

# IN CHAMBERS

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

Volume 19, Number 1

January 1992

## "Judicial Ethics" Focus for 1992 Regional Conference Programs

This year's regional program, under the direction of Judge Michael Keasler, 292nd District Court in Dallas and Dean of the Regional Conferences, will focus on *Judicial Ethics* -- a topic of considerable interest not only in Texas but also throughout the United States at the present time. An excellent faculty of judges from across the state has been assembled to lecture, lead discussions, pose problems, and learn with the participating judges. The program is designed to find practical solutions to problems which occur every day -- a nuts-and-bolts look at ethics.

The conference will begin on Thursday morning and will combine general sessions with small group breakouts. Friday's program will include a report from Judicial Section Chairman Linda B. Thomas, followed by updates on family law, criminal law and civil law. The conference will end at noon on Friday.

### SCHEDULE

#### Thursday

- 8:30 a.m. Introduction
- 9:00 a.m. Overview of Commission on Judicial Conduct and Committee on Judicial Ethics
- 9:45 a.m. Judicial Demeanor
- 11:00 a.m. Conflict of Interest
- 11:30 a.m. Introduction--Personal and Political Activities
- 1:00 p.m. Personal Activities
- 2:30 p.m. Political Activities
- 3:30 p.m. Supreme Court Task Force on Judicial Ethics--ABA Model Code
- 4:00 p.m. Panel Discussion, Q & A
- 5:00 p.m. Meetings of Judicial Administrative Regions

#### Friday

- 8:15 a.m. Report of the Judicial Section
- 8:45 a.m. *Family Law Update*  
Katherine A. Kinser, Esq.  
Webb, Kinser & Luce  
Dallas
- 10:00 a.m. *Criminal Law Update*  
Professor Catherine G. Burnett  
South Texas College of Law  
Houston
- 11:00 a.m. *Civil Law Update*  
Richard N. Countiss, Esq.  
Burrow & Williams  
Houston
- 12:00 Noon Conference Adjourns

## Chair's Report

by Justice Linda B. Thomas

Eeh gads!! Where does the time go? One-fourth of my term as Chair has elapsed and I have not reported anything to you. Therefore, as we begin this new year, I wanted to take this opportunity to let you know what has gone on thus far. In this issue of *In Chambers*, you will find a list of the committee assignments. As you can see, the number of members has been expanded for many of the committees. The purpose in doing this was an attempt to gather input from all segments of our judiciary.

The first meeting of your elected leadership will be on Friday, January 31, 1992. If you have any items of business that you feel should be discussed by either the Executive Committee of the Section or the Board of Directors of the Texas Center, please contact me as soon as possible. Inasmuch as we are in these positions to serve your interests, we need to hear from you. This solicitation of ideas is not limited to

*continued on page 2*

### *Inside . . .*

- Committees/Section .. page 5
- Committees/Center .. page 8
- Ethics Opinions ..... page 3
- In Memoriam ..... page 11
- Judicial Calendar ..... page 11

## Chairman's Report *continued from page 1*

the January meeting.

At the September 1991 meeting of the Texas Center Board, we formally approved and recognized as a standing committee, the **Judicial PEERR Committee** (professional efficiency and economic research and recommendation committee; see it was not a typo)!! Most of the judges on this committee had been operating informally since May 1991 and at their initial meeting, they adopted the following goal statement: "The goal of this committee is to concern itself with research, preparation of information, recommendations, and publications conducive to increased (professionalism), efficiency and service in the administration of justice by the judiciary." The work of this committee is burden-

some and we anticipate that this will be a continuing project throughout the years. The current membership is subject to being expanded and I anticipate that the final structure will be in place shortly.

You will probably notice that there is another new committee, the **Special Study Committee for Section and Texas Center, Re: Structure and Bylaws**. Over the past few years, there has been a great deal of conversation concerning the relationship of the Executive Committee and the Texas Center Board and whether our current structure of two governing bodies is the most efficient manner to handle the business of the judiciary. The three philosophies on this issue generally fall out as follows: (1) those who think that

