

IN CHAMBERS

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Volume 16, Number 1

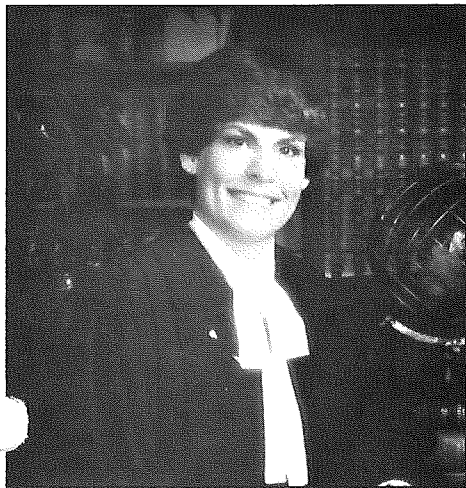
January 1989

Regional Conference Program Announced

The 1989 Regional Judicial Conference program, under the direction of Linda B. Thomas, Justice of the 5th Court of Appeals in Dallas, has been set. The first conference in a series of five will be held in February in Huntsville. The dates and locations of the five regional meetings can be found in the "Judicial Calendar" in this issue.

The conference program will begin on a Wednesday with late afternoon registration and a welcome reception. Classes will begin on Thursday morning and conclude at noon on Friday. The theme of this year's program is "What is on the Legal Horizon."

Justice Thomas announced that the following topics will be addressed, thereby offering up to 9.25 hours of continuing judicial education to participating judges:



Justice Linda B. Thomas
Dean, Regional Judicial Conferences

Thursday

***The Child in the Court
(Criminal and Civil Cases)***

Hon. Michael E. Keasler
Judge, 292nd District Court, Dallas

Discovery and Evidence

Hon. Alice Oliver Trevathan
Judge, 151st District Court, Houston

Star Wars in the Courtroom

Hon. Charles Bleil
Justice, 6th Court of Appeals
Texarkana

Judicial Ethics

Hon. Linda B. Thomas
Justice, 5th Court of Appeals, Dallas

Spousal Torts

Hon. Frank W. Sullivan, III
Judge, 322nd District Court, Fort Worth

Impact of Lender Liability

Hon. Lamar McCorkle
Judge, 133rd District Court, Houston

Trial Judges Breakout Session:

Emerging Issues in Capital Cases

Hon. Pat McDowell
Judge, Criminal District Court #5
Dallas

Appellate Judges Breakout Session:

Opinion Writing Critique

Mark Donald, Esq., Dallas

Friday

***Presentation on Lawsuits Involving
the Manner and Method of Selection
of Judges***

Hon. F. Harold Entz
Judge, 194th District Court, Dallas

Courtroom Dynamics

Hon. Richard N. Countiss
Former Justice, 7th Court of Appeals,
Dallas

Legislative Outlook

Hon. Ray D. Anderson
Presiding Judge, 9th Administrative
Region
Judge, 121st District Court, Brownfield

***Group Discussion: Improvement of
the Administration of Justice***

Hon. George M. Thurmond
Chairman, Judicial Section
Judge, 63rd District Court, Del Rio
and

Hon. E. Wayne Bachus
Chairman-Elect, Judicial Section
Judge, County Court at Law #2
Belton

NEW JUDGES

Stephen B. Ables
216th District Court, Kerrville
Succeeding Robert R. Barton

Dick Alcala
340th District Court, San Angelo
Succeeding Randol L. Stout

Bruce Auld
352nd District Court, Fort Worth
Succeeding John Street

James L. Barr
337th District Court, Houston
Succeeding Johnny R. Kolenda

David A. Berchelmann, Jr.
Texas Court of Criminal Appeals, Austin
Succeeding Michael J. McCormick

Fred Biery
4th Court of Appeals, San Antonio
Succeeding Preston H. Dial, Jr.

