



IN CHAMBERS

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

Volume 17, Number 1

January 1990

1990 Regional Conference Programs Announced

"Texas Law--1990--A Practical Approach" is the theme of this year's Regional Conferences. The programs, under the direction of Justice Linda B. Thomas of the 5th Court of Appeals in Dallas, have been coordinated with various sections of the State Bar and will utilize several practicing attorneys as the primary speakers.

Because of the number of specialized courts in the Southeast, Central and Northeast areas, there will be simultaneous presentations at those conferences all day Thursday on topics in criminal law, civil law, and family/juvenile law, as well as a generalized program on Friday morning for all judges. The conferences in the South and West areas will consist of general topics on both Thursday and Friday.

Papers from all presentations will be available for interested judges.

Program to be presented at the Southeast, Central and Northeast Regional Conferences:

Family/Juvenile

Techniques of Division of Property
Significant Family Law Decisions
Certification of Juveniles
Attorney's Fees and Ad Litem Fees
Modification of Child Support and Visitation Using Supreme Court Guidelines
Title IV
Enforcement by Contempt

Criminal

Update of Court of Criminal Appeals Opinions
Common Evidentiary Problems and Texas Rules of Criminal Evidence
Jury Charges
Handling the Indigent-- From Determination Through Self-Representation
Search & Seizure
Problems of Jury Selection
Update on Prison Population and Facilities

Civil

Update of Opinions of Texas Supreme Court
Common Evidentiary Problems and Texas Rules of Civil Evidence
Major Changes in DTPA
Discovery, Mandamus and Sanctions
Jury Charges
Summary Judgments
Worker's Compensation--Old & New

Friday--General Topics

The Immunities and Liabilities of the Judiciary
Recusals and Disqualification of Judges
The Role of the Judiciary in Attorney Disciplinary Actions
Improving the Administration of Justice
Judicial Ethics

Program to be presented at South and West Regional Conferences:

Thursday Topics

Update of Court of Criminal Appeals Opinions
Update of Opinions of Texas Supreme Court
Attorneys Fees and Ad Litem Fees
Certification of Juveniles
Significant Family Law Decisions
Common Evidentiary Problems and Texas Rules of Criminal Evidence
Techniques of Division of Property Upon Divorce
Common Evidentiary Problems and Texas Rules of Civil Evidence

Friday Topics

The Immunities and Liabilities of the Judiciary
Recusals and Disqualification of Judges
The Role of the Judiciary in Attorney Disciplinary Actions
Improving the Administration of Justice
Judicial Ethics

Ethics Opinions

No. 126

Issued July 13, 1989

Q: *If a parent incurs fees charged by a Juvenile Board's Court Services Department for receiving and disbursing child support or for social studies, and if the applicable statute provides that payment of such fees may be enforced in district court, may a District Judge sign a letter to such parent, or authorize a letter from the court to such parent, to collect such fees?*

A: No. There are no specific Code of Judicial Conduct provisions that guide a judge in avoiding conflicts between adjudicative and administrative responsibilities, but the Committee is of the opinion that a judge should not personally participate in attempting to collect such fees. If a judge may be required to preside at a hearing concerning the payment of fees, a judge should not write a letter for the purpose of collecting those fees. Such a letter would give the appearance of being inconsistent with the Canon 3A(4) provision that a judge shall afford to every party the full right to be heard according to law, and the Canon 3A(5) provision that a judge shall not initiate or permit ex parte communications concerning an impending proceeding.

The Committee is also of the opinion that such letters should not appear to be from the "court," that is, from the judicial entity of which the judge is the principal officer. As the authority to determine disputed law and fact issues concerning the fees is actually delegated by law to that entity, it should not send collection letters.

No. 127

Issued October 18, 1989

Q: *Is there a conflict between Opinion 104 and Section 36 of the Mental Health Code (Art. 5547-36)?*

A: No. Opinion 104 states that a judge should not "prepare applications and other legal pleadings for persons who desire to commit someone to a mental hospital." The statute provides that a motion for an order of protective custody may be filed "on the court's own motion." (Emphases supplied.)

The "court" is the judicial agency created by law for the purpose of hearing and determining issues of law and fact and authorized to exercise that power according to prescribed rules. The "judge" is the principal officer of that entity. An attempt by the judge to assist an interested person in preparing an application or pleading would conflict with the statutory duty of the judge to make for the court the judicial decision whether to initiate protective custody proceedings without an application. Such assistance would be inconsistent with the provisions of Canon 3(4) that a judge must accord to every legally interested person the right to be heard, of Canon 3(5) that a judge must not permit ex parte communications, and of Canon 5F that a judge may not practice law.