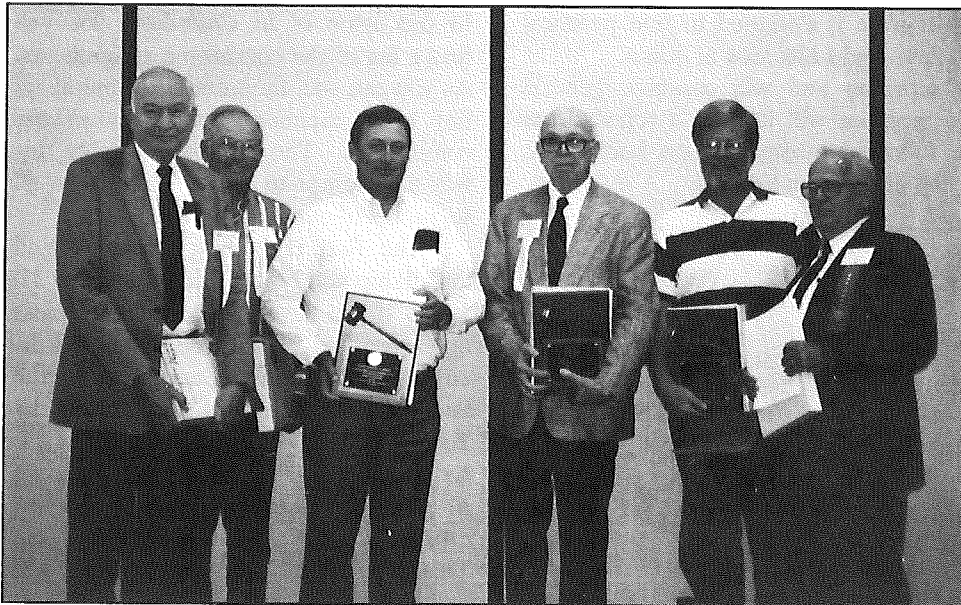
things are working pretty well, thus there is no need to change anything; (2) those who think that the leadership, including the chair should be totally split because the focus of each organization is so different; and (3) those who think there should be one governing body for both groups with the elected members wearing one hat for Section decisions and another for Texas Center business. Obviously, any change would necessitate by-laws changes for each organization. Therefore, I formed a committee with the charge that they were to study this issue as well as examine the need for by-law changes in all areas. I have asked the committee to gather input from as many people as possible and to report back to the Executive Committee and the Board with its recommendations at our June meeting. Based upon whatever action is taken, the proposals will be presented to the entire membership at the 1992 Annual Conference. The purpose in explaining all of this is to encourage you to contact Frank Sullivan or any member of this committee with any suggestions.

All of the decisions concerning the activities of the Section and the Texas Center are being made after consultation with Vice-Chairman Weldon Kirk. It is my plan that all long-range programs will continue after my term expires. Therefore, I have asked each of the committee chairs to include Weldon "in the loop" so that he has the benefit of all the background when he takes the reins in September.

As you know, traditionally the Chair attends all of the Regional Conferences in order to report on the business of the Section and the developments within the Texas Center and I will continue that custom. Again, I invite you to take advantage of this opportunity to express your concerns and to voice whatever needs you think should be addressed. Weldon and I very much want to "open up the process" to allow full participation by all of the judges.

That's all for now. I hope that each of you have a wonderful 1992 and I look forward to working for you in the next coming months.

## Judicial Section and Texas Center Honor Outgoing Officers



The outgoing members of the Executive Committee of the Judicial Section of the State Bar of Texas and the Board of Directors of the Texas Center for the Judiciary, Inc., were honored during the Judicial Section Annual Conference in Galveston, September 26, 1991.

Pictured are (l-r) George L. Walker, Houston; James F. Clawson, Jr., Temple; Donald R. Jones, Stephenville; R. W. Lawrence, Palestine; Richard P. Dambold, Amarillo; and Joe B. Evins, Edinburg. Outgoing Section Chairman Joe B. Evins presided over the lunch meeting during which the outgoing officers were presented with plaques for their service to the Judiciary. Justice Linda B. Thomas presented a plaque to Judge Joe B. Evins honoring his year of service as Chairman of the Judicial Section and Texas Center.

# Ethics Opinions

## No. 138

### *Appointment to Governmental Committees*

*Issued November 22, 1991*

**FACTS ASSUMED:** The statutory duties of the Local Government Records Committee are to review and approve the State Library and Archives Commission's schedules and rules for the retention and care of local records, and to advise that Commission on all matters concerning the management and preservation of such records. Government Code Section 441.162 provides that the person who is appointed chairman of the Committee must be an active or retired district judge.

**Q.** Would an active judge, or a retired district judge subject to assignment, violate Canon 5G of the Code of Judicial Conduct by serving on the Local Government Records Committee?

**A.** No. The Committee concludes that service on this Committee would not violate the provision of Canon 5G that a judge should not accept appointment to a governmental committee that is concerned with issues of fact or policy other than the improvement of the law, the legal system, or the administration of justice.

The statute referred to in the question manifests a legislative intent to coordinate the record keeping responsibilities of the three branches of government, and the Committee concludes that a judge's participation in that statutory arrangement would serve a proper judicial purpose.

## No. 139

### *Judge As an Expert Witness*

*Issued November 22, 1991*

**Q.** May a judge testify as an expert witness in a lawsuit in which the defendant is a lawyer who is accused of malpractice that allegedly occurred

during a previous trial at which the proposed judge witness was the presiding judge?

**A.** Not voluntarily. A judge may testify as an expert witness in such a proceeding only if the judge is subpoenaed as a witness and required to testify, but a judge should not testify voluntarily and should discourage a party from requiring the judge to testify as an expert witness.\*

The Committee concludes that a judge should not cooperate with a party in becoming an expert witness in such a case, because that would create the appearance of using the prestige of judicial office for the benefit of the party for whom the judge testifies and could also create the appearance of compromising the independence of the judge, by placing the judge on one side of an adversarial proceeding between lawyers who may often appear before the judge.

A judge should not, under any circumstances, accept compensation for testifying.

