

# IN CHAMBERS

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

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## High Court approves education programs

In an attempt to answer some of the many questions surrounding the implementation of HB 1212, the Texas Supreme Court has issued a new elucidative order outlining the requirements of mandatory judicial education.

According to the new order promulgated on May 29, all appellate, district and county court judges may earn their required annual minimum of 16 hours instruction at programs sponsored by the following organizations:

- Texas Center for the Judiciary, Inc.;
- Judicial Section, State Bar of Texas;
- National Judicial College in Reno, Nevada;
- Appellate Judges' Conference of the American Bar Association in Chicago,

Illinois;  
 • American Academy of Judicial Education in Wash-

legal education programs sponsored by the State Bar;  
 • the judicial training

portions of the Special Session for County Judges and Commissioners' Conference of the V.G. Young Institute of County Government at Texas A & M University; and  
 • the educational portions of the annual State Bar convention program.

### ACCREDITED CONTINUING JUDICIAL EDUCATION PROGRAMS

√ Texas Center for the Judiciary, Inc.

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| <ul style="list-style-type: none"> <li>√ Judicial Section, State Bar of Texas</li> <li>√ National Judicial College in Reno, Nevada</li> <li>√ Appellate Judges' Conference of the American Bar Association in Chicago, Illinois</li> <li>√ American Academy of Judicial Education in Washington, D.C.</li> <li>√ Institute of Judicial Administration at New York University, New York, New York</li> <li>√ Texas College of Probate Judges</li> </ul> | <ul style="list-style-type: none"> <li>√ National College of Probate Judges</li> <li>√ Master of Laws in the Judicial Process at the University of Virginia School of Law</li> <li>√ Advanced continuing legal education programs sponsored by the State Bar of Texas</li> <li>√ Judicial training portions of the Special Session for County Judges and Commissioners' Conference of the V.G. Young Institute of County Government at Texas A &amp; M University</li> <li>√ Educational portions of the annual State Bar convention program</li> </ul> |
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ington, D.C.;

- Institute of Judicial Administration at New York University, New York, New York;

- Texas College of Probate Judges;
- National College of Probate Judges; and
- Master of Laws in the Judicial Process at the University of Virginia School of Law.

In addition, the Court has approved the following specific programs:

- advanced continuing

### Between

Q: Do current sentencing practices promote public confidence in the justice system? A:.....p.2

Q: How many judges are aware of the new DWI statutes? A:.....p.3

### the Lines

## - Leading Remarks -



**Chairman Cornelius**

by Chief Justice  
William J. Cornelius,  
Judicial Section Chairman

*In November, Texans will vote on a proposed constitutional amendment concerning the State Commission on Judicial Conduct. If the amendment is adopted it will, for all practical purposes, make the Code of Judicial Conduct law, because it pro-*

*vides that the wilful violation of one of the canons of the Code will be grounds for disciplinary action by the Commission.*

*Because of the far reaching consequences of such a development, the Ethics Committee of the Judicial Section has been requested to make a complete study of the present Code of Judicial Conduct and recommend to the Supreme Court changes in it or a complete revision of it.*

*The committee, under the chairmanship of Justice Richard Countiss of the Amarillo Court of Appeals, has divided itself into subcommittees and begun work on this study. I think all will agree that the present Code has some deficiencies and ambiguities, and this is a good time to recommend needed changes. If you have ideas or suggestions, please give them to the committee.*

*The regional conferences presented by the Texas Center were very successful. The conference for Northeast Texas in Longview, for example, had more than 140 registrants. In fact, the five regional conferences were attended by a total of more than 480 judges.*

*There will also be several other institutes and conferences presented by the Center this year which will be beneficial to Texas Judges. Check the announcements in this issue and make your plans to attend those which will affect you.*

*Then, Sept. 25-30, we will have our annual Judicial Conference in Galveston. It promises to be a good one, with emphasis on technological developments affecting the administration of justice. More details will follow in future issues.*

## Survey results

### Criminal judges support review of procedures

An overwhelming majority of the district judges in Texas who hear criminal cases think current sentencing practices do not promote public confidence in the criminal justice system and the Legislature needs to conduct a comprehensive review of the punishment statutes and procedures.

But there is no clear consensus among judges if they alone should have the authority to refer a case to the jury for punishment or if jury assessment of punishment should be continued.

Those are a few of the findings revealed by a questionnaire answered by most of the 260 judges attending the 15th annual Criminal Justice Conference sponsored by the Texas Center for the Judiciary in Huntsville, May 9-11.

The majority of respondents also felt sentencing guidelines should be used, but only on a voluntary basis. And while disparities in sentences for similar defendants exist, there are circumstances that justify the differences.

In addition, responses indicated that inmates should spend more time in TDC before being granted parole and receive less good time credit than they currently receive.

The questionnaire was part of a discussion on punishment alternatives presented by Criminal District Court Judge Larry J. Gist of Beaumont.

"I was personally delighted to see that there was a clear expression by

See **REVIEW**, p. 11

# Conferences teach judges revised statutes

The majority of Texas judges are now well-versed on the new DWI law since almost 700 jurists attended either the regional or county judges' conferences sponsored by the Texas Center for the Judiciary early this year.

Over 480 appellate, district and county court at law judges attended regional conferences that examined the new DWI statutes in Corpus Christi, Huntsville, Longview, Wichita Falls, and Amarillo.

In addition, nearly 170 county judges learned about the law's revision at a Texas Center seminar in Austin.

"A great deal of skepticism remains about how the law will hold up with time," said the Center's executive director, Jack H. Dillard.

"Our goal was to thoroughly acquaint judges with

the new law, the various constitutional issues that have been raised by the new statutes, and to provide judges with enough information so they can implement the law fully and effectively," he said.

Initial ratings of both the programs' training and materials have been favorable.

"I think (the conferences) were a very successful effort based on the feedback we're getting," said John McKay of the Texas Department of Highways and Public Transportation. "We're hearing about more innovative techniques used and more interest in handling DWI cases."