The judge who submitted this question also inquired whether a judge who makes an Art. 5537-36 decision to initiate a protective custody proceeding should recuse himself from making the protective custody determination under that statute. The recusal provisions that were stated in Canon 3C of the Code of Judicial Conduct are now covered by the Texas Rules of Civil Procedure. The Committee concludes that a decision on recusal is an adjudicative responsibility of the judge and that the Committee should no longer undertake to answer questions concerning recusal.

The committee also concludes that it would not be appropriate for the Committee to respond to a question concerning the meaning of the Art. 5537-36 words "on the court's own

motion," because that is a question of law that must be resolved by each judge who encounters it.

No. 128

Issued July 13, 1989

Q: *May a former district judge use the following stationary letterhead for official correspondence while on assignment?*

John Doe, District Judge
Formerly, Nine Hundred Ninety-Ninth
Judicial District
P.O. Box xxx
xxx, Texas (Zip Code)
(Telephone)

A: No. The Committee is of the opinion that the letterhead may be misleading because the word "Formerly" modifies the word "District" and not the word "Judge". The Canon 3B provision that a judge should not use the prestige of his office includes the requirement that a judge should not use the prestige of his former office. The Committee believes that a judge should avoid any statement about his judicial status that could be ambiguous.

The Committee is also of the opinion that in official correspondence a former district judge may be identified as a former district judge or as the former judge of a court that is correctly identified.

No. 129

Issued July 13, 1989

Q: *If a lawyer owns and practices law in a professional corporation and then becomes a judge, may the judge continue to own, and may the judge receive a salary from, the corporation while pending matters are being completed by other lawyers?*

A: No. Canon 5F provides that a judge should not practice law, and the Committee is of the opinion that a
(continued on page 3)

Ethics Opinions, *continued*

(continued from page 2)

judge should not own or receive a salary from an existing corporation whose only purpose is the practice of law.

The liquidation of the assets of a law practice professional corporation is governed by the Canon 5C(3) provision that a judge's financial interests that might require frequent disqualification should be disposed of as soon as the judge can do so without serious financial detriment.

NO. 130

Issued October 18, 1989

Q: A judge brings to the attention of this Committee the Texas Attorney General's March 10, 1989 Opinion LO-89-21 which states that Canons 2 and 7 do not prohibit a judge from endorsing a candidate, and the judge submits this question: May a judge endorse a candidate for public office?

A: No. The Judicial Ethics Committee concludes again that a judge's public endorsement of a candidate for public office violates the Code of Judicial Conduct because such an endorsement tends to diminish public confidence in the independence and impartiality of the judiciary and may give the appearance of involvement in partisan interests and of judicial concern about public clamor or criticism, and because such an endorsement of necessity involves the use of the prestige of the judge and the prestige of his office. See Canons 1, 2A, 2B, and 3A(1), and Judicial Ethics Committee Opinions No. 73, 92, and 100.

The Committee has considered the Attorney General's Opinion and the provisions of the amended Code adopted in 1987, and the Committee is not persuaded by the Attorney General's conclusion that, in the Canon 2B provision that a judge should not lend the prestige of office to advance the

private interests of others, the words "private interests" do not include candidacy.

The Committee reaffirms its Opinion No. 73 and, by a unanimous vote, respectfully recommends that the Supreme Court of Texas amend Canon 7 of the Texas Code of Judicial Conduct by adding to Canon 7 the following provisions from proposed Canon 5A of the May 1, 1989 Draft Revisions to the American Bar Association Code of Judicial Conduct:

A judge or a candidate for election or appointment to judicial office shall not make speeches for a political organization or candidate or publicly endorse a candidate for public office.

[Proposed ABA Canon 5A(1) (b)]

A judge holding an office filled by public election between competing candidates, or a candidate for such office, may, only insofar as permitted by law, attend political gatherings, speak to such gatherings on his or her own behalf when a candidate for election, identify himself or herself as a member of a political party, and contribute to a political party or organization.

[Proposed ABA Canon 5A(3)]

NO. 131

Issued September 20, 1989

Q: May judges serve on, and allow their names to appear on the letterheads of, steering and coordinating committees to consider funding and organizing a project to restore their courthouse dome, and a project committee to consider the design and appropriateness of the restoration?

A: The Committee concludes that a judge may serve on and advise such committees but may not allow their names to appear on letterhead used for fund raising.

As proper facilities for courts are essential to the legal system and to the proper administration of justice (see Committee Opinion 82), this courthouse dome project is within the provisions of Canon 4C, which reads as follows:

A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. He or she may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

As stated in Committee Opinion 58, a judge may serve in a leadership capacity in a Canon 4C organization, but Canon 5B(2) prohibits any type of participation in, or lending the prestige of judicial office to, public fund raising activities.