Horace Dickson Black, Jr.
77th District Court, Fairfield
Succeeding Putnam K. Reiter

Mary Ann Bramblett
41st District Court, El Paso
Succeeding John L. McKellips

William H. Brigham
233rd District Court, Fort Worth
Succeeding Harland T. Weaver

Eric G. Brown
28th District Court, Corpus Christi
Succeeding Walter Dunham

Joe B. Brown
95th District Court, Dallas
Succeeding Jesse Oliver

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5th Court of Appeals, Dallas
Succeeding Bill J. Stephens

H. Paul Canales
County Court at Law #2, San Antonio
Succeeding Frank Powell Pierce

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Succeeding Romeo M. Flores

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Succeeding Rudolph S. Esquivel

Joe Carroll
27th District Court, Belton
Succeeding C. W. Duncan, Jr.

J. Blair Cherry, Jr.
72nd District Court, Lubbock
Succeeding John Denzil Bevers

Eugene A. Cook
Supreme Court of Texas, Austin
Succeeding James P. Wallace

Weldon S. Copeland
County Court at Law #1, McKinney
Succeeding Curt Henderson

Lee Ann Dauphinot
Criminal District Court #2, Fort Worth
Succeeding L. Clifford Davis

Mark Davidson
11th District Court, Houston
Succeeding William N. Blanton, Jr.

Fred W. Davis
17th District Court, Fort Worth
Succeeding Charles J. Murray

Keith T. Dean
265th District Court, Dallas
Succeeding John D. Ovard

Rodolfo Delgado
County Court at Law #1, Edinburg
Succeeding Juan R. Partida

Lloyd Doggett
Supreme Court of Texas, Austin
Succeeding Ted Z. Robertson

C. J. Eden
90th District Court, Graham
Succeeding Robert E. Thornton

Howard M. Fender
County Criminal Court #7, Fort Worth
Newly Created Court

George H. Godwin
174th District Court, Houston
Succeeding Jon N. Hughes

Joe Bob Golden
1st District Court, Newton
Succeeding O'Neal Bacon

Charles Gonzalez
57th District Court, San Antonio
Succeeding John G. Yates

Mackey K. Hancock
County Court at Law #3, Lubbock
Succeeding G. Thomas Cannon

Sid L. Harle
226th District Court, San Antonio
Succeeding M. Ted Butler

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Succeeding William W. Kilgarlin

Curt B. Henderson
219th District Court, McKinney
Succeeding Richard Schell

Jack Hightower
Supreme Court of Texas, Austin
Succeeding Barbara Culver

Dixon W. Holman
141st District Court, Fort Worth
Succeeding James E. Wright

Jon N. Hughes
1st Court of Appeals, Houston
Succeeding Ben G. Levy

J. Woodfin Jones
3rd Court of Appeals, Austin
Succeeding James Brady

Cynthia Stevens Kent
114th District Court, Tyler
Succeeding Galloway Calhoun

Ward L. Koehler
8th Court of Appeals, El Paso
Succeeding Charles R. Schulte

V. Sue Koenig
360th District Court, Fort Worth
Succeeding Catherine H. Adamski

Charles E. Lance
20th District Court, Cameron
Succeeding Don G. Humble

Bonnie Leggett
71st District Court, Marshall
Succeeding Sam Baxter

Marion M. Lewis
135th District Court, Victoria
Succeeding Frank H. Crain

Russell T. Lloyd
334th District Court, Houston
Succeeding Marsha D. Anthony

Ebelardo Lopez
108th District Court, Amarillo
Succeeding Jairl Parr Dowell

Fernando G. Mancias
93rd District Court, Edinburg
Succeeding John Dominguez

William L. McAdams
12th District Court, Huntsville
Succeeding Erwin G. Ernst

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Since the August 1988 Issue of *In Chambers*

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Berlained Brashear
D. Camille Dunn
C. J. Eden

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Morris W. Hassell
Charles Ben Howell
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Larry W. Starr

Judge B.B. Schraub Chairs National Conference

Judge B. B. Schraub, Judge of the 25th District Court in Seguin recently became chairman of the National Conference of State Trial Judges of the American Bar Association, Judicial Administration Division.

