

# IN CHAMBERS

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## Judicial education becomes mandatory

Like their counterparts in 40 other states, Texas judges will soon be required to keep abreast of the latest laws and judicial decisions by completing continuing education courses.

On July 16, Gov. Mark White signed House Bill 1212, sponsored by Rep. Terral Smith (R-Austin) and Sen. Kent Caperton (D-Bryan). The legislation, effective Sept. 1, mandates the attendance by judges to a number of

continuing judicial education courses.

The Supreme Court of Texas has set the guidelines, which will send nearly 600 judges -- including appellate, district, and county court-at-law jurists -- back to school periodically for further judicial learning.

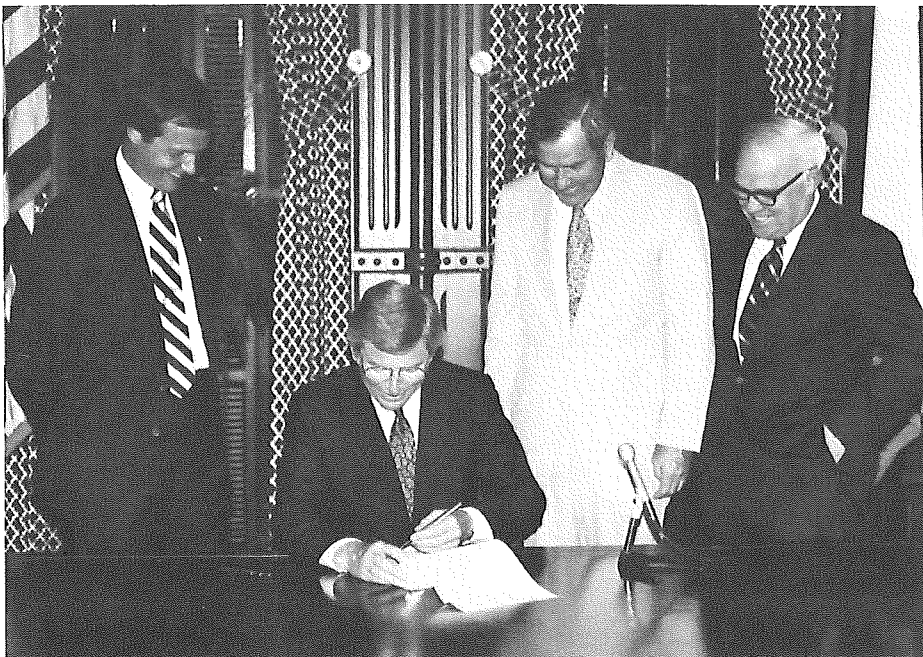
"The guidelines essentially follow the very fine program now in existence through the Texas Center for

the Judiciary," said Supreme Court Justice Charles W. Barrow.

"New judges will enroll in the Center's 40-hour College for New Judges, and all other judges will be required to complete 16 hours of judicial education each year," added Justice Barrow, who is chairman of the Judicial Section's Committee on Education Standards and is a member of the Center's board of directors.

"This is just a natural outgrowth of what we've been doing with continuing judicial education since we began the Center ten years ago,"

See JUDICIAL EDUCATION, p. 3



**LEGAL PERSUASION**—Rep. Terral Smith, left, Justice Charles Barrow, and Judge Tom Davis look on as Gov. Mark White gives his approval to a bill mandating judicial education. "This is the only bill the Senate passed unanimously," Governor White noted while signing the measure into law.

### Between

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### the Lines

## Houston Bar Foundation assists program

# Center receives \$25,000 grant

The Houston Bar Foundation awarded a \$25,000 grant to the Texas Center for the Judiciary in August to fund its 1984 court management seminar and has offered a \$12,500 matching grant to sponsor the Texas College for New Judges.

"We feel the Center provides some very necessary programs that are consistent with the purpose of our organization," said the Foundation's Chairman, James B. Sales.

The Foundation, in its first year of operation, was formed by the Houston Bar Association to provide service to the community and to aid in the administration of justice.

"We want to be supportive of our judiciary. With the drastic reductions in



MOTION GRANTED: At their September meeting, members of the Houston Bar Foundation's Board of Directors discuss the awarding of grants, including the Center's \$25,000 grant earmarked for continuing judicial education seminars. Pictured are: (seated, l-r) Rufus Cormier and Harry M. Reasoner; (standing, l-r) John D. Ellis, Jr.; Kay Sim; Albert B. Kimball; Judge Patricia R. Lykos; Joe H. Reynolds; and James B. Sales. Not pictured: John H. Crooker; Judge Norman W. Black; and Richard P. Hogan.

federal and state funding, judges have no other source to meet the financial needs of these essential programs. I think it would be a real

shame for these programs to suffer cut-backs because of funding problems," Sales said.

The Foundation's \$12,500 matching grant to the Center is a challenge to other foundations, Sales said.

"We would like to think that perhaps the Dallas Foundation and the State Bar Foundation might like to consider participating in funding these judicial programs.

"It's important to insure that these programs -- which are essential for public welfare -- are able to continue to operate effectively.

"The reward is knowing that the public is being well-served by the legal profession. We want to dispel the popular misconception that the legal profession is doing nothing for the general welfare. Our professional obligations include concern for the public."

The Foundation receives its funding from members'

See GRANT, p. 16

## Fort Worth is new site of Section Conference

Now it's Fort Worth, not Galveston, for the annual Judicial Section Conference Sept. 27 - 30, 1983, due to Hurricane Alicia.

For the third time in 16 years the uncontrollable forces of nature have blown the Judicial Section Conference off the Gulf Coast.

The 1980 Section Conference, originally scheduled for Corpus Christi, was moved to Amarillo as a result of damages caused by Hurricane Allen to the two hotels booked for the conference. Flood waters from Hurricane Beulah caused the 1967 Conference scheduled for McAllen to be cancelled.

"The response from Fort Worth -- the judges, the local Bar, hotel and convention bureau officials--has been overwhelming," said Jack H. Dillard, executive director of the Texas Center for the Judiciary, Inc.

"We can look forward to an outstanding conference in Fort Worth."

The downtown Fort Worth Hilton, 1701 Commerce Street, will house all the conference's participants and seminars.

Fort Worth was going to be recommended by the site selection committee for the 1984 Conference.

See SECTION CONFERENCE, p. 16

## Judicial education standards set

said Jack H. Dillard, the Center's Executive Director.

"By making continuing judicial education mandatory, we accomplish two purposes -- first, to maintain our commitment to meet national judicial education standards, and second to involve the very few judges who have not participated in the program to date."

Each year, the Center sponsors an average of 13 educational seminars which are regularly attended by the majority of judges to be affected by the new law.

In addition, almost 500 judges have graduated from the Texas College of the Judiciary, a week-long, annual seminar sponsored by the Center for new jurists on the bench.

"Our seminars cover the most current needs of the various levels of the judiciary," said Dillard. "For example, earlier this year we held a number of conferences on the new rules of evidence that will take effect in September."

Rep. Smith echoed the necessity for continuing education. "Most judges agree compulsory attendance is a step forward in judicial education," Smith said.

"I think it's important for judges to find out what the Legislature did; and when we're not in session, to learn the significant decisions made by the appellate courts of Texas," Smith added.

"Participation in these courses will only make better judges out of those on the bench."

The Dallas Morning News reiterated these sentiments in a June editorial which read, in part: "Anything

### Guidelines at a glance

*The Supreme Court has set the following guidelines to implement H.B. 1212.*

*New trial judges shall attend the first Texas College for New Judges held following their appointment or election.*

*Subject to funds being available, a new trial judge shall, within two years following appointment or election, attend the regular session of the National College for Trial Judges.*

*All judges shall attend a minimum of 16 hours instruction annually at seminars or conferences approved by the Texas Judicial College.*

*No judge or staff person shall be required to participate in continuing education program unless reimbursed for expenses reasonably incurred.*

*Programs shall be conducted under the guidance and supervision of the Texas Center for the Judiciary, or such other agency authorized by the Supreme Court.*

that can be done to improve the quality and efficiency of Texas courts is all to the good. So it is nice to know that, beginning Sept. 1, Texas judges will be required to return to school at

regular intervals for refresher courses ... this brush-up requirement is a small reform that should help."

The legislation will further require that the Supreme Court report any judge who refuses to comply with the requirements to the Texas Commission on Judicial Conduct.

"The only limitation we face is that the legislation is subject to the availability of reimbursement funds for expenditures incurred by the judges while attending the conferences," Justice Barrow said.

Rep. Smith also was concerned about funding resources, saying, "When I initially filed the bill, the funding was there for it through the Criminal Justice Division of the Governor's office. By the time we passed it, and it got to the Senate, the situation had changed."

"I hope some people will come up with some creative ideas for funding it, and I feel certain, in future sessions, the Legislature will find funding for it," Smith added.

With this legislation, Texas joins 40 other states that have mandatory requirements for judicial education. The type and number of hours required, however, vary from state to state.

