

IN CHAMBERS

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

Vol. 9, No. 4

July, 1982

RUBY SONDOCK NEW SUPREME COURT JUSTICE

Ruby Kless Sondock was sworn in as the newest member of the Texas Supreme Court during a ceremony in the Supreme Court Building June 25. Justice Sondock was appointed by Governor Bill Clements to finish the term of Justice James G. Denton, who died in office. Judge Bill Kilgarlin of the 215th District Court in Houston will be the Democratic party's nominee for the position on the November ballot. Kilgarlin will run unopposed for a six-year term.

The 25 minute swearing-in ceremony was attended by friends and family of the new justice, numerous state officials, dignitaries, and past members of the Supreme Court. After taking the oath of office, Justice Sondock spoke briefly.

Noting that her appointment represents a crossover in political parties, Justice Sondock said she hoped the appointment would be the impetus for eliminating the partisan election of Texas judges.

"Texas has outgrown the boot-and-saddle image and must outgrow the partisan election of judges," she said.

Justice Sondock comes to the Supreme Court from the 234th District Court in Houston.

A graduate of the University of Houston Bates School of Law, Justice Sondock said in a recent interview with Texas Center staff that while in law school she "had no intention of practicing law."

At the time, she had two young children and no plans to go to work. Upon her graduation, however, a friend offered her a position in a law firm that suited her needs and her schedule at home. She worked as a trial lawyer for seven years and then entered private practice.

In 1973, Sondock was appointed to Domestic Relations Court No. 5 in Houston by Governor Preston Smith. She served in this capacity until her 1977 appointment to the 234th District Court by Governor Dolph Briscoe.

Justice Sondock's appointment to the Supreme Court is an historic event, as it marks the first time a woman will serve full-time on the Texas high court. She is one of 22 women serving in Texas appellate, district, and county court-at-



Gov. Clements presents Justice Sondock at the swearing-in ceremony.

law courts and is Governor Clement's sixth female judicial appointee.

Although she has no doubt that there would have been a woman appointed to the high court in due time, Justice Sondock is "flattered" to be the first. She feels the appointment is important for what it means to her four grandchildren and also thinks "it's important to women in general that there be representation."

This is not the first time Justice Sondock has been the only woman on the bench.

"When I went on the bench in Harris County, I was the first one [woman] and I was a little apprehensive about the reception I would get," Justice Sondock said.

. . . A Reminder . . .

If you haven't done so already, be sure to clear your calendar and make plans to attend the upcoming Annual Judicial Section Conference, scheduled for September 28-October 1, 1982 in El Paso.

This year's program promises to be one of the best ever — a fine group of speakers has been enlisted to deliver professionally useful information.

Registration material and further conference information are forthcoming from the Texas Center.

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MEMORIAL FUND ESTABLISHED

The Texas Center for the Judiciary, Inc. has established an on-going memorial fund.

"This memorial fund," Jack H. Dillard, Executive Director of the Center explained, "will allow friends, family members, business associates, or even organizations the opportunity to contribute to the cause of continuing judicial education in the name of the deceased."

"Upon receipt of a memorial donation," Dillard said, "the Center will send acknowledgement to the family."

"In addition, a plaque listing memorial contributions will be placed in the Center's conference room."

The new memorial fund was established upon the death of Supreme Court Associate Justice James G. Denton last month. Justice Denton maintained a very active role in matters of judicial education and was always interested in operations of the Center. He was one of the three incorporators of the Texas Center for the Judiciary, and he served as a member of the Center's governing body for the past six years.

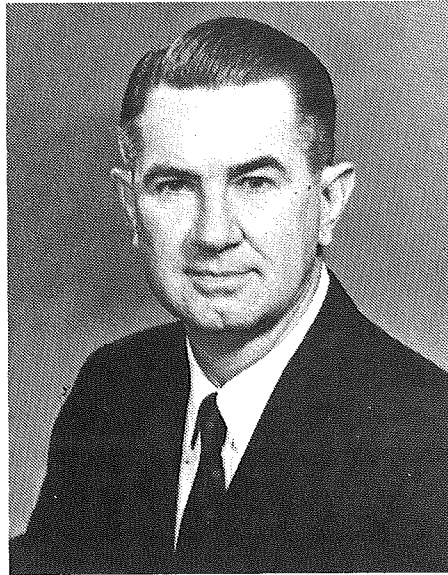
Donations already received by the Center in Justice Denton's name were made to help assure continuance of the judicial education he deemed so important.

As an additional memorial tribute to Justice Denton, appellate judges meeting at the time of his death passed the following resolution:

"James G. Denton was in the forefront of judicial affairs in Texas for over three decades.

"Elected to the county court-at-law in Lubbock County in 1950, he was elected to the district bench in Lubbock County in 1952, advancing to Chief Justice of the 7th Court of Civil Appeals at Amarillo in 1959. In 1970, he was elected to the Supreme Court of Texas.

"Every honor that the Judicial Section, State Bar of Texas, could confer upon a fellow member was accorded to Justice Denton. He was vice-chairman of the Section first; then Chairman in 1973-74.



Justice James G. Denton

"Judge Denton served as a member of the Continuing Legal Education Committee, Judicial Section, governing body at the time of the Texas Center for the Judiciary. He was chairman of the CLE Committee in 1978.

"With the changeover of the Texas Center to a non-profit corporate status, he served a three-year term as a member of the Texas Center for the Judiciary, Inc. Board of Directors. He was one of three incorporators of the Texas Center for the Judiciary, Inc.

"By appointment of his fellow Supreme Court justices, Justice Denton has also served with distinction as the chief liaison officer of the Supreme Court of Texas to the State Bar of Texas.

"A man of impeccable integrity, Judge Denton was held in highest esteem by the bench and bar.