The Canon 4C exceptions to the Canon 5B(2) prohibition against participating in fund raising are limited to advice to legal system and administration of justice organizations and to recommendations to fund-granting agencies and similar donors. See *Opinion 58*. This construction of Canon 4C gives effect to the principles of Canon 1 and Canon 2B that a judge
(continued on page 4)

Ethics Opinions, *continued*

(continued from page 3)

should not lend the prestige of judicial office, or permit others to curry favor or to give the impression that they can influence the judge.

NO. 132

Issued October 18, 1989

FACTS ASSUMED: In the county in question municipal court judges act as magistrates in most criminal cases in which defendants are arrested. Those judges consider affidavits for, and they issue, both search and arrest warrants. They also arraign defendants, and they set bonds.

Q#1: May a relief judge for a municipal court represent, or practice law with a lawyer who represents, a defendant in a county court or district court case in which a magistrate who is another judge of the same municipal court took some action?

Q#2: May such a part-time judge represent, or practice law with a lawyer who represents, an accused in a criminal case that has not been considered by another municipal court judge?

Q#3: May a municipal court judge continue to serve in that position if the judge's lawyer spouse represents defendants mentioned in Questions 1 and 2?

A: The answer to Question 1 is No. The provision of Canon 8D(1)(d) that a municipal court judge may practice law except in the court on which the judge serves or "in a proceeding in which he or she has served as a judge or in any proceeding related thereto," does not expressly prohibit a municipal court judge from represent-

ing clients in criminal cases which other judges of the same court have considered. However, the Committee concludes that such representation would be inconsistent with Canon 5C(1), which provides that a judge should refrain from financial and business dealings that (1) tend to reflect adversely on the judge's impartiality, (2) interfere with the proper performance of judicial duties, (3) exploit his or her judicial position, or (4) involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

The Committee believes that in this context the words "financial and business dealings" include the practice of law. A part-time municipal court judge would at least give the appearance of disregarding all four parts of Canon 5C(1) if the judge's law practice includes clients whose cases were considered by other judges on the same court.

In response to Question 2 the Committee concludes that the Code of Judicial Conduct does not prohibit a part-time municipal court judge from representing an accused in a criminal case if such representation does not violate Canon 5C(1).

The answers to Question 3 correspond to the answers to Questions 1 and 2. The judge's financial interest in the income from the spouse's representation of clients who appear before other judges of the same court would be inconsistent with the provisions of Canon 5C(1). The judge would not necessarily violate that Canon if the judge's spouse represents defendants whose cases are not considered by other municipal court magistrates.

No. 133

Still under consideration

NO. 134

Issued October 18, 1989

FACTS ASSUMED: In one of the large Texas cities, which is served primarily by one major daily newspaper, that newspaper periodically files suits in the courts of the county, and two such suits are pending in the court of the judge in question.

Q: Would the judge violate any provision of the Code of Judicial Conduct by participating in an interview with the newspaper editorial board to provide information on which the newspaper will base an endorsement to be published before the election at which the judge seeks re-election?

A: No. The Code of Judicial Conduct does not prohibit a judge from meeting with, and responding to questions from, a newspaper's editorial board. The possibility that the judge may decide to recuse himself in a case or cases involving the newspaper should not prevent the judge from attending such an interview.

Former Chairman Solito Receives Award

District Judge Peter S. Solito of Houston is the 1989 recipient of the Texas Bar Foundation's Outstanding Jurist Award.

Solito, the Presiding Judge of the 164th Civil District Court, has been a judge since 1967. A check for \$1,000 and a plaque were presented to Judge Solito during the Judicial Section Annual Conference in Dallas on September 20. The award honors an exceptionally outstanding reputation for competency, efficiency and integrity among the state's judges.

Solito, elected by his peers to be the Presiding Judge of the Civil Trial Division of Harris County District Courts, has a long history of service to the legal community.

He graduated from the University of Texas and the University of Texas School of Law and immediately went into private practice in 1942. He was first elected to be a family law judge in the Court of Domestic Relations No. 4 and later presided over the 208th District Court in the Criminal Courts Division. Since 1977, he has been Judge of the 164th Civil District Court.

He has been active in a variety of professional organizations, including being the Chairman of the Judicial Section of the State Bar of Texas and the Chairman of the Board of Directors of the Texas Center for the Judiciary, Inc.. He is a member of the

Judicial Education Executive Committee of the Supreme Court of Texas and an associate dean of the Texas Judicial College. He is a fellow of the Houston Bar Foundation and a member of the National Conference of Metropolitan Courts and on the executive committee of the Board of Judges of Harris County.

Solito has six grown children--four daughters and two sons. He is married to the former Sally Tucker, an internationally recognized art appraiser.



James L. Branton, Judge Peter S. Solito and Mrs. Sally Solito.