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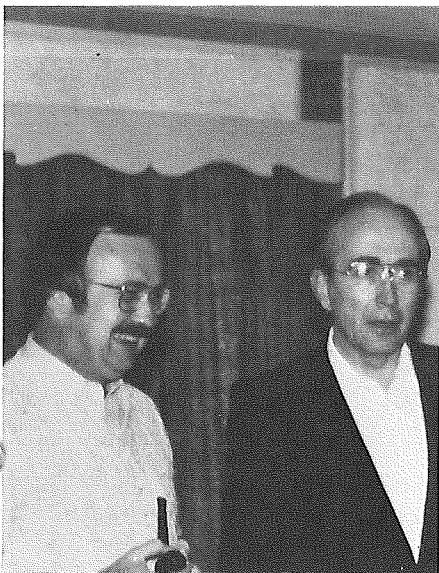
## RESEARCHING RESTITUTION:

(Below) Tarrant County is currently planning to operate a restitution center so Fort Worth judges (l-r) John Hill, Michael D. Schattman, and Maryellen Hicks pay close attention to a discussion on the effectiveness of the centers.

**MEDIA ATTENTION:** (Below) Members of the Wichita Falls media focus attention through an interview with Chief Justice William J. Cornelius of Texarkana on the judges' efforts to keep abreast of new laws. Justice Cornelius, chairman of the Center's Board of Directors and the Judicial Section, answered similar questions at each conference.



**COUNTLESS KUDOS:** (Below) Justice Richard N. Countiss of Amarillo, Dean of the Texas Judicial College, offers a complimentary evaluation to County Court at Law Judge J.Q. Warnick on his presentation on state's pleading and court's charges. Judge Warnick was a faculty member at all six DWI conferences.





The conferences were financially supported by an \$82,000 grant awarded to the Texas Center by the Highway Department.

"In spite of some internal difficulties and a small staff, the Texas Center

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*"...(the conferences) were a very successful effort based on the feedback we're getting. We're hearing about more innovative techniques used and more interest in handling DWI cases."*

*John McKay  
Texas Department of  
Highways and Public  
Transportation*

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for the Judiciary did an exceptionally professional job with each conference.

"It would do well for the Highway Department to bear in mind (the Center's) capabilities and performance with regard to training man-

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**CHIEFLY SUPPORTIVE:** (Top) Garza County Judge Giles Dalby greets Supreme Court Chief Justice Jack Pope after Pope's luncheon address at the constitutional county judges' conference in Austin. "There is no underlying movement to usurp county judges' power," Pope said in reference to work being done by the Select Committee on the Judiciary. "I tell you now, if there ever is, I'll be there with you to fight against it all the way."

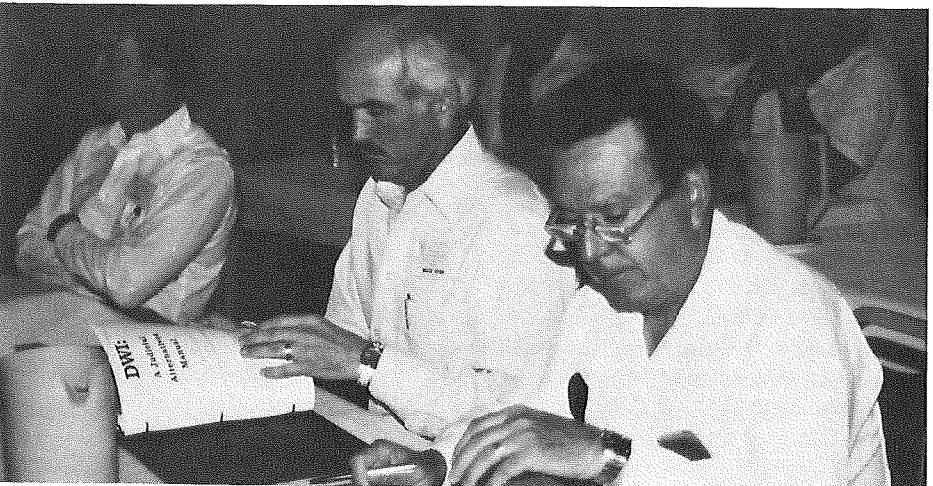


**OPINION CONFIRMED:** (Middle) County Judge Jay Johnson of Tulia (center) congratulates Judge Maxine Darst of Kaufman and Judge Giles Dalby of Post on a conference well planned. Darst and Dalby were members of the county judges conference planning committee that also included Judge Sidney Williams III of Pearsall; Judge Horace Groff of Sherman; Judge Claude Franklin of Tilden; Judge Carl Kennedy of Pampa; Judge Joe B. Garcia of Falfurrias; Judge Dempse Henley of Liberty; Judge Ed Miller of Texarkana; and Judge Sam Seale of Edna.



**DOCKET STUDY:** (Right) Presiding Judge Herman Jones (left) of Austin reviews the list of informative discussions on the Central Texas conference program while listening, along with judges Mace Thurman of Austin and Charles Ramsey of San Marcos, to welcoming remarks by the mayor of Wichita Falls. Each of the regional conferences offered nine accredited hours of continuing judicial education.





agement in case other traffic safety training for the judiciary becomes necessary or DWI legal issues require retraining," added McKay.

The conferences also received high grades from the participants. One of the West Texas Judicial Conference attendants, Judge Joe E. Briscoe, Medina County Court at Law said, "I think our Amarillo conference was great. I used the DWI data in a trial today."

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*"(The Northeast Judicial Conference) was the very best, most informative judicial conference I have ever attended."*

*Judge J. Jack Yarbrough  
Nacogdoches County  
Court at Law*

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County Court at Law Judge J. Jack Yarbrough of Nacogdoches, who attended the Northeast Judicial conference said, "(It) was the very best, most informative judicial conference I have ever attended."

"My compliments to you

cont. on next page

**LEGAL ACT:** (Top) A mock trial of a misdemeanor case which focused on the duties and function of a trial judge catches the undivided attention of Judge Claude Franklin of Tilden and Judge Wilbert D. Roznovsky of Hallettsville. The presentation, its first run in the United States, was performed by State's Prosecuting Attorney Alfred Walker, Retired Court of Criminal Appeals Judges Leon Douglas and Carl Dally, and Court of Criminal Appeals staff attorneys Mary Anne Wiley, Rick Wetzel, and John Jasuta.