For example, Colorado requires 45 hours during a three-year period for all judges, while Connecticut requires 45 hours annually for general jurisdiction judges only. ●



From the inside:

# Judges review criminal justice system

Over 200 Texas trial judges had the opportunity to see the effects of their authority while attending the 14th annual Criminal Justice Conference held in Huntsville May 4-6.

"Your idea of criminal justice isn't complete until you've seen the end of what you've initiated," said District Judge Daniel R. Sklar, of Wharton, during a prison tour of the Texas Department of Corrections (TDC).

Those who execute judicial orders also seemed to appreciate learning the particulars of how their orders originate.

"I think we have a better rapport with the judges than before because of these educational conferences held in Huntsville," Assistant Warden L.A. Steele said. "I appreciate it. I give a lot of input to them, and they give input to us. It improves the whole judicial system."

The tour of the Diagnostic Unit -- TDC's orientation unit -- was mandatory for Judge Sklar and 80 other judges who attended the annual conference for the first time.

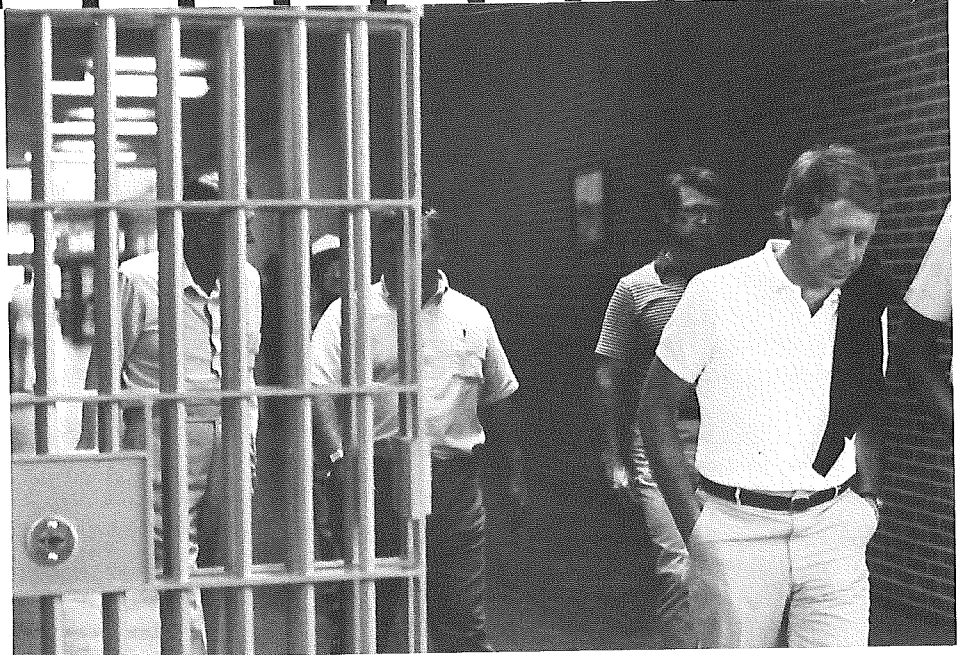


*"All the kids in the state should have to go through the Diagnostic Unit."*

*Judge John L. Smith*



Other judges who had toured Diagnostics in previous conferences had a choice between touring the prison system's main unit, Huntsville, or its industrial unit, Wynn.



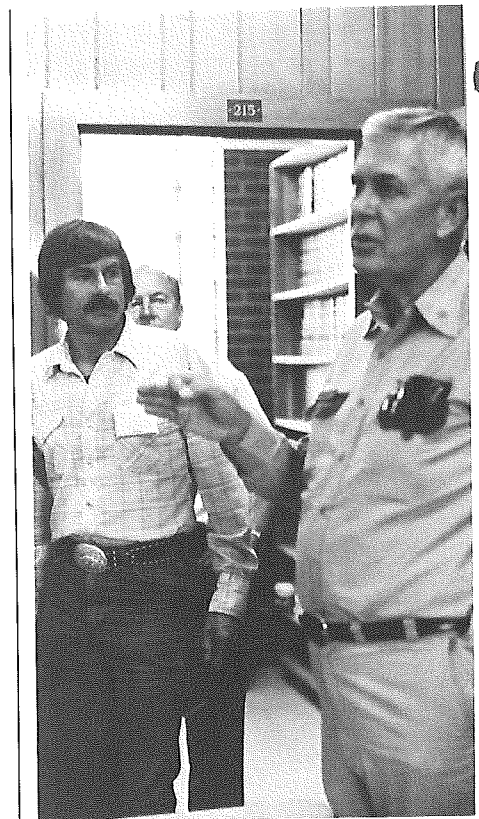
BEHIND BARS: (Above) After receiving a brief introduction to the prison system by TDC officials, judges enter the Diagnostic Unit for a first-hand review.

The Diagnostic unit processes any male entering, leaving on parole, or re-entering. Females enter the corrections system through the Gatesville Unit.

Assistant Warden Steele said counties can help expedite the examination and classification of the 2,100 inmates processed each month by sending statements of fact of the individual.

"Ya'll could also help by letting us know if inmates are in for shock probation. If it's put on the judgment that this person is a candidate for shock probation, we'd give them the hardest field treatment," Steele said.

The warden noted that judges should let such a candidate serve 90 days in TDC before issuing a bench



CURIOSITY OF CONFINEMENT: (Above) Comal County Court at Law Judge Ronald D. Zipp listens as a TDC official explains the lengthy testing process inmates undergo to determine their mental, physical, and emotional condition.





ENGAGING CONVERSATION: There is no escaping the ubiquitous discussions of a judicial education seminar. Stopping to compare notes outside the Criminal Justice Conference classroom are: (bottom row, l-r) Judge Robert P. Walker (279th District Court, Beaumont); Judge William R. Elliot (59th District Court, Sherman); (top row, l-r) Judge Jack Treadway (County Criminal Court at Law #4, Houston); Judge Robert T. Pfeuffer (207th District Court, New Braunfels); and Judge Oliver S. Kitzman (155th District Court, Hempstead).

warrant for reconsideration of the case.

He added that an inmate should not be told by the judge or his attorney of any chances for an early parole.

"He (the inmate) should think he'll do at least a third of his sentence; otherwise, he'll act differently," he said.

TDC currently has a total population of slightly more than 38,000 inmates, Steele said. Last year at this time, the system housed 34,000 prisoners.

As part of the tour, judges were offered the opportunity to take a first-hand view of the inside of a prison cell. Before the cell door could be opened, however, all on the tour had gracefully declined.

Instead, they walked through the well-publicized army tents erected in the unit's courtyard for temporary housing. Many remarked about the difference between what they saw and what they had read or heard from media

reports.

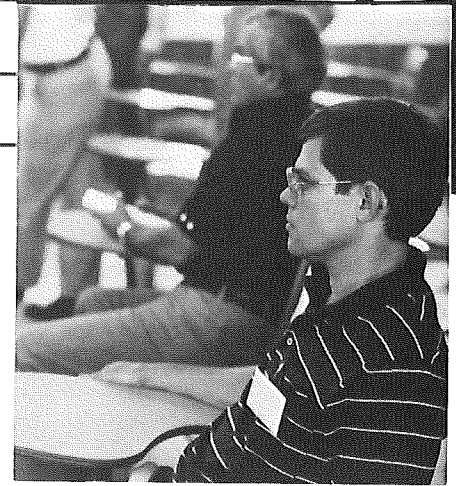
"I'd rather be in one of these tents than in a cell," one judge said.

Others remarked on the value of the tour.

"(The tour) gives you an understanding and compassion for the people you're sending to this place," said Comal County Court-at-Law Judge Ron Zipp.

"All the kids in the state should have to go through the Diagnostic Unit," said District Judge John L. Smith of San Augustine. Judge Smith has attended the conference numerous times, and he toured Diagnostics several years ago. This year, Judge Smith toured the Wynn Unit.

On the second day of the conference, the educational program began with opening remarks from Jack H. Dillard, executive director of the Texas Center for the Judiciary; Dr. Rex Isham, vice-president of Sam Houston State University; Marcus Kenter, director of continuing education at the Crimi-



PRELIMINARY HEARING: District Judge Daniel R. Sklar of Wharton listens closely as the Diagnostic Unit's officials explain the unit's daily operations. Prison Officials said the cost of feeding, clothing, and housing an inmate each day in 1982 was \$12.11.

nal Justice Center, Sam Houston University; W.J. Estelle, Jr., director of TDC; Max Rogers, presiding judge of the Second Administrative District; and Court of Criminal Appeals Judge Mike McCormick, the conference chairman.

"This is the only conference in all the United States that is for criminal judges only," Judge Rogers pointed out. "Our first conference had 71 people. Today, we have 221. That shows how responsive the judges of Texas are to educational programs."