"Although fashioning a distinguished judicial career, his efforts were not limited to the improvement of the legal profession and administration of justice, he was equally dedicated to serving his God, his country, his community and his family. He assumed a prominent leadership role in Christian and civic affairs, never hesitating to serve when either called upon or his talents were needed.

"Now, therefore, justices of the State of Texas assembled in Austin at the Texas Appellate Writing Seminar the 11th day of June, 1982, do record these comments in appreciation of the valued contributions of Justice James G. Denton touching our lives and our profession, and authorize the conveyance of these expressions to his devoted wife, Virginia, and to members of his family."

NAY ELECTED NCJP PRESIDENT

Charles E. Nay, Associate Director of the Texas Center for the Judiciary, Inc., was elected president of the National Council for Judicial Planning (NCJP) during a recent conference in Williamsburg, Virginia.

Nay, a NCJP member for the past four years, previously served as a member of the board of directors and as vice-president of the organization.

Originally established under LEAA, the 135 member NCJP is composed of judges, judicial planners, court administrators, court officials, and others interested in the planning process for judicial administration.

The organization is co-sponsor of the *Court Management Journal*, published semi-annually, and also publishes the *Benchplan* quarterly to keep its membership updated on the happenings of judicial administration. NCJP members meet annually to discuss current trends.

New Justice

continued from page 1

"I can't speak for judges all over the state, but I can speak for those who were on the bench at the time I took it and I can say that without exception, if there was any resentment, they're the best actors in the world."

At the swearing-in ceremony, Chief Justice Joe R. Greenhill and Governor Clements praised her excellent reputation and qualifications for the job, indicating that Justice Sondock should have little trouble as she once again takes the bench as the only woman.

As Governor Clements said during the ceremony, "I know this is an historic first, but what's important to me is the quality of this candidate."

JUDICIAL COORDINATING COMMITTEE REPORTS AVAILABLE

Two reports recently completed by the staff of the Judicial Coordinating Committee are available on request. The first, *Computer-Aided Transcription Systems in Texas Courts*, summarizes the operations of three computer-aided transcription (CAT) systems in use in Texas courts. The three systems are in the district courts of Bexar, Dallas, and Harris counties. This report is intended to assist jurisdictions considering CAT systems by pointing out important considerations in planning and designing their systems.

The second report, *Court Coordination in Texas—A Working Definition*,

details duties a court coordinator can be assigned in order to relieve the judge of administrative tasks. Texas court administrators and coordinators identified these duties which, when assigned to a coordinator, are the major factors in allowing the judge more time in the courtroom or on legal research. The report is intended to help jurisdictions considering a court coordination project realize the full potential of court coordinators.

The Judicial Coordinating Committee is comprised of judges, attorneys, and court officials appointed by the Supreme Court of Texas. Among the

functions of the Judicial Coordinating Committee is the review of grant applications for court projects. Although final review and funding of the grants comes from the Governor's Office of General Counsel and Criminal Justice, review by the Judicial Coordinating Committee insures that the Texas judiciary exercises a leadership role in grants affecting the judiciary.

For a copy of the reports or for further information on grants for court projects, contact Gene Draper at (512) 475-1545, or write Judicial Coordinating Committee, P. O. Box 13071, Capitol Station, Austin, Texas 78711.

JUDICIAL NOTICES

Ethics Questions?

Many judicial ethics questions arise during an election year. If you have an ethics question regarding elections, please don't wait until the week before the election to make your request. Since the nine members of the ethics committee reside in various parts of the state, it takes time to obtain an opinion. If you have a request, contact Associate Justice Jackson B. Smith, Jr.
1st Court of Appeals
Harris County Courthouse
Houston, Texas 77002

Justice Pope Receives Honorary Degree

The degree of Doctor of Laws, honoris causa, was conferred on Texas Supreme Court Justice Jack Pope during commencement ceremonies at St. Mary's University School of Law May 15, 1982.

At a meeting on March 12, St. Mary's University Board of Trustees approved recommendations that Justice Pope be honored during the ceremonies for his "outstanding and distinguished service to the State of Texas and to the United States."

St. Mary's University also recognized Justice Pope's contributions to legal education as both a lecturer at the school and as the author of law school course material in Evidence and Procedure.

Justice Pope holds honorary Doctor of Laws degrees from two other institutes of higher learning, Pepperdine University in Malibu, California, and Abilene Christian University.

New Judges

John Keith Narsutis, appointed by Governor Clements June 1, 1982, succeeds Robert Scofield as judge of the 158th Judicial District, Denton.

Hubert Dee Johnson was appointed June 1 as judge of the 44th Judicial Dis-

trict in Dallas. He succeeds Oswin Chrisman, who retired from the bench.

Tom B. Ramey, Jr., appointed as associate justice of the 12th Court of Appeals in Tyler, fills the vacancy left by the death of James H. Moore.

Ruby Kless Sondock was appointed to the Texas Supreme Court June 17. She will finish the term of Justice James G. Denton.

Texas Center Contributions

The Texas Center for the Judiciary, Inc. gratefully acknowledges the following contributions received in May and June:

Friend of the Center — \$100-\$200
Judge Ed Kinkeade, Irving
Judge Fred A. Moore, Lockhart
Judge and Mrs. Bill Stephens,
Dallas

In Memory of James G. Denton
Jack H. Dillard
Charles E. Nay
B. B. Schraub

TEXAS APPELLATE

Justices of Texas appellate courts gathered June 6-11, 1982 at the Quality Inn in Austin for the Texas Appellate Writing Seminar.

Since the Texas Center's 1982 budget for out-of-state training was substantially reduced, a writing seminar for appellate judges was brought to Texas in cooperation with the American Academy of Judicial Education. The seminar offered appellate judges an opportunity to increase their opinion writing skills.

The first seminar of this type ever held in Texas, the meeting drew high acclaim from attending judges. Forty-nine appellate judges and six courts of appeals staff attorneys enrolled for the five-day seminar.