\* Committee Footnote: Compare Joachim v. Chambers, 815 S.W. 2d 234 (Tex. 1991), holding that under these circumstances a trial judge abused his discretion in refusing to order a party not to call the proposed judge witness.

## No. 140

### *Acceptance by Court Staff of Favors*

*Issued November 22, 1991*

**Q#1:** May a district judge allow a court administrator to participate in a group weekend trip that is sponsored, organized and paid for by an attorney who practices before the judge?

**A:** No. Canon 5C(4)(c) provides that a judge should not accept favors from a person whose interests have come or are likely to come before the judge. Canon 3B(2) provides that a judge should

require the judge's staff to observe the standards of the Code of Judicial Conduct. The Committee concludes that the trip inquired about would be inconsistent with these provisions.

**Q#2:** May a district judge allow a court administrator to participate in such a trip if the court administrator pays all expenses involved?

**A.** The Committee concludes that a judge may allow such participation if the arrangements, social activities, and other circumstances do not reflect on the independence or impartiality of the court, or its staff, or create the appearance of impropriety.

## No. 141

### *Service on Downtown Development Committee*

*Issued November 22, 1991*

**Q:** May a judge be the chairman of and serve on a committee to encourage and expand the economic development and historical restoration of a downtown area in which the judge owns real property? The committee will solicit funds from private businesses and individuals and from the city to fund the project.

**A.** No. Canon 2B provides that a judge should not permit the use of the prestige of judicial office for the private interests of the judge or others. Canon 5C(1) provides that a judge should refrain from financial and business dealings that tend to exploit the judge's judicial position.

The Committee concludes that the judge's participation, as chairman of the committee or as a member, in sponsoring a project that may benefit the judge and that using the prestige of judicial office for the benefit of the owners of the downtown property, including the

*continued on page 4*

# Ethics Opinions

continued from page 3

judge. That activity could also give the appearance of compromising the independence of the judge by permitting a contributor to attempt to curry favor with the judge or to convey the impression that the contributor is in a special position to influence the judge.

## No. 142

### *Justice of Peace in Bail Bond Business*

*Issued November 22, 1991*

**Q:** May a newly elected Justice of the Peace who has had a bail bond license for several years continue his bail bond business if his son manages the business and does not make bond for accused persons who come before the Justice of the Peace?

**A.** No. Canon 5C(1) provides that a judge should refrain from financial dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit his or her judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which the judge serves. The Committee concludes that continuing a bail bond business under the circumstances stated in the question would be inconsistent with these provisions of Canon 5C(1).

The Committee does note that Canon 8D(1)(b) provides that the requirement of Canon 5C(3), that a judge should divest financial interests that require frequent disqualification, does not apply to Justices of the Peace. However, the Committee believes that Canon 5C(1), which does apply, controls this question. Canon 9, which is also applicable, provides that a person to whom the Code becomes applicable should arrange his or her affairs as soon as reasonably possible to comply with it.

## No. 143

### *Service by Justice of the Peace on School Board*

*Issued November 22, 1991*

**Q:** May a person serving as Justice of the Peace also serve as a school board trustee?

**A:** Such service would not violate the Code of Judicial Conduct, but this Committee is not authorized to consider the question of law presented by the question.

Canon 8D(1)(b) provides that a Justice of the Peace is not required to comply with the provision of Canon 5G that a judge should not accept appointment to a governmental committee that is concerned with issues of fact or policy other than the improvement of the law, the legal system, or the administration of justice. This Committee has considered only the ethical issue presented under these Code provisions, and respectfully declines to consider or decide any issue of law that may be presented by the question.

## No. 144

### *Service on Board of One Hospital Division of a Nonprofit Corporation*

*Issued November 22, 1991*

**FACTS ASSUMED:** A nonprofit corporation operates three hospitals that are not separately incorporated, but each hospital is a corporate division with a board of trustees to which the corporate board delegates extensive responsibility.

**Q:** May a judge serve on the board of trustees of one of the hospital divisions of such a nonprofit corporation?

## U.S. Department Honors Judge James Farris

Judge James Farris of the 317th District Court in Beaumont was awarded the Commissioner's Award for the Prevention of Child Abuse and Neglect on September 9, 1991, in Colorado.

The U.S. Department of Health and Human Services recognizes one individual from each state for the annual award. Wade Horn, Commissioner of the cabinet-level department's Administration on Children, Youth and Families, presented the award to Judge Farris at the 9th National Conference held in Denver.

Judge Farris helped create a child abuse evaluating committee within the governor's office and helped develop standards in providing substitute care for children. As Presiding Officer of the Texas Commission on Children, Youth and Family Services, Judge Farris led the Commission through many accomplishments. The Commission's work resulted in a better service delivery system for Texas children and strong public-private collaborations.

The National Conference on Child Abuse and Neglect, a division within the Administration on Children, Youth and Families, was co-sponsored by the American Association for Protecting Children.

**A.** Yes, subject to certain limitations provided by Canon 5B, as stated in the following paragraph. Subject to those conditions, a judge may serve as a trustee of a charitable organization not conducted for the economic or political advantage of its members.

Canon 5B provides that a judge should not serve if the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court. Also, a judge should not solicit funds or permit the use of the judge's name in fund raising, and a judge should not give investment advice to such an organization.