*"I think we have a better rapport with the judges... because of these educational conferences..."*

Assistant Warden  
L. A. Steele

The program included papers on the following:

➤➤ the punishment hearing -- delivered by Criminal District Court Judge Larry J. Gist of Beaumont. Judge

cont. on next page

Gist reviewed the kinds of evidence admissible during the punishment phase of a trial, the available sentencing alternatives such as shock probation, and the importance of utilizing the pre-sentence investigation to determine an individual's appropriate punishment. The report must then be forwarded to TDC, Gist said.

➤ discovery and depositions -- delivered by Third Court of Appeals Justice Earl W. Smith of Austin. Justice Smith reviewed the rules relating to discovery, deposition, and their use before the jury. He also reviewed the "Gaskin Rule" that states if a person uses a report to refresh his memory while testifying at a trial, the other side is entitled to use the report in cross examination.

➤ the relevancy and admissibility of evidence -- delivered by Mike Sharlot,

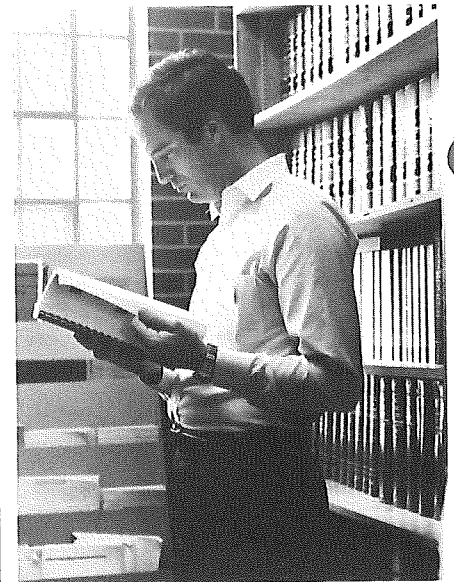
acting associate dean of academic affairs of the University of Texas at Austin. Sharlot reviewed the rules of evidence, focusing on their relation to character and reputation.

➤ examination, cross-examination and impeachment -- delivered by Court of Criminal Appeals Judge Charles F. Campbell of Austin. Judge Campbell reviewed recent decisions of the Court of Appeals that affect these areas. He also discussed cases that have touched on bolstering, the technique of attempting to establish more credibility in a witness than the witness may have had originally.

➤ expert witnesses and business records -- delivered by 14th Court of Appeals Justice Sam Robertson of Houston. Justice Robertson discussed the admittance and verification of business records, particularly the importance of showing personal knowledge of the facts by the author of records. He also reviewed the practice of excising from admissible business records those facts not properly proved and therefore considered hearsay.

➤ jury charges -- delivered by District Judge Tom Blackwell of Austin. Judge Blackwell discussed recent decisions by the Court of Criminal Appeals relating to jury charges, and he urged trial judges to carefully track an indictment to insure every item is included in the charge.

Blackwell further suggested that judges prepare a rough draft of the charge to use as a checklist during proceedings to insure each item is actually presented in evidence. He also discus-



POPULAR MECHANICS: County Court at Law Judge Lon Darley of Denton flips through a copy of the Inmate Legal Handbook. TDC officials said the book outlines the process of writing and filing motions and is very popular inmate reading material.

sed the court's decisions in Coburrubio v. State and Jenkins v. State relating to voluntary manslaughter charges.

➤ jury argument -- presented by Fifth Court of Appeals Justice Jon Sparling. Justice Sparling reviewed the permissible limits of jury arguments, the use of certain jury arguments that the Court of Criminal Appeals has held to be comments on the defendants failure to testify, and the troublesome area of "reasonable deduction from the evidence."

➤ pleas of guilty -- presented by Roy Rawls, executive administrator for the Court of Criminal Appeals in Austin. Rawls reviewed the proper methods for taking pleas of guilty. He also spoke on the opinions of the Court of Criminal Appeals relating to negotiated pleas, conditional pleas of guilty, and the apparent conflict of the court in cases such as Mooney, Ferguson, and Wooten.

See CRIMINAL JUSTICE, p. 9

### *Pen Pals for life?*

On the limited list of items which new inmates are permitted to keep upon entering TDC is "all legal material and legal books."

"I notarize anywhere from 30 to 75 writs a month," Maj. Elmer Burgess told the judges touring the Diagnostic unit's law library.

"Who's teaching them English script?" a judge asked. "I've been getting a lot of English script lately."

"Oh, some inmates think if (the writs) look pretty, they'll work," Burgess said.

There are no statistics on how many actually do.

## Opinion-aided seminar

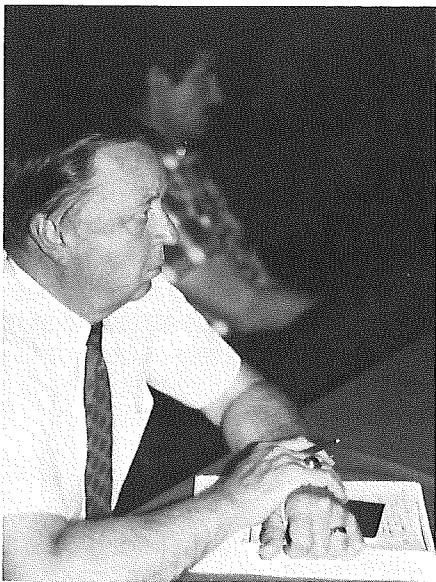
Good judges will know at least two things: the history of how opinions are developed and the history of their own opinions.

Such was the advice presented by Texas Supreme Court Chief Justice Jack Pope to the 45 justices attending the Appellate Justices' Opinion Writing Seminar in Austin June 7-10.

"Save all of your opinions. Then every three or four years have them bound, indexed and made ready for easy reference," said Chief Justice Pope. "Then rely on them to write other opinions."

Chief Justice Pope was one of 14 speakers who offered the appellate justices advice and suggestions on writing and reviewing opinions.

Not all of that advice, however, was offered in the traditional classroom/lecture format. During two afternoons of the three-day seminar, participants divided into six groups where



MEMORABLE REMARKS: Justice Charles R. Schulte takes copious notes during the panel discussion. Some justices said attendance to the conference should be mandatory; and another thought there were too many lectures and not enough practice writing sessions.

## Justices hone writing skills

each judge placed three of their opinions under the scrutinizing eyes of their peers.

Most of those in attendance, thought this individualized type of seminar proved very rewarding.

"I think the most effective part of the program was the group meetings," said Justice Bob L. Thomas (10th Court of Appeals, Waco). "If you're new on the bench, you're not sure what goes on outside your court. In the group meetings, I found out two or three drafts per opinion are not unusual!"

"It hurt a little," said Justice Norman L. Utter (13th Court of Appeals, Corpus Christi). "But, we all need to be re-awakened, at least once a year, to our problems. We actually re-wrote the opinions, and in doing so, I learned to outline and group my ideas better."

"We (the 13th Court of Appeals) have expectations

of turning out 100 opinions this year. On the average, that's only three or four days to write one opinion. I think the techniques I've learned here will help to expedite my writing."

Many other supportive comments were received, such as those from Justice Ben G. Levy (1st Court of Appeals, Houston), who said, "We learned to imitate Oliver Wendell Holmes, rather than Shakespeare."

Justice Jack Brookshire (9th Court of Appeals, Beaumont) wrote, "During the course of the session I had an opportunity to talk to quite a number of the participating appellate justices. Without exception, the consensus was that the program and the speakers were excellent."

The coordinator of the conference, Chief Justice Charles L. Reynolds (7th Court of Appeals, Amarillo), gave credit for the semi-

See JUSTICES, p. 15



PERCEPTIVE PERSPECTIVES: Chief Justice Charles Reynolds (standing) leads the question and answer period of the appellate justice conference's general critique session. Members of the panel discussion are, l-r, Chief Justice William J. Cornelius; Justice Max N. Osborn; Chief Justice Frank G. Evans; Reynolds; Chief Justice Clarence A. Guittard; Justice Richard N. Countiss; and Justice Bob Shannon.



# Committee's answers guide judges

"Every person must have a code to live by."

--- Benjamin Franklin

The Code of Judicial Conduct, drafted nearly 10 years ago, continues to provide Texas jurists with guidance through the Committee of Judicial Ethics.

The Code, which consists of seven Canons, explicitly outlines the scope, function, requirements, standards, regulations and limitations of a judicial officeholder.

"The Committee was created to simply interpret the Canons. We have no enforcement powers whatsoever. Judges really follow these rules of ethics on their own initiative," said Justice Jackson B. Smith Jr. (1st Court of Appeals, Houston), who chairs the Committee.

Justice Smith has been a member of the Committee since 1975 and became chairman in 1980.

"Initially, judges felt if they did not regulate themselves, somebody else would. We felt we knew more

about the judicial system and its ethics than someone outside of the system."

"Originally, we based the Canons on State Bar recommendations that applied to federal judges. However, there's a big difference between state judges and federal judges. For one, the federal judges don't have to run for election. Even if we (Texas judges) don't want to be, we are involved in politics. So we have to get out and campaign for office every four or six years," he added.

To meet the needs of changing times, amendments to the Code have been adopted.

In its nine-year history, the Committee has issued 67 opinions ranging from a judge's endorsement of political candidates to a jurist's involvement on the Commission on the Status of Women.