Judge Ray D. Anderson Named Outstanding Judge in Texas

The Criminal Justice Section of the State Bar of Texas named 121st District Judge Ray D. Anderson as the year's Outstanding Judge in Texas. Judge Anderson was honored at the State Bar Convention in San Antonio, Thursday, June 29, 1989, for his outstanding contributions to the improvement of criminal jurisprudence in Texas.

Anderson has served as district judge for Terry and Yoakum counties since 1980. He currently serves as the Presiding Judge of the 9th Administrative Judicial Region. Anderson is active in working with the Texas Legislature and currently serves on the Trial Judges Legislative Committee. He is a graduate of the University of North Texas and received his law degree from Baylor University School of Law in 1964.

In presenting the award, Judge W. T. McDonald, Jr., of Bryan said that Judge Anderson exemplifies the high ideals of the Texas Judiciary and has performed yeoman's duty toward improving the quality of justice for all Texans.

Presiding Judge Tom Stovall Honored for Distinguished Service

Thomas J. Stovall, Jr., Presiding Judge of the Second Administrative Judicial Region, was honored for his outstanding contributions to the administration of justice in the nation's state courts with a Distinguished Service Award from the National Center for State Courts (NCSC). NCSC president Edward B. McConnell presented the award to Stovall at the Judicial Section Conference in Dallas.

"Thomas J. Stovall has contributed greatly to the advancement of justice

in the state of Texas," said McConnell. "By his service to several national organizations, he has made significant contributions to improving the state courts in this country. Of special importance is the contribution he made to the National Center for State Courts as a member of its board of directors, the board of trustees of its Institute for Court Management, and as an advisor to the National Center in the area of court technology."

Stovall served on NCSC's board of

directors from 1985 to 1988 and on the board of NCSC's Institute for Court Management from 1982 to 1986. He has also served on the boards of several other national judicial organizations, including the National Conference of Metropolitan Courts and SEARCH Group, Inc.

In Texas, Stovall has served as Chairman of the Judicial Section of the State Bar of Texas and its Continuing Legal Education Committee,
(continued on page 11)

1989-90 Committees of the Judicial Section, State Bar of Texas

Executive Committee Judicial Section

Thomas H. Bacus
Chairman

County Court at Law #2
Wichita County Courthouse
Wichita Falls, TX 76301
(817) 766-8111

Joe B. Evins

Vice Chairman
206th District Court
P.O. Box 215
Edinburg, TX 78540
(512) 383-2751

Paul F. Ferguson

Secretary-Treasurer
515 Post Oak Boulevard, Suite 550
Houston, TX 77027
(713) 963-0304

George M. Thurmond

Immediate Past Chairman
63rd District Court
P.O. Drawer 1089
Del Rio, TX 78841
(512) 774-7523

Austin O. McCloud (1990)

11th Court of Appeals
P.O. Box 228
Eastland, TX 76448
(817) 629-2638

Jack Pierce (1990)

145th District Court
101 West Main, Room 217
Nacogdoches, TX 75963
(409) 560-7799

Shearn Smith (1990)

61st District Court
301 Fannin, Room 514
Houston, TX 77002
(713) 221-6258

Richard P. Dambold (1991)

County Court at Law #2
301 Potter County Courthouse
Amarillo, TX 79101
(806) 379-2380

M. P. Duncan, III (1991)

Court of Criminal Appeals
P.O. Box 12308
Austin, TX 78711
(512) 463-1560

R. W. Lawrence (1991)

3rd District Court
Anderson County Courthouse
Palestine, TX 75801
(214) 723-7415

George L. Walker (1991)

Senior District Judge
11402 South Chestwood
Houston, TX 77024
(713) 465-0611

David L. Hodges (1992)

County Court at Law #1
McLennan County Courthouse
Waco, TX 76701
(817) 757-5030

Guy E. Jones (1992)

202nd District Court
100 N. State Line Avenue
Texarkana, TX 75501
(214) 798-3004

Mike M. Machado (1992)

227th District Court
Bexar County Courthouse, 4th Floor
San Antonio, TX 78205
(512) 220-2304

Trial Judges Legislative Committee

David L. Hodges (1991)

Chairman
County Court at Law #1
McLennan County Courthouse
Waco, TX 76701
(817) 757-5030

Ray D. Anderson (1990)

121st District Court
Terry County Courthouse
Brownfield, TX 79316
(806) 637-7742

Joe B. Evins (1990)

206th District Court
P.O. Box 215
Edinburg, TX 78540
(512) 383-2751

Donald R. Jones (1991)

266th District Court
P.O. Drawer 1427
Stephenville, TX 76401
(817) 965-7835

John Cornyn (1992)

37th District Court
Bexar County Courthouse
San Antonio, TX 78205
(512) 220-2515

James Edward Klager (1992)

County Court at Law #4
Nueces County Courthouse
Corpus Christi, TX 78401
(512) 888-0237

