

in CHAMBERS

THE OFFICIAL PUBLICATION OF THE TEXAS CENTER FOR THE JUDICIARY, INC.

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Annual Conference Features Expert Education

Judges at the 1997 Judicial Section Annual Conference received expert judicial training as well as valuable interaction with judges from around the state during business meetings and informal events.

The focal point of the conference was the judicial education program, which featured three days of sessions on a variety of issues, including *Constitutional Issues, Mediation, Family Violence, Class Actions, DNA Testing and Computer Basics*.

The classes, taught by a diverse faculty of judges, lawyers, and well-informed professionals in the fields of accounting, psychology, and computer technology, received an overall rating of 4.28 on a scale of one to five.

According to Texas Center for the Judiciary's Executive Director Mari Kay Bickett, the conference offered judges the chance to select varied topics that best suited their educational needs. "We have put together a diverse curriculum of varied topics that best meet the judges' needs," Bickett said. "By offering several classes from which to choose, we hope to provide information that is both useful and interesting for all judges who attend."

Also included in the conference were the

annual business meetings for Judicial Section and for the Texas Center for the Judiciary. At these meetings new board members were elected for the Executive Committee of the Judicial Section, and the Board of Directors for the Texas Center. These members are listed inside this issue of *In Chambers*. During this meeting conference leader and chair Hon. Mike Keasler handed over the reins to newly elected chair Hon. David Hodges.

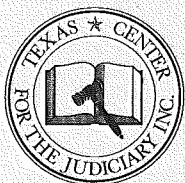
Along with all the esteemed learning and serious business at the conference, attendees did manage to fit in a little bit of fun prior to the beginning of the

conference and in the evenings. Some judges showed their competitive sides during a pre-conference golf tournament, tennis tournament, and bridge tournament. During the final evening of the conference, a 50's style celebration was held which included hoola-hoop contests and karaoke, as well as a soda fountain complete with ice cream sundaes. At the center of this event was the Silent Auction sponsored by the Texas Court Reporters Association, which earned close to \$8,000 for the Texas Center.

Next year's Annual Conference is September 15-18, 1998, in Houston.



Professor Erwin Chemerinsky, Legion Lex Professor of Law and Political Science at the University of Southern California School of Law, offers his insight as he debates the issues of Social Policy Implications during a course offered at the Judicial Section Annual Conference.



Judicial Excellence
Through Education

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judicial
notes

**Scholarship
Opportunity**

The State Justice Institute is awarding scholarships in 1998 for courses offered at The National Judicial College. Tuition and transportation to and from the educational program up to a maximum total of \$1,500 per scholarship is available. Applications need to be sent in as early as possible for each course and should be sent directly to the State Justice Institute.

For a schedule of NJC classes, as well as detailed scholarship information and an application, please contact Angela Womack at the Texas Center for the Judiciary, at (512) 463-1530 or (800) 252-9232.

The National Judicial College is the recipient of a grant through the generosity of the Bureau of Justice Assistance (BJA). Partial scholarships are available for many NJC courses. Please contact NJC directly for information on BJA and other scholarship opportunities. For more information, please contact Nancy Copfer, Liaison Officer/ Marketing Director, or Melinda Gonzalez, Registrar at (800) 25-JUDGE.

**College for New
Judges Cancelled**

The Texas Center's College for New Judges for 1997 has been cancelled due to the small number of judges eligible to attend the conference this year. These few judges will be invited to attend the 1998 College for New Judges in December.

**Curriculum
Committee**

Judge David Hodges, Chair of the Texas Center Board of Directors, has appointed the following judges to the Curriculum Committee:

- Judge Mark Atkinson
Houston (713) 755-7950
- Chief Justice Richard Barajas
El Paso (915) 546-2240
- Judge Manuel Banales
Corpus Christi (512) 888-0510
- Ms. Mari Kay Bickett
Texas Center (800) 252-9232
- Judge Molly Francis
Dallas (214) 653-5864
- Justice Paul Green
San Antonio (210) 220-2692
- Judge Paula Lanehart
Lubbock (806) 767-1309
- Judge Lamar McCorkle
Houston (713) 755-6266
- Judge M. Kent Sims
Wheeler (806) 826-5501
- Judge Barbara Walther
San Angelo (915) 659-6569

New to the Library

The Texas Center has a new addition to the library. This new curriculum is entitled *Train the Trainers: Implementing Medical Legal Training*, and is a product of the National Council of Juvenile and Family Court Judges. This curriculum is specially designed to assist judicial educators in preparing medical and mental health professionals to be effective judicial education presenters. This curriculum culminates several years' work of the Council through its project, "Medical Legal Issues in Juvenile and Family Courts."

If you are interested in further information about this publication, please contact the National Council of Juvenile and Family Court Judges at (702) 784-6012.