The seminar officially began with a Monday morning general session, where welcoming remarks were made by Chief Justice Joe R. Greenhill, Supreme Court of Texas; Presiding

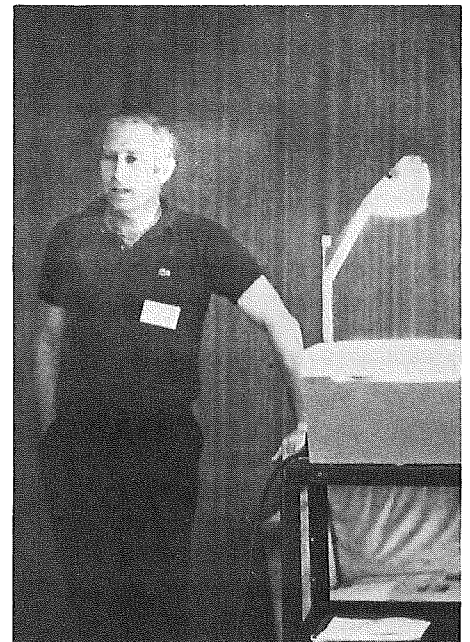
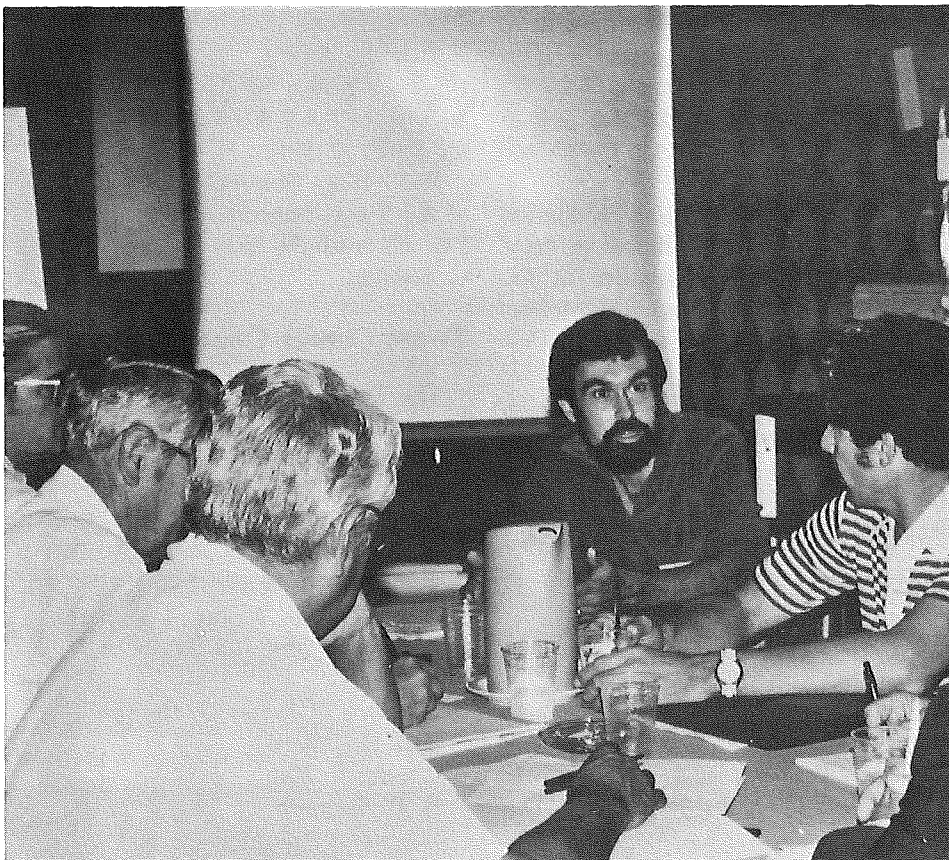
Judge John F. Onion, Texas Court of Criminal Appeals; Judge Tom G. Davis, Chairman, Judicial Section, State Bar of Texas; Hon. Jack H. Dillard; Executive Director, Texas Center for the Judiciary, Inc.; and Hon. Douglas Lanford, Director, American Academy of Judicial Education.

For the remainder of the seminar, the participants completed writing exercises and worked in small groups (or "mini-courts") to critique them. Each group was guided by a faculty member experienced in writing and the needs of the judiciary. The seminar faculty was a highly talented and capable group of writers, journalists, and college professors from all parts of the country.

After four and one-half days of hard work, including opinion writing exercises and long sessions on sentence structure, grammar, and composition, the seminar adjourned at noon on Friday, June 11.



Hon. Doug Lanford, Director of the American Academy of Judicial Education, addresses the conference.



ABOVE: Faculty member Charles Rutherford, Maryland, instructs a mini-court.

LEFT: Judges listen to Professor Stephen Armstrong, Alabama, in the mini-court setting.

WRITING SEMINAR

Editor's Note: The following lines are excerpts from a poem written by Charles Price and inspired by the Texas Appellate Writing Seminar.

On opinion writing, what shape are you in?

A writing seminar, meet at the Quality Inn.

Appellate judges from around this great state

To Austin on Sunday, don't be late.

I take undue liberty with this poetic stroke,

For the style of my English is worse than broke.

Sponsored by the Texas Center for the Judiciary, Inc.

Headed by Jack Dillard that great Baylor link.

Doug Lanford and a fine faculty, literary giants all

From all corners of the country then answered the call.

Professors and writers, with accomplishments of note

Leading discussions and grading what we wrote.

Remarks by Greenhill, Davis, and Onion who penned "We think not"

Then break up into your proper mini-court slot.

Critique those real opinions and write some more

Five full days of it, for us was in store.

Use fewer words, clarity is the theme
Better opening paragraphs said the faculty team.

For whom will you write? A great debate did heat

Is it lawyer and judge, or the man on the street?

Charlie Nay was in charge, promptness was the rule

Anne Cain took photos, Carolyne Fellers had the typing pool.