Appellate Judges Legislative Committee

Murry B. Cohen (1990)

Chairman
1st Court of Appeals
1307 San Jacinto, 10th Floor
Houston, TX 77002
(713) 655-2724

Bill White (1990)

Court of Criminal Appeals
P.O. Box 12308
Austin, TX 78711
(512) 463-1595

Sam H. Bass, Jr. (1991)

1st Court of Appeals
1307 San Jacinto, 10th Floor
Houston, TX 77002
(713) 655-2725

Eugene A. Cook (1991)
Supreme Court of Texas
P.O. Box 12248
Austin, TX 78711
(512) 463-1340

Jimmy Carroll (1992)
3rd Court of Appeals
P.O. Box 12547
Austin, TX 78711
(512) 463-1733

Joe Spurlock, II (1992)
2nd Court of Appeals
100 West Weatherford
Fort Worth, TX 76196
(817) 334-1900

**Committee on
Judicial Ethics**

Pat M. Baskin (1990)
142nd District Court
P.O. Box 1922
Midland, TX 79702
(915) 688-1134

Alex R. Gonzalez (1990)
83rd District Court
P.O. Box 1777
Fort Stockton, TX 79735
(915) 336-2752

David G. Lewis (1990)
County Court at Law
P.O. Box 495
Dumas, TX 79029
(806) 935-2440

Hume Cofer (1991)
Senior District Judge
1804 Cresthaven
Austin, TX 78704
512/442-6297

Murry B. Cohen (1991)
1st Court of Appeals
1307 San Jacinto, 10th Floor
Houston, TX 77002
(713) 655-2724

George A. Crowley (1991)
67th District Court
Civil Courts Bldg., 5th Floor
Fort Worth, TX 76196
(817) 334-1434

Max N. Osborn (1992)
8th Court of Appeals
500 City-County Building
El Paso, TX 79901
(915) 546-2244

Robert E. Raesz, Jr. (1992)
County Court at Law
P.O. Box 515
Bastrop, TX 78602
(512) 321-9228

Carolyn Wright (1992)
256th District Court
Old Red Courthouse, 4th Floor
Dallas, TX 75202
(214) 653-6449

**Juvenile Justice
Committee**

Jim A. Hogan
Chairman
County Court at Law #1
Wichita County Courthouse
Wichita Falls, TX 76301
(817) 766-8107

Eric G. Andell
315th District Court
1115 Congress, 4th Floor
Houston, TX 77002
(713) 221-6480

Ann P. Baker
County Court at Law
1100 University Avenue
Huntsville, TX 77340
(409) 291-9500

James M. Farris
317th District Court
Jefferson County Courthouse
Beaumont, TX 77701
(409) 835-8588

Harold C. Gaither, Jr.
304th District Court
Records Building, 6th Floor
Dallas, TX 75202
(214) 653-7295

Scott D. Moore
323rd District Court
2701 Kimbo Road
Fort Worth, TX 76111
(817) 834-6311

Rogelio Valdez
357th District Court
974 East Harrison Street
Brownsville, TX 78520
(512) 544-0837

**Site Selection
Committee**

Ray D. Anderson
Chairman
121st District Court
Terry County Courthouse
Brownfield, TX 79316
(806) 637-7742

Charles Bleil
6th Court of Appeals
100 N. State Line Avenue
Texarkana, TX 75501
(214) 798-3046

Shelly P. Hancock
County Criminal Court at Law #7
301 San Jacinto, 7th Floor
Houston, TX 77002
(713) 221-6204

Audit Committee

Shearn Smith
Chairman
61st District Court
301 Fannin, Room 514
Houston, TX 77002
(713) 221-6258

Patricia R. Lykos
180th District Court
301 San Jacinto, 3rd Floor
Houston, TX 77002
(713) 221-6344

Lamar McCorkle
133rd District Court
301 Fannin, Room 505
Houston, TX 77002
(713) 221-6266

Nominating Committee

Austin O. McCloud
Chairman
11th Court of Appeals
P.O. Box 228
Eastland, TX 76448
(817) 629-2638

Martin J. Chiuminatto, Jr.
County Court at Law
P.O. Box 1556
Kingsville, TX 78363
(512) 595-0265

David L. Hodges
County Court at Law #1
McLennan County Courthouse
Waco, TX 76701
(817) 757-5030

Cecil G. Puryear
137th District Court
Lubbock County Courthouse, Room 316
Lubbock, TX 79401
(806) 741-8053

Michael D. Schattman
348th District Court
Tarrant County Courthouse
Fort Worth, TX 76196
(817) 877-2715

Resolutions Committee

John E. Sutton
Chairman
119th District Court
Tom Green County Courthouse
San Angelo, TX 76903
(915) 655-2277

Harry Hopkins
Retired Justice
505 West Josephine
Weatherford, TX 76086
(817) 594-3300

Hilda G. Tagle
County Court at Law #3
901 Leopard, Room 703
Corpus Christi, TX 78401
(512) 888-0466

1989-90 Committees of the Texas Center for the Judiciary, Inc.