**New Judges &
Judicial Appointments**

(As of November 12, 1997)

Hon. David Garcia
County Criminal Court #3
Newly Created Court

Hon. Sam Griffith
County Court at Law #3
Newly Created Court

Hon. Deborah Hankinson
Supreme Court of Texas
Succeeding Justice John Cornyn

Hon. Deane Lockmiller
Lamar County Court at Law
Newly Created Court

Hon. John Roach
5th Court of Appeals
Succeeding Deborah Hankinson

In Memorium

For those who served
our state courts

Judge Mike Schwille

Judge Mike Schwille of Dallas County Criminal Court #3 died May 14, 1997. Judge Schwille had served on the bench since 1978. Prior to taking the bench he was an assistant district attorney for 10 years and chief prosecutor for the Dallas County Grand Jury, as well as having a private practice. Judge Schwille was a member of the Texas District and County Attorney's Association, the Texas State Bar, and the Baylor Law Alumni Association. He was a graduate of North Texas State University and Baylor University Law School.

CONTRIBUTIONS

THANK YOU FOR YOUR CONTRIBUTIONS

(contributions received as of November 6, 1997)

Betty Caton
Paul Davis
Kenneth Douglas
Ron Enns
Cynthia Kent

Mack Kidd
Susan Lowery
James Simmonds
Mark Whittington
Antonio Zardenetta

MEMORIALS

MARYLYN ARNOT MEMORIAL

Bob Dickenson
Jim R. Wright

JUDGE MARVIN E. BLACKBURN MEMORIAL

Mickey Pennington

BILL BOEDEKES MEMORIAL

Mrs. M.C. Ledbetter

JUDGE CLAYTON EVANS MEMORIAL

Joe Carroll

JUDGE DELOS FINCH MEMORIAL

Pat McDowell

TRUETT SMITH MEMORIAL

Mrs. M.C. Ledbetter

CPS Conference Covers Timely Issue of Children in the Court System

The Texas Center hosted the first of three Child Protective Services Conferences in Austin, October 26-28, at the Four Seasons Hotel. The conference focused on the judge's role in moving a child through the court system and how that can be done effectively with minimal difficulties for the child.

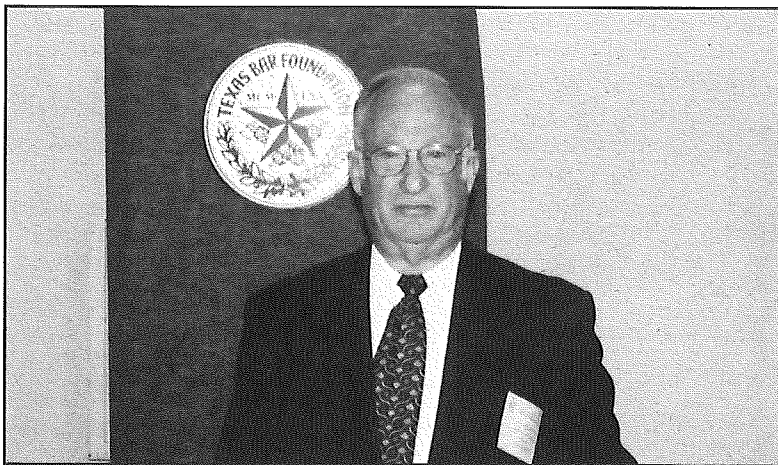
A variety of topics were covered in the program, including: *Paternity Registry, New Legislation, Docket Management, Interstate Compact, Knowledge of the PRS System, Ad Litem, Scheduling, Mediation, Roles of Other Parties, How Judges Can Motivate Others, and Creating Interagency Task Forces.* Judges were also separated into breakout sessions so they could discuss in detail specific issues pertaining to their court and develop solutions to overcome these obstacles. The program received a 4.82 rating on a scale of one to five.

One attendee stated, "The program made me think about matters that I had not thought of before, like the need for judges to become more involved in the process. A good program."

While another judge said, "By far, one of the best programs I've attended. The issues were timely and well presented."

This, as well as the other two programs (which will be repeats of the original course), are made possible through a grant from the Texas Court Improvement Project, A Project of the Supreme Court Task Force on Foster Care.

The next class will be offered January 11-13, 1998 in Dallas, and another will be offered in Lubbock next May.



During the Judicial Section Annual Conference in Fort Worth, Judge I. Allen Lerner received the Texas Bar Foundation's 1997 Samuel Pessarra Outstanding Jurist Award. The award is given to recognize a member of the judiciary who has made significant contributions to the state legal community. Judge Lerner is retired from the 56th District Court in Galveston, on which he served from 1981 until his retirement in 1996. Prior to taking the bench, Judge Lerner served as City Attorney for the cities of Webster, League City and La Marque. He earned his law degree from the University of Texas Law School.

