

IN CHAMBERS

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Corpus Christi To Hold Section Conference

This year's Annual Judicial Section Conference will be held in Corpus Christi September 29-October 2. Plans are underway to make this an entertaining four days of educational programs and social activities. Justice Richard N. Countiss, 7th Court of Appeals, Amarillo, is Chairman-Elect of the Judicial Section and serves as Chairman of the Program Committee.

The Conference will commence on Tuesday afternoon with registration beginning around noon, followed by golf, tennis and bridge. That evening, a welcome reception takes place for judges and their spouses. The annual inspirational breakfast will be held Wednesday morning for attendees.

Judge Peter S. Solito, Chairman of the Judicial Section, will preside over the opening session on Wednesday morning. The Texas Bar Foundation will sponsor the educational portion of the Wednesday program, which will be devoted to "Cost Controls at the Courthouse." The program will focus on more efficient and less costly ways of handling lawsuits, and alternative dispute resolution options that are available to the courts and parties.

Thursday morning's program will include a legislative update, reports from the Supreme Court and Court of Criminal Appeals, amend-

ed Rules of Civil Procedure and new Pattern Jury Charges. Separate programs will be held on Thursday afternoon for trial judges, appellate judges and retired judges.

The conference will continue Friday morning with the annual busi-

ness meeting of the Section, and will conclude before noon. Registration materials will be mailed in early August, so watch your mail and get your registration in as early as possible. ■

JUDICIAL CALENDAR

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

Texas Association for Court
Administration
October 20-23, 1987
Wyndham Southpark Hotel, Austin

Juvenile Justice Seminar
November 4-6, 1987
Austin South Plaza Hotel, Austin

Constitutional County Judges
Seminar
Date and Location to be announced

Texas College for New Judges
November 29-December 4, 1987
University Hotel, Huntsville

Southeast Texas
Judicial Conference
February 10-12, 1988
University Hotel, Huntsville

South Texas Judicial Conference
March 2-4, 1988
Hotel to be announced, Kerrville

Central Texas Judicial Conference
March 23-25, 1988
Hotel to be announced, Denton

Northeast Texas Judicial
Conference
April 6-8, 1988
Hotel to be announced, Tyler

West Texas Judicial Conference
April 20-22, 1988
Hotel to be announced, Abilene

Criminal Justice Conference
May 11-13, 1988
University Hotel, Huntsville



I N M E M O R I A M

Judge Charles Dickens

Judge Charles Dickens of Fort Worth died January 13, 1987. He was 58 years old. Judge Dickens attended Texas Christian University where he obtained a B.A. in 1958. He received his LL.B in 1961 from Southern Methodist University. He was elected Judge of the 297th District Court in January, 1983 and presided over that court until his death.



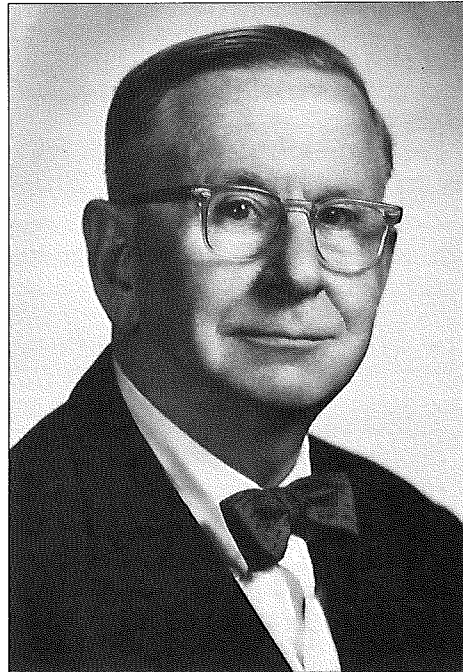
Judge Leon Douglas

Judge Leon Douglas of Austin died November 27, 1986. He was 70 years old. Judge Douglas received his B.A. degree from the University of Texas and later attended the University of Texas School of Law, receiving his LL.B. in 1941. After practicing law for several years, he was appointed City Judge of Vernon. He was then elected to the office of District Attorney of the 46th District. He was appointed by the Texas Court of Criminal Appeals in 1955, as the State's Attorney before that court. In 1969, Douglas was elected to the Court of Criminal Appeals and served as judge for two-six year terms. Following his terms on the bench, Judge Douglas was a

special assistant to then Attorney General Mark White, and from 1983 to his death, he served as a special assistant to Governor White in the Criminal Justice Division.