# 1991-92 Committees of the Judicial Section, State Bar of Texas

## Executive Committee Judicial Section

**Linda B. Thomas**  
Chairman

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

**Weldon Kirk**  
Vice-Chairman

32nd District Court  
P.O. Box 528  
Sweetwater, TX 79556  
(915) 235-3133

**Paul F. Ferguson**  
Secretary-Treasurer

Senior District Judge  
2000 Post Oak Boulevard, Suite 1900  
Houston, TX 77056  
(713) 963-8277

**Joe B. Evins**  
Immediate Past Chairman

206th District Court  
P.O. Box 215  
Edinburg, TX 78539  
(512) 318-2265

**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  
(903) 798-3004

**Mike M. Machado (1992)**  
227th District Court  
Bexar County Justice Center, Suite 2153  
San Antonio, TX 78205  
(512) 220-2304

**Marilyn Aboussie (1993)**  
3rd Court of Appeals  
P.O. Box 12547  
Austin, TX 78711  
(512) 463-1733

**Maryellen W. Hicks (1993)**  
231st District Court  
100 East Weatherford  
Fort Worth, TX 76102  
(817) 884-1763

**John R. McFall (1993)**  
237th District Court  
P.O. Box 10536  
Lubbock, TX 79408  
(806) 766-1020

**J. Michael Bradford (1994)**  
58th District Court  
201 Jefferson County Courthouse  
Beaumont, TX 77701  
(409) 835-8434

**John L. Fashing (1994)**  
County Court at Law #2  
500 E. San Antonio St., Room 306  
El Paso, TX 79901  
(915) 546-2145

**Dan Gibbs (1994)**  
Senior District Judge  
6335 W. Northwest Highway  
Dallas, TX 75225  
(214) 361-2039

**Bill M. White (1994)**  
Court of Criminal Appeals  
P.O. Box 12308  
Austin, TX 78711  
(512) 463-1595

## Trial Judges Legislative Committee

**Ray D. Anderson (1993)**  
Chair  
121st District Court  
Terry County Courthouse  
Brownfield, TX 79316  
(806) 637-7742