Board of Directors

Thomas H. Bacus
Chairman
County Court at Law #2
Wichita County Courthouse
Wichita Falls, TX 76301
(817) 766-8111

Joe B. Evins
Vice Chairman
206th District Court
P.O. Box 215
Edinburg, TX 78540
(512) 383-2751

Raul Rivera
Secretary-Treasurer
288th District Court
Bexar County Courthouse
San Antonio, TX 78205
(512) 220-2663

George M. Thurmond
Immediate Past Chairman
63rd District Court
P.O. Drawer 1089
Del Rio, TX 78841
(512) 744-7523

George H. Hansard (1990)
106th District Court
P.O. Box 1268
Lamesa, TX 79331
(806) 872-3740

Bill Logue (1990)
19th District Court
McLennan County Courthouse
Waco, TX 76701
(817) 757-5081

Donald R. Jones (1991)
266th District Court
P.O. Drawer 1427
Stephenville, TX 76401
(817) 965-7835

Earl B. Stover (1991)
88th District Court
P.O. Box 607
Kountze, TX 77625
(409) 246-5151

Linda B. Thomas (1991)
5th Court of Appeals
Dallas County Courthouse
Dallas, TX 75202
(214) 653-6535

James F. Clawson, Jr. (1992)
3rd Administrative Judicial Region
P.O. Box 747
Belton, TX 76513
(817) 939-8881

Jack Hightower (1992)
Supreme Court of Texas
P.O. Box 12248
Austin, TX 78711
(512) 463-1328

James Edward Klager (1992)
County Court at Law #4
Nueces County Courthouse
Corpus Christi, TX 78401
(512) 888-0237

**Appellate Judges
Education Fund**

Linda Thomas
Chairman
5th Court of Appeals
Dallas County Courthouse
Dallas, TX 75202
(214) 653-6535

Thomas H. Bacus
County Court at Law #2
Wichita County Courthouse
Wichita Falls, TX 76301
(817) 766-8111

Jack Hightower
Supreme Court of Texas
P.O. Box 12248
Austin, TX 78711
(512) 463-1328

Budget Committee

Thomas H. Bacus
Chairman
County Court at Law #2
Wichita County Courthouse
Wichita Falls, TX 76301
(817) 766-8111

Joe B. Evins
206th District Court
P.O. Box 215
Edinburg, TX 78540
(512) 383-2751

Raul Rivera
288th District Court
Bexar County Courthouse
San Antonio, TX 78205
(512) 220-2663

Nominating Committee

Austin O. McCloud
Chairman
11th Court of Appeals
P.O. Box 228
Eastland, TX 76448
(817) 629-2638

Martin J. Chiuminatto, Jr.
County Court at Law
P.O. Box 1556
Kingsville, TX 78363
(512) 595-0265

David L. Hodges
County Court at Law #1
McLennan County Courthouse
Waco, TX 76701
(817) 757-5030

Cecil G. Puryear
137th District Court
Lubbock County Courthouse, Room 316
Lubbock, TX 79401
(806) 741-8053

Michael D. Schattman
348th District Court
Tarrant County Courthouse
Fort Worth, TX 76196
(817) 877-2715

Curriculum Committee

Linda Thomas
Chairman
5th Court of Appeals
Dallas County Courthouse
Dallas, TX 75202
(214) 653-6535

Thomas H. Bacus
County Court at Law #2
Wichita County Courthouse
Wichita Falls, TX 76301
(817) 766-8111

David A. Berchelmann, Jr.
Court of Criminal Appeals
P.O. Box 12308
Austin, TX 78711
(512) 463-1555

Joe B. Evins
206th District Court
P.O. Box 215
Edinburg, TX 78540
(512) 383-2751

Jim A. Hogan
County Court at Law #1
Wichita County Courthouse
Wichita Falls, TX 76301
(817) 766-8107

IN MEMORIAM

Judge J. K. Brim, Jr.

Judge J. Kearney Brim, Jr. of Sulphur Springs died May 23, 1989. He was 66 years old. Brim received his LL.B. and J.D. from Baylor University School of Law and was admitted to the Texas Bar in 1949. He practiced law in Sulphur Springs from 1949 until 1952. In 1952, he became a staff landman with Mobil Oil Corporation until 1963, at which time he resumed the practice of law. In 1972, Brim became Judge of the 8th District Court and remained on that bench for 4 years. In 1976, Judge Brim left the bench and went with Texaco Oil and Gas Corporation until 1978, at which time he once again resumed the practice of law.