**CLEARLY COMPLEX:** (Middle) Former Court of Criminal Appeals Judge Carl E.F. Dally of Austin describes the numerous revisions in the DWI statutes to Central Texas conference participants as Judge Robert C. Wright of Lubbock follows along in his benchbook. Judge Dally, who spoke at all six DWI conferences, said many members of his audiences expressed amazement at the complexity of the new law.

**PERUSING PENALTIES:** (Left) A wealth of information neatly compiled into a benchbook-size manual is at the fingertips of Judges Billy John Edwards of Abilene and Robert J. Galvan of El Paso.



and your staff for an excellent conference in Wichita Falls (Central Texas)," Judge Jim R. Wright, 91st District Court in Eastland, wrote. "The conference was most informative and also professionally conducted."

Former Judge Carl Dally, now an assistant State's Attorney who lectured on the new law at each of the conferences said, "I heard several judges say they appreciated the manual which had been prepared for them. I also heard many comment that there were more changes in the law than they had anticipated and that the law was more complex than they had expected."

The Highway Department

is anticipating that the circuitous structure of the new law will push DWI cases into district and appellate courts, McKay said.

"By their (appellate judges) own admissions, the law is subject to appeal, so they need to have an awareness of the law. And if the system works under the new law, third-time offenders should start appearing before district judges," McKay said.

"(Judges') day-to-day routine may change in the future because of this law. They needed to be educated about the law because it is very likely they will hear some form or fashion of a DWI case very soon."\*

**SUCCESSFUL CONTRIBUTOR:**(Below) Marcus F. Vasco of Longview, chairman of the local arrangements committee, leans back to enjoy the Northeast Texas conference after devoting many hours to ensure its success.



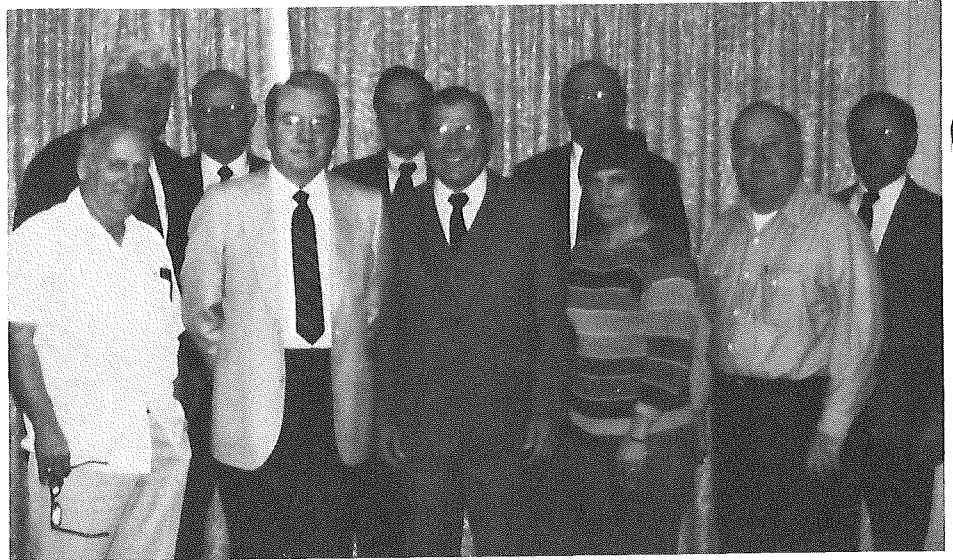
## Section conference sails for Galveston

"Management Tools and the Justice Machine" is the theme of this year's annual Judicial Section Conference set for Sept. 25-29 in Galveston.

The conference will focus on developing efficient ways to use personnel and resources, and will address lawyer-judge problems, trial court management, appellate court management, and the use of available technical tools.

Governor Mark White has been invited to be the speaker at the Thursday evening banquet. Speaker of the Texas House of Representatives Gibson D. Lewis and Lt. Governor William P. Hobby have also been invited to speak at the conference.

In addition, the Chief Justice of the North Dakota Supreme Court, Ralph J. Erickstad and representatives from the Senate-House Select Committee on the Judiciary are scheduled to address the general assembly



**PLANNING ON IT:** Members of the program planning committee meet in Galveston to renew plans for the annual Judicial Section conference. Committee members pictured are, bottom row, l-r: District Judge Joe B. Evins of Edinburg; Chief Justice William J. Cornelius, Judicial Section chairman; District Judge Raul L. Longoria of Edinburg, Chairman-elect of the Judicial Section and conference program chairman; District Judge Linda B. Thomas of Dallas; District Judge Hal M. Lattimore of Fort Worth; and County Court at Law Judge Robert M. Blackmon of Corpus Christi. Top row, l-r: Second Administrative District Presiding Judge Thomas J. Stovall of Seabrook; District Judge Henry G. Dalehite of Galveston (one of nine host judges working with the planning committee); Chief Justice Austin O. McCloud of Eastland; and District Judge Robert L. Wright of Fort Worth. Not pictured: District Judge Andrew Z. Baker of Galveston.

on Wednesday, September 26. Texas Supreme Court Chief Justice Jack Pope will introduce Justice Erickstad.

The tentative agenda for Thursday, Sept. 27, in-

cludes sessions on the application of technology in the courtroom. Afternoon sessions are dedicated to jurisdictional programs.

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# Justice Barrow to head Baylor Law School

Texas Supreme Court Justice Charles W. Barrow will be resigning his position to become dean of the Baylor University School of Law, effective Oct. 1.

"It was a tough decision to decide to leave the Supreme Court but this was a challenging opportunity I could not turn down," said Barrow.

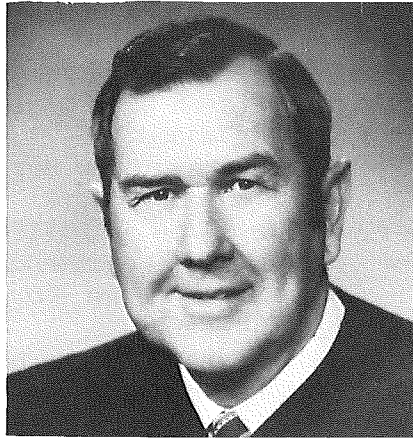
"I believe I know what a good lawyer is, and I hope to have a part in making good lawyers and not just attorneys," he added.