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

**Shearn Smith (1992)**  
61st District Court  
301 Fannin, Room 514  
Houston, TX 77002  
(713) 755-6258

**Raul L. Longoria (1993)**  
139th District Court  
Hildalgo County Courthouse  
Edinburg, TX 78539  
(512) 383-7608

**David L. Hodges (1994)**  
County Court at Law #1  
McLennan County Courthouse  
Waco, TX 76701  
(817) 757-5030

**Dee Miller (1994)**  
254th District Court  
Old Red Courthouse  
Dallas, TX 75202  
(214) 653-6136

## Appellate Judges Legislative Committee

**Marilyn Aboussie (1992)**  
Chair  
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) 884-1900

**Murry B. Cohen (1993)**  
1st Court of Appeals  
1307 San Jacinto, 10th Floor  
Houston, TX 77002  
(713) 655-2724

**H. Bryan Poff, Jr. (1993)**  
7th Court of Appeals  
P.O. Box 9540  
Amarillo, TX 79105  
(806) 379-2477

**James A. Baker (1994)**  
5th Court of Appeals  
Dallas County Courthouse  
Dallas, TX 75202  
(214) 653-6768

**Ben Z. Grant (1994)**  
6th Court of Appeals  
100 N. State Line Avenue  
Texarkana, TX 75501  
(903) 798-3046

**Committee on  
Judicial Ethics**

**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) 321-3826

**Carolyn Wright Sanders (1992)**  
256th District Court  
600 Commerce, 5th Floor  
Dallas, TX 75202  
(214) 653-6449

**Terry A. Canales (1993)**  
79th District Court  
P.O. Box 1375  
Alice, TX 78333  
(512) 668-5718

**Temple Driver (1993)**  
89th District Court  
Wichita County Courthouse  
Wichita Falls, TX 76301  
(817) 766-8184

**Fernando G. Mancias (1993)**  
93rd District Court  
P.O. Box 215  
Edinburg, TX 78539  
(512) 383-2751

**Hume Cofer (1994)**  
Senior District Judge  
1804 Cresthaven  
Austin, TX 78704  
512/442-6297

**George A. Crowley (1994)**  
67th District Court  
401 W. Belknap  
Fort Worth, TX 76196  
(817) 884-1434

**Joseph B. Morris (1994)**  
101st District Court  
Records Building  
Dallas, TX 75202  
(214) 653-6937

**Juvenile Justice  
Committee**

**Scott D. Moore**  
**Chair**  
323rd District Court  
2701 Kimbo Road  
Fort Worth, TX 76111  
(817) 838-4620

**Eric G. Andell**  
315th District Court  
1115 Congress, 4th Floor  
Houston, TX 77002  
(713) 755-6480

**Martin J. Chiuminatto, Jr.**  
County Court at Law  
P.O. Box 1556  
Kingsville, TX 78363  
(512) 595-8565

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

**Gladys M. Oakley**  
County Court at Law  
One East Main  
Bellville, TX 77418  
(409) 865-5911

**Darlene A. Whitten**  
County Court at Law #1  
210 South Woodrow  
Denton, TX 76205  
(817) 898-5870

**Site Selection  
Committee**

**Pat McDowell**  
**Chair**  
Criminal District Court #5  
133 N. Industrial  
Dallas, TX 75207  
(214) 653-5944

**J. A. Bobo**  
County Court at Law  
300 N. Grant, Room 234  
Odessa, TX 79761  
(915) 335-3040

**Ann T. Cochran**  
270th District Court  
301 Fannin, 3rd Floor  
Houston, TX 77002  
(713) 755-5509

**Mario E. Ramirez, Jr.**  
332nd District Court  
Hidalgo County Courthouse  
Edinburg, TX 78539  
(512) 318-2275

**Frank W. Sullivan, III**  
322nd District Court  
Civil Courts Building  
Fort Worth, TX 76196  
(817) 884-1427

**Audit Committee**

**Merrill L. Hartman**  
**Chair**  
192nd District Court  
Dallas County Courthouse  
Dallas, TX 75202  
(214) 653-6941

**Theo Bedard**  
330th District Court  
Old Red Courthouse  
Dallas, TX 75202  
(214) 653-7207

**Mark S. Tolle**  
Criminal District Court #3  
133 N. Industrial Blvd.  
Dallas, TX 75207  
(214) 653-5922

## Nominating Committee

**Martin J. Chiuminatto, Jr.**  
Chair

County Court at Law  
P.O. Box 1556  
Kingsville, TX 78363  
(512) 595-8565

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

**William E. Burdock**  
371st District Court  
401 W. Belknap  
Fort Worth, TX 76196  
(817) 884-2894

**Alex R. Gonzalez**  
83rd District Court  
P.O. Box 1777  
Fort Stockton, TX 79735  
(915) 336-3361

**Carolyn Day Hobson**  
County Civil Court at Law #3  
301 Fannin, Room 512  
Houston, TX 77002  
(713) 755-5788

**Jerry Lewis**  
County Court at Law #2  
Collin County Courthouse, 5th Floor  
McKinney, TX 75069  
(214) 548-4517

**Frances J. Maloney**  
5th Court of Appeals  
600 Commerce, 2nd Floor  
Dallas, TX 75202  
(214) 653-6523

## Resolutions Committee

**Lloyd W. Perkins**  
Chair  
59th District Court  
Grayson County Justice Center  
Sherman, TX 75090  
(903) 868-9515

**Paul R. Davis, Jr.**  
200th District Court  
P.O. Box 1748  
Austin, TX 78767  
(512) 473-9306

**David F. Farris**  
2nd Court of Appeals  
100 West Weatherford  
Fort Worth, TX 76196  
(817) 884-1900

**Timothy F. Johnson**  
County Court at Law #5  
Bexar County Justice Center, Ste. 2162  
San Antonio, TX 78205  
(512) 220-2567

**Martin Richter**  
County Court at Law #2  
Records Building, 3rd Floor  
Dallas, TX 75202  
(214) 653-7366

## Committee on Technology in the Courts

**Thomas J. Stovall, Jr.**  
Chairman  
Presiding Judge, 2nd Administrative  
Judicial Region  
P.O. Box 40  
Seabrook, TX 77586  
(713) 471-3911