The National Conference has over 1,600 members who preside over trial courts in every state, and is their vehicle to express views on social and legal issues to other components of the legal profession. As chairman, Judge Schraub will preside over conference meetings and sit on the Judicial Administration Council. He will lead conference officers in developing programs and projects to implement the goals of the members, and in presenting educational programs and publications to members. He will serve a one-year term.

Judge Schraub is past chairman of the Judicial Section of the State Bar of Texas and of the Texas Center for the Judiciary, Inc. He was a member of the Texas State Senate-House Select Committee for the Judiciary. Schraub was also president of the South Central Texas Bar Association, and is presently secretary of the Texas Adult Probation Commission. He has served as faculty advisor and a faculty member for the National Judicial College in Reno. ■

Ethics Opinions

No. 124

Issued September 19, 1988

Q. Would a former district judge, who has consented to be subject to assignment, violate the code of judicial conduct by acting as an arbitrator or mediator?

A. Canon 5E of the Code of Judicial Conduct Act states "A judge should not act as an arbitrator or mediator." However, a former district judge who has complied with the Court Administration Act, Art 74.054(3) is placed by Canon 8G of the code in the same category as a senior judge. Canon 8G(1) states, "[a former district judge]... is not required to comply with Canon 5E," but Canon 8G(2) qualifies this exception by stating "[A former

district judge]...should refrain from judicial service during the period of extra-judicial appointment permitted in Canon 5G."

The committee is of the opinion that a former district judge who has qualified under Art. 74.054(3) may act as an arbitrator or mediator provided the judge refrains from performing judicial service during the period of an extra-judicial appointment.

No. 125

Issued September 19, 1988

Q. May a judge ethically require proof of registration with the United States Depart-

ment of Selective Service by eligible young men as a condition for the judge giving consideration to a suspended sentence or deferred adjudication as provided by Art. 45.54, Texas Code of Criminal Procedure?

A. The posed question requires a legal opinion. The function of the Judicial Ethics Committee is to write opinions construing the Code of Judicial Conduct. The giving of legal opinions is beyond the scope of authority given to the committee.

The committee respectfully declines to answer the question and suggests that it be submitted to the office of the Attorney General or other appropriate officers authorized to give legal opinions. ■

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Harker Heights, Texas 76541
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El Paso, Texas 79915
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59th District Court
Grayson County Justice Center
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house
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Supreme Court of Texas
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Nominating Committee

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Chairman
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C. W. Duncan, Jr.
Retired District Judge
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George M. Thurmond
63rd District Court
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Del Rio, Texas 78841
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New Judges (continued)

Michael J. McCormick
Presiding Judge, Court of Criminal Appeals
Succeeding John F. Onion, Jr.

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345th District Court, Austin
Succeeding Juan Gallardo

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Succeeding Bob L. Thomas

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Succeeding Richard E. Stephanow

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Succeeding Jackson B. Smith, Jr.

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John D. Ovard
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Succeeding Joseph A. Devany

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Succeeding Joe Burnett

Juan R. Partida
275th District Court, Edinburg
Succeeding Hector J. Villarreal

David Peeples
4th Court of Appeals, San Antonio
Succeeding Antonio G. Cantu

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59th District Court, Sherman
Succeeding Joseph M. Joiner

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Succeeding Richard D. Davis

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Succeeding Howard M. Fender

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Succeeding Charles C. Davis

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Succeeding Nathan L. Hecht

J. Michael Wilkinson
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Succeeding I.D. McMaster

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235th District Court, Gainesville
Succeeding Larry B. Sullivant

L. Everett Young, Jr.
297th District Court, Fort Worth
Succeeding Earl E. Bates, Jr.

Judicial Calendar

Southeast Texas Judicial Conference
February 8-10, 1989
University Hotel, Huntsville

Constitutional County Judges Seminar
February 21-24, 1989
Lubbock Plaza Hotel, Lubbock

South Texas Judicial Conference
March 1-3, 1989
Sheraton Hotel, South Padre Island