Predictably, money and politics dominate the subjects of most questions put to the committee.

"Those are the things that touch the lives of judge as a political creature," said Smith.

"The number of inquiries we receive runs in spurts," Smith added. "In election years we get more, probably because judges are trying to be careful about handling their affairs."

The Committee rarely has formal meetings but instead, it relies on the postal system or the telephone to reach a consensus.

"We do most of it by written correspondence. That's pretty remarkable when you consider that the membership of the Committee is from widely separated areas of the state and from several levels of the judicial hierarchy," said Judge Smith.

Thus, in December, 1974, Judge Joe Kelly, appointed an ad hoc Judicial Ethics Committee comprised of five judges. Kelly, then chair of the Judicial Section, worked with the concurrence of the Section's executive committee.

Named to chair the ad hoc ethics committee was the late Judge Warren P. Cunningham of Houston. Members included: Judge Donald Carroll of Tyler, Judge Jerome V. Chamberlain of Dallas, Judge Darrell B. Hester of Brownsville, Justice Quentin Keith of Beaumont, Justice Austin McCloud of Eastland, and Judge William R. Shaver of Lubbock.

The following year, Justice Keith was elected chairman (a position he held until he became chairman of the Judicial Section in 1979) and the Committee became a permanent part of the Section. Its membership was increased to nine judges

## ETHICS OPINION NO. 67

**Question:** *May a judge use his official letterhead (or a reproduction of that letterhead) to invite members of a fraternal organization, who live in the jurisdiction of his local organization, but have their membership elsewhere, to transfer their membership to the local organization.*

**Answer:** Canon 2B of the Code of Judicial Conduct states, in part: [a judge] should not lend the prestige of his office to advance the private interest of others..."

The use of his official letterhead by a judge to invite or solicit transfer of membership in a fraternal organization appears to lend the prestige of the judge's office to assist his fraternity and is in violation of Canon 2B.

with staggered three-year terms.

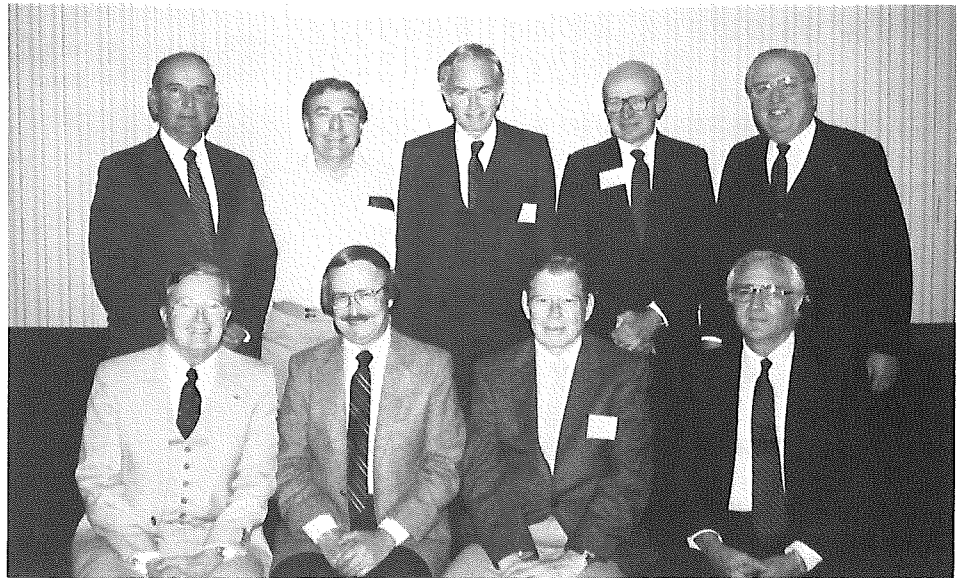
"The questions came in fast and furiously there at the beginning," said Justice Keith. "We were not a police agency though. All we could do was tell the judges what the Canons meant. We offered an interpretation that most of them followed."

But heeding their advice was not always easy or judicious, Justice Smith said.

"The original Canons were very tough. It got to where we couldn't even hiccup," he said. "I remember one year it was decided that no judge could attend the governor's inauguration. Not one judge attended, and it made the Governor quite mad that year."

While problem-solving via mail may be time-consuming, it also allows each Committee member ample time to consider every word of an opinion, Justice Keith said. It also allows the Committee to operate on a limited budget.

"One time we each had to write five letters on one question," Justice Keith said. "And there were only two times when I was chairman



SELDOM SEEN: Since their encounters are infrequent, members of the Judicial Ethics Committee pause from their recent meeting in Waco to pose for a rare group photograph. Committee members are: front row, l-r, Judge Lloyd W. Perkins; Justice Richard N. Countiss; Justice Jackson B. Smith, chairman; and Judge Vann Culp. Back row, l-r, Judge Paul F. Ferguson; Judge Harry W. Hopkins; Judge Temple Driver; Judge Hume Cofer; and Judge Leonard E. Hoffman, Jr.

that we couldn't agree on an answer through the mail."

"That's when an occasional meeting is scheduled," Justice Smith said.

Presently, the Committee on Judicial Ethics is composed of the following judges: Hume Cofer (98th District Court, Austin); Richard N. Countiss (7th Court of Appeals, Amarillo); Vann Culp (238th District Court, Mid-

land); Temple Driver (89th District Court, Wichita Falls); Paul F. Ferguson, (149th District Court, Angleton); Leonard E. Hoffman, Jr. (160th District Court, Dallas); Harry W. Hopkins (43rd District Court, Weatherford); Lloyd W. Perkins (County Court at Law #2, Sherman); and Jackson B. Smith, Jr. (1st Court of Appeals, Houston). ☼

**cont. from p. 5**

## Criminal justice reviewed

After the various presentations, District Judge John F. Dominquez noted that, "the lectures were all class A. I believe trial judges should come to this conference once a year in order to get to know how other parts of the state handle matters.

"For example, how does the punishment given in East Texas compare to that handed down in South or North Texas. It's important for judges to exchange ideas with other judges from throughout the state, not just with judges

in their own area."

District Judge Richardo H. Garcia said, "There's always room for improvement no matter how many years you've been on the bench."

The annual Criminal Justice Conference is sponsored by the Center under the auspices of the Texas Court of Criminal Appeals and in cooperation with the Texas Department of Corrections and the Institute of Contemporary Corrections and the Behavioral Sciences, Sam Houston State University. ☼



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# Boyd, Flowers named

By a unanimous vote of its members, Justice John T. Boyd was elected chair of the Texas Commission on Judicial Conduct July 8.

Justice Boyd (7th Court of Appeals, Amarillo) has served nearly two years as a member of the Commission, which meets bi-monthly to hear and screen complaints against judges.

"As chairman, I'd like to make sure the Commission protects judges from groundless complaints and also protects the public by expeditiously handling complaints that merit consideration," Boyd said.

"Since I've been on the Commission, I have found it's not all pleasant work, but it's always interesting. Fortunately, the overwhelming number of complaints are groundless. That makes you realize the judiciary is in pretty good shape."

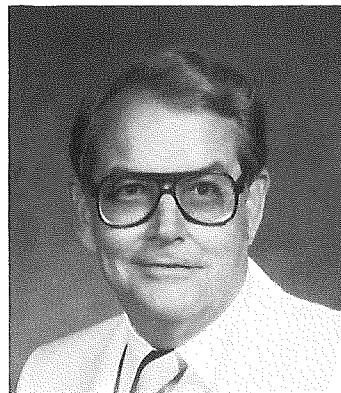
The Commission receives an average of 30 complaints a month.

"Most of the complaints are filed because someone is dissatisfied with the outcome of a lawsuit," Boyd said.

If the complaint cannot be handled through correspondence with the judge, closed hearings -- similar to those of a grand jury -- are held.

The Supreme Court, the governor, and the president of the State Bar each appoint members to the Commission.

Commission members are: Chairman Justice Boyd; Vice-Chairman Judge Harry Hopkins (43rd District Court, Weatherford); Secretary Scott Taliaferro (President of Texas Drilling Company in Abilene); Justice William E. Junell (14th Court of Appeals,



**Justice John T. Boyd**

Houston); Judge Raul L. Longoria (139th District Court, Edinburg); Commission Attorney Robert Parsley (Houston); Attorney Truett Smith (San Angelo); Mike Maros (a dairy farmer in Fabens); retired Col. Nathan Reiter, Jr. (Texarkana); Robert David Rogers (President of Texas Industries in Dallas); and Judge James Dinkins (Justice of the Peace, Precinct #2, Conroe).

## Following the filing of

The power of the Commission on Judicial Conduct is far-reaching, as is its jurisdiction.

Every judge in the state -- including justices of the peace, municipal, county, district, and appellate judges -- is under its authority.

### Step 1

Anyone may file a complaint against a Texas judge with the Commission. A person must first fill out an affidavit (which can be obtained from the Commission), providing complete details of the allegation.