Baylor President Herbert H. Reynolds presented Barrow's appointment to the Baylor Board of Trustees, who approved it at their May 4 meeting in Dallas.

Barrow succeeds Angus S. McSwain Jr., who is resigning effective Sept. 30 after 19 years as dean, to devote full-time attention to classroom teaching.

McSwain will teach courses on Texas property law at Baylor as distinguished professor of law.

Also appointed by Reynolds with the concurrence of the Baylor trustees was an associate dean of the law school, 32-year-old David Swenson, currently an associate professor of law. Swenson succeeds John Stanford, who is leaving Baylor to become dean of the law school at Oral Roberts University in Tulsa, Oklahoma.



**Justice Charles W. Barrow**

Barrow, 62, a 1943 Baylor law school graduate, said he is "thrilled" and "honored" to be returning as dean to his alma mater. Although he has more than four years left "on a job that I like very much, I just couldn't turn down Baylor," he said. "I owe the school so much."

Barrow said he chose an October 1 resignation from the court because most of this year's work will be finished and it would give him time to tie up other projects.

"Judge" has preceded Barrow's name for nearly 26 years. Born in Poteet, he was educated at public schools in Atascosa County and graduated from Baylor with a bachelor's degree, which was redesignated the juris doctor degree in 1969.

For 13 years he worked as a trial attorney in San

Antonio. From 1959 to 1962 he served on the bench of the 45th District Court.

In the spring of 1962, he was appointed to the 4th Court of Civil Appeals in San Antonio to fill the unexpired term of his father, Judge H. D. Barrow, who died that year.

Barrow was elected Chief Justice of the 4th Court of Civil Appeals at San Antonio in 1967, and held that post until he was appointed to the Supreme Court in 1977. He was re-elected to a six-year term on the Court in 1982.

He is a former chairman of the Judicial Section, State Bar of Texas, the Texas Center for the Judiciary's Board of Directors (at that time operating under the Continuing Legal Education Committee), a charter member of the Judicial Qualifications Committee, a co-editor of the Benchbook for Texas Trial Judges, project director of the Texas Judicial Coordinating Committee, and co-editor of Texas Pattern Jury Charges.

Named Baylor "Lawyer of the Year" in 1972, Barrow also received the Distinguished Alumnus award from the university in 1982.

Barrow is married to the former Sugie Williams of Hines, who also is a 1943 graduate of Baylor. They have four sons. ☺

## SECTION CONFERENCE

Chief Justice George M. Joseph from the Oregon Court of Appeals will address the appellate judges' program. Other programs are being arranged by Justice Bob Dickenson of the 11th Court of Appeals in Eastland.

The district judges' session will include sessions on jury management and the use of attachments in family law. Judge Robert C. Wright, 137th District Court, of Lubbock is in charge of planning other sessions.

This is the second time that Galveston has been the chosen conference site. The

Section received a rain check from the coastal town last year, after Hurricane Alicia raged over the island August 18, 1983.

It was the third time in 16 years that the uncontrollable forces of nature blew the Judicial Section conference off the Gulf Coast. ☺

**SUPREME COURT  
EDUCATION COMMITTEE  
MEMBERS**

**CHAIRMAN:**

Justice Richard N. Countiss  
7th Court of Appeals  
P.O. Box 9540  
Amarillo, Texas 79105

**MEMBERS:**

**SIX-YEAR TERM:**

Judge Tom G. Davis  
Court of Criminal Appeals  
P.O. Box 13272, Capitol Station  
Austin, Texas 78711

Judge Robert C. Wright  
137th District Court  
#316 Lubbock County Courthouse  
Lubbock, Texas 79401

**FOUR-YEAR TERM:**

Judge Peter S. Solito  
164th District Court  
615 Civil Court Building  
Houston, Texas 77002

Judge Robert Blackmon  
County Court at Law #1  
Nueces County Courthouse  
Corpus Christi, Texas 78403

Judge C. Edward Miller  
Bowie County Court  
4th and Texas Blvd.  
Texarkana, Texas 75501

**TWO-YEAR TERM:**

Judge Ron Chapman  
Criminal District Court  
Dallas County Government Center  
Dallas, Texas 75202

Professor J. Edgar Hadley, Jr.  
Lubbock County; Lubbock

**ONE-YEAR TERM:**

Chief Justice William J. Cornelius, Jr.  
6th Court of Appeals  
400 Texas Municipal Building  
Texarkana, Texas 75501

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**PROGRAMS**

Judges attending the approved and accredited programs will earn one hour of credit for each hour of instruction attended.

Other programs or activities for which approval is desired must be submitted for review and recommendation to the Supreme Court Education Committee. The number of hours to be earned by attendance at any program subsequently approved will be determined when the programs are deemed acceptable.

The Committee will also review all approved programs annually and recommend continuance or termination of accreditation to the Court.

New trial judges may satisfy their annual requirement by attending the week-long College for New Judges, an annual course sponsored by the Texas Center (to be held Nov. 25-30 in Huntsville this year), according to Justice Richard N. Countiss, chairman of the Supreme Court Education Committee.

"New judges receive over 40 hours of instruction at the College and as I interpret the order that satisfies their annual requirement," said Countiss.

New judges elected at a general election but not taking office until the following year may attend the College and receive credit for the following year.

The Court has also determined that judges who serve as instructors at approved programs will receive credit for their efforts. A judge will earn credit hours three times that of the presentation time, but the total credit earned as an instructor can not exceed ten hours per year.

Records of attendance to accredited programs or

performance at an accredited activity will be maintained by the Judicial Education Certification Division of the Supreme Court of Texas.

"After attending the program or performing the activity, each judge affected by the law is responsible for certifying his or her attendance by completing and forwarding a certification form to the Judicial Education Certification Division," said Supreme Court Justice Charles Barrow.

Certification forms are available upon request from the Texas Center and should be mailed to: Judicial Education Certification Division; P. O. Box 12487, Capitol Station, Austin, Texas 78711.

On Feb. 1 of each year, the name of any judge who has not accumulated the minimum credit hours required for the preceeding calendar year and whose compliance with the statutory requirements has not been waived by the Supreme Court will be reported to the Supreme Court.