Every evening now you're on your own
Just be sure no wild oats you've sown.

A ladies tour of the Governor's Mansion led by Latrelle

Clarence Guittard announced it and he did it well.

So now it's Thursday, it's all downslope
A blow for good opinion writing, maybe there's hope.

A special thanks to Jack Dillard, that wiley one.

We've worked hard, but we've also had fun.

Quality is the Inn and quality is the course

May we return to our judging with vigor and force.

The fun times we'll remember, but we won't lose sight

To be better judges and do our jobs right!

by Charles Price
Justice 14th Court of Appeals
Houston



ABOVE: Justice Ted Akin of Dallas, pictured at right, chats with faculty member Elissa Guralnik, Colorado.



ABOVE RIGHT: Members of the typing pool prepare judges' written opinions.

RIGHT: l-r; Justices Lee Duggan, Jack Smith, and Paul Murphy, all of Houston, enjoy a lunch break.



IN MEMORIAM

James G. Denton, Associate Justice, Supreme Court of Texas, died June 10, 1982 in San Antonio of a heart attack. He is survived by his wife, Virginia Denton, 6802 Glen Ridge, Austin 78731, five children, and four grandchildren. (see related story, page 2)

J. D. Guyon, judge of the 232nd District Court, Houston, died June 14, 1982 in Conroe of heart failure. He was 56.

Judge Guyon received his BBA from the University of Houston in 1957, and his LLB from the South Texas College of Law in 1961.

From 1964 through 1969, he was Chief Judge of the Municipal Courts of the City of Houston, and was appointed to County Criminal Court-at-Law No. 2 in Houston by Governor Preston Smith in October, 1969. In 1977, he took the bench as judge of the 232nd District Court, where he presided until his death.

Active in judicial associations, Judge Guyon served as a member of the board of governors of the North American Judges Association, as president of the Judicial Research Foundation, and as director of the Texas Association of Municipal Judges.

Judge Guyon also received a Resolution of Commendation from the Texas House of Representatives in 1965 for his role in originating the Teen Jury System.

Survivors are his wife, Betty Jo, 1154 Chantilly Ln., Houston 77084, two children and two grandchildren.

James H. Moore, Associate Justice, 12th Court of Appeals, Tyler, died May 2, 1982.

Justice Moore received his preparatory and legal education from the University of Texas. After graduating from law school in 1939, he moved to Lufkin to practice law. He served as Angelina county attorney, 1947-53, district attorney, 2nd Judicial District,

1953-54, and was also president of the Angelina County Bar in 1953.

In 1954, Justice Moore was appointed as judge of the 145th District Court. He presided over this court until his 1963 appointment to the then newly created 12th Court of Appeals in Tyler. At the time of his death, Moore had served for almost 19 years as justice of the 12th Court of Appeals.

Survivors are his wife, Esther Moore, 1100 Arlington, Tyler 75701, one son, two daughters, and two grandchildren.

Justice Moore, 67, was to retire from the bench on May 31.

★ JUDICIAL CALENDAR ★

September 9-10, 1982

Briefing Attorney's Institute
Austin, Texas

September 28-October 1, 1982

Annual Judicial Section Conference
El Paso, Texas

November 10-12, 1982

Juvenile Justice Seminar
Austin, Texas

November 16-18, 1982

Texas Association of Court
Administration
Annual Conference
Austin, Texas

November 29-December 3, 1982

Texas College of the Judiciary
Huntsville, Texas

March 9-11, 1983

West Texas Judicial Conference
Abilene, Texas



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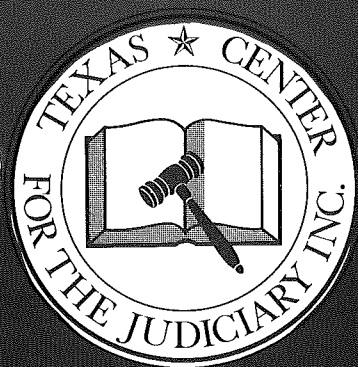
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May, 1982

COMMITTEE APPOINTED TO REVIEW CURRICULUM

In response to the changing educational needs of the state judiciary and to expressed concerns for the future direction of the Texas Center for the Judiciary's educational program, Texas Center Chairman Tom G. Davis appointed four Texas judges to the newly formed Curriculum Development Committee.

Appointed to the committee were Judge James F. Clawson, Jr., 169th District Court, Belton, Chairman; Justice John T. Boyd, 7th Court of Appeals, Amarillo; Judge Carol Haberman, 45th District Court, San Antonio; and Judge B. B. Schraub, 25th District Court, Seguin.

During a Texas Center for the Judiciary, Inc. Board of Directors meeting in Seguin, March 26, the curriculum committee was assigned to review the educational program of the Texas Center, and to make recommendations for any changes in program structure and content. The review process by the committee will hopefully accomplish the following objectives, as outlined by the Center's Board of Directors:

1. To insure that each judge in the State of Texas is afforded an opportunity to attend at least one regional conference each calendar year;

2. To establish control and supervision over program content;

3. To establish recommended minimum requirements for continuing judicial education;

4. To establish a system of records, credits, and certificates to encourage participation; and

5. To establish and maintain communication with the State Bar College and other organizations or institutions providing continuing legal education in order that credits may be fully transferable.

When asked about the formation of the special committee to study curriculum, committee

Chairman Clawson said "There has been a lot of concern about whether every judge was being afforded equal opportunity to participate in continuing judicial education."

"We (the Texas Center) are growing up, coming of age, and looking towards the development of a more permanent and complete type of educational program," Clawson said.

Jack H. Dillard, Executive Director of the Texas Center for the Judiciary, Inc. noted "the

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CRIMINAL JUSTICE CONFERENCE - 1982

Judges with criminal jurisdiction met May 5-7 in Huntsville for the 13th Annual Criminal Justice Conference. More than 200 judges attended the conference to receive information on criminal procedure.