### Step 2

Upon receipt of the complaint, the executive director instructs the staff to determine if the allegations merit a legitimate case of judicial misconduct.

### Step 3

If the complaint is deemed valid, the Commission notifies the jurist by sending a copy of the affidavit. At the same time, an investigation into the charges begins.

The judge is asked to respond to the allegations in writing within two weeks.

Often, the complaint is resolved at this point.

"The judiciary is really accommodating in straightening out something that is derived from a misunderstanding. Most judges would rather resolve the misunderstanding than hurt an individual," said the Commission's Executive Director Bob Flowers.

### Step 4

If the complaint is not resolved, the Commission continues to gather information from other parties involved in the case (e.g. lawyers).

The case is then placed on the agenda of the nine-member Commission that meets bi-monthly.

### Step 5

At the closed-door meeting, the executive director presents each case in narrative form to commission members. Members deliberate and determine which of several forms of action should be taken.

They can vote to either study the case further, issue a private reprimand, issue a public reprimand, or file an application for removal with the Supreme Court.

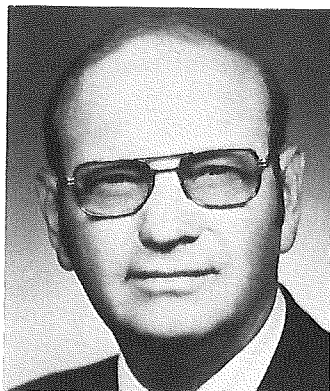


# to Conduct Commission posts

The new executive director of the Texas Commission on Judicial Conduct likes to talk about his job -- particularly about the people he works with.

"I always feel a sense of pride when I talk about Texas judges," said Robert C. Flowers, who assumed the post of executive director of the Commission on March 1.

"Overall, I think we



**Hon. Bob Flowers**

have an extremely high-cut quality of people in the judiciary."

Flowers bases that opinion on observations he has made during the past 20 years serving in an array of positions directly involved with the state's judicial system.

An assistant attorney general for 11 years, Flowers was chief of the enforcement division of that office for four years. Then in 1973, Gov. Dolph Briscoe appointed Flowers executive director of the Criminal Justice Division.

"I've worked with members of the judiciary for a number of years, but this is the most satisfying job I ever had," Flowers said.

"I view the job as a service to the judiciary as opposed to a watch-dog type situation. Our purpose is to uphold the image and integrity of the judiciary.

"We do that in two ways. First, by dismissing any fraudulent or nebulous claims; and second, by admonishing a judge with a private or public reprimand if he or she is found to be practicing misconduct. This assists every judge in the state by removing the bad apples who cause negative images."

"The judges are aware

of the Commission," Flowers said. "I think it has a salutary effect and preserves a certain decorum in the courts. If they had absolutely no one to answer to they might behave differently.

"But there's a fine line between judicial discretion and judicial misconduct. We deal only with misconduct and stay out of discretion.

"We want to define our role and not have any judge flinch in his or her decision because of us. We will not, in any case, superimpose our judgement over a judge or appellate court."

"The College for New Judges the Center conducts each year certainly makes the Commission's job easier. The College trains judges in basic procedures, conduct, and ethics. It gives them a good insight and a great start," he said.

The most prevalent complaint the Commission receives is one of discourtesy to a litigant. The executive director said he finds that understandable since litigants are under an enormous amount of pressure, and thus more emotionally sensitive.

Another common complaint centers around the lack of impartiality.

"We have some cases that claim the judge is offended because the litigant wants to plead not-guilty," Flowers said.

"I think it all centers around public trust. If you're not going to keep public trust, then you really don't have a system. The Commission is here to prevent unfair stereotypes in order to maintain that trust."\*

## a complaint

When the commission votes to remove a judge, a Master is usually appointed to gather and hear evidence. This is often a long proceeding similar to a trial. A record of the hearings is submitted to the Supreme Court.

If a judge is tried on criminal charges, the Commission has the authority to suspend the judge with or without pay upon indictment.

In cases of alleged physical impairment, the Commission can require physical or psychological examinations which can be used to determine the ability of the judge to perform judicial duties.

Currently, all 50 states have agencies which review judicial conduct.

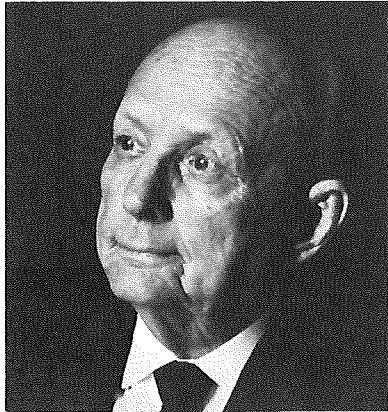
The Texas Commission on Judicial Conduct was created in 1965 by a constitutional amendment. Funds for its operation were first provided by the Legislature in 1967.

For further information on filing a complaint, write: State Commission on Judicial Conduct, 211 John H. Reagan Bldg., Austin, Texas, 78711. Or phone: (512) 475-4201.

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# In Memoriam:

## District Judge W. R. Blalock



Judge W.R. Blalock, who chaired the Judicial Section of the Texas Bar in 1944-45, died Dec. 16, 1982, at the age of 86.

Judge Blalock was Presiding Judge of the 5th Administrative Judicial District from 1950 to 1960.

He was admitted to the Texas Bar in 1927 after earning his law degree from the University of Texas. From 1930 to 1934, Judge Blalock served as city attorney in Mission, and in 1936 he became district judge of the 93rd Judicial District court.

Judge Blalock was a 50-year member of the Texas Bar, a 32nd Degree Mason and a president of the Rio Grande Valley Shrine Club.

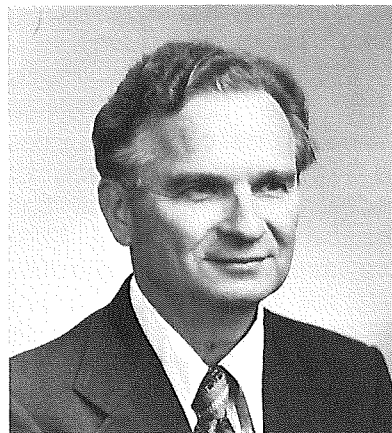
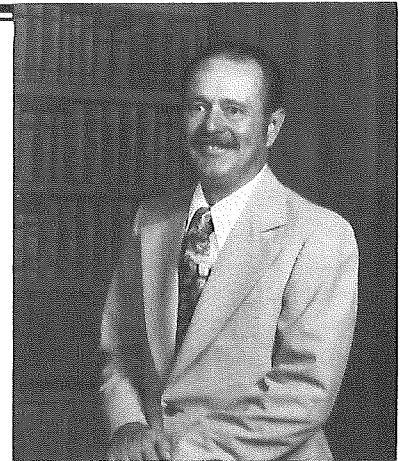
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## District Judge Dee J. Brookreson II

District Judge Dee J. "Bill" Brookreson II, whose judicial district encompassed four counties, died June 2. He was 59.

Judge Brookreson served as 50th District Attorney from 1949 to 1951. He practiced law until his successful 1980 election to the 50th Judicial District bench, which encompassed Baylor, Knox, King, and Cottle counties.

Judge Brookreson was born in Benjamin, Taylor County, on Dec. 2, 1923. He was a Navy veteran of World War II, past grandmaster of Seymour Masonic Lodge, a member of the American Bar Association and a member of the First Presbyterian Church.



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## County Judge Joseph Brenton Dibrell

Judge Joseph Burton Dibrell, who served on the Guadalupe County Court-at-Law bench for 13 years, died Feb. 23, 1983. He was 61.

Judge Dibrell was born in Sabinal, graduated from high school in San Antonio, and earned a bachelor of arts degree from the University of Texas at Austin. He worked for the FBI and attended Georgetown University in Washington, D.C. until the outbreak of World War II. At that time, he enlisted in the Army and volunteered for overseas assignment.

At the end of the war, he stayed in Europe for one year to study international law at Cambridge University in England. He received his law degree in 1948 from the University of Texas at Austin.

Judge Dibrell practiced law in Seguin until 1969 when he was appointed to serve as judge of the Guadalupe County Court-at-Law. He served as judge for 13 years until his retirement on Jan. 1, 1983.

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*EDITOR'S NOTE: Memorial funds are established through donations to the Texas Center for the Judiciary. Acknowledgement of a donation to the Center in memory of a judge is sent to the family. Contributors' names are also published each month under the "JUDICIAL NOTICES" column of this publication.*

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## **Chief Justice Otis T. Dunagan**

Chief Justice Otis T. Dunagan, former chairman of the State Bar's Judicial Section and member of the Texas Supreme Court's advisory committee on civil procedures, died Feb. 2 in Tyler. He was 74.

Before his appointment to the 12th Court of Appeals, Chief Justice Dunagan served 20 years on the 7th District Court bench. Throughout that tenure, he remained unopposed in every re-election bid.

Chief Justice Dunagan presided over some of the state's most important cases while serving on the district bench. In what is considered a landmark case, Justice Dunagan allowed television cameras into the courtroom when one-time financier Billie Sol Estes received his first conviction.