Judge Joseph C. Gladney

Judge Joseph C. Gladney of Henderson died November 27, 1989. He was 83 years old. Gladney attended Baylor University and graduated from Jefferson University School of Law. He began his legal practice in 1930 and became assistant criminal district attorney and then criminal district attorney from 1939 until 1944. In 1954, he was appointed district judge by Governor Shivers. He served as district judge of the 4th District Court for 22 years. Judge Gladney retired from the district bench in 1976 and served as a visiting judge until 1986.

Judge Dan B. Grissom

Judge Dan B. Grissom of Granbury died November 7, 1989. He was 55 years old. Grissom received his B.S. from Texas A & M University in 1955. He received his LL.B. from Southern Methodist University School of Law in 1964. After graduation, Grissom practiced corporate law with Pepsi-Cola Corporation until 1979. Grissom then went into private practice where he also served as a municipal judge from 1981 until 1982. He was appointed District Attorney of the 266th District

Court in 1982 and then appointed District Attorney of the 355th District Court in 1985. In 1987, Grissom returned to a solo practice in Granbury. In June of 1989, he was appointed Judge of the 355th District Court. He served on that bench until his death.

Judge Milton A. Hartsfield

Judge Milton A. Hartsfield of Waxahachie died August 24, 1989. He was 68 years old. Hartsfield attended Hillsboro Junior College from 1939-1940 and received his J.D. from Baylor University in 1949. He served in the Texas Legislature for one term, and from 1955 until 1974 he was County Judge of Ellis County. In 1975, he became Judge of the 40th District Court and served on that bench until 1986.

Judge J. Ray Kirkpatrick

Judge J. Ray Kirkpatrick of Marshall died August 1, 1989. He was 69 years old. He received his undergraduate education from Adams State College and was a graduate of the University of Houston School of Law. Kirkpatrick was admitted to the Texas Bar in 1950. After law school, he practiced law in Marshall with the firm of Ray, Kirkpatrick and Grant. In 1982, he was elected County Court at Law Judge for Harrison County and served in that capacity until his death. In addition to his judicial service on the bench, Judge Kirkpatrick was a member of the Commission on Judicial Conduct.

Judge M. C. Ledbetter

Judge M. C. Ledbetter of Morton died December 11, 1989. He was 75 years old. Ledbetter received his undergraduate degree and his J. D. from Baylor University. He was Cochran County Attorney from 1944 until 1959. In 1959 he took the bench as Judge of the 121st District Court

in Morton. He served on that bench until 1981 when he retired.

Judge R. C. Riley

Judge Randall C. Riley of Fort Worth died June 8, 1989. He was 68 years old. Riley graduated from North Texas State University and received his LL.B. from Southern Methodist University School of Law. He was admitted to the Texas Bar in 1948. After practicing as a trial lawyer in Fort Worth, he served as Judge of the Criminal District Court No. 3 from 1979 to 1983.

Judge Ken G. Spencer

Judge Ken G. Spencer of Crane died August 17, 1989. He was 79 years old. He attended Antioch College and received his J.D. in 1937 from the University of Texas School of Law. After law school, he served as the City Attorney of Crane from 1948 until 1953, and then served as County Attorney from 1953 until 1975. Spencer became Judge of the 109th District Court in 1975 and served on that bench until 1982. Judge Spencer was a Life Member of the Texas Bar Foundation.

Judge Richard J. Woods

Judge Richard J. Woods of San Antonio died December 25, 1989. He was 71 years old. Woods received his J. D. from St. John's University in New York in 1942. After practicing law, he served as Assistant District Attorney of Bexar County from 1949 until 1958. In 1959, he became Magistrate of the San Antonio Corporation Court. Woods then served as Judge of the Universal City Corporation Court from 1965 until 1968. In 1968, Woods was elected judge of the 37th District Court in San Antonio. He served on that bench for four terms before retiring in 1984. Judge Woods served as a visiting judge until his death.