Judge Mike McCormick of the Texas Court of Criminal Appeals served as chairman for this year's conference. He succeeds Court of Criminal Appeals Judge Carl E. F. Dally, who has ably chaired the conference for the past six years. Judge Wendell Odom, Court of Criminal Appeals, was conference chairman in 1973 and 1974.

Under Judge McCormick's supervision, the tradition of a well-structured program con-

tinued. The 1982 program format consisted of presentations under the theme "Pre-Trial Proceedings," delivered to conference participants in a classroom style setting.

Featured conference speakers included Appellate Justices John T. Boyd, Amarillo and Shirley Butts, San Antonio; District Judges Oliver Kitzman, Brookshire, and Patricia Lykos, Houston; Criminal District Court Judge Marvin Collins, Fort Worth; Hon. Alfred Walker, Assistant State's Attorney, Court of Criminal Appeals, Austin; Prof. George Dix, University of Texas School of Law, Austin; and Hon. Jim James, Research Assistant, Court of Criminal Appeals, San Antonio.

A

SPECIAL THANKS

"Being the wife of a judge isn't always a rose garden. It isn't easy to run a household on the rules of evidence and procedure. . .but the worst thing she has to contend with is her husband's 'legal mind', which is simply a propensity for looking at everything — a new hair-do, the breakfast biscuits, and even the baby from the standpoint of whether or not it will hold up in court."

Hon. John Ben Shepperd
West Tx. Judicial Conference,
1982

Through the years, reports in "In Chambers" about Texas Center and Judicial Section activities have failed to recognize a very vital and special group of people.

Both wives and husbands of judges serving as Judicial Section and Texas Center officers, as well as those of local conference hosts, are the behind-the-scenes workers who are often the keys to the program's success.

As Mr. Shepperd so aptly pointed out, the role of a judge's spouse is not an easy one. Wives or husbands often accompany the judge to educational conferences during the year. Mrs. Jeannine Davis, wife of current Judicial Section Chairman Tom G. Davis, has traveled with her husband all over the state to different Texas Center sponsored seminars since his election.

In addition, a spouse is often called upon to organize, arrange, and oversee activities. Some have even carried their responsibilities beyond the call of duty.

Take, for instance, the experience of Mrs. LaNita Connally, wife of 244th Judicial District Judge Joe Connally. Following the West Texas Judicial Conference "lakehouse" party, which was held on some land outside of Odessa, Mrs. Connally spent the day rounding up donkeys and horses let out of the gate by departing guests.

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W. A. MORRISON

MEMORIAL SERVICE HELD

A memorial service for former Texas Court of Criminal Appeals Judge W. A. Morrison was held April 2 in the Texas Supreme Court Building.

Following opening remarks by Texas Supreme Court Chief Justice Joe R. Greenhill, messages of tribute to Judge Morrison were delivered by Hon. Phil Bureson, Dallas attorney and former Court of Criminal Appeals briefing clerk; Hon. Jim Bowmer, Temple attorney and former State Bar President; Presiding Judge John Onion, Court of Criminal Appeals; and Mr. Thomas Farmer, Pastor, University Presbyterian Church, Austin.

The ceremony included the unveiling of Judge Morrison's portrait, presented to the court by the Morrison family.

Judge Morrison was elected to the Court of Criminal Appeals in 1951. In 1955, at the age of 41, he was elected presiding judge of the Court of Criminal Appeals, the youngest judge ever to hold that title. He retired on April 1, 1976, after serving on the court 25 years and three months. He died November 11, 1980.

Judge Morrison was a highly respected member of the judiciary. During the memorial service, Presiding Judge Onion said that "Judge Morrison was a colorful actor upon the stage of life."

"He was an outstanding judge, legal scholar, and individual," Judge Onion added, "who shall be long remembered by those who served with him on the Court of Criminal Appeals."



Mrs. W. A. Morrison presents Judge Morrison's portrait to Court of Criminal Appeals Presiding Judge John F. Onion.



Judge Troy Williams, left, listens to a judicial conference presentation, along with County Court at Law judge Joe Briscoe, Hondo.

RANCHER OPTS FOR LEGAL CAREER

EDITOR'S NOTE: The following is an article about a judge whose career path was somewhat out of the ordinary. We welcome suggestions from readers about other interesting experiences of Texas judges.

District Judge Troy Williams is at home on the range. . . and on the bench. A rancher for 39 years, the West Texas judge changed careers in his early 50's, and fulfilled a long-time dream.

Judge Williams became interested in law through an uncle, a graduate of Cumberland University, who began practicing law in Dallas around 1900. "I had always dreamed of being a lawyer," Judge Williams said.

His dream of becoming a lawyer was delayed, when, having graduated from high school in 1934 in the midst of the depression, "there was no way to afford college tuition."

Judge Williams worked instead for the family grocery business in Ozona, until one day a friend told him about some ranch land for sale in the area.

"My wife and I borrowed money, bought the ranch land, and started ranching on a shoestring," Judge Williams said.

"We were successful and built the ranch up over the years, and got to where we owed lots of money. That is a measure of success for a rancher," he added, "if he owes lots of money."

In the 1960's, Judge Williams owned over 9,000 acres of ranch land and had leased an additional 10,500 acres.

At the age of 47, with a successful ranching business established, he enrolled in college courses at San Angelo College. He drove the 150 mile round-trip distance to San Angelo three or four times a week and received his BBA degree four years later.

Judge Williams' dream of becoming a lawyer drew closer to reality when he was accepted to law school at the University of Texas at Austin. Still, he and his family had to overcome some difficulties.

"My wife and daughter ran the ranch operation, and I would drive home from Austin on weekends to help them catch up."

"Of course," he joked, "my wife doesn't remember my coming back to help her."

Judge Williams also found it interesting to be an older law student. "Upon seeing a gray haired man carrying books," he said, "the young freshmen would rush to open doors for me."