The case, however, was eventually reversed because of the television wires which were "strewn" around the courtroom.

While studying law at a private school, Dunagan became the youngest member of the Texas Legislature. In 1932, at the age of 23, he was elected to the House of Representatives, serving as a legislator until 1936. He is credited with authoring the state's first driver's license law.

Chief Justice Dunagan received his law license in 1936 and began his career as district court judge in 1942.

In 1963, the well-known jurist was appointed Chief Justice of the newly-created appellate bench in Tyler by Governor John Connally. He served on that court until his retirement, Nov. 1, 1978.



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## **District Judge Joe H. Eidson, Jr.**

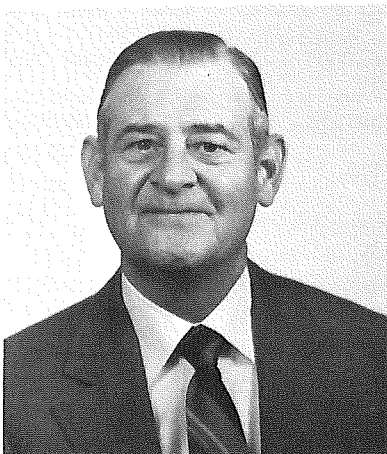
Judge Joe H. Eidson, Jr., who served on the 324th District Court bench since Sept. 1, 1977, died Feb. 19, 1983. He was 64.

Judge Eidson was admitted to the Texas Bar in 1941 after receiving both his bachelor's and law degrees from the University of Texas.

After serving four years in the U.S. Army, he worked as an adjudicator for the Veteran's Administration in Lubbock.

He was appointed to the newly-created Domestic Relations Court #3 in Fort Worth in 1967. He was re-elected to a four year term on that bench beginning Jan. 1, 1983.

In memory of Judge Eidson, his friends have established a fund at the Center.



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## **District Judge Sam S. Emison, Jr.**

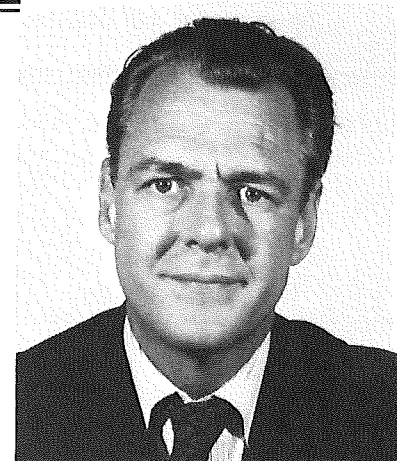
District Judge Sam S. Emison, Jr., who was rated the best local judge by Houston lawyers for two consecutive years, died July 11 of injuries he received in an automobile accident. He was 50 years old.

First appointed to the 257th District Court by Gov. Dolph Briscoe in 1977, Judge Emison was elected to the family court in 1978 and again last year.

Judge Emison received more votes of "outstanding" than any other local jurist in the 1981 and 1982 polls of the 6,000-member Houston Bar Association.

Among the achievements for which he is well-known was his creation of a court referee program in Houston.

A native of Fort Worth, Judge Emison received his law degree from Baylor University Law School and was a board-certified family law specialist.







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### **District Judge Jerry McAfee**

District Judge Jerry McAfee, well known and long active in Houston politics, died July 16. He was 61.

Judge McAfee was first elected to the 80th Civil District Court judgeship in 1980.

After graduating from Washington University with a degree in business administration, Judge McAfee earned his law degree from the South Texas College of Law. He served in the Marine Corps during World War II.

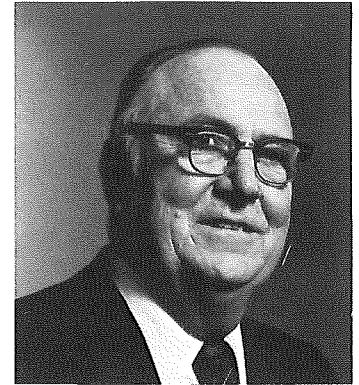
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### **County Judge Jack Taylor**

Former Waller County Judge Jack Taylor died July 21. He was 64.

Judge Taylor sat on the bench from 1967 to 1978. He was an East Texas native who moved to Waller County as a child. He spent many years in the merchant marines after graduating in 1959 from the South Texas School of Law in Houston.

Judge Taylor practiced law in Houston until 1966, then moved his practice to Hempstead. He was a resident of Pine Island community, south of Prairie View.



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### **District Judge Joe C. Wade**

Judge Joe C. Wade, who sat on the 156th District bench for 17 years, died April 11, 1983. He was 77.

Judge Wade served on the district bench, which encompassed the counties of Bee, Live Oak, McMullen, San Patricio and Aransas, from 1957 until his retirement in 1974. Electing to remain an active judge, he sat as a visiting jurist throughout the state until his death.

A native of Rockwall, Judge Wade graduated from North Texas State University and attended law school at the University of Texas at Austin. He was admitted to the bar in 1937.

During World War II, he served with the U. S. Army's Judge Advocate Corps in Europe. Returning to Beeville, he was elected Bee County judge in 1946. His tenure as district judge began when he was appointed to the newly-created 156th District Court in 1957. He was continuously reelected to the bench until his retirement.

In memory to Judge Wade, his friends have established a fund at the Center.

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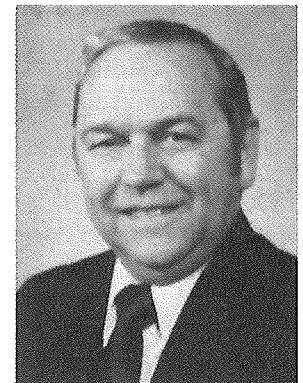
### **District Judge O. G. Wellborn, Jr.**

Former District Judge Olin Guy Wellborn, Jr. died Dec. 4, 1982. He was 62.

In 1976, Gov. Dolph Briscoe appointed Judge Wellborn to the 23rd Judicial District bench. He served as the 239th District judge from 1977 to 1979 and was a visiting state district judge until his death.

Judge Wellborn received both his bachelor of arts and his law degree from the University of Texas, and later he served in the U.S. Army Air Force during World War II.

From 1946 to 1951, Judge Wellborn had a solo practice in Alvin and later was in partnership with Charles Britt. In addition to his law practice, he was a partner in Wellborn's Department Store in Alvin and in Jones & Co. Department Store in Port Lavaca.



# High Court honors Justice Denton

An array of distinguished judges, business and civic leaders gathered in the Texas Supreme Court chambers July 7 for a memorial service in honor of Justice James G. Denton.

Justice Denton, served on the high court from 1971 until his death June 10, 1982.

"He was a highly respected and honored member of the judiciary. He made a great contribution to all of our lives," said Judge Robert C. Wright (137th District Court, Lubbock), who first met Justice Denton in 1950.

Elected to the Lubbock County's court-at-law in 1950, Justice Denton won a seat on the district bench in Lubbock County in 1952. He advanced 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 the Judicial Section of the State Bar could confer upon a fellow member was accorded to Justice Denton, said retired Chief Justice Joe R. Greenhill.

"James Denton did not belabor his points. I think his reputation as a fair



**Justice James G. Denton**  
"... a judges' judge."

judge helped him greatly," Greenhill told the audience that filled the chambers.

"Up until the time of his death, his desk was as clear as any judge could want. He had no unwritten causes when he died."

Justice Denton chaired the Continuing Legal Education Committee of the Judicial Section of the State Bar in 1978. He was a member of the CLE committee when the Center received a non-profit corporate status.

As one of three incorporators of the Center, Justice Denton served as a member of the Center's governing body until his death.

"Judge Denton was a great supporter of the Center," Justice Greenhill said. "The Center does great work, and it has been assured a larger role now that the Legislature has passed a bill requiring mandatory judicial education."

"Judge Denton's support of the Center allowed it to grow in strength to the place it is now."

Justice Charles W. Barrow, speaking on behalf of the Supreme Court, said Justice Denton was a man of impeccable integrity and was held in high esteem by his brethren.

"You couldn't be around a more pleasant and easy-going person," said Justice Barrow. "His mind and memory were stockpiled with things from the past. He was truly a judges' judge."

In memorial to Justice Denton, the Center has established a fund to insure the continuance of judicial education programs that the "judges' judge" deemed so important.

To date, nearly \$1,000 has been donated to the James G. Denton Memorial Fund. ☉

## **cont. from p. 7**

nar's success to those involved. "The success of this conference was due to the dedication of its participants," he said.

Speakers, and their topics included: former Supreme Court Chief Justice Robert W. Calvert on the purpose of the opinion; Justice Max N. Osborn (8th Court of Appeals, El Paso) on publishing the opinion; Chief Justice Clarence A. Guittard (5th Court of Appeals, Dal-

las) on preparation for formulating the opinion; Chief Justice Frank G. Evans, (1st Court of Appeals, Houston) on establishing the opinion format; Justice Bob E. Shannon (3rd Court of Appeals, Austin) on utilizing the briefing attorney; Justice Richard N. Countiss (7th Court of Appeals, Amarillo) on content techniques; former Supreme Court Chief Justice Joe R. Greenhill on reviewing opinions.