**Frank Andrews**  
116th District Court  
600 Commerce Street  
Dallas, TX 75202  
(214) 653-6015

**John M. Delaney**  
272nd District Court  
300 E. 26th Street, Suite 204  
Bryan, TX 77803  
(409) 361-4220

**Patricia R. Lykos**  
180th District Court  
301 San Jacinto, 3rd Floor  
Houston, TX 77002  
(713) 755-6344

**Robert T. Pfeuffer**  
207th District Court  
150 N. Seguin, Suite 317  
New Braunfels, TX 78130  
(512) 620-5560

## Special Committee on Legislative Study

**Guy E. Jones**  
Chair  
202nd District Court  
100 N. State Line Avenue  
Texarkana, TX 75501  
(903) 798-3004

**Solomon Casseb, Jr.**  
Senior District Judge  
127 East Travis Street  
San Antonio, TX 78205  
(512) 223-4381

**Richard P. Dambold**  
County Court at Law #2  
301 Potter County Courthouse  
Amarillo, TX 79101  
(806) 379-2380

**Maryellen W. Hicks**  
231st District Court  
100 East Weatherford  
Fort Worth, TX 76102  
(817) 884-1763

**Raul L. Longoria**  
139th District Court  
Hidalgo County Courthouse  
Edinburg, TX 78539  
(512) 383-7608

**Bill McCoy**  
358th District Court  
300 N. Grant, Room 322  
Odessa, TX 79761  
(915) 335-3150

**George L. Walker**  
Senior District Judge  
11402 S. Chestwood  
Houston, TX 77024  
(713) 465-0611

---

**Program Committee for  
1992 Annual Conference**

**Weldon Kirk**  
Chair  
32nd District Court  
P.O. Box 528  
Sweetwater, TX 79556  
(915) 235-3133

**Ann T. Cochran**  
270th District Court  
301 Fannin, 3rd Floor  
Houston, TX 77002  
(713) 755-5509

**Michael E. Keasler**  
292nd District Court  
133 North Industrial  
Dallas, TX 75207  
(214) 653-5880

**Cynthia Stevens Kent**  
114th District Court  
207 Smith County Courthouse  
Tyler, TX 75702  
(903) 535-0613

**John W. Peavy, Jr.**  
246th District Court  
1115 Congress, 7th Floor  
Houston, TX 77002  
(713) 755-6938

---

## 1991-92 Committees of the Texas Center for the Judiciary, Inc.

**Board of Directors**

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

**Weldon Kirk**  
Vice-Chairman  
32nd District Court  
P.O. Box 528  
Sweetwater, TX 79556  
(915) 235-3133

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

**Joe B. Evins**  
Immediate Past Chairman  
206th District Court  
P.O. Box 215  
Edinburg, TX 78539  
(512) 318-2265

**Robert D. Jones (1992)**  
167th District Court  
P.O. Box 1748  
Austin, TX 78767  
(512) 473-9310

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

**Martin J. Chiuminatto, Jr. (1993)**  
County Court at Law  
P.O. Box 1556  
Kingsville, TX 78363  
(512) 595-8565

**Murry B. Cohen (1993)**  
1st Court of Appeals  
1307 San Jacinto, 10th Floor  
Houston, TX 77002  
(713) 655-2724

**Michael D. Schattman (1993)**  
348th District Court  
401 W. Belknap  
Fort Worth, TX 76196  
(817) 884-2715

**Fortunato P. Benavides (1994)**  
Court of Criminal Appeals  
P.O. Box 12308  
Austin, TX 78711  
(512) 463-1580

**Mickey R. Pennington (1994)**  
38th District Court  
Uvalde County Courthouse, #17, 2nd Fl.  
Uvalde, TX 78801  
(512) 278-3913

**Gus J. Strauss (1994)**  
2nd 25th District Court  
P.O. Box 511  
Hallettsville, TX 77964  
(512) 798-2607

**Appellate Judges  
Education Fund**

**Fortunato P. Benavides**  
Chair  
Court of Criminal Appeals  
P.O. Box 12308  
Austin, TX 78711  
(512) 463-1580

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

**Budget Committee**

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

**Michael E. Keasler**  
292nd District Court  
133 North Industrial  
Dallas, TX 75207  
(214) 653-5880

**Weldon Kirk**  
32nd District Court  
P.O. Box 528  
Sweetwater, TX 79556  
(915) 235-3133



**V. Sue Koenig**  
360th District Court  
Civil Courts Building  
Fort Worth, TX 76196  
(817) 884-2720

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

**Carl Walker, Jr.**  
185th District Court  
301 San Jacinto, Room 424  
Houston, TX 77002  
(713) 755-6362

**Nominating Committee**

**Martin J. Chiuminatto, Jr.**  
**Chair**  
County Court at Law  
P.O. Box 1556  
Kingsville, TX 78363  
(512) 595-8565

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

**William E. Burdock**  
371st District Court  
401 W. Belknap  
Fort Worth, TX 76196  
(817) 884-2894

**Alex R. Gonzalez**  
83rd District Court  
P.O. Box 1777  
Fort Stockton, TX 79735  
(915) 336-3361

**Carolyn Day Hobson**  
County Civil Court at Law #3  
301 Fannin, Room 512  
Houston, TX 77002  
(713) 755-5788

**Jerry Lewis**  
County Court at Law #2  
Collin County Courthouse, 5th Floor  
McKinney, TX 75069  
(214) 548-4517

**Frances J. Maloney**  
5th Court of Appeals  
600 Commerce, 2nd Floor  
Dallas, TX 75202  
(214) 653-6523

**Curriculum Committee**

**Michael E. Keasler**  
**Chair**  
292nd District Court  
133 North Industrial  
Dallas, TX 75207  
(214) 653-5880

**John T. Boyd**  
7th Court of Appeals  
P.O. Box 9540  
Amarillo, TX 79105  
(806) 379-2470

**Cynthia Stevens Kent**  
114th District Court  
207 Smith County Courthouse  
Tyler, TX 75702  
(903) 535-0613

**Lamar McCorkle**  
133rd District Court  
301 Fannin, 5th Floor  
Houston, TX 77002  
(713) 755-6266

**Bill McCoy**  
358th District Court  
300 N. Grant, Room 322  
Odessa, TX 79761  
(915) 335-3150

**Scott D. Moore**  
323rd District Court  
2701 Kimbo Road  
Fort Worth, TX 76111  
(817) 838-4620

**Suzanne Stovall**  
County Court at Law #1  
Montgomery County Courthouse  
Conroe, TX 77301  
(409) 539-7831

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

**Judicial PEERR Committee**

**Joe D. Clayton**  
**Chair**  
County Court at Law  
209 Smith County Courthouse  
Tyler, TX 75702  
(903) 535-0606

**Nikki DeShazo**  
**Vice-Chair**  
Probate Court  
Records Building, Room 218  
Dallas, TX 75202  
(214) 653-7236

**Lamar McCorkle**  
**Secretary**  
133rd District Court  
301 Fannin, 5th Floor  
Houston, TX 77002  
(713) 755-6266

**Stephen B. Ables**  
216th District Court  
Kerr County Courthouse  
Kerrville, TX 78028  
(512) 257-5945

**Thomas H. Bacus**  
County Court at Law #2  
Wichita County Courthouse, Room 353  
Wichita Falls, TX 76301  
(817) 766-8111