After graduation from law school in 1970, Judge Williams returned to Ozona and soon ran for County Judge. "I won by a landslide," he says, "that is, 19 votes."

In 1977, Judge Williams turned the day-to-day ranching operation over to his sons, but he is still active in ranch associations.

He now serves as judge of the 112th Judicial District, which covers two counties and overlaps three more. His district covers a large area, so once again Judge Williams finds himself spending much of his time driving across the vast expanses of West Texas to courthouses in his district.

But Judge Williams doesn't mind. "You get used to it," he says.

Judge Williams has attended numerous conferences sponsored by the Texas Center for the Judiciary, Inc., and is a contributor and friend of the Center.



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Editor
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TEXAS CENTER SPONSORS SPRING SEMINARS

The Texas Center for the Judiciary, Inc. has sponsored two regional seminars for Texas judges this spring — one in Odessa, March 10-12 for West Texas judges, and one in Seguin, March 24-26 for judges of the South Texas area.

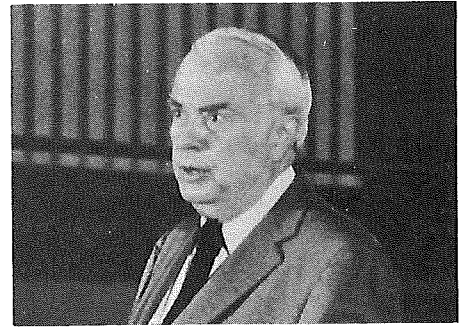
The three-day 1982 West Texas Judicial Conference program covered topics in both criminal and civil law. In charge of planning the conference program were Judge George Thurmond, Chairman, Del Rio; Judge Joe Connally, Odessa; Justice John T. Boyd, Amarillo; Judge Barbara Culver, Midland; Judge Richard Dambold, Amarillo; Chief Justice Charles Reynolds, Amarillo; and Justice Charles R. Schulte, El Paso.

Highlighting the West Texas Conference was a luncheon speech by Hon. John Ben Shepperd, Odessa attorney, former Secretary of State and former Attorney General of Texas. In his speech, entitled, "Judging Texans," Mr. Shepperd said that "judges and lawyers are caught in the whiplash of the public's lack of confidence in public officials and the judicial system."

"The future of Texas," Shepperd said, "depends upon a proper-functioning judicial system, a public understanding, and a partnership of legal and lay thinkers to maintain above all else — a society of laws, not of men."

Other speakers at the West Texas Conference included Odessa lawyers Warren Burnett and Jack Tidwell; Hon. John Montford, District Attorney, Lubbock County; Hon. Mike Holmes, District Attorney, Ector County; Amarillo District Judge Jerry Shackelford, Chairman of the Texas Juvenile Probation Commission; Hon. Truett Smith, Chairman, State Commission on Judicial Conduct; and Texas Court of Criminal Appeals Judge Tom G. Davis, Chairman, Judicial Section, State Bar of Texas.

The 1982 South Texas Judicial Conference, held in Seguin, also offered participants an excellent program. Judges in attendance heard presentations on fundamental error in the criminal jury charge, the State Commission on Judicial Conduct, consumer law practicalities, and also participated in docket control and



John Ben Shepperd

"nuts and bolts" panel discussions.

Conference speakers and discussion leaders were Supreme Court Justice Charles W. Barrow; Court of Criminal Appeals Judges Carl E. F. Dally and Tom G. Davis; Justice John T. Boyd, Seventh Court of Appeals, Amarillo; Justice John E. Clark, Fourth Court of Appeals, San Antonio; Justice Raul Gonzalez, 13th Court of Appeals, Corpus Christi; Judge Thomas J. Stovall, Jr., 129th District Court, Houston; Judge Ronald M. Yeager, 36th District Court, Sinton; Judge Richard J. Woods, 37th District Court, San Antonio; Judge Antonio A. Zardenetta, 111th District Court, Laredo; Judge Pat Priest, 187th District Court, San Antonio; Judge Robert Blackmon, County Court at Law No. 1, Corpus Christi; Hon. Barry Snell, San Antonio and Hon. Rick Rogers, Corpus Christi.

Featured luncheon speaker at the South Texas Conference was Federal Judge James R. Nowlin. Judge Nowlin expressed his belief that federal judges and the state

Continued on pg. 6



Left to right; U. S. District Judge Lucius Bunton, luncheon speaker John Ben Shepperd, Texas Center Executive Director Jack H. Dillard, and Judicial Section Chairman Tom G. Davis at the West Texas Conference.

ETHICS OPINIONS

Opinion No. 58

Question: Does a judge subject to the Code of Judicial Conduct of the State of Texas violate the letter or spirit of the code when, as an authorized representative of the Texas Center for the Judiciary, Inc., he or she solicits contributions for the benefit of the Center from charitable and educational foundations and other donors who would not ordinarily come before the court?

Answer: The committee is of the opinion that such conduct would not violate the letter or spirit of the Code of Judicial Conduct.

Participation in worthwhile organizations that depend upon fund-raising for support is a continuing dilemma for judges. While a judge may serve in a leadership capacity in such an organization, Canon 5B(2) of the Code of Judicial Conduct prohibits any type of participation, or lending the prestige of judicial office, in soliciting funds no matter how worthy the purpose.

An exception to such activity is wisely provided in Canon 4, when the purpose of an organization is "devoted to the improvement of the law, the legal system, or the administration of justice." The Texas Center for the Judiciary, Inc., clearly qualifies under such exception. Canon 4C provides that the judge "may make recommendations to public and private fund-granting¹ agencies on projects and programs concerning the law, the legal system, and the administration of justice."

Canon 4C also provides that a judge "may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities."

It is the interpretation of the committee that "public fund raising activities" are those activities

aimed at the general public or a large segment thereof. A more narrow interpretation would render the language "assist such an organization in raising funds" meaningless.