## **Justices**

Also, Presiding Judge John F. Onion, Jr. (Court of Criminal Appeals, Austin) offered a Court of Criminal Appeals view of opinions; attorney Donald M. Hunt (Lubbock) gave an appellate attorney's view of opinions; Chief Justice William J. Cornelius (6th Court of Appeals, Texarkana) spoke on appellate collegiality in the writing process; and Chief Justice Pope gave a talk on the Supreme Court's view of opinions. ☉

cont. from p. 2

## Grant

donations and contributions from other sources, such as law firms, major corporations in the Houston area and private foundations.

Membership to the Foundation during its first year was open to all 6,000 Houston Bar Association members, Sales said. Each member was invited to become a contributing Foundation member, classified as either a) a sustaining member (which requires a \$50 donation per year), or b) a fellow (which requires a one-time \$1,500 donation or a contribution \$150 per year for ten years). Fellowships are now by invitation only.

The Foundation has a roster of almost 400 fellows or sustaining members.

Three Houston programs will also receive grants from the Foundation next year. They include an alternative resolution center, a juvenile justice program, and a study of the Harris County appellate courts. ♦



GRACIOUS GRADITUDE: Galveston County Judges' wives meet to plan the spouses' activities for the Section Conference. The plans were originally made for 1983, but Hurricane Alicia caused them to be postponed. Members of the spouses' activities planning committee are: (front row, l-r) Virginia Dalehite, Joyce Lerner, June Harris, Glynnis Godard; (back row, l-r) Jean Baker, Martha Wilson, Mary Morgan, Jennell Thoma, and Joyce Smith.

cont. from p. 2

## Section Conference

The 1984 Site Selection Committee -- composed of Judges Henry Strauss of Abilene, Derwood Johnson of Waco, and Pete Solito of Houston -- together with Charles E. Nay, the Center's associate director, had looked over the Fort Worth facilities about two weeks before the

Galveston "blowout."

Hurricane Alicia raged over Galveston August 18, leaving a path of destruction that city officials said would take months to repair. Both hotels -- the Marriott Galvez and Flagship--which were to lodge the participants suffered heavy damage.

The Center began revising conference plans immediately after Galveston hotel officials confirmed that sufficient accommodations would not be available by Sept. 27.

"Whenever a natural disaster of this magnitude hits, your sympathy certainly goes out to those affected," Dillard said.

"Of course, everyone is disappointed we can't go to Galveston this year. The many hours invested by the local planning committee toward making the conference a success are deeply appreciated. We hope the Galveston Committee will save their plans for a year, because we'd like to have the 1984 conference there." ♦

## Houston Bar Foundation's Board of Directors

Chairman: James B. Sales -- Fulbright & Jaworski

Vice-Chairman: Harry Reasoner -- Vinson & Elkins

Treasurer: Judge Patricia R. Lykos -- 180th District Court, Houston

Secretary: Kay Sim -- Executive Director, Houston Bar Association

Directors: John H. Crooker -- Fulbright & Jaworski  
Judge Norman W. Black -- U.S. District Court, Southern District of Texas

Joe H. Reynolds -- Reynolds, Allen, and Cook

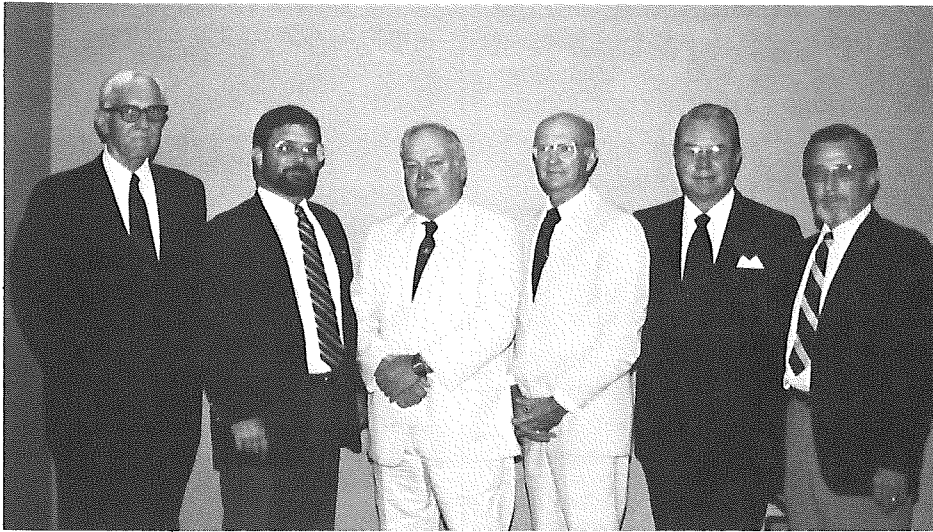
John D. Ellis, Jr. -- John D. Ellis and Associates

Richard P. Hogan -- Helm, Pletcher, and Hogan

Rufus Cormier -- Baker and Botts

Ex Officio Director: Al Kimball, President, Houston Bar Association -- Pravel, Gambrell, Hewitt, Kirk, and Kimball





PLANNING PARTNERS: (Above) Members of the Tarrant County Bar Association Planning Committee meet to make last minute preparations to insure the success of the Judicial Section Conference. Pictured are: (front row, l-r) Judy Jackson, Mary Ellen Schattman, and Vicky Rhodes; (back row, l-r) Charles Leeper, Bill Bowers, Jerry Loftin, and Ted Gorski. (Below) Members of the Tarrant County judiciary join Chief Justice William J. Cornelius (second from right) to put the final touches on the Section Conference program. Pictured are: (l-r) Chief Justice Howard Fender (2nd Court of Appeals); Judge Michael D. Schattman (348th District Court); Judge Hal M. Lattermore (96th District Court), Planning Committee Chairman; Judge Charles J. Murray (17th District Court); Chief Justice Cornelius (6th Court of Appelas), Program Chairman; and Judge Tom Cave (213th District Court).

Justice Vance (5th Court of Appeals, Dallas) was unanimously elected to the position by Commission members, May 27. He succeeds **Judge Fred M. Hooey** (180th District Court, retired) of Houston who had chaired the Commission since the agency was created in 1977.

First appointed to the Commission in 1977 by Court of Criminal Appeals **Presiding Judge John F. Onion, Jr.** Justice Vance is currently serving a six-year term that will expire in 1985.

Also at the Commission's May meeting, Secretary **Diana S. Clark** of Dallas was re-elected to her position by acclamation. Ms. Clark, immediate past president of the League of Women Voters of Texas, was also appointed to the Commission in 1977 by then Supreme Court Chief Justice Joe Greenhill.

In other Commission news, **Judge Clarence N. Stevenson** (24th District Court, Victoria) and **Judge Joe Kegans** (230th District Court, Houston) were appointed to the Commission by Judge Onion, June 9. Both will serve until June, 1987.

Judge Stevenson replaces **Presiding Judge Jose R. Alamia** (5th Administrative Judicial District) of Edinburg.

Judge Kegans replaces Commissioner Judge Hooey.

Both Judge Hooey and Judge Alamia have served on the Commission since 1977.

At the June meeting, the Commissioners passed a resolution honoring the two retiring jurists for their services to the state and the Commission.

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## ☆☆☆☆ JUDICIAL NOTICES ☆☆☆☆

### ADULT PROBATION COMMISSION ELECTS NEW CHAIRMAN

**Associate Justice John C. Vance** is the new chairman of the Texas Adult Probation Commission.



### **Chairman Vance**

The Commission is responsible for establishing statewide standards for adult probation services and for providing financial support to local adult probation departments. In addition, the Commission has been empowered and funded by the 1983 Legislature to establish restitution centers in local adult probation departments as an alternative to prison.

Other members of the Commission are: Judge Terry L. Jacks (22nd District Court, retired) of San Marcos; Judge Byron L. McClellan (52nd District Court, retired) of Gatesville; Judge B. B. Schraub (25th District Court, Seguin); Hon. Max Sherman (former state senator) of Canyon; and Monsignor Dermot N. Brosnan of San Antonio.

### **CENTURY-OLD TRADITION IS PRESERVED**

An 11-word statement by the Texas Supreme Court has ended the court struggle between lame-duck appointees of former Gov. William Cle-

ments, Jr. and Gov. Mark White.

In a July ruling, the Court re-affirmed a lower court's decision that Senate confirmation of judicial appointments is required by the Texas Constitution.

"No reversible error and no motion for rehearing will be entertained," the Supreme Court's statement read, thus concurring with the Third Court of Appeals' decision that "legislative acquiescence" of more than 100 years required Senate approval of appointments to the bench.

In effect, the ruling settled the long-standing question of who is the lawful judge of Tarrant County's Criminal District Court No. 2 and 67th District Court.