**Martin J. Chiuminatto, Jr.**  
County Court at Law  
P.O. Box 1556  
Kingsville, TX 78363  
(512) 595-8565

**Hannah Chow**  
County Criminal Court at Law #5  
301 San Jacinto, 2nd Floor  
Houston, TX 77002  
(713) 755-6196

**R. Brent Keis**  
County Court at Law #1  
100 West Weatherford  
Fort Worth, TX 76196  
(817) 884-1457

**Cynthia Stevens Kent**  
114th District Court  
207 Smith County Courthouse  
Tyler, TX 75702  
(903) 535-0613

**W. Jeanne Meurer**  
98th District Court  
P.O. Box 1748  
Austin, TX 78767  
(512) 473-9307

**John D. Montgomery**  
309th District Court  
1115 Congress, 3rd Floor  
Houston, TX 77002  
(713) 755-6234

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

**Ralph Taite**  
County Criminal Court #4  
133 North Industrial, 3rd Floor  
Dallas, TX 75207  
(214) 653-5637

**Mark S. Tolle**  
Criminal District Court #3  
133 North Industrial Blvd.  
Dallas, TX 75207  
(214) 653-5922

***Ex-Officio Members:***

**Mr. Cullen Smith**  
Naman, Howell, Smith & Lee  
700 MBank Tower  
221 West Sixth Street  
Waco, TX 76703

**Mr. Bob Wessels**  
Court Manager, Harris County Criminal  
Courts at Law  
301 San Jacinto, Room 401  
Houston, TX 77002  
(713) 755-5394

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

**Weldon Kirk**  
32nd District Court  
P.O. Box 528  
Sweetwater, TX 79556  
(915) 235-3133

**Special Study Committee  
For Section and Texas Center  
RE: Structure & Bylaws**

**Frank W. Sullivan, III**  
Chair  
322nd District Court  
Civil Courts Building  
Fort Worth, TX 76196  
(817) 884-1427

**Thomas H. Bacus**  
County Court at Law #2  
Wichita County Courthouse, Room 353  
Wichita Falls, TX 76301  
(817) 766-8111

**J. Manuel Banales**  
105th District Court  
901 Leopard Street  
Corpus Christi, TX 78401  
(512) 888-0510

**William J. Cornelius**  
6th Court of Appeals  
100 N. State Line Avenue  
Texarkana, TX 75501  
(903) 798-3046

**Darrell B. Hester**  
197th District Court  
974 E. Harrison  
Brownsville, TX 78520  
(512) 544-0847

**Joe Kegans**  
230th District Court  
301 San Jacinto, 6th Floor  
Houston, TX 77002  
(713) 755-6782

**Brenda P. Kennedy**  
County Court at Law #7  
P.O. Box 1748  
Austin, TX 78767  
(512) 473-9677

**Sam M. Paxson**  
210th District Court  
500 E. San Antonio Street, Room 601  
El Paso, TX 79901  
(915) 546-2130

**Charles L. Reynolds**  
7th Court of Appeals  
P.O. Box 9540  
Amarillo, TX 79105  
(806) 379-2470

**Newly-Elected Officers  
to Meet in Austin**

The Executive Committee of the Judicial Section of the State Bar of Texas will meet in Austin on January 31, to establish goals and set judicial priorities for the coming year. Linda B. Thomas, a justice on the 5th Court of Appeals in Dallas, will serve as Chairman of the Executive Committee through September of 1992. Judge Weldon Kirk of the 32nd District Court in Sweetwater serves as Vice-Chairman.

New members elected to the Executive Committee are Judges J. Michael Bradford, 58th District Court Beaumont; John L. Fashing, County Court at Law #2, El Paso; Dan Gibbs, Senior District Judge, Dallas; and Bill M. White, Court of Criminal Appeals, Austin.

The Board of Directors of the Texas Center for the Judiciary, Inc., also will meet in Austin on January 31. The newest members of the board are Judges Fortunato P. Benavides, Court of Criminal Appeals, Austin; Mickey R. Pennington, 38th District Court, Uvalde; and Gus J. Strauss, 2nd 25th District Court, Hallettsville.

The new Executive Committee members and the members of the Board of Directors were elected last September at the Judicial Section Annual Conference in Galveston.

