mr. Anderson has served in the juvenile justice area, he has accumulated an astounding list of experiences and accomplishments. He has developed delinquency prevention programs, written grants resulting in more than eight million dollars to Travis County, served as a consultant and member to several Governor's Task Forces on juveniles, received fifteen honorary awards for distinguished service, and authored a book on juvenile offenders.

In addition, Mr. Anderson has served as a visiting lecturer at the Universities of Texas and Alabama, and also as a faculty member at St. Edward's University and the National College of Juvenile Justice in Reno.

When asked about his new role as Executive Director of the Commission, Anderson said, "the purpose of the agency is to serve you (the judiciary) and we are going to try our dead level best to do just that."

Office space for the Juvenile Probation Commission has been leased in the Texas Department of Community Affairs Building, 2110 Barton Springs Road, Austin.



State Representative Neal T. "Buddy" Jones addresses the seminar after receiving an award from Texas juvenile judges.

BOB WESSELS RECEIVES CHARLES W. BARROW AWARD



Justice Charles Barrow, right, presents the award for outstanding court administrator to Bob Wessels.

Bob Wessels, Court Manager for the ten Houston County Criminal Courts at Law, was named the first recipient of the Charles W. Barrow Award during the 1981 Court Administration Seminar in Waco.

The Charles W. Barrow Award was established last year by the Texas Association of Court Administrators (TACA) to honor the court administrator who, in the eyes of the membership, had contributed the most to building the profession and serving the judiciary.

Texas Supreme Court Justice

ETHICS OPINION

Opinion No. 57

Question: May a judge serve as an advisory board member to a private non-profit corporation whose purpose is to operate a home to house and offer counseling to battered wives?

The Judicial Ethics Committee is informed that the jurisdiction of the court of the judge is limited to misdemeanor cases, that the judge's name will not be used on any corporate stationery, that the judge will act only as an advisor to the corporate board and will not participate in corporate decisions or day to day operations of the corporation, and that the judge has never had an assault case involving an assault by a husband on his wife in his court.

Barrow is pleased the award bears his name. As the Supreme Court's representative to the TACA advisory board, Justice Barrow has played an important part in the development of court administration.

Justice Barrow is supportive of the court administrator's role and believes they "have an important role in administering justice more efficiently."

"The purpose of the award," Barrow said, "is to try to encourage administrators to do a better job."

As evidenced by the vote from his peers, Bob Wessels is an exemplary court administrator who is doing his job, and doing it well. Wessels' many duties as County Criminal Courts at Law Manager, include responsibility for the areas of caseload management, budget, legislation, management information systems, and policy development and evaluation.

In addition, he has been actively involved in TACA. As a member of the board of directors and chairman of educational programs, he has helped direct the organization through a period of rapid growth and transition.

Answer: Canon 5 of the Code of Judicial Conduct, as amended February 19, 1980, states that a judge should regulate his extra judicial activities to minimize the risk of conflict with his judicial duties. Canon 5B sets forth the limitations on extra judicial civic and charitable activities of a judge, as follows:

Canon 5B

Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious,

Wessels was surprised when he was announced the recipient of the award. The event was "a supreme honor," Wessels said, "not only due to what the award represents, but I have tremendous respect for Justice Barrow. To receive the award and to be the first is overwhelming."

Mr. Wessels is quick to share his honor, and says that his accomplishments would not have been possible "if it wasn't for the support of the Texas Center and for the support of people like Justice Barrow, Judge Ferguson, and all the members of TACA who have given their time to get court administration educational programs off the ground."

The award was presented during the opening banquet at the Court Administration Seminar, Nov. 11. The seminar, attended by approximately 90 court administrators, was sponsored by the Texas Center for the Judiciary, Inc.

charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

- (1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.
- (2) A judge should not solicit funds for any educational, religious, charitable, fraternal, political, or civic organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, delegate, or trustee of such an organization. He should not be a speaker or the guest of honor at an organization's fund raising event, but he may attend such events.

(Continued on Page 8)

QUENTIN KEITH WON'T SEEK RE-ELECTION

Justice Quentin Keith of Beaumont announced in November he would not seek re-election for another term as associate justice of the Ninth Court of Appeals. He has served as associate justice of that court since 1968.

Due to the state's retirement laws, Justice Keith, now 72, could serve only two more years on the bench if he were re-elected.

In an interview with Beaumont Enterprise-Journal staff, Keith said: "Although I have no reason to doubt I could continue the discharge of all the duties of the office beyond the expiration of my present term, I have no inclination to engage in a costly and

extensive campaign throughout 11 counties for the privilege of continuing two more years."

Justice Keith is a highly respected and hard-working mem-



Quentin Keith

ber of the Texas judiciary. He has dedicated much time to judicial education activities and has offered his expertise to help plan, organize, and present material at numerous educational conferences sponsored by the Texas Center for the Judiciary, Inc. Justice Keith has served as Judicial Section chairman, as a member of the CLE committee, and as a member and secretary-treasurer of the board of directors for the Texas Center.