Louis Sturns had been appointed criminal district judge and Jeff Walker had been appointed civil district judge by Gov. Clements in the interim between his defeat in the November election and White's inauguration.

Since Clement's appointees were returned, Gov. White made new appointments when he took office. The court ruled in favor of Clifford Davis for criminal district judge and George Crowley for civil district judge. Both had been nominated by Gov. White and confirmed by the Texas Senate, and both have been on the bench since appointed. The Supreme Court's ruling lets the appeals courts decision stand.

The two court vacancies occurred Jan. 1 when Howard Fender became Chief Justice of the Second Court of Appeals in Fort Worth and Clyde Ashworth became an associate justice on the same court.

### **NEW APPOINTMENTS AND ADVANCEMENTS**

**Weldon H. Berry** is now judge of the 80th District Court in Harris County. He was appointed by Gov. Mark White July 22. Senate confirmation is pending. Judge Berry replaces Judge Jerry McAfee, who died in office. See *In Memoriam*.

**Richard A. Bosworth, Sr.** was appointed July 1 to the County Court at Law in Hunt County. Judge Bosworth succeeds Judge Phil Fugitt, who resigned.

**Brian Allan Carper** was appointed judge of the 324th District Court in Tarrant County. The Senate confirmed Governor White's appointment April 14. Judge Carper succeeds Judge Joe Eidson of Fort Worth, who died in office. See *In Memoriam*.

**Phil G. Chavarria, Jr.**, assumed the judgeship of the 175th District Court in Bexar County Jan. 13. His appointment by Governor White was confirmed by the Senate Jan. 27. Judge Chavarria follows Judge Preston H. Dial on the bench. Justice Dial was elected to the 4th Court of Appeals.

**George Allen Crowley**, appointed by Governor White Feb. 3, is serving as judge of the 67th District Court in Fort Worth. He replaces Judge Clyde Ashworth of Fort Worth who was elected to the 2nd Courts of Appeals last November.

**Bobby L. Cummings** was appointed to the 52nd District Court in Coryell County by Governor White April 28. He succeeds Judge Byron L. McClellan of Gatesville, who retired. The Senate confirmed his appointment May 5.

**L. Clifford Davis**, appointed March 3 as judge

of the Criminal District Court No. 2 in Fort Worth, replaces Judge Howard Fender who was elected Chief Justice of the 2nd Court of Appeals. The appointment received Senate confirmation May 19.

**Kenneth Dale Harrison**

was appointed to the 334th District Court in Harris County July 15. The appointment is pending Senate confirmation. Judge Harrison succeeds Judge Jack I. Pickren who resigned.

**Maryellen Hicks**

was appointed by Governor White to serve as judge of the 231st District Court in Tarrant County March 9. Judge Hicks, replaces Judge Joe Spurlock II, who was appointed justice of the 2nd Court of Appeals. Judge Hicks' appointment was confirmed by the Senate April 21.

**Norman R. Lee** assumed judicial responsibilities of the 257th District Court in Harris County July 15. His appointment is pending Senate confirmation. Judge Lee succeeds Judge Sam Emison, Jr., who died in office. See *In Memoriam*.

**R. Robert Lozano** was appointed to the newly-created County Court at Law #6 in Bexar County July 22.

**Jay Robert Miller** will sit on the newly-created County Court at Law #4 in Bexar County starting Sept. 1 following his appointment on July 21.

**Charles L. Price** recently assumed duties as judge of the 215th District Court in Harris County. Gov. White's Jan. 4 appointment was confirmed by the Senate April 7. Judge Price replaces Judge William Kilgarlin, who now sits on the Supreme Court. Judge Price has previously served on the dis-

trict and appellate bench.

**Mario E. Ramirez, Jr.**, appointed by the Governor March 7, is serving as judge of the newly-created 332nd District Court in Hidalgo County. The appointment received Senate confirmation April 14.

**Donald R. Ross** was appointed by former Gov. William Clements, Jr. Dec. 10 to fill the position left open by Justice Paul S. Colley on the 4th District Court in Rusk County. Justice Colley now sits on the 12th Court of Appeals. The Senate confirmed Judge Ross' appointment Feb. 24.

**Gordon H. Rowe, Jr.**, appointed Dec. 15 by former Governor Clements to the 5th Court of Appeals in Dallas, fills the unexpired term of now Supreme Court Justice Ted Z. Robertson. Judge Rowe's appointment received Senate approval May 26.

**W. Jack Salyer** of Bay City was appointed to the 130th District Bench in Matagorda County by Governor White on April 28. Judge Salyer is replacing Judge G. P. Hardy, Jr., who retired. The Senate confirmed the nomination May 5.

**Thomas I. Schrandt** was appointed to the 50th District Court July 6 by Governor White. Senate confirmation of Judge Schrandt is pending. He succeeds Judge D. J. Brookreson II who died in office. See *In Memoriam*.

**Floyd A. Shumpert** of Dallas recently began serving as Associate Justice on the 5th Court of Appeals in Dallas. Gov. White's July 12 appointment is pending Senate confirmation. Justice Shumpert replaces Justice Robert Maloney, whose reappointment by former Governor Clements was not confirmed.

**Daniel R. Sklar**, appointed April 5 by Governor White to the 329th District

Court in Wharton County, replaces Judge Lloyd G. Rust, Jr., who resigned. The Senate approved the appointment April 14.

**Judge Annette Stewart**, formerly on the 301st District Court, will now serve as associate justice on the 5th Court of Appeals in Dallas. Appointed by Governor White March 14 and confirmed by the Senate three days later, Judge Stewart succeeds Justice Joe Fish of Dallas, who was appointed to the federal district bench.

**Gus J. Strauss** of Hallettsville was appointed April 21 to fill the position on the 25th District Court left vacant by the resignation of Judge E. W. Patteson of Gonzales. Judge Strauss received Senate approval April 28.

**Earl B. "Smokey" Stover** of Kountze was appointed and confirmed as judge for the 88th District Court in Hardin and Tyler counties April 28. Judge Stover replaces Judge Clyde E. Smith, Jr. of Kountze, who resigned.

**Harold Robert Towslee** of Caldwell was appointed May 3 as judge of the newly-created 335th District Court. The court will encompass Bastrop, Lee, Burleson and Washington counties. The Senate approved the appointment May 12.

**Henry Ronald White** was appointed July 21 to the 301st District Court in Dallas. Senate confirmation is pending. Judge White replaces Judge Annette Stewart, who resigned to assume a seat on the 5th Court of Appeals.

**Davie L. Wilson** will sit on the newly-created 333rd District Court in Harris County. Governor White's Jan. 4 appointment of the former justice of the peace was confirmed by the Senate May 19.

## Texas Center Contributions

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

**Friends of the Center**  
**\$100 - \$250**

Bennie C. Boles  
Neil Caldwell  
Milton G. Mell  
Gus Strauss  
Bruce W. Wettman

**In Memory of**  
**Dee J. Brookreson II**

Keith Nelson

**In Memory of**  
**Joe H. Eidson, Jr.**

M. C. Ledbetter  
Keith Nelson

**In Memory of**  
**Joe Wade**

Claude Franklin, Jr.

## On the Docket

*Hurricane Alicia forced the annual Judicial Section Conference to be relocated from Galveston to Fort Worth, but nature's fury will not dampen the spirits of conference participants. A full slate of events has been scheduled. At the Section business meeting, members will elect a new chair and executive committee. The membership of the Texas Center will also elect new officers and three members to its board of directors. Election results and conference highlights, in the next "In Chambers."*

## ☆ JUDICIAL CALENDAR ☆

### 1983 CONFERENCES

**Annual Judicial Section Conference**  
September 27-30, 1983  
Fort Worth, Texas

**Texas Association of Court Administration**

Annual Conference  
October 26-28, 1983  
Austin, Texas

**Juvenile Justice Seminar**

November 9-11, 1983  
Austin, Texas

**Texas College for New Judges**

November 27-December 2, 1983  
Huntsville, Texas

### 1984 CONFERENCES

**South Texas Judicial Conference**

January 25-27, 1984  
Location: to be announced

**Southeast Texas Judicial Conference**

February 15-17, 1984  
Huntsville, Texas

**Central Texas Judicial Conference**

March 7-9, 1984  
Wichita Falls, Texas

**Northeast Texas Judicial Conference**

March 28-30, 1984  
Location: to be announced

**West Texas Judicial Conference**

April 18-20, 1984  
Amarillo, Texas

**Criminal Justice Conference**

May 9-11, 1984  
Huntsville, Texas

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

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Secretary-Treasurer, Austin

CHARLES W. BARROW  
Austin (1984)

JOHN T. BOYD  
Amarillo (1983)

BARBARA CULVER  
Midland (1985)

J. S. FREELS, JR.  
Sherman (1983)

CAROL R. HABERMAN  
San Antonio (1984)

QUENTIN KEITH  
Beaumont (1984)

NOAH KENNEDY  
Corpus Christi (1983)

PATRICIA LYKOS  
Houston (1985)

B. B. SCHRAUB  
Seguin (1985)