The Court will then require those judges to submit within 30 days of receipt of notice from the Court a "statement of emergency reasons" that prevented compliance.

The Court will then either grant a waiver for emergency reasons or report the name of the judge to the State Commission on Judicial Conduct.

A judge may, prior to notification of failure to comply from the Supreme Court, request an emergency waiver by submitting a request and specifying the course of instruction or number of hours for which a waiver is requested. The Court will advise the judge and the Texas Center of its action on the request. \*



# Summary judgement

## Center's regional conferences to figure highly

Judges who attended one of the Texas Center's regional conferences this year have earned more than half of their annual continuing judicial education requirement, according to the chairman of the Supreme Court Education Committee.

Committee Chairman Justice Richard N. Countiss, 7th Court of Appeals in Amarillo, said, "There were nine hours of actual educational instruction included in the program for which participants can claim credit.

"To receive credit, judges must complete a certification form indicating how many hours of instruction they actually attended and submit that to the Judicial Education Certification Division for credit," Countiss said.

All five of the conferences were held before the Court promulgated its May 29 order, thus the certification form (which was included in the order) was not available to

conference participants.

A copy of the order and the "Judges' Certification for Credit" form was sent to each judge by the Office of Court Administration in late May.

Judge Countiss said, "I suggest that each judge make copies of the certification form to keep on file for future use."

Later in the year, the Texas Center will mail every judge a comprehensive list of programs they have attended with an account of how many hours they have earned for the year, said the Center's Executive Director Jack H. Dillard.

"From this they can assess their ability to earn the necessary hours by year's end and determine if they need to earn additional credits by attending more programs, such as the Annual Judicial Section conference," Dillard said.

The 1984 Judicial Section conference is scheduled for Sept. 25-28 in Galveston.❶

## Form formalities foster formiabile frenzy

It is certifiably confusing.

"It" is the fact that judges who are also lawyers may earn credit for attending a continuing judicial education program from three different agencies: the Judicial Education Certification Division; the College of the State Bar of Texas; and the Texas Board of Legal Specialization.

It is conceivable that a judge can attend one course and receive credit with each of the three entities, but the correct forms must be filed with each. (All are officed in the State Bar Building, thus they share a common post office box number.)

Each judge is responsible for completing the three different forms if credit from each is desired.

First, each appellate, district, statutory county court, and county court judge performing judicial functions is required to attend 16 hours of continuing judicial education programs per year. To earn credit, each must complete and submit a form to the Supreme Court of Texas.

That form, the "Judge's Certification for Credit" should be mailed to: The Supreme Court of Texas; Judicial Education Certification Division; P. O. Box 12487, Capitol Station, Austin, Texas 78711.

The State Bar of Texas recognizes lawyers who make an effort to continue their legal education by offering them membership in the College of the State Bar of Texas. Any Texas lawyer is eligible to enroll and parti-

cipate in the college established by the Texas Supreme Court and institutionalized on Jan. 1, 1982.

Completion of 80 hours study in three consecutive years or less qualifies an attorney for initial membership. Twenty-seven hours of study per year thereafter qualifies the lawyer to maintain the membership.

To receive credit, each applicant is responsible for submitting a completed "Certificate of Attendance" to the College of the State Bar of Texas; P. O. Box 12487, Capitol Station, Austin, Texas 78711.

The coordinator of the College of the State Bar, Marilyn Nehring, said, "In December, we will send a notice to each lawyer or judge who has qualified for either

**-- ETHICS OPINION --**

**OPINION NO. 73**

**QUESTION:** Does a judge subject to the Code of Judicial Conduct violate the Code if publicly endorsing a candidate for public office?

**ANSWER:** The Committee is of the opinion that such action would violate the Code of Judicial Conduct. The heading under Canon 7 states that a judge should refrain from political activity inappropriate to his judicial office. Paragraph A of Canon 7 states:

Political Conduct in General. Any candidate for judicial office, including an incumbent judge, and others acting on his behalf, should refrain from all conduct which might tend to arouse reasonable belief that he is using the power or prestige of his judicial position to promote his own candidacy.

The essence of Canon 7A is that a judge should not use the prestige of his office to advance his own private interests. It naturally follows that if he cannot use

this power or prestige to help his own candidacy, he should not do this for others. Canon 2B is similar to 7A in that it prohibits a judge from lending the prestige of his office to advance the private interests of others.

Further, Canon 1 directs a judge to maintain the independence of the judiciary, and Canon 2A requires a judge to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

It is difficult for a judge to realistically separate the prestige of his office from his personal affairs. Thus, the committee is of the opinion that the public endorsement of another person's candidacy, of necessity, involves the use of the prestige of the judge and the prestige of his office.

Additionally, a judge's involvement in another person's political race places the judge in a partisan posture and gives the public cause to question the judge's independence. Thus, the described activity violates the Code of Judicial Conduct.

\*\*\*\*\*  
Adopted by the Committee on Judicial Ethics, March 9, 1984, one member dissenting.

**AG conference on child abuse planned**

The first annual Texas Attorney General's Conference on Child Abuse is scheduled for Sept. 21, at the Joe C. Thompson Center in Austin.

The conference will focus primarily on obtaining support and guidance from prosecutors, judges, social

workers, law enforcement personnel and lay persons in developing legislative proposals in the areas of child abuse prevention and prosecution.

Seating for the conference, for which there is no charge, is limited to 250.

For further information contact: Jane Kline or John Crane at (512)475-3131.★

**FORMS**

the initial or maintaining membership."

Certificates (suitable for framing) are awarded annually to members who satisfy the membership requirements, Nehring added.

This form should not be confused with the form that must be completed for Legal Specialization credit.

Attorneys who want to be certified in a particular field of law, have been in practice 5 years or longer, have tried certain types of cases, and completed a certain number of legal education courses can apply for the specialization examination.

Judges who have applied for the examination and who want to earn specialization credit for completing an educational course must submit a separate report to the Texas Board of Legal Specialization, P.O. Box 12487, Austin, Texas, 78711.

The "Judge's Certification for Credit" and the "Certificate of Attendance" forms are available from the Texas Center.★

Texas Center  
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**Managing Editor**  
Jack H. Dillard

**Editor**  
Lana Kay Varney

cont. from p. 2

## REVIEW

criminal judges on some very important topics," Judge Gist said of the results.