New Boards Elected

Texas Center for the Judiciary, Inc. 1997-98 Board of Directors

Chair

Hon. David Hodges
 Judge, County Court at Law #1
 501 Washington
 Waco 76701
 (254) 757-5030
 Fax (254) 757-5196

Chair Elect

Hon. Cynthia Kent
 Judge, 114th District Court
 207 Smith County Courthouse
 Tyler 75702
 (903) 535-0613
 Fax (903) 535-0615

Immediate Past Chair

Hon. Michael Keasler
 Judge, 292nd District Court
 133N. Industrial
 Dallas 75207
 (214) 653-5884
 Fax (214) 653-5777

Secretary/Treasurer

Hon. Daryl Coffey
 Judge, County Criminal Court #8
 401 W. Belknap, 7th Floor
 Fort Worth 76196
 (817) 884-3404
 Fax (817) 884-3364

MEMBERS

Place 1

Hon. Alma Lopez (1999)
 Justice, 4th Court of Appeals
 300 Dolorosa, #3200
 Bexar County Justice Center
 San Antonio 78205
 (210) 220-2635
 Fax (210) 226-9204

Place 3

Hon. Stephen Ables (1999)
 Judge, 216th District Court
 Kerr County Courthouse
 Kerrville 78028
 (830) 792-2290
 Fax (830) 792-2294

Place 6

Hon. Karl Prohl (1998)
 Judge, 198th District Court
 Kerr County Courthouse
 Kerrville 78028
 (830) 792-2290
 Fax (830) 792-2294

Place 9

Hon. Raul Vasquez (1998)
 Judge, County Court at Law #1
 1110 Victoria, #303
 Laredo 78040
 (956) 721-2630
 Fax (956) 718-8557

Place 2

Hon. Adele Hedges (1998)
 Justice, 1st Court of Appeals
 1307 San Jacinto, 10th Floor
 Houston 77002
 (713) 655-2765
 Fax (713) 752-2304

Place 4

Hon. Darrell Hester (2000)
 Judge, 197th District Court
 974 E. Harrison St.
 Brownsville 78520
 (956) 546-0724
 Fax (956) 544-0879

Place 7

Hon. Don Emerson (2000)
 Judge, 320th District Court
 501 S. Filmore, Suite 4B
 Amarillo 79101
 (806) 379-2370
 Fax (806) 379-6248

Place 10

Hon. David Walker (1999)
 Senior District Judge
 2910 Southwood Drive
 Lufkin 75904
 (409) 632-1096

Place 5

Hon. Bascom Bentley (2000)
 Judge, 369th District Court
 PO Box 221
 Palestine 75802
 (903) 723-7415
 Fax (903) 723-1832

Place 8

Hon. Paula Lanehart (1999)
 Judge, County Court at Law #3
 PO Box 10536
 Lubbock 79408
 (806) 767-1309
 Fax (806) 767-1559

Judicial Section 1997-98 Executive Committee

Chair

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 (254) 757-5030
 Fax (254) 757-5196

Chair Elect

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 Fax (903) 535-0615

Immediate Past Chair

Hon. Michael Keasler
 Judge, 292nd District Court
 133N. Industrial
 Dallas 75207
 (214) 653-5884
 Fax (214) 653-5777

Secretary/Treasurer

Hon. Thomas H. Bacus
 Judge, County Court at Law #2
 900 7th Street, Rm. 353
 Wichita Falls 76301
 (940) 766-8111
 Fax (940) 766-8181

MEMBERS

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Hon. Mark Whittington (2000)
 Justice, 5th Court of Appeals
 600 Commerce St., 2nd Floor
 Dallas 75202
 (214) 712-3408
 Fax (214) 745-1083

Place 3

Hon. Doug Shaver (1999)
 Judge, 262nd District Court
 301 San Jacinto, 7th Floor
 Houston 77002
 (713) 755-6961
 Fax (713) 755-8973

Place 6

Hon. Barbara Walther (1998)
 Judge, 51st District Court
 Tom Green Courthouse
 San Angelo 76903
 (915) 659-6569
 Fax (915) 658-8046

Place 9

Hon. Glen Harrison (1998)
 Judge, County Court at Law
 PO Box 1304
 Sweetwater 79556
 (915) 235-2353
 Fax (915) 235-5886

Place 2

Hon. John Boyd (1999)
 Justice, 7th Court of Appeals
 PO Box 9540
 Amarillo 79105
 (806) 342-2650
 Fax (806) 342-2675

Place 4

Hon. Judith Wells (1999)
 Judge, 325th District Court
 100 Houston St., 4th Floor
 Fort Worth 76196
 (817) 884-1587
 Fax (817) 884-2701

Place 7

Hon. Robert Garza (1998)
 Judge, 138th District Court
 974 E. Harrison St.
 Brownsville 78520
 (956) 544-9877
 Fax (956) 544-0879

Place 10

Hon. John Onion (2000)
 Presiding Judge (Ret.)
 3806 Hillbrook Drive
 Austin 78731
 (512) 454-2358
 Fax (512) 463-1685

Place 5

Hon. Olen Underwood (2000)
 Presiding Judge, 2nd Region
 PO Box 2514
 Conroe 77305
 (409) 538-8176
 Fax (409) 538-8167

Place 8

Hon. Kitty Schild (2000)
 Judge, County Court at Law #4
 500 E. San Antonio st., #805
 El Paso 79901
 (915) 546-2190
 Fax (915) 546-2191

A Letter from the Chair

The Executive Committee of the Judicial Section and the Board of Directors of the Texas Center for the Judiciary, Inc. met respectively on October 30 and 31 in Austin. The purpose of this letter is to inform you of the actions taken by those representative bodies and solicit your continued input.