JUDICIAL CALENDAR

**Southeast Texas
Judicial Conference**
February 14-16, 1990
University Hotel, Huntsville

**South Texas
Judicial Conference**
March 7-9, 1990
Marriott Hotel, Corpus Christi

**Central Texas
Judicial Conference**
March 21-23, 1990
Sheraton Plaza Hotel, Killeen

**Northeast Texas
Judicial Conference**
April 4-6, 1990
Sheraton Hotel, Texarkana

**West Texas
Judicial Conference**
April 25-27, 1990
Harvey Hotel, Amarillo

**Constitutional County Judges
Conference**
April 16-20, 1990
Plaza Hotel, Lubbock

Criminal Justice Conference
May 9-11, 1990
University Hotel, Huntsville

**Trial Court Management
Seminar**
June 11-15, 1990
University Hotel, Huntsville

**Judicial Section
Annual Conference**
September 24-27, 1990
Marriott Riverwalk, San Antonio

**Texas Association for Court
Administration Annual Conference**
October 16-19, 1990
Radisson Plaza Hotel, Austin

Juvenile Justice Seminar
November 7-9, 1990
Hotel to be announced, Austin

Texas College for New Judges
December 2-7, 1990
University Hotel, Huntsville

NEW JUDGES

Donald W. Allee
370th District Court, Edinburg
Newly Created Court

Harry J. Barina, Jr.
County Court at Law #2, Belton
Succeeding E. Wayne Bachus

J. Michael Bradford
58th District Court, Beaumont
Succeeding Ronald Walker

Scott A. Brister
234th District Court, Houston
Succeeding Ruby K. Sondock

G. Thomas Cannon
County Court at Law #2, Lubbock
Succeeding Bradley S. Underwood

Alfred Burton Carnes
368th District Court, Georgetown
Newly Created Court

Robert C. Cheshire
377th District Court, Victoria
Newly Created Court

Tom Crum
355th District Court, Granbury
Succeeding Dan B. Grissom

Sam J. Day
2nd Court of Appeals, Fort Worth
Succeeding David Keltner

Donald J. Floyd
172nd District Court, Beaumont
Succeeding Thomas A. Thomas

E. Lee Gabriel
367th District Court, Denton
Newly Created Court

Marshall Gandy
County Criminal Court #10, Dallas
Succeeding Randall B. Isenberg

Glen Harrison
County Court at Law, Sweetwater
Succeeding Robert M. Faver

Letitia Hinojosa
County Court at Law #4, Edinburg
Newly Created Court

Faith Johnson
363rd District Court, Dallas
Succeeding Randall B. Isenberg

John C. Kolstad
County Court at Law, Palestine
Succeeding B. W. Bentley, III

Judge Stovall *from page 5*

and as Chairman of the Texas Center for the Judiciary, Inc. He was Judge of the 129th District Court in Houston from 1958 until 1983 when he retired from that bench to accept his present position as Presiding Judge of the 2nd Administrative Judicial Region.

Bill Rhea
162nd District Court, Dallas
Succeeding Catherine Crier

Eugene David Stewart
365th District Court, Carrizo Springs
Newly Created Court

Roger E. Towery
97th District Court, Henrietta
Succeeding Franklin J. Douthitt

Nathan E. White, Jr.
366th District Court, McKinney
Newly Created Court

Will R. Wilson, Jr.
250th District Court, Austin
Succeeding Harley Clark

Contributions to the Texas Center

Since the August 1989 Issue of In Chambers

Marilyn Aboussie
Pat M. Baskin
Harley R. Clark
James M. Farris
Robert Garza

Carol R. Haberman
J. Woodfin Jones
I. A. Lerner
Tonita Lindsay

John P. McCall
Karl N. Micklitz
Bob Parks
Graham Purcell

Larry W. Starr
Jim N. Thompson
Hugo Touchy
Robert Yeary

*Judge James K. Allen
Memorial*
Grainger McIlhany

*Judge G. P. Hardy, Jr.
Memorial*
Jack Brookshire

*Judge Charles L. Price
Memorial*
William N. Blanton

Justice Price Daniel Memorial
Jack Brookshire
Grainger McIlhany
John F. Onion

*Judge Milton A. Hartsfield
Memorial*
Temple Driver
Leonard E. Hoffman
Marcus F. Vasocu

Lesley Shannon Memorial
John & Nancy Onion

Jack H. Dillard, Esq. Memorial
Jack Brookshire
Grainger McIlhany

*Justice W. A. Hughes, Jr.
Memorial*
Jack Brookshire
Leonard E. Hoffman

*Judge Ken G. Spencer
Memorial*
Barbara & James Clack
Bill McCoy
Bob Parks
Stephen F. Preslar

Judge Leon Douglas Memorial
Grainger McIlhany

*Judge Eugene Jordan
Memorial*
Grainger McIlhany

Lois Suggs Memorial
Judges of the 2nd Administrative
Region

*Mrs. Wm. Ralph (Celia Jo)
Elliott Memorial*
Leonard E. Hoffman

*Judge J. Ray Kirkpatrick
Memorial*
Marcus F. Vasocu

Judge Jack Treadway Memorial
Jack Brookshire

*Judge W. S. Frizzell, Jr.
Memorial*
David G. Lewis

*Judge W. T. McDonald, Sr.
Memorial*
John F. Onion

*Judge Richard J. Woods
Memorial*
John & Nancy Onion

**IN
CHAMBERS**

**Texas Center
for the
Judiciary, Inc.**

**Roy J. Rawls
Executive Director**

**Tricia Stringer
Editor**

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

Non-Profit Organization
U.S. Postage
PAID
Permit No. 1390
Austin, TX