"I hope that it can be transformed into some meaningful legislative response."

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*"The judiciary is making a statement that they want a meaningful review of the procedural and substantive aspects of the law, as opposed to self-indulgence legislation that only affects the judiciary..."*

Judge Larry Gist  
Criminal District Court  
Beaumont

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Gist is a member of the Texas Commission on Sentencing Practices and Procedures, a group of judges, attorneys, probation officers and legislators recently appointed by Gov. Mark White to study punishment statutes and procedures. [See JUDICIAL NOTICES for related story].

"The judiciary is making a statement that they want a meaningful review of the procedural and substantive aspects of the law, as opposed to self-indulgence legislation that only affects the judiciary such as pay raises or jurisdiction," said Gist.

Sentencing was one of many discussions on post-trial and appellate procedures covered at the conference. Also on the agenda was a look at the system from a victim's point of view.

A crime victim from Potomac, Maryland, Mrs. Geraldine A. Strong, told the judges of her experience with the judicial system after she was kidnapped and raped in 1978.

Unaware of the system's procedures, Mrs. Strong said she received no information voluntarily from those who worked in or around the courthouse.

"What happened to me changed my life irrevocably. Please avoid considering my case as an exception. My case is not one that just slipped through the cracks.

"Victims need information and victims need your respect," Strong said.

Small changes in the way several trial-related procedures are handled can make an enormous difference, she added.

"For example, at the pre-trial conference, everyone involved with the crime was there and it seemed as though I had to live through the entire ordeal again. Why couldn't I have told my story in private?"

The trial was postponed

a number of times and with each delay Strong was told the defendant needed more time to prepare his case. Finally, on the day of the trial, Strong went to the courthouse only to be told that the trial had been postponed once again because the judge had an important speaking engagement.

"The emotional costs of trial delays on the victim are profound and traumatic," she said.

Judges should not assume victims have questions formulated in their minds about the system and its workings, Strong said.

"You are recognized leaders. Please investigate what is available in your area and learn how crime victims find out about those services. Give them a choice," she said.

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*"The emotional costs of trial delays on the victim are profound and traumatic"*  
Mrs. Geraldine Strong  
Crime Victim

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Other speakers at the conference and their topics included: Court of Criminal Appeals Judge Charles F. Campbell, "Motions for New Trial"; Don Stiles, executive director of the Adult Probation Commission, "Overview of Adult Probation"; Charles Walker, general counsel to the Texas Board of Pardons and Paroles, "Overview of the Board of Pardons and Paroles"; Roy J. Rawls, Executive Administrator of the Court of Criminal Appeals; "Original Writs in the Court of Criminal Appeals".

Also: Court of Criminal Appeals administrative assistants Walter C. Prentice, "Post-Conviction Writs of Habeas Corpus"; John Jasuta, "Selected Problems Involving Time Credits and Detainers"; and Rick Wetzel, "Role of Staff Counsel for Inmates."

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## Attorney General Opinion

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Number JM-146

**QUESTION:** *Whether a person arrested prior to Jan. 1, 1984, for driving while intoxicated may be granted a deferred judgment after Jan. 1, 1984.*

**ANSWER:** The amendments to article 42.13, section 3d of the Code of Criminal Procedure contained in Senate

Bill No. 1, Acts of the Sixty-eighth Legislature, chapter 303 at 1594, which prohibit courts from granting a deferred adjudication to a defendant charged with a misdemeanor DWI under article 67011-1, V.T.C.S., do not apply to defendants who were charged prior to the Jan. 1, 1984 effective date of the amendments. \*



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# In Memoriam:

## **District Judge Wingate S. Barron Sr.**



Wingate Stuart Barron Sr., former Texas House Speaker and Chairman of the Judicial Section, died in Bryan Feb. 12. He was 95.

Born in Rock Prairie, Brazos County, Barron was elected to the Texas Legislature in 1924, and served three consecutive terms. During his final term in 1929, he was elected speaker of the House during the administration of then-Gov. Dan Moody. Barron was the 47th speaker in the state's history.

After his term as speaker, Barron practiced law in Bryan. In April, 1940, he was appointed to the 85th District Court.

Barron chaired the Judicial Section of the State Bar of Texas in 1944-45.

He retired from the bench Dec. 31, 1954, and returned to private practice until 1963, when he was appointed attorney for the Bryan Building and Loan Association.

Barron graduated from Sam Houston State Teachers College and taught school in North Zulch, Madison County. He was elected school superintendent of Grimes County in 1910 and served in that post until he was admitted to the Texas bar in 1914, and began his law practice in Anderson, Grimes County.

Barron is survived by his wife, Bess, and three children, John M. Barron, a former justice of the 14th Court of Appeals in Houston, W. S. Barron, Jr., and Iola Barron Wilcox.

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## **District Judge Frank B. Kiser Jr.**

District Judge Frank B. Kiser Jr. of Levelland died Feb. 20 at the age of 59.

Appointed to the 286th District Court on May 1, 1981, Judge Kiser resigned from the bench Feb. 10 because of health problems. Before his appointment, he had served as Levelland city attorney from December, 1949.

Judge Kiser moved to Levelland in 1949 from Dallas and began private practice. He was a member of the Texas Bar Association, Texas Trial Lawyers Association and Hockley County Lawyers Association. He was a World War II navy veteran and a member of the Levelland Lions Club.



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## **District Judge A. Royce Stout**

Judge A. Royce Stout of Waxahachie, a former district judge and state representative, died Jan. 16.

Judge Stout took his LL.B. from the University of Texas and was admitted to the Texas Bar in 1923.

After beginning his career in private practice, he served as Ellis County judge. He served in the Texas Legislature from 1924 to 1928. From 1931 to 1934, he was an assistant attorney general.

Judge Stout was named one of two assistants to Gov. James Allred in 1935. He was appointed to the 40th District Court bench of Ellis County in 1938.

An avid writer, Judge Stout authored a five-volume revision of Branch's Annotated Penal Code of Texas in 1956 and a book, Memoirs at 80 of Judge A. R. Stout.