The first item of business on each agenda was to review the results of the surveys received at the Annual Conference. Out of the 550 judges who attended the conference, 132 responded by filling out the survey. Of those who responded, approximately two-thirds were in favor of having a "super-regional" meeting every other year during the legislative session, and one-third wanted to go back to regional meetings every year during the spring. The averaged responses to the numbered questions are on page 10.

Comments on the surveys that related to the *In Chambers* publication, educational programs for the Texas Center, and comments to the Board of Directors were presented to the Executive Director, the Board of Directors of the Texas Center, and the Executive Committee of the Judicial Section.

SUPER-REGIONAL SPRING 1999

Based on the resolution previously adopted by the membership, and the results of these surveys, both representative bodies voted to have a super-regional meeting in Austin during the spring of 1999. Details of that meeting will be discussed by the Texas Center Board at the next scheduled meeting.

COMMITTEES

By-Laws Rewrite - At the meeting of the Judicial Section Executive Committee, I appointed a Committee to

study updating and rewriting the bylaws of the Section with the proposed changes to be considered by the membership at the annual meeting next fall.

LEGISLATIVE - JUDICIAL SECTION

To pursue our commitment to establish a legislative agenda well in advance of the next legislative session, I conferred with Chair-Elect Cynthia Kent and the Executive Committee and appointed the following Committee Chairs:

Appellate Judges

Legislative Committee

Hon. Mark Whittington
5th Court of Appeals, Dallas

Judicial Compensation

Hon. Thomas Bacus
County Court at Law #2, Wichita Falls

Family Law

Hon. Judith Wells
325th District Court, Fort Worth

Criminal Law

Hon. Barbara Walther
54th District Court, San Angelo

Jury System Review

Hon. Robert Garza
138th District Court, Brownsville

Statutory Court Unification

Hon. Glen Harrison
County Court at Law, Sweetwater

Bylaws Rewrite

Hon. Kitty Schild
County Court at Law 34, El Paso

Civil

Hon. Diane DeVasto
241st District Court, Tyler

Juvenile

Hon. Olen Underwood
Presiding Judge, Second Region,

Conroe (Temporary Chair)

Assigned Judges

Hon. Doug Shaver
(Retired) 262nd District Court, Houston

The purpose of creating legislative committees for each of these areas is to allow the members of the judicial section to be pro-active and suggest legislative changes needed in each of these areas and to have that legislation in bill form, ready to pre-file before the next legislative session. If you have any suggestions for matters that need to be addressed by these committees, or would be willing to serve on one of these legislative committees, please contact those chairs listed above.

VENDORS' BOOTHS

The Executive Committee of the Judicial Section also reviewed plans to invite vendors to participate at the next annual conference. It is the goal of our executive director to have a substantial number of vendors participate so that the vendor exhibit hall will make an exciting and significant contribution to our next annual meeting. We also plan to schedule specific times when you can visit the vendor booths without missing the program.

TEXAS CENTER BOARD

The Texas Center Board also discussed the new statute that requires court administrators to receive 16 hours of continuing education annually. That statute does not state which agency is responsible for monitoring the completion of those hours and granting waivers. The Texas Center Board decided to review which entity should be responsible for monitoring the completion of those hours and granting waivers. Therefore, the Board decided

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Helping Texas Children

Task Force Studies Needs of Abused Children

The family unit is the glue that holds society together. The family should be a refuge, a place that centers on compassion and forgiveness. Mother Theresa once said: "Your work with the families is so important. If there is no peace in the world today, it's because there is no peace in the family. Help your families make their homes centers of compassion and forgive constantly and so bring peace. Your first duty is to be a family."

Mother Theresa was right. Our first duty is to be a family. Our work with families is important. All too often what should be a safe haven for children turns into the most dangerous place a child can be.

Last year 45,000 children in Texas were confirmed victims of child abuse and neglect. In this figure more than 7,800 children were sexually abused and almost 16,000 children fell victim to physical abuse. Sadly, this number is rising.

As a result, family judges are called upon far too often to make very difficult decisions. Almost daily, decisions must be made to remove children from dangerous situations. Critical decisions must be made as to what to do with the abused and neglected child who needs protection and nurturing. These decisions are heart-wrenching and differ with each individual child.

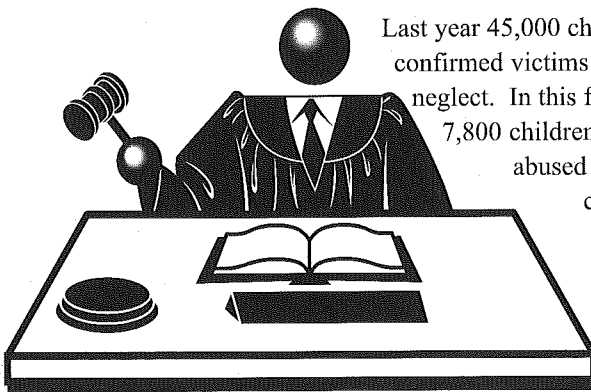
As a Family Court Judge, I see firsthand the devastating impact on our children. I

have quickly recognized that my strong, compassionate desire is to give hope to these children. I know that I am ultimately responsible for how these cases are handled.