Although he has not announced what his future plans will include, Justice Keith will continue to direct the Texas College of the Judiciary.

JUDICIAL NOTICES

QUESTIONNAIRE INFORMATION

The Texas Center for the Judiciary, Inc., is in the process of updating its judicial records. Please take a moment to complete the questionnaire enclosed in this issue of "In Chambers." Your cooperation will help the Center serve the judiciary more efficiently.

The questionnaire is self-addressed for your convenience.

JUDGES APPOINTED TO JUDICIAL CONDUCT COMMISSION

The Texas Supreme Court has recently appointed four judges to the Judicial Conduct Commission. Appointed were John T. Boyd, 7th Court of Appeals, Amarillo; William E. Junell, 14th Court of Appeals, Houston; Raul Longoria, 139th District Court, Edinburg; and Harry Hopkins, 43rd District Court, Weatherford.

SECOND ADMINISTRATIVE DISTRICT CONFERENCE CANCELED

Due to the anticipated expense of the 1982 Judicial Section Conference, Presiding Judge Max M. Rogers has announced the cancellation of the Second Administrative Judicial District Conference.

The conference was scheduled for Feb. 25-27.

1982 SECTION DUES PAYABLE

All judges should have received a Judicial Section dues notification letter in November. If you have not yet done so, please send your membership dues (\$25 for active members, \$12.50 for retired and former judges) to Chief Justice Clarence Guittard, Court of Appeals, Dallas County Courthouse, 600 Commerce Street, Dallas, Texas 75202.

MANAGEMENT SEMINAR

The Texas Center for the Judiciary, Inc. and the Texas Adult

Probation Commission will be sponsoring a two-day seminar for district judges and chief adult probation officers who are concerned with effectively managing increasing pre-sentence investigation workloads.

In particular, this seminar will provide these decision makers with the opportunity to streamline the pre-sentence investigation report process.

The seminar is scheduled for Jan. 31-Feb. 2, 1982, in Laredo.

A REMINDER

"In Chambers" is dedicated to the purpose of providing information of interest to the judiciary. Reports of committee activities, individual accomplishments, or other information surrounding the judicial system and its employees are welcome.

If you have information you would like to contribute to "In Chambers," write to: Texas Center for the Judiciary, Inc. P.O. Box 12487, Capitol Station Austin, Texas 78711

*see JUDICIAL NOTICES column on page four of "In Chambers" for further information.

JUDICIAL QUESTIONNAIRE

NAME: _____

DATE OF BIRTH: _____

SPOUSE'S NAME: _____

COURT: _____

COUNTY (IES) _____

BUS. ADDRESS: _____

CITY: _____ ZIP _____ PHONE _____

HOME ADDRESS: _____

CITY: _____ ZIP _____ PHONE _____

Are you a (an): _____ active judge _____ retired judge _____ former judge

Date appointed: _____ Date elected: _____

New Court _____

Existing Court _____

Date you assumed current position: _____

Whom did you succeed in office? _____

In what Administrative Judicial District is your court? _____

In what Supreme Judicial District is your court? _____

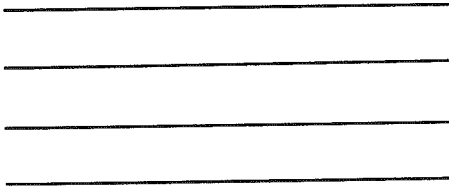
What type cases do you hear? (Check all that are applicable)

_____ appellate _____ criminal _____ juvenile

_____ family _____ civil _____ probate

Have you attended the Texas College for the Judiciary?

No _____ Yes _____ Year _____



PLACE
STAMP
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TEXAS CENTER FOR THE JUDICIARY, INC.
P.O. BOX 12487, CAPITOL STATION
AUSTIN, TEXAS 78711

1981 TEXAS COLLEGE OF THE JUDICIARY

The seventh Texas College of the Judiciary was held Nov. 29-Dec. 4, 1981 in Huntsville.

Fifty-three new judges received an orientation to basic court procedure during the week-long College, sponsored each year by the Texas Center for the Judiciary, Inc.

A faculty composed of 27 experienced Texas judges made presentations covering a broad range of topics important for those who have just assumed the bench.

Justice Quentin Keith, College Director, was very satisfied with this year's College and was particularly complimentary of the material presented by the faculty, saying it was "unusually good."

"The program went off nicely and everyone seemed to be fa-

vorably impressed with it," Keith said.

Typical of participant's comments about the College came from 245th District Judge Dee Miller, Dallas, who said, "I think now I know a lot more about what I'm doing and secondly, I think I have a better feel for some of the practical aspects."

Judge Ben Martinez, 293rd District Court, Eagle Pass, said, "It was super. I'm a new judge and a lot of procedural problems I've had were answered at the College."

Judge Ralph W. "Skip" Scogins, 41st District Court, El Paso, added that the College was "extremely valuable in helping put things in the proper perspective."