# JUDICIAL NOTICES

## GOVERNOR ASKS COMMISSION TO REVIEW SENTENCING

Representatives of the judiciary, district and county attorneys, defense attorneys, the legislature, and probation officers have been asked by Gov. Mark White to review sentencing standards used in Texas.

Four judges -- Court of Criminal Appeals Judge Michael J. McCormick of Austin, Justice Lee Duggan, Jr. of Houston, Criminal District Court Judge Larry Gist of Beaumont, and County Court at Law Judge B. F. Coker of Dallas -- have been appointed to serve on the Sentencing Practices and Procedures Commission.

Senate Concurrent Resolution 124 requires that the Commission determine (1) if sentencing disparity exists and if so, is it justified; (2) if current sentencing practices promote public confidence in the system; (3) if appropriate punishments fit the various crimes (4) if sentencing guidelines would be useful; (5) if plea bargaining serves the system properly; (6) whether jury sentencing should be continued; and (7) if current sentencing is realistic in light of the cost of incarceration.

A complete report of the Commission's findings and

recommendations is required to be made to the next session of the Legislature.

Other members of the Commission are: Chief Adult and Juvenile Probation Officer Dan Beto of Bryan; Board of Pardons and Paroles Executive Director John Byrd of Austin; District Attorney Reynaldo S. Cantu, Jr. of Brownsville; Criminal District Attorney Tim Curry of Fort Worth; Rep. Roy English of Arlington; Sen. Ray Farabee of Wichita Falls; Attorney Franklin Jones, Jr. of Marshall; Sen. Bob McFarland of Arlington; Attorney Travis D. Shelton of Lubbock; Rep. Tom C. Waldrop of Corsicana; and Attorney Dain P. Whitworth of Austin.

## APPELLATE RULES UNDER STUDY BY SPECIAL COMMITTEE

A seven-member committee comprised of five judges and two attorneys will study the Texas rules of post trial and appellate procedures in criminal cases and make revision recommendations to the Court of Criminal Appeals.

Appointed by Court of Criminal Appeals Presiding Judge John F. Onion, Jr., committee members are: Attorney Clifford W. Brown of Lubbock, Chairman; Judge Sam Houston Clinton, Court of Criminal Appeals, Austin; Justice Bob Shannon, 3rd Court of Appeals, Austin; Chief Justice Austin McCloud 11th Court of Appeals, Eastland; Judge Don Metcalfe, Criminal District Court #2, Dallas; Judge Robert M. Blackmon, County Court at Law #1, Corpus Christi; and Attorney Steve Cappelle, District and County Attorneys Association, Austin.

"We plan to work with the House-Senate Select Committee on the Judiciary, which is also studying the nuts and bolts of the appellate record," said Judge Clinton.

"We'll look at things such as what responsibilities clerks should have and if there should be more uniformity between civil and criminal cases, then make suggestions for improvements either by amendment or addition," he said.



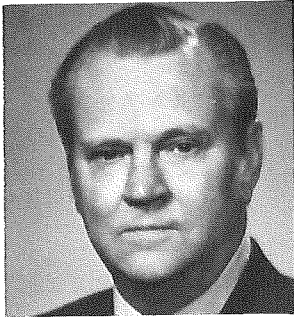
## JUDGE CALLAN TO SERVE AS COMMISSIONER

**Judge Sam W. Callan**, 205th District Court in El Paso, is the newest member of the Texas Adult Probation Commission.

Appointed by Texas Supreme Court Chief Justice Jack Pope on Feb. 9, 1984, Judge Callan will serve until June 10, 1989. He replaces retired Judge Terry L. Jacks, 22nd District Court in San Marcos, who served on the Commission since its creation in 1977.

During his tenure on the Commission, Judge Jacks served two terms as Vice-Chairman, while also serving on the Commission's Program Services and Audit Review Committees. Judge Jacks was originally appointed by former Chief Justice Joe R. Greenhill. Although his term expired in June, 1983, he continued serving until his replacement was appointed.

Judge Callan, whose court serves El Paso, Culberson, and Hudspeth counties, will also serve on the Audit Review Committee of the Commission.



## **JUSTICE G.T. BISSETT RETIRES FROM BENCH**

Appeals court **Associate Justice Gerald T. Bissett** retired from Corpus Christi's 13th Court of Appeals March 31.

Justice Bissett, who left the bench due to health reasons, was elected to the court for his third term in 1980. He has served on the court, which serves a 20-county area stretching from Victoria to the Rio Grande Valley, since he was appointed by Gov. Preston Smith on Jan. 1, 1971 -- 13 years and three months.

After graduating from the University of Texas Law School in 1940, Justice Bissett practiced law in Refugio for 24 years. He was elected Refugio County attorney in 1956.

In 1964, he reentered private practice, moving briefly to Tyler, then to Victoria before his appointment in 1971.

He was elected a Fellow in the Texas Bar Association in 1977. On April 2, Gov. Mark White appointed Robert J. Seerden of Victoria as Bissett's successor to serve until the November general elections.

There are two years remaining on Bissett's six-year term on the court.

## **SERVING WITH DISTINCTION**

**Judge A.D. Azios**, 232nd District Court in Houston, received a certificate for serving with distinction as Faculty Advisor for the Special Court Jurisdiction General session, held April 1-13 at the National Judicial College on the Reno campus of the University of Nevada.

Judges attending received a comprehensive overview of pretrial release procedures including bail and detention.

## **BAYLOR HONORS JUDGE BRISCOE**

**Judge Joe E. Briscoe** is the recipient of the 1984 Alumnus Honoris Causa award given by Baylor University. Briscoe was given the award in recognition of his outstanding achievements and contributions to Baylor. Selected by the College of Arts and Sciences, Judge Briscoe received his award at the 139th Commencement of Baylor University on May 18.

## **UPCOMING PROGRAMS ...**

The State Bar of Texas Professional Development Program will present the 10th Annual Advanced Criminal Law Course, Aug. 6-10, at the Four Seasons Hotel in San Antonio.

Topics to be discussed include pretrial motion practices, indictments, ethical obligations of lawyers in criminal cases, DWI video taping, wire tapping and electronic surveillance, and appeals to the Court of Criminal Appeals.