The committee is of the opinion that Canon 4 permits a judge to present the purposes and financial requirements of the Texas Center for the Judiciary, Inc., to one or more of the prospective donors referred to in the question. Such a presentation must be in harmony with the spirit of the Code of Judicial Conduct, particularly Canons 1 and 2. The committee recommends that the judge making such a presentation clearly state that such presentation is made as an authorized representative of the organization and not for the judge personally.

¹The code published on February 19, 1980 erroneously shows this as fund-raising instead of fund-granting.

Opinion No. 59

Question: May a judge act as a co-chairman of a fund raising event for another person seeking public office?

Answer: No. Canon 5B(a) states in pertinent part as follows: "A judge should not solicit funds for any . . . political . . . organization, or use or permit the use of the prestige of his office for that purpose. . . ." The committee is of the opinion that Canon 5B(2) prohibits a judge from acting as a co-chairman of a political fund raising event for another person.

Opinion No. 60

Question: May a judge sit at the head table and make supportive comments in behalf of another person seeking public officer, at a fund raising event for the other person?

Answer: The committee is of the opinion that sitting at the head table and saying supportive comments about a third person at a fund raising event for that person would be using the prestige of the Judge and his office to benefit the third person. Such conduct would be in contravention of Canon 5B(2) and is prohibited.

Opinion No. 61

Question: May a judge serve as a director of a bank where the board of the bank consists of 10 directors, where one of the directors is the representative of a holding company which owns all of the stock of the bank?

Answer: The committee is of the opinion that for a judge to serve as a bank director under such circumstances would be contrary to the purposes of Canons 5C(1) and 5C(2), as well as Canon 2. A judge should regulate his extra-judicial activities to minimize the risk of conflict with his judicial duties and he should avoid impropriety and the appearance of impropriety in all his activities. The fact that a holding company is the sole owner of the bank should not permit a judge to do indirectly that which he could not do directly.

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

SECTION CONFERENCE SET FOR EL PASO

Plans are well under way for the 1982 Judicial Section Conference, scheduled for September 28 — October 1 in El Paso.

Judge J. F. Clawson, Jr., 169th District Court, Belton; Judge Paul Ferguson, 149th District Court, Angleton; Justice Max N. Osborn, Eighth Court of Appeals, El Paso; and Justice Charles Reynolds, Seventh Court of Appeals, Amarillo, all members of the Section Conference program committee, met in March to discuss program format and content. Judge Clawson is chairman of the committee.

An interesting and informative program is being developed for the three-day meeting. Judge Chuck Moylan of the Maryland Court of Criminal Appeals is scheduled to address the conference on Thursday morning, September 30. Judge Moylan is well known for his expertise in constitutional law.

A segment of the program will also explore issues surrounding stress management. Speakers for this part of the program include Dr. Ted Edwards, founder and medical director of The Hills



J. F. Clawson, Jr.
Program Committee Chairman

Medical/Sports Complex in Austin and frequent lecturer on stress management, and Dr. Tom Pepper, from the University of West Virginia Medical School.

Entertainment on both sides of the river is being planned for judges and their spouses attending the conference.

Judges eligible to attend the Section Conference, which includes appellate, district court, county court at law, retired, and former judges, will receive more detailed information about accommodations and the program agenda from the Texas Center for the Judiciary, Inc. in mid-summer.

Committee Appointed

Continued from pg. 1

establishment of the curriculum committee is an extension of the Texas Center's evaluation process."

"With money for judicial education becoming tighter and the possibility of the legislature requiring mandatory education for judges," Dillard said, "the Texas Center has begun to look at the present educational program and plan for the future."

"The ultimate goal," he said, "is to expand the present program and establish a model program for state judicial education."

Texas Center Sponsors Spring Seminar

Continued from pg. 4

judiciary should try and maintain open lines of communication.

The South Texas Conference program planning committee was co-chaired by Chief Justices Paul Nye, 13th Court of Appeals, Corpus Christi; and Carlos Cadena, 4th Court of Appeals, San Antonio; and included Presiding Judge Joe E. Kelly, Victoria; Justice Noah Kennedy, Jr., Corpus Christi; District Judges B. B. Schraub, Seguin; and John H. Miller, Sinton.

A Special Thanks

Continued from pg. 2

Spouses of Judicial Section leaders have also made helpful suggestions that have been incorporated into the Texas Center for the Judiciary's operations.

For example, Stella Schraub, wife of 1980-81 Judicial Section Chairman and Texas Center Board Chairman B. B. Schraub, mentioned it would be helpful if names on conference name badges were printed larger, in order to facilitate reading. Thinking this to be a good idea, directors of the Texas Center purchased a machine which prints names in large, legible letters.

"We call the machine we bought as a result of Mrs. Schraub's suggestion the 'Stella Schraub Machine'," said Jack Dillard, Texas Center Executive Director, "though we haven't put a plaque on it yet."

These are just a few examples of the important role a judge's wife/husband play in judicial education programs. So, to all the spouses who in the past have offered their time, support, and talent, the staff of the Texas Center for the Judiciary offers a special "thanks".



Jeannine
Davis



Estella
Schraub

DISTINGUISHED HIGH COURT JURISTS TO RETIRE

Two outstanding Texas judges are not running for re-election this year. Justice Jack Pope, Supreme Court of Texas, and Judge Truman Roberts, Texas Court of Criminal Appeals, will retire from their respective positions on the courts in January, 1983.

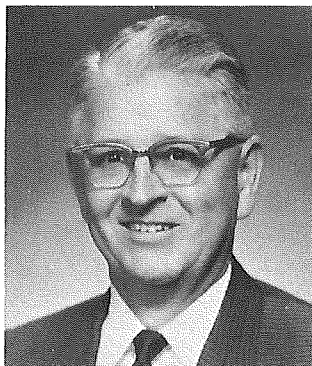
Justice Jack Pope, a member of the Supreme Court since January, 1965, is recognized as one of the foremost jurists in the nation.