★ NEW JUDGES ★

COURTS OF APPEALS

Arthur D. Dyess, Jr., 1st Court of Appeals, Houston

Jimmy Robert James, 14th Court of Appeals, Houston

Frank C. Price, 1st Court of Appeals, Houston

DISTRICT COURTS

Rufus James Adcock, 297th Judicial District, Fort Worth

James Harold Clack, 109th Judicial District, Andrews

Marvin L. Collins, Criminal District Court #1, Fort Worth

Craig Trively Enoch, 101st Judicial District, Dallas

Sidney C. Farrar, Jr., 153rd Judicial District, Fort Worth

William Lee Hughes, Jr., 48th Judicial District, Fort Worth

Henry K. Oncken, 248th Judicial District, Houston

Sharolyn P. Wood, 295th Judicial District, Houston

COUNTY COURTS AT LAW

Bascom W. Bentley, III, County Court at Law, Palestine

Richard Schell, County Court at Law, McKinney

Texas Attorney General Opinions

The Office of the Attorney General has recently released three opinions relating to the judiciary. Complete copies of the opinions listed below may be obtained from: The Attorney General of Texas, Supreme Court Building, P.O. Box 12548, Austin 78711.

Opinion No. MW-379

Issued October 26, 1981

RE: Prior to the defendant being found guilty, may district adult probation funds be used under current law to provide services to the court by probation officers interviewing the defendant, advising him/her on the conditions of probation, the expectations of the court in the event that probation is granted, and to prepare the necessary paperwork and the written conditions of probation for the court, and/or to provide to the court a pre-sentence inves-

tigation report as contemplated in section 4 of article 42.12 and section 4 of article 42.13 of the Code of Criminal Procedure?

Opinion Summary: District adult probation funds may be used to provide certain services related to probation before the guilt and innocence phase of the trial.

Opinion No. MW-387

Issued November 13, 1981

RE: Whether person appointed county court of law judge pursuant to Article 1970-341, §6, must comply with requirements for elected judge.

Opinion Summary: A person who has not been actively engaged in the practice of law for a period of at least four years next preceding his appointment may not be validly appointed judge of the county court at law in Hidalgo County.

Opinion No. MS-390

Issued November 16, 1981

RE: Whether a meeting called by a district judge and attended by a county judge and two county commissioners is subject to the requirements of the Open Meetings Act.

Opinion Summary: The presence of the county judge and two members of the commissioners court at an assembly constitutes a "quorum" of the court for purposes of Texas Civil Statutes, Article 6252-17. Whether final action is taken is not determinative of whether a "meeting" has occurred within that statute. One need not participate in calling an illegally closed meeting to be subject to the penalty provisions of §4(a) of the statute. The question of whether the particular conference at issue violated the statute is a fact question which is beyond the scope of the opinion process.

JUDGES TAKE ON SPECIAL ASSIGNMENT

On a Monday afternoon in December, two men were called to a Beaumont residence to try to prevent a suicide. A routine activity for any policeman—only these men were not from the police department; they were 317th District Court Judge James Farris, and Criminal District Court Judge Larry Gist.

The two judges donned bullet-proof vests before talking to an armed man, despondent because

(Continued from Page 3)

(3) A judge should not give investment advice to such an organization, but he may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

The committee is of the opinion that a judge may serve as an advisory member to a private non-profit corporation whose purpose is to operate a home to house and offer counseling to battered wives provided his activities do not contravene the provisions of Canon 5B of the Code of Judicial Conduct.

Inquiries about judicial ethics may be addressed to:

Associate Justice Jackson B. Smith, Jr.
Chairman, Judicial Ethics Committee
1st Court of Appeals
Harris County Civil Courts Building
Houston, Texas 77002

he had not seen his 6-year-old daughter since his divorce two years ago.

The man kept police at bay for two hours from his Beaumont home. During this time, he asked to speak to Judge Farris because the judge reportedly presided over his divorce case. Judge Gist bravely went along to support Judge Farris in the ordeal.

After an hour of discussion and negotiations, in which the man occasionally pointed firearms at himself, Judges Farris and Gist were able to talk him into putting down his guns.



photo courtesy of Rick Campbell
Judges Jim Farris (left) and Larry Gist relax after a trying experience.

1982 JUDICIAL CALENDAR

February 10-12

Northeast Texas Judicial
District Conference
Marshall, Texas

March 10-12

West Texas Judicial Conference
Odessa, Texas

March 24-26

South Texas Judicial
Conference
Seguin, Texas

March 31-April 2

Third Administrative Judicial
District Conference
Salado, Texas

May 5-7

Criminal Justice Conference
Huntsville, Texas

September 9-10

Briefing Attorney's Institute
Austin, Texas

September 28-October 1

Annual Judicial Section
Conference
El Paso, Texas

November 10-12

Juvenile Justice Seminar
Austin, Texas

November 29-December 3

Texas College of the Judiciary
Huntsville Texas



Texas Center for the Judiciary, Inc.

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