For a complete agenda and to register (the fee is \$300) send a check payable to the State Bar of Texas

along with a letter stating your name, office address and telephone number, bar card number and date admitted to the Bar (month/year) to: State Bar of Texas, Advanced Criminal Law Course, P. O. Box 12487, Austin, Texas, 78711. For additional information, call 512/475-6742.

Participants are responsible for their own hotel reservations.

## **... AND CONFERENCES**

The 9th annual Conference of the American Probation and Parole Association and the 45th annual New England Conference on Crime and Delinquency is scheduled for Aug. 26-29 in the Park Plaza Hotel, Boston, Mass.

Experts and practitioners from throughout the U.S. and Canada will meet to explore "1984: The New Beginning: Justice, Realism and Accountability."

Judge Joe Kegans, 230th District Court in Houston, is a member of the conference faculty. The agenda includes discussions on sentencing reform, punishment and control through community supervision, new strategies in criminal justice management, and new directions in community-based treatment.

More information can be obtained by writing: APPA/NECCD Conference Committee; Angelo R. Musto, Chairperson; One Ashburton Place, Room 405; Boston, MA.; 02108.

## **APPELLATE COURTS GET 99 YEARS**

When Houston trial lawyers appeal their cases to the highest court in Harris County, their actions will



now have a literal as well as jurisdictional meaning.

The first and fourteenth courts of appeals are now housed in the top three floors of the new nine-story South Texas College of Law Tower at 1307 San Jacinto in downtown Houston.

Through a special agreement between the college and the Harris County Commissioners, these facilities for both courts will be provided by the college for the next ninety-nine years.

"Our dockets are now current, and we are pleased to report that there is no longer any substantial delay in the appellate progress of civil or criminal cases in either of our courts," wrote First Court of Appeals Chief Justice Frank G. Evans and Fourteenth Court of Appeals Chief Justice Curtiss Brown in the program of the dedication services for the new facilities.

Harris County Judge Jon Lindsay added, "This unique agreement will be mutually beneficial to Harris County and the students at South Texas and will doubtlessly lead to further such cooperation between government and the private sector in future generations."

The dedication was part of ceremonies marking the opening of the Jesse H. Jones Legal Center on the South Texas College of Law campus held May 2.

The building also houses the Spurgeon E. Bell Conference center (first floor), administrative offices (second and third floors), classrooms (fourth and fifth floors), the Student Center (sixth), and faculty offices (seven and eight).

Honored guests at the ceremony included U.S. Supreme Court Justice William H. Rehnquist and Texas Su-

preme Court Chief Justice Jack Pope.

## THE JUDICIARY'S NEWEST MEMBERS

**Brock Jones, Jr.** of Ozona replaces Judge Troy Williams on the 112nd District Court bench (which covers Crockett, Pecos, Reagan, Sutton, and Upton counties) as of April 2.

**Crawford Parker, Jr.** is now judge of the County Court at Law in Carthage. Judge Parker assumed the bench Jan. 1, 1984.

**Rich Pennell** of Sherman now serves on the County Court at Law #1 bench, following the resignation of Judge Sandy Freels on Dec. 1, 1983. Judge Pennell was appointed to the bench March 16.

**Robert J. Seerden** of Victoria was appointed April 2 by Governor White to the 13th Court of Appeals in Nueces County. Judge Seerden replaces Justice Gerald Bissett, who resigned.

**James K. Walker** of Morton was appointed by Gov. Mark White to the 286th District Court which encompasses Cockran and Hockley counties Feb. 2. Judge Walker succeeds Judge Frank Kiser who died in office. See *In Memoriam*.

## CONTRIBUTIONS TO THE TEXAS CENTER

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

Judicial Section,  
State Bar of  
Texas -- \$10,000

## Sustaining Membership \$500

Olen and JoAnn Underwood  
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## Friends of the Center \$100-\$250

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Jack D. Young

## Other Contributors

Charles F. Campbell, Jr.

## In Memory of James G. Denton

Robert C. and Doris Wright

**MEETINGS OF IMPORTANCE**

**Executive Committee,  
Judicial Section,  
State Bar of Texas**

July 5, 1984  
2:00 p.m.; Room 5,  
Convention Center  
San Antonio, Texas

**Board of Directors  
Texas Center for the  
Judiciary, Inc.**

July 5, 1984  
3:30 p.m.; Room 5,  
Convention Center  
San Antonio, Texas

\*\*\*\*\*

**Senate-House Select  
Committee on the  
Judiciary Sub-committee  
Meetings**

[The following sub-committees  
will finalize their recommenda-  
tions to the full Committee at  
these meetings.]

Selection, Compensation  
and Retirement Sub-Committee

July 4, 1984  
2:00 p.m.  
Room 2, Convention Center  
San Antonio, Texas

Service Access Sub-Committee  
July 5, 1984  
9:00 a.m.  
Room 6, Convention Center  
San Antonio, Texas

**On the Docket**

*The ebb of the annual  
Judicial Section conference  
has begun to flow, and like  
sands through an hourglass  
these are the days of plan-  
ing. It's enough to give e-  
ven the hardiest planner  
sealegs, but the conference  
program committee, operating  
on an even keel, is shaping  
an agenda that resembles a  
treasure chest full of gold  
en bounty. A look inside in  
the next In Chambers.*

Organization, Jurisdiction, and  
Administration  
11:00 a.m.  
July 5, 1984  
Room 6, Convention Center  
San Antonio, Texas

Criminal Rules and Procedures  
[Meeting to discuss work to  
date]

July 5, 1984  
Room 6, 2:00 p.m. or upon ad-  
journment of earlier meeting in  
same room  
Convention Center  
San Antonio, Texas

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**PUBLIC HEARINGS**

Texas Commission on  
Sentencing  
Practices and Procedures  
(Check with local media for  
locations)

June 22, 1984  
Lubbock, Texas

June 29, 1984  
Brownsville, Texas

July 13, 1984  
Arlington, Texas

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**1984 CONFERENCES**

**Annual Judicial  
Section Conference**  
September 25-29, 1984  
Galveston, Texas

**Texas Association of  
Court Administration**  
October 23-26, 1984  
Austin, Texas

**Texas College for New Judges**  
November 25-30, 1984  
Huntsville, Texas

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