## JUDICIAL CALENDAR

### **Southeast Texas Judicial Conference**

February 19-21, 1992  
University Hotel, Huntsville

### **South Texas Judicial Conference**

March 11-13, 1992  
Sheraton Fiesta Hotel, San Antonio

### **Central Texas Judicial Conference**

March 25-27, 1992  
Wyndham Southpark Hotel, Austin

### **Northeast Texas Judicial Conference**

April 8-10, 1992  
Marshall Civic Center, Marshall

### **West Texas Judicial Conference**

April 22-24, 1992  
Holiday Inn Centre, Odessa

### **Constitutional County Judges'**

**Education Course**  
April 28-May 1, 1992  
Plaza Hotel, Lubbock

### **Criminal Justice Conference**

May 13-15, 1992  
Sheraton Mockingbird Hotel, Dallas

### **Trial Court Management Seminar**

June 15-19, 1992  
University Hotel, Huntsville

### **Institute for Appellate Court Attorneys**

September 9-11, 1992  
Location to be announced

### **Judicial Section Annual Conference**

September 22-25, 1992  
El Paso Convention Center, El Paso

### **Texas Association for Court**

**Administration Annual Conference**  
October 20-23, 1992  
Radisson Plaza Hotel, Austin

### **Juvenile Justice Seminar**

November 4-6, 1992  
Hotel to be announced, Austin

### **Constitutional County Judges**

**Education Course**  
Date and location to be announced

### **Texas College for New Judges**

December 6-11, 1992  
University Hotel, Huntsville

## NEW JUDGES

### **Ann-Marie Cerda Aaron**

37th District Court, San Antonio  
*Succeeding John Cornyn, III*

### **Richard Barajas**

8th Court of Appeals, El Paso  
*Succeeding Larry Fuller*

### **David Briones**

County Court at Law #1, El Paso  
*Succeeding Philip Martinez*

### **Max Higgs**

Probate Court, El Paso  
*Newly Created Court*

### **Federico G. Hinojosa, Jr.**

13th Court of Appeals, Corpus Christi  
*Succeeding Fortunato P. Benavides*

### **Jess A. Holloway**

350th District Court, Abilene  
*Succeeding Jorge A. Solis*

### **Jeff Kaplan**

5th Court of Appeals, Dallas  
*Succeeding Gordon Rowe*

### **Robert G. Lee**

Probate Court #2, San Antonio  
*Succeeding Keith Burris*

### **James L. Rex**

109th District Court, Andrews  
*Succeeding James H. Clack*

### **Barbara Rosenberg**

5th Court of Appeals, Dallas  
*Succeeding John H. Whittington*

### **Michael E. Welborn**

County Court at Law, Sinton  
*Newly Created Court*

## IN MEMORIAM

### **Judge Reagan Cartwright**

Judge Reagan Cartwright of Houston died December 26, 1991. He was 74 years old. Cartwright received his bachelor's and law degrees from the University of Texas. In 1941 he joined the law firm of Sears, Blades, Moore and Kennerly. He later practiced law with Bates, Cartwright and Bates. In 1969, he was appointed to the 55th District Court in Houston by then Governor John Connally. He served on that bench for 21 years until his retirement in 1990. Judge Cartwright served as president of the Junior Bar Association and in 1980 was selected "Fairest Judge of All" by the Bar poll.

### **Judge Charles Nick Lundy**

Judge Charles Nick Lundy of Dallas died November 5, 1991. He was 52 years old. Lundy received his B.A. from Texas A & M University in 1962 and his J.D. from Southern Methodist University in 1970. He served as Master of the 305th District Court from 1979 until 1986. In January of 1989 he became judge of the County Court at Law #1 in Dallas.

### **Judge John J. Mead, Jr.**

Judge John Mead of Dallas died November 30, 1991. He was 69 years old. Mead received his B.A. and J.D.

from Southern Methodist University. He was Assistant District Attorney from 1957 until 1959, at which time he was appointed to a domestic relations court. In 1963, he was appointed to the Criminal District Court #4. He served on the bench 20 years.

---

# Contributions to the Texas Center

*Since the September 1991 Issue of In Chambers*

---

J. Michael Bradford  
Spencer W. Brown  
Gene L. Dulaney  
D. Camille Dunn  
James M. Farris  
William M. Hatten  
E. James Kazen  
Mack Kidd

I. Allan Lerner  
Hugh H. Meyer  
John F. Onion, Jr.  
Robert S. Pieratt  
Carolyn W. Sanders  
Bea Ann Smith  
Larry W. Starr

Ralph Taite  
Texas Association for Court  
Administration  
Al Walvoord, Jr.  
Lee Waters  
Antonio A. Zardenetta  
Phillip H. Zeigler

*Dr. George Beto Memorial*  
Ogden Bass

*Judge Reagan Cartwright  
Memorial*

William N. Blanton, Jr.  
Thomas J. Stovall, Jr.

*Judge Charles Nick Lundy  
Memorial*  
Sue L. Lagarde

*Judge James F. McCarthy  
Memorial*  
R. C. Vaughan

*Judge Jack B. Miller Memorial*  
Miron & Marjorie Love

*Judge James A. McKay, Jr.  
Memorial*  
John and Nancy Onion

*Justice Joe Spurlock, Sr.  
Memorial*  
Michael D. Schattman

*Judge Marvin O. Teague  
Memorial*  
Eugene Chambers

**IN  
CHAMBERS**

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

**Roy J. Rawls**  
*Executive Director*

**Tricia Hall**  
*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