Judge J. Roll Fair

Judge J. Roll Fair of Dallas died April 11, 1987. He was 76 years old. Judge Fair attended Southern Methodist University and received his J.D. in 1942. He was elected to the bench and served as 101st District Judge until he retired in September, 1981.



Judge Wilmer St. John Garwood

Former Justice Wilmer St. John Garwood of Austin died January 15, 1987. He was 90 years old. Judge Garwood earned his undergraduate degree at Georgetown University and attended the University of Texas before entering Harvard Law School, where he earned a law degree in 1922. He practiced law until 1948 when the late Governor Beauford Jester appointed him to the Texas Supreme Court. Judge Garwood retired from the court in 1958.

Judge L.D. Godard

Judge L.D. "Duke" Godard of Texas City died May 19, 1987. He was 79 years old. A native of Mobile, Alabama, Judge Godard graduated from the University of Texas School of Law. From 1947-49 he served as a member of the Texas House of Representatives. In 1954, he served as Judge of the 56th District Court, and later elected as judge of the 122nd District Court. He retired from the bench in 1977.

Judge Elbert H. Griffin

Judge Elbert Griffin of Olney died January 15, 1987. He was 80 years old. Judge Olney was elected to the 90th District Court in January, 1961. He retired from that bench in January of 1973.

Judge Eugene E. Jordan

Judge Eugene Jordan of Amarillo died March 18, 1987. He was 80 years old. Judge Jordan attended Abilene Christian College and Texas Tech University. He received his law degree from the University of Texas School of Law in 1933. He served as Potter County Judge from 1948-50, and as District Judge of the 47th District Court from 1955-75. He was also appointed Presiding Judge of the 9th Administrative District on two separate occasions.

Judge Diego Leal

Judge Diego Leal of Brownsville died February 4, 1987. He was 56 years old. Judge Leal attended Texas Southmost College and South Texas College of Law where he received his J.D. in 1958. After serving as City Attorney and Assistant District Attorney, he was elected to be Judge of the County Court at Law from 1979-82. He was elected Judge of the 103rd District Court in 1982 and served on this bench until his death.

ETHICS OPINIONS

No. 88

Q. *Would a trial judge violate Canon 3A(1) or Canon 2A if he imposed as a term of felony probation, that a Defendant remain in his home during certain hours and monitored compliance through electronic means?*

A. The question posed requires a legal construction of a statute fixing the range of punishment for specific crimes.

The function of the Judicial Ethics Committee is to write opinions construing the Code of Judicial Conduct as applied to given fact situations.

The committee does not give legal opinions. Because the submitted question requires a legal interpretation of a criminal statute prior to weighing any ethical considerations, the committee respectfully declines to answer the question.

No. 89

Q. *May an attorney who has been elected as Judge of a County Court at Law ethically continue to be a director of a bank which has one stockholder, which stockholder is a public held corporation? If not, can he be an advisory director?*

A. The committee is of the opinion that he cannot ethically be a director or advisory director. As stated in our *Opinion No. 61*, for a judge to continue as a director of a bank would be contrary to the purposes of Canons 5C(1) and 5C(2), as well as Canon 2.