Central Texas Judicial Conference
March 15-17, 1989
Marriott Airport Hotel, Austin

Northeast Texas Judicial Conference
March 29-31, 1989
Tanglewood on Lake Texoma, Pottsboro

West Texas Judicial Conference
April 12-14, 1989
Westin Paso Del Norte, El Paso

Criminal Justice Seminar
May 10-12, 1989
University Hotel, Huntsville

Trial Court Management Seminar
June 12-16, 1989
University Hotel, Huntsville

Judicial Section Annual Conference
September 19-22, 1989
Sheraton Park Central, Dallas

Juvenile Justice Seminar
November 1-3, 1989
Hotel to be announced, Austin

Constitutional County Judges Seminar
November 13-16, 1989
Hotel to be Announced, Austin

Texas College for New Judges
December 3-8, 1989
University Hotel, Huntsville

In Memoriam

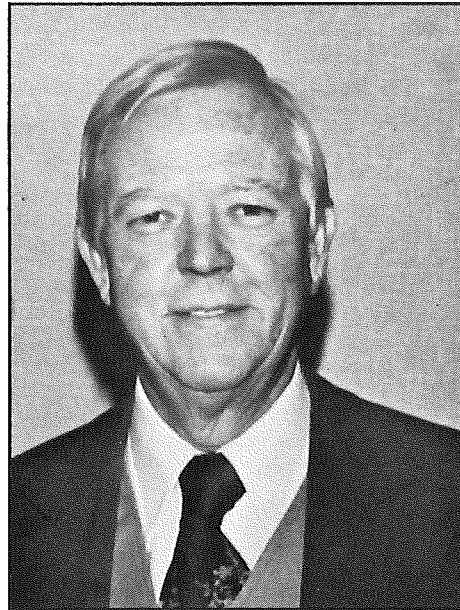
Justice Price Daniel

Justice Price Daniel of Liberty died August 25, 1988. He was 77 years old. Daniels received his degree in journalism from Baylor University in 1931 and his law degree from Baylor University in 1932. In 1938 he was elected to the Texas House of Representatives from Liberty County. He was elected Speaker of the House in 1943. From 1946 until 1952, Daniel served as Attorney General. In 1952, he was elected to the U.S. Senate and resigned that post in 1956. He became Governor of Texas in 1957 and served three terms. In 1971, Daniel was appointed to the Texas Supreme Court by then Governor Preston Smith, and retired from that court in 1979.



Jack H. Dillard, Esq.

Jack H. Dillard of Austin died December 4, 1988. He was 71 years old. Mr. Dillard received his B.A. from Baylor University in 1938. In 1941 he graduated from the FBI Training Academy at Quantico, Virginia, and received his J.D. from Baylor University in 1969. Mr. Dillard served as the executive director of the Baylor Alumni Association from 1947 until 1953, and then served as executive assistant to Governor Allan Shivers until 1957. In 1961, he was administrative assistant in Washington, D.C., to United States Senator William A. Blakely of Texas. He later served as staff



special assistant to Attorney General Crawford Martin for four years. In 1969 Mr. Dillard became the executive director for the Texas Center for the Judiciary, and served in that position until 1985.

Judge Earl Roberts, Sr.

Judge Earl Roberts, Sr., of Longview died August 6, 1988. He was 80 years old. Judge Roberts earned his law degree from the University of Texas School of Law in 1936 and was admitted to the Texas Bar that same year. After practicing law in Longview, he became Judge of the 124th District Court and served on that bench from 1941 until 1950. Judge Roberts served as director of the State Bar of Texas from 1952 until 1955. He remained in private practice in Longview until his death.

Judge Drew S. Clifton

Judge Drew S. Clifton of Fort Worth died December 5, 1988. He was 79 years old. Clifton received his law degree from Cumberland University. He was Judge of the County Court at Law of Tarrant County for 29 years. Prior to taking the bench, Judge Clifton was an assistant district attorney and in the private practice of law. Judge Clifton was a member of the Judicial Section beginning in 1946 and served on the Section's Executive Committee in 1948.

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