Across the state of Texas studies show that abused and neglected children are spending far too long in the system before being permanently placed. Children removed from perilous home situations frequently find themselves trapped in "limbo" through no fault of their own. For children who were fortunate enough to be adopted between 1991-95, it took an average of 40.8 months to consummate the adoption. Almost four years is an eternity for a child.

The legislature passed new laws that will significantly impact the Family Court's ability to effectively manage the adoption and protection of abused and neglected children. Following are a few:

- ❑ The new legislation mandates the movement of child abuse and neglect cases through the legal system within a 12 to 18 month period. It also requires dismissal of the action if a final order is not rendered by the end of the required period.
- ❑ Under the new legislation, there are now many new grounds allowing for termination. It is important to understand that the court must always find that termination is in the best interest of the child regardless of any new grounds brought forth by those asking for termination.
- ❑ The new law specifically permits a court to terminate the parental rights of a parent who has caused a child to be born



Judicial Mentality is an *In Chambers* guest column, which is written by a judge. Opinions presented in the column are not necessarily the opinions of the Texas Center for the Judiciary, Inc. Please call Angela Womack, 800-252-9232, if you want to submit a column or a letter to the editor in response to a column.

JUDICIAL MENTALITY

addicted to alcohol or a controlled substance. Termination is also permitted if a parent uses a controlled substance in a manner that endangers the health and safety of a child and that parent fails to complete a court-ordered substance abuse program.

- The new law also establishes for the first time in Texas a birth father/paternity registry. The purpose of the paternity registry is to protect the rights of a man who wishes to accept responsibility for a child that the man may have fathered and to expedite adoptions of a child whose father is not willing to assume responsibility.
- The registry will allow men who are the father or think they may be the father to notify the registry within 30 days of a child's birth of their intent to claim paternity. Those who fail to do so within 30 days can have their parental rights terminated, allowing the birth mothers to put their children up for adoption more quickly.
- The new laws will also place limits on legal attacks on termination and adoption orders. The time to challenge a termination order will be limited to six months as compared to two years under the old law.

In order to address how the courts can best streamline the process of providing safe, secure and permanent placement for the children involved in these cases, Jefferson County formed a foster care task force. With the task force we have attempted to pull all the agencies in the system together to take advantage of our strengths. Through the hard work of the task force, including groups like Court Appointed Special Advocates, Child Protective Services, and the Dispute Resolution Center of Jefferson County, much has been accomplished.

For example, nearly \$50,000 in grants were recently awarded to help us streamline the system and expedite the permanent placement of our abused and neglected children. This money will be available to pay for staff, travel and other resources to support the program. Jefferson County also applied for and received the grants for "court improvements," by which the state means involving mediation as part of foster care issues.

Through the task force a timeline was developed to be followed on all new CPS cases. The timeline in Jefferson County provides a road map for the many players involved in the process. The timeline requires the parties to comply well within the time requirements set forth under the new legislation.

Early in the process, an attorney ad litem is appointed to represent the child. We asked those attorneys who feel an obligation to provide pro bono services to the community, to consider representing an abused child through the Jefferson County Pro Bono program. More than 50 attorneys enthusiastically signed up to act as legal representatives for abused children free of charge.

The members of the Jefferson County community have taken a pro-active stance in meeting the problem of abused and neglected children in the court system. We hope to serve as model to other Texas communities on how to improve the system through an innovative program of mediation, legal assistance and foster home placement that will be better for the children of Texas, and meet the legislative requirements.

*Written by Judge Jimmy D.
"Skip" Hulett, Jr.
317th District Court in Beaumont.*

Last year 45,000 children in Texas were confirmed victims of child abuse and neglect.

ETHICS OPINIONS

No. 206 Issued October 9, 1997

This revised opinion supplants the previous Opinion 206 dated January 28, 1997, which is withdrawn.

To address its backlog of criminal cases, the county initiated a program to require first time family violence offenders to attend a course in family counseling. If the defendant completes the course, criminal charges are dismissed; if the defendant does not cooperate or does not complete the course of counseling, the agency notifies the court and the cause is set for trial. The defendant pays the cost of the counseling.

Q *May a judge in this county order the defendant to attend counseling at only one agency or business, or to select between two or three specified agencies or businesses without violating the Code of Judicial Conduct?*

A Yes, so long as the selection process encourages referrals to qualified programs that advance the county's objective of reducing family violence. Canon 2B admonishes the judge not to influence the selection process to advance the private interests of any provider.

No. 215 Issued September 23, 1997

Gifts to Judges for Catastrophic Loss

Q *May a judge or a judge's family, who has suffered a catastrophic loss, accept gifts of money from individuals who work in the courthouse or practice in the judge's court?*

A Yes and no. Canon 4D(4)(c) clearly states neither a judge nor his family may accept gifts from anyone whose interests have come or are likely to come before the judge. Therefore, a judge may not accept gifts from lawyers or parties who have come or might come before the court.