In our *Opinion No. 38*, the committee was of the opinion that to accept the position of advisory director of a bank would permit a

judge to do indirectly that which he cannot do directly. This same principle applies when the sole stockholder of the bank is a public corporation. Canon 5C(2) prohibits a judge from being an officer, director or manager of a "publicly owned business." It then defines a "publicly owned business" as "a business having ten or more owners." In the present case there is only one stockholder owner which is a public held corporation. Ordinarily, since there is only one owner of the bank, there would not be a violation of Canon 4C(2) for a judge to be an advisory director of the bank; however, since the sole owner of the bank is a public held corporation there appears to be more than ten actual owners of the corporation and the bank.

A judge should neither lend the prestige of his office to advance the private interest of others (Canon 2B), nor engage in business dealings that tend to exploit his judicial position [Canon 5C(1)] and should manage his financial interests to minimize the number of cases in which he is disqualified [Canon 5C(3)].

No. 90

Q. *Is a Judge's good faith but incorrect interpretation of the law a violation of either Canon 2A (A judge should respect and comply with the law and should at all times conduct himself in a manner that promotes public confidence in the integrity and impartiality of the judiciary) or Canon 3A(1) (A judge should be faithful to the law and maintain professional competence in it.)?*

PREFACE: The committee has been advised by the judge who submitted this question that he has received a public reprimand from the State Commission on Judicial Conduct for violations of Canon 2A and

3A(1) because:

a.) that in a number of criminal cases presided over by . . . , the judge ordered a sentence to begin at a time earlier than the date on which the sentence was pronounced . . . in at least one instance, the sentence was ordered to begin even prior to the time the offense was committed.

A. The function of the Judicial Ethics Committee is to write advisory opinions in answer to questions involving potential violations of the Code of Judicial Conduct. Where a ruling on the actions of the judge has been rendered by the State Commission on Judicial Conduct, the committee considers the request for an advisory opinion to be untimely and beyond the scope of the function of the committee.

The committee observes that the issue of the judge's "good faith" appears to have been considered and resolved by the Commission on Judicial Conduct.

The committee respectfully declines to write an opinion on the posed question.

No. 91

Q. *May a judge serve as an advisory director on the board of a political subdivision not located within the primary jurisdiction of the judge's court?*

The following information has been furnished to the committee. The judge would act in a non-legal capacity, receive a nominal fee to cover expenses, and attend meetings after normal working hours. There appears to be little likelihood that the political subdivision or its directors would have business related activities in the county in which the judge was elected or appear in the judge's court.

Continued on page 4

ETHICS (continued)

A.

The committee is not aware of the nature of the political subdivision referred to in the posed question; however, since a political subdivision is involved, Canon 5G is applicable.

Canon 5G states:

A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice.

Based on the facts submitted to the committee, unless the political subdivision board's responsibilities are limited to the improvement of the law, the legal system, or the administration of justice, the committee is of the opinion that to accept such appointment would be a violation of Canon 5G.

Site Selection Committee To Meet in August

The Site Selection Committee of the Judicial Section will meet in Austin on August 14, 1987, to consider sites for the 1988 and 1989 Annual Conferences. The meeting will be held in Room 502 of the Texas Law Center at 1:30 p.m.

The Annual Conference of the Judicial Section will be held this year in Corpus Christi from September 29 through October 2, 1987. Last year's conference was in Austin.

NEW JUDGES

William G. Arnot, III
11th Court of Appeals, Eastland
Succeeding Raleigh Brown

Earl E. Bates, Jr.
297th District Court, Fort Worth
Succeeding Charles Dickens

Mike Berg
County Court at Law, Lockhart
Succeeding Edwin P. Slater

A. G. Betancourt
County Court at Law # 2,
Brownsville
Succeeding Gilberto Hinojosa

James A. Blackstock
County Court at Law #3,
Angleton
Newly Created Court

Jane A. Brasch
103rd District Court, Brownsville
Succeeding Diego Leal

Charles C. Davis
362nd District Court, Denton
Newly Created Court

Jairl Parr Dowell
108th District Court, Amarillo
Succeeding Edward B. Nobles

Craig T. Enoch, Chief Justice
5th Court of Appeals, Dallas
Succeeding Clarence A. Guittard