A graduate of Abilene Christian University, Justice Pope received his legal training at the University of Texas. Justice Pope also holds Honorary Doctor of Laws degrees from Pepperdine and Abilene Christian Universities.

His legal career, spanning more than 40 years, includes general law practice in Corpus Christi; service as Judge of the 94th District Court, Corpus Christi, 1946-50; and as Justice, Court of Civil Appeals, San Antonio, from 1950-65.

Justice Pope has consistently held positions of leadership in the Judicial Section. He was Judicial Section Chairman, 1962; Chairman, Citizenship Committee, 1952-53; Chairman, Committee on Rules and Statutes, 1959-60; Chairman, Judicial Ethics Committee, 1971-74; and Chairman, Appellate Section, 1972.

He is the author of numerous articles concerning law and procedure, and is a frequent guest speaker at judicial and legal educational seminars.



Jack Pope

After retirement, Justice Pope said he will spend some time attending to his personal affairs. His plans include completing two books, writing for the law review, and traveling.

Judge Truman Roberts, retiring from the Court of Criminal Appeals, has served as a judge in Texas for 21 years.

Following graduation from Baylor Law School in 1949, Judge Roberts moved to Hico and established private legal practice. He practiced in Hico and in Hamilton before his appointment in 1950 as Hamilton County Attorney.

In 1956, Judge Roberts was elected District Attorney of the 52nd District. He served as District Attorney until his election to the 52nd Judicial District Court, where he presided from 1961-70. He was elected to the Texas Court of Criminal Appeals and took office January 1, 1971.

Judge Roberts has also been active in Judicial Section activities, chairing the Section in 1969. He was president of the District and County Attorneys Association of Texas in 1960, and is a former member of the Executive Committee, Governor's Criminal Justice Council, and the Texas Senate Advisory Committee on Youth Affairs.

Roberts, who was named Baylor lawyer of the year in 1973, also was chairman of the CLE Committee and a member of the Committee for a number of years, during which time the CLE Committee was the governing



Truman Roberts

body of the Texas Center for the Judiciary.

After retirement from the Court of Criminal Appeals, Judge Roberts will remain a judicial officer. He plans to stay in Austin and maintain an office law practice.

The Supreme Court and Court of Criminal Appeals will surely miss these two illustrious jurists.

OUT-OF-STATE TRAINING FUNDS COMMITTED

The Texas Center for the Judiciary's 1982 budget request to the Criminal Justice Division of the Governor's Offices was reduced by \$65,000 this year. Since budgeted in-state conferences take priority, the \$65,000 reduction came from the out-of-state category of the Center's budget.

With this reduction, funding priority was given to new judges for attendance to the four week General Jurisdiction Session in Reno, Nevada. Nineteen judges were approved for out-of-state judicial training this year, as compared to the thirty-four approved by the Center last year.

Also, with the change in the Texas appellate court structure and the appointment of 24 new judges, a need existed for an appellate writing seminar. It was determined that bringing the writing school to Texas would be more economical than sending the 24 new justices out of state. The Appellate Writing Seminar, scheduled for June 6-11 in Austin, will also allow more Texas appellate justices the opportunity to attend.

"With these two commitments," said Jack Dillard, Executive Director of the Texas Center for the Judiciary, Inc., "we have exhausted our budgeted funds for out-of-state judicial training."

JUDICIAL NOTICES

JUDICIAL CALENDAR

- June 6-11, 1982
Appellate Writing Seminar
Austin, Texas
- July 13-16, 1982
Trial Court Management
Seminar
Huntsville, Texas
- September 9-10, 1982
Briefing Attorney's Institute
Austin, Texas
- September 28-October 1, 1982
Annual Judicial Section Conference
El Paso, Texas
- November 10-12, 1982
Juvenile Justice Seminar
Austin, Texas
- November 16-18, 1982
Texas Association of Court
Administration Annual
Conference
Austin, Texas
- November 29-December 3,
1982
Texas College of the Judiciary
Huntsville, Texas
- March 9-11, 1983
West Texas Judicial
Conference
Abilene, Texas

Clarence Guittard Named Bay- lor Lawyer of the Year

Chief Justice Clarence Guittard of the Dallas Court of Appeals was named Baylor Lawyer for 1982. Justice Guittard was honored April 3 in Waco during Baylor University Law Day activities.

Justice Guittard graduated "cum laude" from Baylor University, receiving both A.B. and LL.B degrees in 1940. He was in private law practice for more than twenty years before his appointment to the bench.

Justice Guittard, who has served on the 5th Court of Appeals since 1971 (the last six years as chief justice), is a member of the State Judicial Planning Committee, a former member of the State Commission on Judicial Conduct, and the 1974 recipient of the President's Award of the State Bar of Texas.

Other former and current members of the judiciary who have been named Baylor of the Year include:

- A. J. Foley (deceased)—1963
Price Daniel—1965
Frank M. Wilson
(deceased)—1968
Charles Barrow—1972

Truman Roberts—1973
Claude Williams—1976
Connally McKay—1978

New Judges

Governor Bill Clements appointed Thomas George Chase to the 10th Court of Appeals, Waco, March 22. Justice Chase succeeds Justice John A. James, who recently retired.

Other new judges not previously listed in this publication are Howard S. Warner, II, County Court at Law, San Marcos, and H. E. Cooper, County Court at Law #5, El Paso.

Contributors

The Texas Center for the Judiciary, Inc., received the following contributions from Texas judges since publication of the last "In Chambers" edition.

- Sustaining Membership—\$500
Jack R. Miller, Dimmitt
John Placke, Giddings
Friend of the
Center—\$100—\$250
J. Roll Fair, Dallas
W. A. Hughes, Fort Worth
Richard Schell, McKinney
Hugh Snodgrass, Dallas
Eva Barnes, Fort Worth

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