The Canon [4D(4)(c)] also states that a

ETHICS Q & A OPINIONS

judge or his family may accept gifts from individuals whose interests have not come and are not likely to come before the Court. It would seem, then, that the judge and family could accept gifts from non-lawyer friends and acquaintances who happen to work in the courthouse but have no interest that has or might come before the court.

Q *May a judge accept gifts he would otherwise be prohibited from receiving if they are placed in a blind trust?*

A No. The prohibition against accepting gifts is clear. A judge may not accept gifts from ANY persons whose interests have or may come before the court, whatever the form!

No. 219 Issued October 31, 1997

Charitable Gift in Lieu of Expense of Fund-Raising Party

Q *A judge proposes to invite supporters to a "non-event" fund-raiser. Instead of paying for a fund-raising event, the judge announces that he will contribute existing campaign funds to a local charity serving inner city youth. The invitation explains that no funds raised by the solicitation letter would go to the charity. Does the proposal violate the Code of Judicial Conduct?*

A : No, this approach to fund-raising does not contravene Canon 4C(2)'s prohibition against fund-raising for charitable organizations. The Judge is clearly not going to use any of the funds being solicited for the charity. The committee is of the opinion that the charity should not be named.

No. 220 Issued October 31, 1997

Judge as Charity Waiter

Q *Is it an ethical violation for a Judge to participate as a "celebrity server" for a fund-raising dinner for Court Appointed Special Advocates (CASA). CASA is a nonprofit organization. The judges' names will be used in the publicity for this event. The judges will not participate in any actual fund-raising. The judges only job will be to serve dessert to the amusement of the guests.*

A No, the proposed activity is not a violation of the fund-raising prohibition found in Canon 4C(2). The judges' participation is analogous to being a guest speaker at a fund-raiser that is specifically allowed in Canon 4C(2).

Staff of the TEXAS CENTER FOR THE JUDICIARY, INC.

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Communications Director
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Chair's Letter

Continued from page 5

to ask the Texas Association for Court Administration and the Office of Court Administration to explore a reporting and monitoring system for the continuing education hours required of court administrators.

With the advice and consent of the Board, I appointed several committees to work on specific projects during the year relating to judicial education.

CURRICULUM

To develop and implement the educational courses provided by the Texas Center, Judge Lamar McCorkle, 133rd District Court, Houston, was appointed dean for the regional and the super-regional conferences. Judge Kent Sims, 31st District Court, Wheeler, will continue to serve as Dean of the College

for New Judges. Other committee members were appointed and are listed on page 2.

LONG-RANGE PLANNING

To study current and future funding available for the Texas Center for the Judiciary and develop a long-range plan for increased funding, and staffing necessary to provide quality educational programs for an ever expanding Texas judiciary. I appointed Chair-Elect Cynthia Kent, 114th District Court, Tyler, to chair this committee.

TECHNOLOGY

To plan a one-day educational seminar specifically designed for the computer needs of the judiciary and the resources available for ourselves and our staff, including e-mail and use of the Internet. This committee will also work with the Office of Court Administration in

developing a secure statewide e-mail system for Texas judges, and attempt to coordinate for us all of the other technology plans of other agencies that impact Texas judges. I have appointed Judge Guilford Jones, 33rd District Court in Burnett to serve as Chair of this committee. His e-mail address is Judge.Jones@Counsel.com.

Again, if you have any suggestions for these committee chairs or want to serve on one of these committees, please contact the chair directly.

We are all indebted to these judges and their committee members who will be spending hundreds of hours this next year working on educational, legislative, and administrative matters for the Section and the Texas Center. Change is inevitable. We want to be the ones directing that change, not be directed by it. We look forward to working with and for you this year.

Survey Results

Following are the results of the surveys received at the annual conference. Out of the 550 judges who attended, 132 responded to the survey.

- ◆ I am satisfied with the *In Chambers* publication.

Strongly agree	Strongly disagree
1	5
2.32	

- ◆ The Board of Directors of the Texas Center for the Judiciary has been responsive to educational needs of Texas Judges.

Strongly agree	Strongly disagree
1	5
2.17	

- ◆ The Executive Committee of the Judicial Section has been responsive to the needs of its membership as a Section.

Strongly agree	Strongly disagree
1	5
2.33	

- ◆ Both Boards have been effective in communicating their actions taken and the consequences of those actions with their membership.

Strongly agree	Strongly disagree
1	5
2.88	

- ◆ Changes should be made to encourage broader participation in Section and Texas Center governance.

Strongly agree	Strongly disagree
1	5
2.43	

- ◆ I am satisfied with the diversity and quality of educational programs offered by the Texas Center for the Judiciary.