Emilio Miller Garza
225th District Court,
San Antonio
Succeeding Alfonso Chapa

Gilberto Hinojosa
107th District Court, Brownsville
Succeeding Melchor Chavez

Darrell Hyatt
County Court at Law,
Henderson
Succeeding James B. Porter

Samuel C. Kiser
181st District Court, Amarillo
Succeeding George E. Dowlen

Joseph E. Martin, III
County Court at Law, Lufkin
Succeeding David M. Cook

John L. McCraw, Jr.
5th Court of Appeals, Dallas
Succeeding John C. Vance

William Moody
34th District Court, El Paso
Succeeding Jerry Woodard

Joseph B. Morris
101st District Court, Dallas
Succeeding Craig T. Enoch

Jesse Oliver
95th District Court, Dallas
Succeeding Nathan L. Hecht

Rey Perez
293rd District Court,
Crystal City
Succeeding Benjamin A. Martinez

John E. Sharp
County Court at Law, Longview
Succeeding Larry W. Starr

John E. Sutton
119th District Court, San Angelo
Succeeding Curt F. Steib

Rogelio Valdez
357th District Court, Brownsville
Succeeding Menton Murray, Jr.

Roger J. Walker
96th District Court, Fort Worth
Succeeding Hal M. Lattimore

Mark Whittington
160th District Court, Dallas
Succeeding Leonard Hoffman

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Eric Andell
Charles & Eula Lea Betts
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Raleigh Brown
David Cave
Eugene Chambers
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Thomas C. Ferguson

JUSTICE HORACE YOUNG MEMORIAL
Weldon & Mary Kirk

I N M E M O R I A M
(Continued)



Judge James F. McCarthy

Judge James McCarthy of Dallas died May 3, 1987. He was 67 years old. He graduated from the University of Texas in 1943 and received his law degree from Southern Methodist University in 1948. After practicing law for many years, he was appointed Judge of the 116th District Court in 1963 by then Governor John Connally. He presided over this bench until he retired in 1982. Judge McCarthy served as Chairman of the Judicial Section in 1973.

Judge John H. Miller

Judge John Miller of Sinton died March 19, 1987. He was 82 years old. After receiving a B.S. in 1927 from Texas A & M University, Miller was admitted to the Texas Bar in 1934. He served as District Attorney from 1946-57. In 1957 he was appointed judge of the 36th District Court and retired from that bench in December, 1978.

Judge Charles Lee Price

Judge Charles Price of Houston died December 4, 1986. He was 56 years old. Judge Price attended Baylor University and received his B.A. degree in 1952. He attended Baylor University School of Law graduating cum laude in 1956. Judge Price served on the 14th Court of Appeals, 125th District Court, and 215th District Court. He retired from the bench in December, 1984.

Judge Thomas J. Renfro

Judge Thomas Renfro of Fort Worth died February 5, 1987. He was 85 years old. Judge Renfro attended Howard Payne College, receiving his undergraduate degree in 1924. He received his law degree from the University of Texas School of Law in 1927. From 1935-1946, Renfro served as Judge of the County Court at Law No. 2, Tarrant County. He then served as Judge of the 96th District Court until 1951. Judge Renfro was appointed

to the 2nd Court of Appeals in 1951 and retired from that bench. Judge Renfro served as Chairman of the Judicial Section in 1958.

Judge Robert C. Slagle

Judge Robert Slagle of Sherman died December 11, 1986. He was 76 years old. During his undergraduate years, Judge Slagle attended the University of Texas and the University of Oklahoma. He received his LL.B. from Cumberland University in 1932. After serving as Criminal District Attorney of Grayson County, he was elected to the 15th District Court in January 1941. He served on that bench until his retirement in 1953.



Judge Thomas J. Renfro

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Roy J. Rawls
Executive Director

Tricia Stringer
Editor

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