Strongly agree	Strongly disagree
1	5
2.25	

Texas Judicial Council Meets and Establishes Priority Issues

By Hon. Thomas R. Phillips, Chief Justice, Supreme Court of Texas

The Texas Judicial Council, whose leadership and composition were revamped by the 75th Legislature, held its organizational meeting in the Supreme Court Chamber on Oct. 30, 1997.

The new Council consists of 22 members, a majority of whom are judges. I serve *ex officio* as chair, and Presiding Judge Michael J. McCormick of the Court of Criminal Appeals serves *ex officio* as vice chair. I appointed these judges to the Council: Justice Marilyn Aboussie, Chief Justice John Hill Cayce, Judge Jim Parsons, Judge David Peoples, Judge Martin J. Chuiminatto, Jr., Judge Mike Wood, Judge David Patronella, Judge Penny L. Pope, Judge Stella Ortiz-Kyle, and Judge Robin Smith. Lieutenant Governor Bob Bullock appointed Senator Rodney Ellis (serving in his capacity as chair of the Senate Jurisprudence Committee) and Senator Robert Duncan to the Council. Speaker Pete Laney appointed Representative Pete Gallego and Representative Senfronia Thompson (serving in her capacity as chair of the House Committee on Judicial Affairs). In addition, Governor George Bush appointed the following members to the Council: Mr. James Boswell, Plano; Mr. James R. Brickman, Dallas; Mr. Joseph Callier, Esq., Houston; Ms. Kathleen Cardone, Esq., El Paso; Mr. Diego Pena, Esq., San Antonio; and Ms. Sharon Warfield Wilkes, Bastrop.

At its first meeting, the members of the Council decided to focus on these challenging issues.

COURT RECORDS

The committee on court records will propose ways to improve public access to court administrative records, which are exempt from the Public Information

Act. The committee will examine open records statutes and rules as they apply to courts in other states, especially as to the actual burden their operation has imposed on particular courts. After public hearings, the Council will propose an administrative rule for promulgation by the Supreme Court next year. Judge Wood (chair), Justice Aboussie, Judge Chuiminatto, Judge Pope, Ms. Cardone, and Mr. Brickman will serve on this committee.

JUDICIAL SELECTION

Recognizing that the continuing lack of diversity among judges threatens public confidence in the judicial process, the Council will focus on altering judicial selection to enhance diversity. While the Council understands that there are other important issues involved in devising the best way to choose judges, it was felt that the general debate could best be advanced by extensive study on one issue. Members of the committee on judicial selection are: Mr. Callier (chair), Senator Ellis, Senator Duncan, Representative Thompson, Justice Aboussie, Judge Patronella, Judge Peoples, Justice Cayce, and Mr. Boswell.

JUDICIAL REDISTRICTING

The committee on judicial redistricting will report the Council on improving the method of reapportioning judicial districts in Texas. The state's district courts have not been comprehensively redistricted since 1883, and the work of the Judicial Districts Board after the last census was ignored by the Legislature. Representative Gallego, Judge Patronella, Mr. Boswell and I will serve on this committee, which I will chair.

VISITING AND RETIRED JUDGES

The committee on visiting and retired

judges will research and submit suggestions to the Council for improving the system for qualifying and assigning visiting and retired judges. Members of this committee are: Chief Justice Cayce (chair), Presiding Judge McCormick, Representative Thompson, Representative Gallego, Judge Peoples, Ms. Cardone, and Mr. Callier.

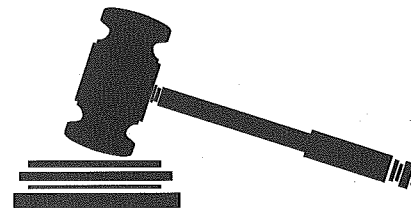
JUVENILE JUSTICE

The committee on juvenile justice will report on the impact of recent juvenile justice legislation on the courts, with particular emphasis on justice and municipal courts. Judge Pope (chair), Judge Patronella, Judge Ortiz-Kyle, Judge Smith, and Ms. Wilkes will serve on this committee. I have also asked two juvenile district judges, Hon. Hal Gaither and Hon. Cheryl Lee Shannon, to participate as advisors to this committee.

OTHER AREAS OF INTEREST

The Council also formed a working group to collaborate with the Texas Commission on Judicial Conduct and to assess the need for strengthening the ethical conduct of the judiciary. Senator Duncan, Judge Wood, and Mr. Pena will lead this effort on behalf of the Council. In addition, Mr. Pena has agreed to keep the Council informed of the latest developments on collecting and reporting data on alternative dispute resolution procedures.

The Council's next meeting will be on February 19, 1998.



Everything You Ever Wanted to Know About MCLE and CJE

Understanding how to ensure your credit for all applicable legal training begins with realizing the differences between the rules of Minimum Continuing Legal Education (MCLE) which apply to all lawyers and the rules of Continuing Judicial Education (CJE) as pursuant to the provisions of Government Code §56.006 and the Court of Criminal Appeals Rules of Judicial Education which apply to judges.

As a judge, you can claim *exemption* from MCLE requirements by making a written request or by responding on the yearly form sent to you by the MCLE department of the State Bar. To submit a written request, notify Vicki Roberts, MCLE Compliance Supervisor, at PO Box 13007, Austin, TX 78711 or fax it to (512) 463-1498. Mandatory *Ethics* credits are only required by MCLE rules, not CJE rules. The only separate reporting requirement for CJE hours is Family Violence (see below for details).

Judicial education requirements have a regular reporting cycle, September 1 through August 31. CJE reporting is not based on your birthday. The only exception to this timeline is for new judges, who are required to complete 30 hours of CJE within one year of taking office (actual bench date) unless the judge has been absent from the bench for less than one year. After that period, judges are required to have 16 hours per year, with a maximum carry-over of 16 hours into the next year. If a request for a waiver from your current CJE requirement is needed, that request should be made in writing to the Texas Center for the Judiciary.

CJE rules are more limited than MCLE rules. For example, MCLE rules allow for legal self-study, review of videos, and teaching/writing for legal credit. However, CJE rules do not allow credit

for self-study, writing for legal credit, and private review of videos. Educational videos shown to a group in a controlled setting are acceptable for CJE credit if pre-approved by the Texas Center for the Judiciary and verified by official sign-in sheets.

Judges are allowed to claim credit for teaching at certain approved educational activities. However, the method of reporting these credits are different from MCLE. If you are claiming teaching credits, these hours must be reported directly to the Texas Center using a *Judge's Certificate of Credit* form. CJE rules allow you to claim three (3) times the actual presentation time for teaching/speaking at an accredited activity.

When you attend any MCLE accredited activity, you will report your hours on computerized MCLE forms. After the conference, the training provider turns the forms in and they are then scanned into the State Bar computer. Once every three months, the Texas Center downloads from the State Bar system all MCLE information which qualifies for judicial education credit (CJE). Since State Bar Card numbers are the common link between the two systems, they must correspond on the MCLE reporting card, the State Bar record, and the Texas Center's database.

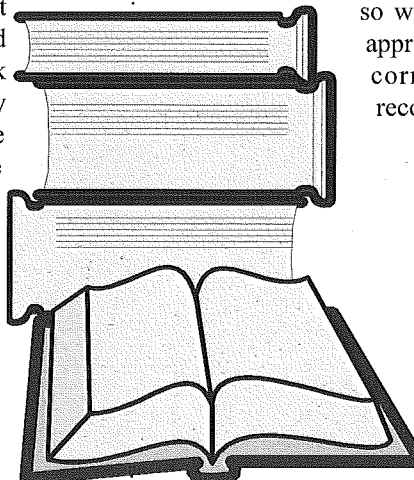
Any judicial education program can be submitted to the Registrar at the Texas Center for CJE approval. An information packet containing the agenda, program materials, and proof of attendance (if the request is made after activity) is necessary to determine eligibility. If approved, the educational activity will be assigned a course number and credit for applicable

hours will be recorded.

Government Code §22.110 states that each judge must acquire 8 hours of specific training in the area of Family Violence (FV) during the judge's first term of office. This is a **one-time requirement**, not yearly. If FV credits are obtained from a program other than one sponsored by the Texas Center, those FV hours must be reported directly to the Texas Center. Judges may claim credit either by submitting a *Judge's Certificate of Credit* form or by signing an official Sign-In Sheet at a pre-approved activity. A judge has his/her first full term in office to fulfill this requirement. The Court of Criminal Appeals determines the time frame for appointed and assigned judges to complete FV training.

Transcripts are mailed to all active and assigned judges three times a year (December, March, and June). These transcripts reflect the most updated information we have on file. If you do not see credit for an activity you attended, please notify the Texas Center

so we can take the appropriate steps to correct your records.



By Lela Nickel, registrar for the Texas Center for the Judiciary, Inc.

In Chambers Editorial Board: Justice Marilyn Aboussie, Third Court of Appeals (Austin); Judge Manuel Banales, 105th District Court (Corpus Christi); Judge Scott Brister, 234th District Court (Houston); Senior District Judge Sam W. Callan (El Paso); Judge John R. Carter, 277th District Court (Georgetown) and Judge Molly Francis, 283rd District Court (Dallas).

LOOKING AHEAD JUDICIAL CALENDAR

1998

**SOUTHEAST TEXAS
CONFERENCE**

February 11-13, 1998
San Luis Hotel
Galveston

**SOUTH TEXAS
CONFERENCE**

March 2-4, 1998
Omni Bayfront Hotel
Corpus Christi

**CENTRAL TEXAS
CONFERENCE**

March 15-17, 1998
Mariott Hotel
Austin

**NORTHEAST TEXAS
CONFERENCE**

April 6-8, 1998
Harvey Plano Hotel

WEST TEXAS CONFERENCE

April 22-24, 1998
YO Holiday Inn
Kerrville

**CRIMINAL JUSTICE
CONFERENCE**

May 13-15, 1998
Adam's Mark Hotel
Houston

**JUDICIAL SECTION
ANNUAL CONFERENCE**

September 15-18, 1998
Adam's Mark Hotel
Houston



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staff member e-mail.



in CHAMBERS

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